

Blackpool Council

14 September 2020

To: Councillors Baker, Brookes, Mrs Callow JP, G Coleman, Collett, Cox, Critchley, Farrell, Hunter, Hutton, Matthews, O'Hara, Roberts, D Scott and Wilshaw

The above members are requested to attend the:

LICENSING COMMITTEE

Tuesday, 22 September 2020 at 6.00 pm
Zoom Meeting

A G E N D A

1 DECLARATIONS OF INTEREST

Members are asked to declare any interests in the items under consideration and in doing so state:

(1) the type of interest concerned either a

- (a) personal interest
- (b) prejudicial interest
- (c) disclosable pecuniary interest (DPI)

and

(2) the nature of the interest concerned

If any member requires advice on declarations of interests, they are advised to contact the Head of Democratic Governance in advance of the meeting.

2 MINUTES OF THE LAST MEETING HELD ON 6 AUGUST 2020 (Pages 1 - 2)

To agree the minutes of the last meeting held on 6 August 2020 as a true and correct record.

3 APPOINTMENT OF VICE-CHAIRMAN OF THE LICENSING COMMITTEE AND VICE-CHAIRMAN OF THE PUBLIC PROTECTION SUB-COMMITTEE (Pages 3 - 6)

Following changes to the formation of this Committee and the resignation of the Vice-

Chairman of the Public Protection Sub-Committee to consider appointing to the positions of Vice-Chairman of the Licensing Committee and Vice-Chairman of the Public Protection Sub-Committee.

4 PAVEMENT LICENCES (Pages 7 - 10)

Further to the decision of the Committee on 6 August 2020 concerning the new temporary Pavement Licence to consider whether the Committee wishes to revisit the fee aspect of that decision in light of the revised situation, set out in the report.

5 LICENSING SERVICE UPDATE (Pages 11 - 14)

To update the Committee on the details of licences applied for, dealt with and appealed in the period 14 February 2020 to 10 September 2020.

6 LICENSING ENFORCEMENT UPDATE (Pages 15 - 18)

To provide a presentation to the Committee on licensing enforcement activities during the last six months.

Venue information:

First floor meeting room (lift available), accessible toilets (ground floor), no-smoking building.

Other information:

For queries regarding this agenda please contact Lennox Beattie, Executive and Regulatory Manager, Tel: 01253 477157, e-mail lennox.beattie@blackpool.gov.uk

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at www.blackpool.gov.uk.

Present:

Councillor Hutton (in the Chair)

Councillors

Baker	Critchley	Matthews	Wilshaw
Mrs Callow JP	Farrell	O'Hara	
G Coleman	Hunter	R Scott	

In Attendance:

Lennox Beattie, Executive and Regulatory Manager
Sharon Davies, Principal Licensing Solicitor
Bernadette Jarvis, Democratic Governance Senior Advisor

1 DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

2 MINUTES OF THE LAST MEETING HELD ON 25 FEBRUARY 2020

The Licensing Committee considered the minutes of the last meeting held on 25 February 2020.

Resolved:

That the minutes of the meeting of the Licensing Committee held on 25 February 2020 be approved and signed by the Chairman as a correct record.

3 PAVEMENT LICENCES

The Licensing Committee considered a report on the introduction of Pavement Licences. The report was presented by Mrs Sharon Davies, Principal Licensing Solicitor. Mrs Davies highlighted that the new policy had been required by the approval of the Business and Planning Act 2020 which had received royal assent at the end of July 2020. The aim of the legislation had been to provide a simplified way to grant permission to place tables and chairs on the highway for the sale of food or drink. The new permissions were intended to be a light touch legislation to facilitate trading during Coronavirus restrictions. The new licences did not supersede or replace the existing Street Café licences and would also not authorise the sale of alcohol within the area covered by a Public Space Protection Order. The proposed policy delegated approval to the Director of Community and Environmental Services as the legislation stated that permission must be granted in a two week timescale. The proposed policy sought to minimise issues of public nuisance while recognising that the government had introduced the legislation as a permissive way of encouraging greater flexibility of operation. Mrs Davies explained that the maximum fee had been set in legislation at £100 and given the costs that would be incurred in the administration of it had been proposed to set the fee at £100.

MINUTES OF LICENSING COMMITTEE MEETING - THURSDAY, 6 AUGUST 2020

Members suggested some minor amendments to the policy for clarification and to correct typographical errors in the policy.

Members then spent some time discussing the fee of £100 with members stating the need to support local businesses at this time but also expressing concern that the fee would not cover the administrative costs involved and result in those costs being subsidised from the General Fund Revenue Budget.

Resolved:

1. To adopt the Pavement Licence policy as attached at Appendix 3a, to the agenda, subject to the minor amendments as confirmed at the meeting.
2. To agree the standard conditions that will be attached to Pavement Licences, as set out in Annex 2 of Appendix 3a, to the agenda.
3. To set the fee for applications at £100.
4. To approve the granting of Pavement Licences until 30 September 2021 or such later time as appointed by regulations.
5. To delegate to the Director of Community and Environmental Services, or in his absence, the Head of Public Protection, the power to make determinations in relation to applications for Pavement Licences.
6. To delegate to the Director of Community and Environmental Services, or in his absence, the Head of Public Protection, the power to revoke or suspend for a fixed period pavement licences on the grounds outlined in section 4 of Appendix 3a, to the agenda, after consultation with the Chairman and Vice-Chairman of the Licensing Committee.

Chairman

(The meeting ended at 5.24 pm)

Any queries regarding these minutes, please contact:
Lennox Beattie Executive and Regulatory Manager
Tel: 01253 477157
E-mail: lennox.beattie@blackpool.gov.uk

Report to:	LICENSING COMMITTEE
Relevant Officer:	Mark Towers, Director of Governance and Partnerships
Date of Meeting:	22 September 2020

APPOINTMENT OF VICE-CHAIRMAN OF THE LICENSING COMMITTEE AND VICE-CHAIRMAN OF THE PUBLIC PROTECTION SUB-COMMITTEE

1.0 Purpose of the report:

1.1 Following changes to the formation of this Committee and the resignation of the Vice-Chairman of the Public Protection Sub-Committee to consider appointing to the positions of Vice-Chairman of the Licensing Committee and Vice-Chairman of the Public Protection Sub-Committee.

2.0 Recommendation(s):

2.1 To note the changes in membership of the Licensing Committee and Public Protection Sub-Committee.

2.2 To consider the appointment of a Vice -Chairman of the Licensing Committee for the remainder of Municipal Year 2020/2021

2.3 To consider the appointment of a Vice-Chairman of the Public Protection Sub-Committee for the remainder of Municipal Year 2020/2021

3.0 Reasons for recommendation(s):

3.1 A vacancy exists for both roles and it is strongly recommended that the position be filled to ensure the efficient administration of both the Licensing Committee and the Public Protection Sub-Committee.

3.2 Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.3 Is the recommendation in accordance with the Council's approved budget? Yes

4.0 Other alternative options to be considered:

4.1 Not to appoint a Vice-Chairman at this meeting which would leave a vacancy for this position.

5.0 Council priority:

5.1 The relevant Council priority is:

“Communities: Creating stronger communities and increasing resilience”

6.0 Background information

6.1 The Council at its meeting on 11 May 2020, confirmed the continuing appointment of Councillor Rick Scott as Vice-Chairman of the Licensing Committee for 2020/2021 Municipal Year. The Public Protection Sub-Committee at its meeting on 3 June 2020 also appointed Councillor Rick Scott as its Vice-Chairman again for Municipal Year 2020/2021. This reflected a general principle previously adopted by the Council that the two roles should be undertaken by the same Councillor and by one from the largest Opposition Group.

6.2 Subsequent to the appointments, the Director of Governance and Partnerships has been notified by the Conservative Group on the 31 August 2020 that Councillor Rick Scott had been replaced on the Licensing Committee by Councillor Danny Scott. This change has created a vacancy for the Vice-Chairman of that Committee. The Director of Governance and Partnerships has also been notified by Councillor Rick Scott of his resignation as Vice-Chairman of the Public Protection Sub-Committee on 11 September 2020 with effect from 21 September 2020. This resignation has created another vacancy for the position. Councillor Rick Scott’s resignation had been prompted in part by a desire to continue the situation where the posts Vice-Chairman of both the Licensing Committee and Public Protection Sub-Committee would be undertaken by the same Councillor.

6.3 The Licensing Committee is therefore requested to consider the appointment of a Vice-Chairman of the Licensing Committee and its Public Protection Sub-Committee for the remainder of this Municipal Year 2020/21, in effect until the Annual Council meeting on 17 May 2021.

6.4 Does the information submitted include any exempt information? No

7.0 List of Appendices:

7.1 None.

8.0 Financial considerations:

8.1 None.

9.0 Legal considerations:

9.1 None.

10.0 Risk Management considerations:

10.1 None.

11.0 Equalities considerations:

11.1 None.

12.0 Sustainability, climate change and environmental considerations:

12.1 None.

13.0 Internal/external consultation undertaken:

13.1 None.

14.0 Background papers:

14.1 None.

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Report to:	LICENSING COMMITTEE
Relevant Officer:	Tim Coglan, Head of Public Protection
Date of Meeting:	22 September 2020

PAVEMENT LICENCES

1.0 Purpose of the report:

- 1.1 Further to the decision of the Committee on 6 August 2020 concerning the new temporary Pavement Licence to consider whether the Committee wishes to revisit the fee aspect of that decision in light of the revised situation, set out in the report.

2.0 Recommendation(s):

- 2.1 To set aside decision of the Licensing Committee on 6 August 2020, to set the fee for Pavement Licences at £100.
- 2.2 To set the fee for applications for Pavement Licence at the same nominal £25 administration fee as the Street Café Licences fee.
- 2.3 To refund any fees already paid for Pavement Licences or reapply them to other licence fees.
- 2.4 To refer the fees to the relevant Cabinet Member for future review along with other Licensing fees as part of the budget setting process in 2021, to ensure similar considerations are using in reviewing the Pavement Licence fee and Street Café Licence fee in future.

3.0 Reasons for recommendation(s):

- 3.1 Subsequent to the meeting of the Licensing Committee on 6 August 2020, the Cabinet Member for Environment and Climate Change in approving Decision PH39/2020 agreed to waive the Street Café Licence fee and replace it with a £25 administration fee to help and support small businesses within Blackpool. The Committee in setting the fee was not aware that this decision to waive the fee would be made and it is considered reasonable to approach the Committee now to review its previous decision.

3.2 Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.3 Is the recommendation in accordance with the Council's approved budget? Yes

4.0 Other alternative options to be considered:

The Committee could retain the existing fee. However that would mean that Pavement Licences were out of step with the existing Street Café Licences for whom the fee is now waived.

The charging of an administration fee is considered necessary to deter speculative applications and to ensure that applicants are serious about compliance with the undertakings required.

5.0 Council Priority:

5.1 The relevant Council priority is: "The economy – maximising growth and opportunity across Blackpool".

6.0 Background Information

6.1 The Business and Planning Act 2020 received Royal Assent on 22 July 2020. This Act contains measures to assist businesses to trade during the restrictions imposed due to Coronavirus. Pavement licences are one such measure.

6.2 The Licensing Committee considered a report on the policy for Pavement Licences at its meeting on 6 August 2020. At the meeting members held a discussion on the level of fees with members expressing two conflicting desires to both support small businesses as much as possible but also to ensure that the costs of administration did not fall unreasonably on the General Fund Revenue Budget and by extension Blackpool residents.

6.3 On the 6 August 2020, the Licensing Committee resolved:

Resolved:

1. To adopt the Pavement Licence policy as attached at Appendix 3a subject to the minor amendments as confirmed at the meeting.
2. To agree the standard conditions that will be attached to Pavement Licences, as set out in Annex 2 of Appendix 3a, to the agenda.

3. To set the fee for applications at £100.
 4. To approve the granting of Pavement Licences until 30 September 2021 or such later time as appointed by regulations.
 5. To delegate to the Director of Community and Environmental Services, or in his absence, the Head of Public Protection, the power to make determinations in relation to applications for Pavement Licences.
 6. To delegate to the Director of Community and Environmental Services, or in his absence, the Head of Public Protection, the power to revoke or suspend for a fixed period Pavement Licences on the grounds outlined in section 4 of Appendix 3a, to the agenda, after consultation with the Chairman and Vice-Chairman of the Licensing Committee.
- 6.4 Subsequent to that meeting, the Cabinet Member for Environment and Climate Change considered a report to review the Street Café Licensing fee. This decision outlined the Council's concerns that the fee level would have a negative impact on currently trying to re-establish themselves and businesses are struggling financially to make ends meet and also outlined the potential to claim from central Government under the Local Government Income Compensation Scheme for lost sales, fees and charges. The waiving of the fee and its replacement with a nominal £25 administration fee was approved on 21 August 2020 and a link to the Decision Notice is here. [decision notice](#)
- 6.5 While it is not normal practice to revisit previously agreed decisions of a Committee. It is considered that in the circumstances, where the Committee was unaware of the changes to situation that lead to the Cabinet Member decision and it may wish to amend its decision of 6 August 2020 to ensure consistency of approach with Street Café Licensing.
- 6.6 The amended fee for Street Café Licensing would expire on 31 March 2021 before which time the Council will have undertaken a full review of all licensing fees taking into account the impact of Coronavirus. It is therefore recommended that the Pavement Licence fee be added to that review to be undertaken by the Cabinet Member for Environment and Climate Change. This would again ensure consistency of approach in that licence fees are an Executive responsibility as the costs of which form part of the budget for that service. It would be also be considered that at that point, that greater clarity would be available as to the longer term future of Pavement Licences potentially beyond the original end date of September 2021 and support offered by central government to offset the reduction in fee income.

6.7 Does the information submitted include any exempt information? No

7.0 List of Appendices:

7.1 None.

8.0 Financial considerations:

8.1 The administration costs of the scheme remain the same as before so the costs of administration not covered by the nominal administration fee will be claimed back from the Government under the Local Government Income Compensation Scheme for lost sales, fees and charges with any residual falling on the service.

9.0 Legal considerations:

9.1 The Business and Planning Act creates a new Pavement Licence. Decisions need to be made by the Licensing Committee to determine how this licence is administered.

10.0 Risk Management considerations:

10.1 None.

11.0 Equalities considerations:

11.1 None.

12.0 Sustainability, climate change and environmental considerations:

12.1 None.

13.0 Internal/ External Consultation undertaken:

13.1 Internal consultation has taken place with Highways, Street Scene and other Council departments.

14.0 Background papers:

14.1 None.

Report to:	LICENSING COMMITTEE
Relevant Officer:	Tim Coglan, Service Manager Public Protection
Date of Meeting	22 September 2020

LICENSING SERVICE UPDATE

1.0 Purpose of the report:

1.1 To update the Committee on the details of licences applied for, dealt with and appealed in the period 14 February 2020 to 10 September 2020.

2.0 Recommendation(s):

2.1 To note the update on licences considered, dealt with and appealed.

3.0 Reasons for recommendation(s):

3.1 One of the responsibilities of the Committee is to receive reports on the work of the Licensing Service.

3.2 Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.3 Is the recommendation in accordance with the Council's approved budget? Yes

4.0 Other alternative options to be considered:

None.

5.0 Council Priority:

5.1 The relevant Council priority is: "The economy – maximising growth and opportunity across Blackpool".

6.0 Background Information

- 6.1 During the period 14 February 2020 to 10 September 2020, the Licensing Service received 17 applications for new Premises Licences. Of these applications 10 were granted administratively as no objections were received, one was granted following a hearing, two were rejected due to incomplete paperwork and four are still in the representation period.
- 6.2 The following were granted administratively:
Ocean Palace – 45 Talbot Road – application received during previous period
Liberaces– 9 Cedar Square- application received during previous period.
Blackpool Masonic Club – 83/85 Adelaide Street
The Grill Station – 74 Station Road
Shickers Micro Pub – 3 Royal Oak Buildings, Waterloo Road
A Toast in the Post – Unit 1, Hunter House, Amy Johnson Way
Gulshan Grill – 406-408 Talbot Road
AJs Double Burgers – 171a Promenade
Cask and Tap – 82 Topping Street
Blackpool North Shore Golf Club, Devonshire Road
Unit 43, SAS Self Storage, 230 Bristol Avenue
West Coast Brewery – Unit 18, Kinraig Court
- 6.3 The following applications are still within the representation period:
Woodys – 168-172 Promenade – last date for representations 28.09.20
Rite Bite – East Topping Street – last date for representations 13.09.20
Ferndale Hotel – 12 Vance Road - last date for representations 30.09.20
Lyndurst Hotel – 43 Station Road – last date for representations not yet set
- 6.4 During the same period, the Licensing Service also received 8 variation applications, 78 vary Designated Premises Supervisor applications and 60 transfers of premises licence.
- 6.5 Appeals have been lodged by members of the public against the decision of a Licensing Panel to vary the premises licences for the Lawton Hotel, Charnley Road and the Beechfield Hotel, Hornby Road. No hearing date has been confirmed by the Court as yet.
- 6.6 Demand for the newly introduced Pavement Licences has not been very high so far. Three applications have been received so far, one before the legislation came into force, one where it was established that the area to be covered by the licence was private land therefore no licence was required and one which is currently being processed. No licences have been granted as yet

- 6.7 Does the information submitted include any exempt information? No
- 7.0 **List of Appendices:**
- 7.1 None.
- 8.0 **Financial considerations:**
- 8.1 None.
- 9.0 **Legal considerations:**
- 9.1 None.
- 10.0 **Risk management considerations:**
- 10.1 None.
- 11.0 **Equalities considerations:**
- 11.1 None.
- 12.0 **Sustainability, climate change and environmental considerations:**
- 12.1 None.
- 13.0 **Internal/ External Consultation undertaken:**
- 13.1 None.
- 14.0 **Background papers:**
- 14.1 None.

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Report to:	LICENSING COMMITTEE
Relevant Officer:	Tim Coglan, Service Manager Public Protection
Date of Meeting	22 September 2020

LICENSING ENFORCEMENT UPDATE

1.0 Purpose of the report:

- 1.1 To provide a presentation to the Committee on licensing enforcement activities during the last six months.

2.0 Recommendation(s):

- 2.1 To note the update on licensing enforcement.

3.0 Reasons for recommendation(s):

- 3.1 One of the responsibilities of the Committee is to receive reports on the work of the enforcement team.

- 3.2 Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

- 3.3 Is the recommendation in accordance with the Council's approved budget? Yes

- 3.4 Other alternative options to be considered:

None.

5.0 Council Priority:

- 5.1 The relevant Council priority is: "The economy – maximising growth and opportunity across Blackpool".

6.0 Background Information

6.1 A key responsibility of the Licensing Committee is to receive information on the activities of the multi-agency Licensing Enforcement. The past six month period has been one of change in many sectors as the Coronavirus pandemic has had a significant impact on everyday life. This has also been true for licensing enforcement activities. The team has had to adapt its way of working both to change enforcement priorities to ensure that new Coronavirus legislation has been enforced and also working with and educating licensed premises as to how run as safely as possible.

6.2 A brief verbal presentation will update the Committee on the work of the team, proposed future initiatives and allow questions from the Committee.

6.3 Does the information submitted include any exempt information? No

7.0 List of Appendices:

7.1 None.

8.0 Financial considerations:

8.1 None.

9.0 Legal considerations:

9.1 None.

10.0 Risk Management considerations:

10.1 None.

11.0 Equalities considerations:

11.1 None.

12.0 Sustainability, climate change and environmental considerations:

12.1 None.

13.0 Internal/external consultation undertaken:

13.1 None.

14.0 Background papers:

14.1 None.

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