

GENERAL LICENSING COMMITTEE

Tuesday, 17 December 2024

PRESENT – Councillors Kane (Chair), Ali, Mrs Culley, Curry, Dulston, Haszeldine, Lawley, Mahmud, K Nicholson and Toms

APOLOGIES – Councillors Ray,

ABSENT – Councillors Crumbie, Donoghue and Lee

ALSO IN ATTENDANCE – Councillors Snedker

OFFICERS IN ATTENDANCE – Jim Langley (Principal Lawyer - Litigation), Brian Murray (Assistant Licensing Manager), Colin Dobson (Licensing Manager), Sophie Tumelty (Licensing Support Officer), Sgt C Dickenson (Durham Constabulary), Sgt M Clarkson and Hannah Miller (Democratic Officer)

LG12 DECLARATIONS OF INTEREST

Councillor Mohammad Mahmud declared an interest in Minute LG15 below, as the owner of a business in Darlington.

LG13 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 5 NOVEMBER 2024

Submitted – the Minutes (previously circulated) of the meeting of the General Licensing Committee held on 5 November 2024.

RESOLVED – That the Minutes of the meeting of the General Licensing committee held on 5 November 2024 be approved as a correct record.

LG14 TO APPROVE THE MINUTES OF THE MEETINGS OF THE GENERAL LICENSING SUB COMMITTEE HELD ON 5 NOVEMBER 2024

Submitted – The Minutes (previously circulated) of the meeting of the General Licensing Sub-Committee held on 5 November 2024.

RESOLVED – That the Minutes of the meeting of the General Licensing Sub-Committee held on 5 November 2024 be approved as a correct record.

LG15 PAVEMENT CAFE POLICY REVIEW

The Chief Executive submitted a report (previously circulated) to invite Members to approve a draft revised Pavement Café policy (also previously circulated) to be released for public consultation.

It was reported that on 13 March 2000 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The licensing of pavement cafés was regulated by the Highways Act 1980, however this was superseded by The Business and Planning Act 2020, introduced to assist the hospitality trade to recover from Covid-19 restrictions by using outside space to increase capacity when social distancing was essential; and this Act was made permanent on 31 March 2024.

The submitted report stated that a pavement café licence is bespoke to each premises but includes two mandatory conditions, no obstruction condition and a smoke-free seating condition; and this Act reduced the consultation and decision making time for pavement café licence applications from 28 days public consultation to 14, with a further 14 day determination period and placed a cap on the fee that could be charged at £500 for a new licence and £350 for a renewal.

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 an average of 20, as pavement cafes do not form part of the business model for some premises who initially took advantage of a free licence.

The submitted report outlined the consultation process for the draft revised Pavement Café policy along with a summary of the proposed changes to the policy, with particular reference made to the zero tolerance no smoking policy, removal of the requirement for food and an increase in terminal hour from 10.30pm to 11.00pm.

Discussion ensued regarding the definition of irresponsible alcohol promotions; administration of the no smoking policy; and following a query Members were informed of the proposed Martyn's Law and the requirement for the licence holder to complete counter terrorism awareness training.

Member requested the inclusion of frontage terminology in section 7 of the policy, in addition to section 3.

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