

## NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Licensing Committee** held in the Broadcast from Castle House, Great North Road, Newark NG24 1BY on Thursday, 11 March 2021 at 6.00 pm.

PRESENT: Councillor Mrs R Crowe (Chairman)  
Councillor R White (Vice-Chairman)

Councillor Mrs K Arnold, Councillor L Brazier, Councillor Mrs B Brooks, Councillor Mrs I Brown, Councillor S Carlton, Councillor M Cope, Councillor P Harris, Councillor R Jackson, Councillor Mrs S Michael, Councillor Mrs S Saddington, Councillor I Walker, Councillor K Walker and Councillor Mrs Y Woodhead

### REMOTE MEETING LEGISLATION

The meeting was held remotely, in accordance with the Local Authorities and Police & Crime Panels (Coronavirus)(Flexibility of Local Authority and Police & Crime Panel Meetings)(England & Wales) Regulations 2020.

#### 44 DECLARATIONS OF INTERESTS FROM MEMBERS AND OFFICERS

NOTED that no Member or Officer declared any interest pursuant to any statutory requirement in any matter discussed or voted upon at the meeting.

#### 45 DECLARATION OF ANY INTENTION TO RECORD MEETING

The Chairman advised that the proceedings were being recorded by the Council and that the meeting was being livestreamed and broadcast from the Civic Suite, Castle House.

#### 46 MINUTES OF THE MEETING HELD ON 12 NOVEMBER 2020

AGREED that the Minutes of the meeting held on 12 November 2020 were accepted as a correct record.

#### 47 FORWARD PLAN - APRIL 2021 TO MARCH 2022

In considering the items included on the Forward Plan for the period 1 April 2021 to 31 March 2022 the Chairman queried whether Members wished to add any further items.

A Member stated that a number of years ago the Statement of Licensing Policy (SoLP) had included a requirement for premise licence applicants to identify seated and vertical drinking areas. This was to ensure that vertical drinking areas were kept to a minimum as their use led to an increase in problem behaviour in premises. He noted that the requirement was no longer included in the SoLP and requested that this be reviewed in due course. The Business Manager – Public Protection confirmed that the requirement to identify such areas was no longer a policy within the SoLP but there was a great deal of guidance provided as to what was expected of applicants in this regard.

AGREED (unanimously) that the Forward Plan for the period 1 April 2021 to 31 March 2022 be noted and that the following items be added:

Review of Pool of Potential Conditions to be used at Licensing Hearings.  
Review of Policy and Guidance in relation to Seated and Vertical Drinking in Licensed Premises (June 2021)

48 BUSINESS & PLANNING ACT 2020 - PAVEMENT LICENCES AND IMPLICATIONS FOR LICENSED PREMISES

The Committee considered the report presented by the Business Manager – Public Protection which sought to update Members on revised guidance in relation to pavement licenses and other impacts on licensed premises. The report also sought approval to amend the Council’s current policy.

The report set out that the Business & Planning Act 2020 had been introduced to support business with arrangements to trade effectively during controls imposed as part of the combatting of coronavirus. Subsequent guidance from the Secretary of State had been received in relation to Pavement Licences which necessitated amended to the Council’s current policy. The potential changes were highlighted in paragraph 2.3 of the report. It was, however, reported that Officers had not had opportunity to look in detail at the amended guidance and therefore proposed that the Chairman and Vice-Chairman of the Committee be given delegated authority to agree any necessary amendments to the policy.

In response to whether the changes would affect established businesses or those licensed for off-sales, the Business Manager advised that it was to allow a premise licence holder to designate a specific area outside their establishment which would have tables and chairs on it. There would be no impact on whether a premise were licensed for off-sales.

In welcoming the proposed relaxation of the regulations a Member suggested that even less restrictions be imposed, noting that the width of the roads in his ward were extremely narrow in parts and that a flexible approach to pavement licenses should be adopted. The Business Manager advised that the District Council had the power to grant a licence following consultation with the organisations noted in paragraph 3.5 of the report and that every effort would be made to support the applicant and their business.

In relation to the proposed changes to the application fees, the Business Manager advised that in September 2020 when the Committee had agreed to issue pavement licences that had only been until 31 March 2021 (a period of 6 months @ £50). At that time Committee had also agreed to levy a £25 renewal fee for the remainder of however long the Business & Planning Act 2020 regime lasted. The new guidance had now extended this particular licensing regime until September 2022 (a further 18 months) and the suggested £100 application fee would be for a pavement licence which covered that 18 months period.

AGREED (unanimously) that:

- (a) delegated authority be given to the Chairman and Vice-Chairman of the Committee to agree the amendments to the Policy;
- (b) the conditions to the licence remain unchanged; and
- (c) the consultees for any application remain unchanged.

49 MINUTES OF LICENSING HEARINGS

49a 23 NOVEMBER 2020 - MADISON'S LOUNGE BAR & BISTRO

In response to a query as to what the latest position was with the appeal submitted against the Licensing Panel's decision, the Business Manager – Public Protection advised that pre-appeal discussion had been held with Madison's solicitor and that the hearing had been scheduled for September 2021.

AGREED (unanimously) that the Minutes of the Licensing Hearing in respect of Madison's Lounge Bar & Bistro be noted.

49b 5 JANUARY 2021 - THE 616, WELLOW

AGREED (unanimously) that the Minutes of the Licensing Hearing in respect of The 616, Wellow be noted.

50 UPDATE ON PERFORMANCE AND ENFORCEMENT MATTERS - 1 OCTOBER TO 31 DECEMBER 2020

The Committee considered the report presented by the Senior Licensing Officer in relation to the activity and performance of the Licensing Team between 1 October and 31 December 2020.

In considering the report a Member queried as to where the definition of an outdoor area in relation to the use of a marquee at a licensed premise had been taken from. The Business Manager – Public Protection advised that it was a national definition and had been taken from the Health Act 2006.

AGREED (unanimously) that the report be noted.

*Councillor Scott Carlton left the meeting at 18:50 hours.*

51 TEMPORARY EVENT NOTICES RECEIVED AND ACKNOWLEDGED BETWEEN 1 OCTOBER AND 31 DECEMBER 2020

The Committee considered the report presented by the Senior Licensing Officer in relation to the Temporary Event Notices (TENs) received between 1 October and 31 December 2020.

In considering the report a Member noted that a number of simultaneous TENs had been applied for and queried whether they would count as a single application when the numbers were aggregated over a 12 month period. He also queried whether any

changes had been made arising from the pandemic. In response, the Senior Licensing Officer advised that a single premise could not be used more than 15 times per calendar year and no more than 21 days per calendar year, therefore a TEN which could be over a period of 3 days would reduce the number of times to 14 and the number of days to 18. The Business Manager – Public Protection added that the permitted number of TENs had been increased for outdoor events as part of the Business & Planning Act 2020. The Member suggested that the change to the number of permitted events be publicised so that licensees could take advantage of that.

The Business Manager advised that the Licensing Team would be contacting most of the licensed premises within the district to assist them in preparing to reopen their premises following the easing of the current restrictions. This would include information on TENs; Pavement Licenses; Off Sales; social distancing controls; table service. Members were also informed that premises were being offered pre-opening checks to ensure they were compliant with new regulations.

AGREED (unanimously) that the report be noted.

52 EXCLUSION OF THE PRESS AND PUBLIC

AGREED that, under section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 1 of part 1 of Schedule 12A of the Act.

53 23 NOVEMBER 2020 - EXEMPT MINUTES OF MADISON'S LOUNGE BAR & BISTRO LICENSING REVIEW HEARING

In considering the exempt Minutes of the Licensing Hearing for Madison's Lounge Bar & Bistro a Member suggested that the incidents noted in the minutes were an example of how vertical drinking led to problems in a premise. The Chairman advised that the issue of seated and vertical drinking would be reviewed by the Committee at their next meeting in June 2021.

Meeting closed at 7.00 pm.

Chairman