

## **GENERAL LICENSING COMMITTEE**

Tuesday, 8 March 2022

**PRESENT** – Councillors B Jones (Chair), Donoghue, Dulston, C L B Hughes, Lee, Newall, K Nicholson and Snedker

**APOLOGIES** – Councillors Clarke, Crumbie, Mills and A J Scott,

**ABSENT** – Councillors Haszeldine

**OFFICERS IN ATTENDANCE** – Allison Hill (Democratic Officer), Amy Wennington (Principal Lawyer (Litigation)), Brian Murray (Assistant Licensing Manager) and Colin Dobson (Licensing Manager)

### **LG17 DECLARATIONS OF INTEREST**

There were no declarations of interest reported at the meeting.

### **LG18 MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 25 JANUARY 2022**

Submitted – the Minutes (previously circulated) of the meeting of the General Licensing Committee held on 25 January 2022.

**RESOLVED** – That the Minutes of the meeting of the General Licensing committee held on 25 January 2022 be approved as a correct record.

### **LG19 MINUTES OF THE MEETINGS OF THE GENERAL LICENSING SUB COMMITTEE HELD ON 25 JANUARY 2022**

Submitted – The Minutes (previously circulated) of the meeting of the General Licensing Sub-Committee held on 25 January 2022.

**RESOLVED** – That the Minutes of the meeting of the General Licensing Sub-Committee held on 25 January 2022 be approved as a correct record.

### **LG20 PAVEMENT CAFE POLICY REVIEW**

The Group Director of Services submitted a report (previously circulated) to invite Members of the General Licensing Committee to approve a draft of a revised Pavement Café Policy to be released for consultation.

It was reported that on 13 March 2002 approval was given to the introduction of a pavement café licensing scheme and a guidance document applied to such licences; and the standard conditions within the policy were reviewed by Full Council on 16 July, 2009 and on 20 March 2014 a further update of conditions was approved.

The licensing of pavement cafés is regulated by the Highways Act 1980. Section 115E(1) permits the Council to consent to issue pavement café licences for areas of the public

highway enabling businesses to offer facilities for customers to enjoy refreshments al fresco. A pavement café licence is bespoke to each premises but includes a number of mandatory conditions.

It was also reported that the Covid pandemic beginning in March 2020 highlighted a requirement for social distancing, thereby reducing capacity within premises and an emergency Business and Planning Act was introduced in July 2020, which allowed for a greater use of outside space to increase capacity for premises to generate income until 31 September 2021; and this Act reduced the consultation and decision making time for pavement café licence applications from 28 days to 14 and placed a cap on the fee that could be charged at £100. A decision was made by Darlington's Licensing Committee that no fee should be charged.

As further Covid restrictions were required, the Act was extended until 31<sup>st</sup> September 2022 and this was currently under review.

It was highlighted that prior to the Business and Planning Act, Licensing issued nine pavement café licences, which had been a fairly consistent number over the years; and with the introduction of the Act this grew to 32 premises, however this has subsequently reduced to 24, as pavement cafes do not form part of the business model for some premises who initially took advantage of a free licence.

It was reported that Licensing felt that due to the success of pavement cafes it was an appropriate time to review the policy and its needs to take into account these changes and along with future development plans and Licensing had been liaising closely with key stakeholders on ways to improve the current policy whilst maintaining the vibrancy pavement cafés have brought to the town and following discussions the proposed amendments were highlighted in the appendix to the submitted report.

**RESOLVED** - That the revised Pavement Café Policy be approved for public consultation.