

GENERAL LICENSING COMMITTEE

Tuesday, 29 April 2025

PRESENT – Councillors Kane (Chair), Ali, Mrs Culley, Curry, Haszeldine, Lawley, Lee, Mahmud, Ray and Toms

APOLOGIES – Councillors Crumbie and K Nicholson

ABSENT – Councillors Donoghue and Dulston

OFFICERS IN ATTENDANCE – Jim Langley (Principal Lawyer - Litigation), Brian Murray (Assistant Licensing Manager), Colin Dobson (Licensing Manager), Sgt C Dickenson (Durham Constabulary), PC Gav Rutter (Durham Constabulary), PCSO Nicole Bell (Durham Constabulary), Hannah Miller (Democratic Officer) and James McAllister (Democratic Officer)

LG21 DECLARATIONS OF INTEREST

Councillor Mohammad Mahmud declared an interest in Minute LG24 below, as the owner of a business in Darlington.

LG22 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 28 JANUARY 2025

Submitted – the Minutes (previously circulated) of the meeting of the General Licensing Committee held on 28 January 2025

RESOLVED – That the Minutes of the meeting of the General Licensing committee held on 28 January 2025 be approved as a correct record.

LG23 TO APPROVE THE MINUTES OF THE MEETINGS OF THE GENERAL LICENSING SUB COMMITTEE HELD ON 28 JANUARY 2025

Submitted – The Minutes (previously circulated) of the meeting of the General Licensing Sub-Committee held on 28 January 2025.

RESOLVED – That the Minutes of the meeting of the General Licensing Sub-Committee held on 28 January 2025 be approved as a correct record.

LG24 PAVEMENT CAFE POLICY REVIEW

The Executive Director, Economy and Public Protection submitted a report (previously circulated) inviting Members to approve the revised Pavement Café Policy (also previously circulated) following public 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 Council's policy was designed to

enhance the leisure provision for residents and visitors to Darlington.

The submitted report stated that the licensing of pavement cafés was regulated by the Highways Act 1980, which had recently been superseded by the Business and Planning Act 2020, introduced to assist the hospitality trade to recover from Covid-19 restrictions, and this Act was made permanent on 31 March 2024. Members noted that this Act reduced the consultation and decision making time for pavement café licence applications from 28 days to 14, with a further 14 day determination period and placed a maximum fee of £500 for new licences and £350 for renewals.

Members were reminded that a pavement café licence was bespoke to each premises but included two mandatory conditions, no obstruction and smoke free seating

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 20.

The report provided a summary of the proposed changes to the Pavement Café policy, the formal responses received as part of the public consultation, of which there were 31, and further responses from County Durham and Darlington Fire and Rescue Service and DBC Highway department.

Reference was also made to concerns relating to smoking and vaping, Members noted the formal response from the Regulation Manager from Fresh and Balance and that the revised policy proposed a complete ban on smoking in pavement cafes with the decision on allowing vaping be at the discretion of the licence holder.

Members entered into a discussion regarding vaping in pavement cafes; Members questioned how this would be enforced, raised concerns regarding the health impacts of vaping and felt that it was antisocial. Concerns were also raised regarding the amendment to the policy to allow glass bottles within pavement cafes. Discussion also ensued regarding background music.

RESOLVED – Members agreed that, subject to the inclusion of a ban on vaping and to continue with the ban on bottles within pavement cafes, that the revised Pavement Café Policy be approved with amendments to Full Council for implementation.