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Licensing & Appeals

Minutes of a Licensing & Appeals meeting held at 6.00 pm on Wednesday, 21st September, 2022 in the Council Chamber, Town Hall, Bank Road Matlock DE4 3NN.

PRESENT

Councillor Andrew Statham - In the Chair

Councillors: Graham Elliott, Stuart Lees, Dawn Greatorex and Colin Swindell

Tim Braund (Director of Regulatory Services), Eileen Tierney (Licensing Manager), Kerry France (Legal Services Manager), Jason Spencer (Electoral and Democratic Services Manager) and Lucy Harrison (Democratic Services Assistant)

Note:

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APOLOGIES

Apologies for absence were received from Councillor(s): Mark Wakeman, Janet Rose, Tom Donnelly, Dermot Murphy, Paul Cruise, Steve Wain, Jacqueline Allison and Neil Buttle

134/22 - APPROVAL OF MINUTES OF PREVIOUS MEETING

It was moved by Councillor Colin Swindell, Seconded by Councillor Stuart Lees and

RESOLVED

That the minutes of the meeting of the Licensing and Appeals Committee held on 30th June 2022 be approved as a correct record.

Voting

4 For

0 Against

1 Abstention

The Chairman declared the motion **CARRIED**.

135/22 - INTERESTS

Item 5 – Business and Planning Act 2020 (Pavement Licence) (Coronavirus) (Amendment) Regulations 2022 – Extension to Temporary Pavement Licensing Regime

Councillor Stuart Lees declared a non-pecuniary interest in Item 5 due to being the chair of a premises that holds a sitting out licence.

136/22 - PUBLIC PARTICIPATION

There was no public participation.

137/22 - BUSINESS AND PLANNING ACT 2020 (PAVEMENT LICENCE) (CORONAVIRUS) (AMENDMENT) REGULATIONS 2022 - EXTENSION TO TEMPORARY PAVEMENT LICENSING REGIME

The Licensing Manager introduced a report providing an update on information received from Government regarding a further extension to the temporary pavement licensing regime.

Members were informed that the temporary licensing regime was first introduced in September 2020, with the implementation of the Business and Planning Act 2020. The aim of the provision was to support various business sectors throughout the pandemic, including the hospitality industry.

The temporary provisions enabled businesses operating from premises that were used as public houses, wine bars or other drinking establishments, or other use for the sale of food or drink for consumption on or off the premises, to place removable furniture such as stalls, tables and chairs on the highway outside their premises.

The report noted that on the 27th July 2022 the Government introduced the Business and Planning Act 2020 Regulations 2022, which included the provisions to extend the expiry date of the temporary pavement licensing regime to the 30th September 2023.

In July 2021, the government extended the power to licensing authorities, to continue to determine applications for temporary pavement licences, until 30 September 2022. It was noted that under the temporary provisions the application fees for applying for a licence can be set by the local authority but must not exceed £100.

It was recognised that there were a number of premises that had not yet obtained or applied for a licence and had been operating a pavement café for some year's pre- 2020 without a pavement café licence which the County Council were responsible for administering. Members were informed that these businesses would be invited to make an application.

It was moved by Councillor Colin Swindell, seconded by Councillor Graham Elliott and

RESOLVED (Unanimously)

1. That the report be noted, and the extension to the temporary pavement licence regime is implemented, with applications for pavement licences to expire on or before 30 September 2023 being invited from food and drink businesses.
2. That the Committee recommends that the Governance and Resources Committee considers an application fee for a pavement licence, as part of the Council's annual fees setting report, later this year.

The Chairman declared the motion **CARRIED**.

138/22 - TAXIS AND PRIVATE HIRE VEHICLES (SAFEGUARDING AND ROAD SAFETY) ACT 2022

The Licensing Manager introduced a report providing Members with a summary of the Taxis and Private Hire Vehicles Act 2022, which received Royal Assent on 31 March 2022, and of the implications that this has for taxi licensing authorities in England.

The report noted that Local Authorities are responsible for licensing taxi (hackney carriage) and private hire drivers, and are therefore responsible, as part of that process, for ensuring members of the public are safe when travelling in licensed vehicles.

Members were informed that from the 31st May 2022, if any licensing authority in England receives information relating to safeguarding or road safety concerns about a taxi or PHV driver licensed by another authority and operating in its area, it must share that information with the authority that issued the driver's licence.

It was noted that any licensing authority provided with such information by another authority must consider whether to suspend or revoke the driver's licence and inform the authority that shared the information of its decision.

It was moved by Councillor Colin Swindell, seconded by Councillor Dawn Greatorex and

RESOLVED (Unanimously)

1. That the report be noted.
2. That a process is put in place:
 - To ensure prompt reporting of safeguarding or road safety concerns about drivers licensed by other authorities, to the licensing authority that issued the driver's licence.
 - To comply with the legal timescales in "the Act", and any existing obligations under data protection legislation.
3. That any existing system the Licensing Team has in place for inputting data on to a centralised national database, (to record refusals, suspensions and revocations), is reviewed in line with the mandatory requirements of the Regulations to be made by the Secretary of state for Transport.

The Chairman declared the motion **CARRIED**.

Meeting Closed: 6.28 pm

Chairman