

AGENDA ITEM NO. 3



EAST
CAMBRIDGESHIRE
DISTRICT COUNCIL

Minutes of a meeting of the Licensing Committee facilitated via the Zoom Video Conferencing System at The Grange, Nutholt Lane, Ely on Thursday, 24th June 2020 at 9:30am.

PRESENT

Cllr Julia Huffer (Chairman)
Cllr David Ambrose Smith
Cllr Sue Austen
Cllr Lavinia Edwards
Cllr Simon Harries
Cllr Mark Inskip
Cllr Alec Jones
Cllr Alan Sharp
Cllr Jo Webber
Cllr Gareth Wilson

OFFICERS

Stewart Broome – Senior Licensing Officer
Maggie Camp – Legal Services Manager and Monitoring Officer
Liz Knox – Environmental Services Manager
Adrian Scaites-Stokes – Democratic Services Officer

5. **APOLOGIES**

There were no apologies.

6. **DECLARATIONS OF INTEREST**

No declarations of interest were made.

7. **MINUTES**

It was resolved:

That the Minutes of the Licensing Committee meetings held on 9th October 2019 and 21st May 2020 be confirmed as correct records and be signed by the Chairman.

8. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made no announcements.

9. **LICENSING ACT 2003 LICENSING AUTHORITY STATEMENT OF LICENSING POLICY – FIVE YEAR REVISION**

The Committee considered a report, V24 previously circulated, that sought approval of the draft revised version of the Council's Statement of Licensing Policy for consultation.

The Senior Licensing Officer advised the Committee that under the 2003 Act, to promote the four licensing objectives (as listed under paragraph 3.1 of the report), every licensing authority had to prepare and publish its Statement of Licensing Policy every five years. This had to be in place before the Council could act. The current Policy had been in place since January 2016 and had proved very satisfactory in providing guidance, particularly in the consideration of licensing applications. The Policy had been kept under constant review and had not required any major changes. The Council now had to review its Policy and there was a requirement to consult on the proposed new version. It was considered that only minor changes, to reflect a number of legislative changes, should be incorporated in the new Statement, as set out under paragraph 3.6 in the report. The revised draft Statement was included as Appendix 1 to the report and included tracked changes for all revisions proposed. The draft Policy was also in line with Home Office guidance, as it incorporated the requirements under the Act. As part of the review, a number of person/bodies had to be consulted, as listed under paragraph 3.4 of the report. Once that was concluded the Statement would return to the Committee for consideration before going to full Council for adoption. It was anticipated that the new Policy would come into force in January 2021. The revised draft Statement was therefore recommended for approval and for a public consultation to be undertaken.

Questions were raised by the Committee about the effects of COVID-19 and whether the Policy should include reference to it, particularly following the Prime Minister's announcements the previous day.

The Senior Licensing Officer considered that the Policy was meant to give broad guidance only and the Government's guidance relating to COVID-19 was constantly changing. The Policy had to be relevant over the five year period and COVID-19 might not be relevant in a few years' time.

In response to a query on how people could engage with the consultation, the Committee was informed that people and organisations would be contacted electronically, information would be posted on the Council's website, and parish councils and Ward Councillors would be informed. All possible respondents could be covered, using technology to relevant organisations and trade bodies, enabling them to comment.

It was also explained that only one of the two Council's Licensing Sub-Committees had been included in the Policy. The Licensing (Statutory) Sub-Committee was the only relevant sub-committee, as it was the Member body that would deal with 2003 Act licences. As the other Non-Statutory sub-committee did not it was thereby not relevant to this Policy.

To further queries from the Committee, it was explained that the excessive text had been removed from paragraph 7.3 of the Policy, as the specific statements were not required because they made no sense, were confusing and restricted matters. In order to trigger a 'saturation' policy, relating to licensing hours to sell alcohol, evidence would be needed which could be provided by Council officers, the Police or members of the public. This would have to be at a certain level, though opening hours would not be considered in isolation. Introducing one

could have a profound effect, as applicants would have to provide evidence that their application would not have a detrimental effect.

The Licensing and Planning departments were separate regimes but consulted together over premises licences. Licence changes could be allowed even if it would result in more than that allowed under planning permission and this would be indicated in the notice provided. Under delegated powers the Licensing Sub-Committee of three Members made relevant decisions and it would be unprecedented for the full Licensing Committee to do so. Any appeal against a decision would go to the magistrates' court.

When considering premises capacity Members would look at the plans to judge whether the licensing objectives would be undermined, thereby justifying any restrictions. COVID-19 was changing that situation and could be taken into account when considering an application at the time.

The Committee supported the idea proposed to include mention of the Council's Privacy Notice in the draft Policy, as it would be used to explain Data Protection Act and General Data Protection Regulation requirements. After a brief discussion, it was agreed that the Senior Licensing Officer in consultation with the Committee Chairman would agree the relevant wording to be included in the draft Policy.

It was resolved:

- (i) That the draft version of the Statement of Licensing Policy at Appendix 1 be approved subject to a minor amendment to include a reference to the Council's Privacy Notice to explain the General Data Protection Regulation requirements, the wording of which in the draft Policy to be delegated to the Senior Licensing Officer in consultation with the Committee Chairman;
- (ii) That a statutory public consultation take place on the draft Statement of Licensing Policy from 27 June 2020 to 14 August 2020 in accordance with the Licensing Act 2003.

10. **LICENSING OFFICER UPDATE**

The Committee considered a verbal report that updated Members on the work of officers within the Licensing Department.

The Senior Licensing Officer advised the Committee that because of the COVID-19 pandemic one member of staff had to shield themselves but had been able to work from home. Everybody was remote working, enabling all day-to-day tasks to be completed. Fortunately a lot of the work could already be undertaken online, so the level of service had not been affected. COVID-19 had affected new applicants, who had not been able to obtain some documents to process their applications. The Department had helped them as much as possible and had aided existing licence holders who could not afford relevant expenses due to the current situation. The Department continued to offer guidance, including about taxi screens and face coverings. It was also liaising with the County

Council over school transport issues. As a result of all this work there had been no complaints from the taxi trade.

The Department had also been liaising with animal establishments and providing advice for the opening of cafes and bars following the publication of the Government's 43 page guide. Legislative changes were expected to relax off-sales of alcohol without the need to apply for a licence variation and this was expected to result in the relaxation of pavement licences. So cafes and pubs could use outside areas, the anticipated result of which could be an increase in complaints from residents about noise.

As a consequence of COVID-19 the numbers of routine applications had dropped by around 55-60%, with the consequent impact on income. However, there had been an increase in contacts and emails requesting advice, so the Department remained busy.

The Environmental Services Manager added that the demand following the easing of the lockdown should not be underestimated. Even before the latest Government announcement, the public had been concerned about turning car parks into pub gardens, off-sales and the use of parks and gardens. There had been significant demand on the service seeking help. It also supported other departments and had liaised with other local authorities to help interpret the guidance so a consistent approach would be taken.

In response to Members questions, the Committee was informed that there had been more littering, as more people were getting out and about, and the litter bins by the riverside had been emptied more frequently. There was some concern that the relaxation of pavement use could take up pedestrian space, so measures needed to be considered to ensure people could get round the town centre safely. The Senior Licensing Officer would be liaising with other local authorities and the Police to agree a consistent approach to the issues.

The Committee offered its thanks to the Department's staff who had risen to the challenge during this difficult situation and offered any help that Ward Members could give.

11. **FORWARD AGENDA PLAN**

The Committee considered its Forward Agenda Plan.

As it was anticipated that there would be no business to consider at its next meeting, it was agreed to cancel the meeting scheduled for 29th July.

The meeting concluded at 10:18am.