

# MINUTES OF LICENSING AND REGULATORY COMMITTEE

Wednesday, 23 September 2020  
(5:00 - 6:17 pm)

**Present:** Cllr Moin Quadri (Chair), Cllr Peter Chand, Cllr Josie Channer, Cllr Kashif Haroon, Cllr Donna Lumsden, Cllr Adegboyega Oluwole and Cllr Glenda Paddle

**Apologies:** Cllr Faraaz Shaukat

## 1. Declaration of Members' Interests

There were no declarations of interest.

## 2. Minutes - To confirm as correct the minutes of the meeting held on 30 September 2019

The minutes of the meeting held on 30 September 2019 were confirmed as correct.

## 3. Coronavirus (COVID-19) Pandemic and the Licensed Trades

The Council's Service Manager, Public Protection (SMPP) presented a report regarding the impact that the COVID-19 Pandemic have and will continue to have on Licensed Trades.

A timeline for the closure and re-opening of license trades was presented to Members:

- 20<sup>th</sup> March 2020 - The general closure of entertainment, hospitality, and leisure venues, excluding food trading premises;
- 15<sup>th</sup> June 2020 - Re-opening of retail shops and public facing business;
- 4<sup>th</sup> July 2020 - Re-opening of pubs, bars, restaurants;
- 13<sup>th</sup> July 2020 - Re-opening of special treatments premises except those working in 'highest risk' zone; and
- 15<sup>th</sup> August 2020 - Relaxation on performing arts. Socially distanced "COVID-Secure" indoor and outdoor performances enabled plus special treatments provided in 'highest risk zone'.

In all cases, business re-opening had been subject to the premises involved to be able to be made 'COVID-Secure'. This had required each operator to undertake a COVID risk-assessment of their premises. The COVID risk assessment established the necessary controls and measures that needed to be implemented, to ensure the premises was safe and secure from risk of transmitting the virus. In order to support business operators, the Government had established a range of sector specific guidance documents.

In recognition that many operators may have found the task of undertaking COVID-19 risk assessments difficult and daunting, the Licensing Service with the

Enforcement Team had made direct contact with many business operators. Officers ensured that business operators had access to the relevant sector specific Guidance and that they understood how to undertake a risk-assessment and use this to develop their own plans to make their premises “COVID-Secure”. While officers had been unable to develop individual plans for operators or to endorse plans that had been developed, officers had been able to provide advice and opinions that have supported the operators in taking responsibility.

In response to questions the SMPP informed members that:

- Following up from intelligence reports and complaints, to date, the Council, and the Police Partner Service Agencies (PPSA) had issued 34 Prohibition notices and five Direction Notices to premises that were in breach of COVID-19 rules. Some premises were forced to close for a period of two weeks due to non-compliance with COVID regulations. The premises were advised to use the two-week closure to ensure compliancy with current COVID regulations. Before reopening, these premises were visited by enforcement teams to confirm they were following COVID regulations, before being allowed open. To date, there have been no issues of fines to premises for breaching COVID-19 rules.
- COVID Marshalls was an option that was currently being considered by the Council. At present, the Council was using employees of enforcement teams to enforce COVID restrictions. Currently there was little information regarding powers of COVID Marshalls. However, it was assumed that the powers COVID Marshalls would be granted, would be similar to those currently used by the licensing authority.

The report was noted.

#### **4. Business and Planning Act 2020 - Pavement Licensing**

The Senior Licensing Officer presented a report on the new pavement licensing regulations that have been introduced to support economic recovery from the disruption caused by the COVID-19 outbreak.

A pavement licence authorised the operator of a business selling, or proposing to sell, food and drink to put removeable furniture such as counters, tables, and chairs on the highway adjacent to that premises. The pavement licence intended to provide a new, fast procedure to grant pavement licences to premises and bypassed other existing regulatory regimes which would otherwise consider the use of the public highway, including:

- The Highways Act;
- Planning; and
- Street trading.

However, the new pavement licence would not add to or alter any entitlements that the premises may or may not have to serve food or beverages. Such entitlements will still be covered in the normal way by of:

- The planning regime;
- The licensing regime; and
- Tenancy agreements.

Any new pavement licence issued would not be extended beyond the date of the 30<sup>th</sup> September 2021, when the new regime ends. Members were advised that currently only one pavement licence application submitted.

The officer explained the process of approving a pavement licence, advising that following receipt of an application a consultation period ran for five working days starting the day after the receipt of the application and A decision must be made in the next 5 working days.

In response to Members questions the officer advised that:

- The amount of pavement space granted to premises would depend on each premise's circumstances. Street furniture and items such as lampposts would be considered, alongside with ensuring that the highway would still be accessible for wheelchairs and prams and not push the public onto the roads; and
- Premises operators would complete a risk assessment in their application regarding arrangements to ensure the premises is COVID secure. During the site survey inspection, officers will then make a judgement as well as offer advice and guidance to the premises.
- The timeframe for consultation of a licence was only five days; however, there would be a site survey by officers and the Council had the ability to revoke the licence if needed.

The report was noted.

## **5. Update on Licensing Applications and Appeals**

The SMPP presented a report updating members on licensing matters dealt with by the Licensing Team since the last Committee meeting held on 30 September 2019.

The report was noted.