

# Minutes

## Licensing Committee

12th October 2022



Present:

Councillors	Present	Councillors	Present
J Baugh (Chairman)	Yes	Mrs I Parker	Yes
Mrs J Beavis	Yes (from 7.17pm)	Mrs J Pell	Yes
Mrs M Cunningham	Yes	S Rehman	Yes
P Euesden	Yes	W Rose (Vice-Chairman)	Apologies
S Hicks	No	P Schwier	No
H Johnson	Apologies	Mrs L Walters	Yes
T McArdle	Yes (from 7.18pm)	R Wright	Apologies

### 7 **DECLARATIONS OF INTEREST**

**INFORMATION:** There were no interests declared.

### 8 **MINUTES**

**DECISION:** That the Minutes of the meeting of the Licensing Committee held on 20th July 2022 be approved as a correct record and signed by the Chairman.

### 9 **QUESTION TIME**

**INFORMATION:** There were no questions asked or statements made.

Principally, these Minutes record decisions taken only and, where appropriate, the reasons for the decisions.

### 10 **BUSINESS AND PLANNING ACT 2020 – PAVEMENT LICENCES**

**INFORMATION:** Members of the Licensing Committee were reminded that in response to the Coronavirus pandemic, the Business and Planning Act 2020 had provided a temporary fast-track process for the grant of a pavement licence. The Act enabled businesses selling food or drink to obtain a pavement licence from the Council to place furniture, such as tables and chairs, on the highway adjacent to their premises. On 14th August 2020, the Licensing Committee had agreed to set the application fee for a pavement licence at the maximum of £100 and that all pavement licences should expire on 30th September 2021. The Committee had also agreed to a set of standard conditions to be attached to all pavement licences, and to a Scheme of Delegation to Officers.

Subsequently, the Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2021 had come into effect on 20th July 2021 which enabled Councils to grant a pavement licence for expiry on 30th September 2022. Details of the Regulations had been reported to the Licensing Committee on 28th July 2021 when it had been agreed and that all pavement licences should expire on 30th September 2022. The Committee had also agreed to make changes to the standard conditions attached to all pavement licences.

Members were advised that the Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2022 had come into effect on 22nd July 2022 which enabled Councils to grant a pavement licence for expiry on 30th September 2023. All pavement licences granted after 22nd July 2022 would expire on 30th September 2023.

In response to the amendment Regulations, the Council had reviewed its standard conditions and it was proposed that one of the conditions should be deleted, that another condition should be amended and that two new conditions should be added. It was not proposed to amend the pavement licence application fee, or the Scheme of Delegation to Officers.

#### **DECISION:**

- (1) That it be noted that all pavement licences for applications made on or after the date upon which the Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2022 come into force (22nd July 2022) will expire on 30th September 2023.
- (2) That the Council's standard conditions attached to pavement licences applied for after the Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2022 come into force be amended as set out in section 4 of the Agenda report and summarised below. The amended standard conditions will only apply to applications received after the approval of the conditions.

#### Deleted Condition

'To prevent the spread of Covid-19 licensees must follow the guidance titled 'Working safely during coronavirus - Restaurants, pubs, bars and takeaway services' issued by the Department for Business, Energy and Industrial Strategy and the Department for Digital Culture, Media and Sport.'

*(It was reported that this condition was no longer applicable as the guidance referred to in the condition was no longer available and it had not been replaced with guidance which was relevant to the use of outdoor seating areas).*

### Amended Condition

*(Changes to the original text are shown in italics and underlined):-*

‘Without prejudice to the ability of the Braintree District Council or Essex County Council to remove the tables and chairs, barriers and posts by reason of Statute, common law, and/or for breach of any of the terms and conditions of this consent, this consent shall remain in force until 30th September 2023.’

### New Conditions

‘The Council reserves the right to request the removal of some, or all, of the street furniture in the case of events which are organised by, or on behalf of, Braintree District Council. The licence holder will be informed in writing of any such request 7 days prior to any event date.’

‘The licence holder must not obstruct any fire hydrants or signage indicating their whereabouts, nor should any means of escape doors or escape routes be obstructed.’

## 11 **LICENSING COMMITTEE UPDATE**

**INFORMATION:** Members of the Licensing Committee received an update on applications determined by the Drivers’ Panel and the Licensing Sub-Committee, and on current licensing matters.

In discussing this Item, it was reported that new application forms for Hackney Carriage and/or Private Hire Drivers’ Licences had been drafted and it was agreed that copies of these should be forwarded to Members of the Committee for information.

**DECISION:** That the Licensing Committee update be noted.

The meeting closed at 8.04pm.

Councillor J Baugh  
(Chairman)