



Licensing Committee

Wednesday 26 August 2020 at 6.00 pm

This will be held as an online virtual Meeting

Details on how to access the link in order to view the meeting will be made available online via the following link: [HERE](#)

Membership:

Members

Councillors:

Ahmed (Chair)

Long (Vice-Chair)

Chohan

RS Patel

Kennelly

McLeish

Hector

W Mitchell Murray

Maurice

Shahzad

For further information contact: Devbai Bhanji, Governance Assistant
Tel: 020 8937 6841; Email: devbai.bhanji@brent.gov.uk

For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit:

www.brent.gov.uk/committees

The press and public are welcome to attend this meeting as an online virtual meeting. The link to view the meeting will be made available via the following link: [HERE](#)

Notes for Members - Declarations of Interest:

If a Member is aware they have a Disclosable Pecuniary Interest* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent and must leave the room without participating in discussion of the item.

If a Member is aware they have a Personal Interest** in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent.

If the Personal Interest is also significant enough to affect your judgement of a public interest and either it affects a financial position or relates to a regulatory matter then after disclosing the interest to the meeting the Member must leave the room without participating in discussion of the item, except that they may first make representations, answer questions or give evidence relating to the matter, provided that the public are allowed to attend the meeting for those purposes.

***Disclosable Pecuniary Interests:**

- (a) **Employment, etc.** - Any employment, office, trade, profession or vocation carried on for profit gain.
- (b) **Sponsorship** - Any payment or other financial benefit in respect of expenses in carrying out duties as a member, or of election; including from a trade union.
- (c) **Contracts** - Any current contract for goods, services or works, between the Councillors or their partner (or a body in which one has a beneficial interest) and the council.
- (d) **Land** - Any beneficial interest in land which is within the council's area.
- (e) **Licences** - Any licence to occupy land in the council's area for a month or longer.
- (f) **Corporate tenancies** - Any tenancy between the council and a body in which the Councillor or their partner have a beneficial interest.
- (g) **Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

****Personal Interests:**

The business relates to or affects:

- (a) Anybody of which you are a member or in a position of general control or management, and:
 - To which you are appointed by the council;
 - which exercises functions of a public nature;
 - which is directed is to charitable purposes;
 - whose principal purposes include the influence of public opinion or policy (including a political party or trade union).
- (b) The interests of a person from whom you have received gifts or hospitality of at least £50 as a member in the municipal year;

or

A decision in relation to that business might reasonably be regarded as affecting the well-being or financial position of:

- You yourself;
- a member of your family or your friend or any person with whom you have a close association or any person or body who is the subject of a registrable personal interest.

Agenda

Introductions, if appropriate.

Item	Page
1 Apologies for absence and clarification of alternate members	
2 Declarations of interests	
Members are invited to declare at this stage of the meeting, the nature and existence of any relevant disclosable pecuniary or personal interests in the items on this agenda and to specify the item(s) to which they relate.	
3 Minutes of the previous meeting	1 - 4
Members are asked to approve the minutes of 7 November 2019	
4 Fees for the Licensing of Tables and Chairs under the Business and Planning Act 2020	5 - 8
This report is for the Licensing Committee to agree the fee charged by Brent Council and duration of the licensing of table and chairs (pavement licences) introduced by the Business and Planning Act 2020.	

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MINUTES OF THE LICENSING COMMITTEE **Thursday 7 November 2019 at 6.00pm**

PRESENT: Councillor Ahmed (Chair), Allie (Vice-Chair), Long, Hector, Mitchell Murray, Maurice

1. Apologies for absence and clarification of alternate members

An apology for absence was received from Councillor Chohan.

2. Declarations of interests

There were no declarations of personal or prejudicial interest

3. Minutes of the previous meeting

RESOLVED that the minutes of the previous meeting, held on 22 May 2019, were approved and signed as an accurate record of the meeting

4. Draft Statement of Licensing Policy

The Committee received a report from the Strategic Director of Regeneration & Environment relating to the Draft Statement of Licensing Policy.

Yogini Patel (Senior Regulatory Service Manager) provided the Committee with an outline of the consultation process undertaken on the draft Statement of Licensing Policy, which she advised the Committee was being asked to consider and comment on in advance of its submission to Full Council on 25 November 19 for final approval.. The Committee was advised that consultation had started on 23 August 2019 and closed on 4 October 2019, with all the area forums having been included. Members noted that extensive consultations were undertaken on the draft policy, details of which were listed in paragraphs 3.9 to 3.21 of the report. Members were informed that 35 consultation responses were received.

The Committee noted:

- The Council in its role as a Licensing Authority under the Licensing Act 2003 had a duty to determine, publish and keep under review its Statement of Licensing Policy ('Policy') which would apply for a five year period. However, the Policy could be updated during the five-year period.
- The existing Policy was not due to expire until 6th January 2021. However, the review of the current Policy had been brought forward due to an increase in alcohol-fuelled crime and anti-social behaviour since the Policy had last been reviewed in 2015.
- The Policy review had taken into account the revisions made to the Home Office Guidance issued under S.182 of the Licensing Act 2003.

- An evidence-based approach had been adopted during the review of the current Policy, which included analysis of the following datasets:
 - crime reports (all crime, alcohol related crime, violent crime & sexual offences);
 - health (alcohol flagged data)
 - licenced premises (licences held, reviewed, refused and revoked).

Furthermore, views from responsible authorities such as the Police, Nuisance Control Team etc. were sought prior to formulating the Policy

- The proposed draft Policy introduced 29 specific policies including ten cumulative impact zones where street drinking and alcohol related crime and ambulance call-outs existed. These had been aimed at preventing growth of more off-licences and encouraging applicants to include a voluntary condition that they would not sell alcohol at a price under 70 pence per unit of alcohol. The Policy had, however, also been designed to support a 24-hour night-time economy in Wembley and Kilburn to facilitate enhancement of leisure and entertainment functions with appropriate safeguards.
- Since the publication of the last Statement of Licensing Policy the Mayor of London had outlined his vision for London as a 24-hour City. The Mayor had also appointed a Night Czar and a Night Time Commission to encourage the development of London as a vibrant, diverse, cultural city with a Night Time Economy that was of global significance.
- The proposed Policy sets out the Council's standards that operators were expected to achieve and addressed issues that licensable activities may cause in relation to location of premises, licensable activities, hours of operation etc.

Members had a lengthy discussion around the proposed Cumulative Impact Zones (CIZ) for off-licences. It was noted these zones would have to be reviewed within 3 years and it was agreed that a list of streets affected by the CIZs should be included in the final report for each of the propose CIZs.

Discussion around voluntary minimum pricing also took place, with Yogini Patel clarifying that this was voluntary scheme. However, if a review of a premise was undertaken and there was evidence that irresponsible drinks promotion was a contributory factor in undermining the licensing objectives, then members could consider imposing a minimum price of 70p per unit of alcohol. Objections regarding minimum pricing had been received from the Wine and Spirit Trader Association and Association of Convenience Stores. As a result, advice from a leading legal Counsel had been sought and based on the advice changes have been incorporated within the new policy.

Members discussed the proposed Cumulative Zones and the hot spots areas, with clarification provided that there had to be evidence, which undermined the licensing objectives and was linked to the number of licensed premises before considering inclusion off an area within a cumulative impact zone.

In terms of specific comments raised in relation to Rucklidge Avenue, the Committee was advised that whilst there may be evidence of anti-social behaviour no off-licences were located on the road.


As a result of the discussion at the meeting it was **RESOLVED**

- (1) To ensure that a list of streets covered within each of the proposed Cumulative Impact Zones be included within the final CIZ policy before it went live.
- (2) To endorse the Draft policy for submission to Full Council on 25 November 2019 for final approval
- (3) To note that , subject to approval by Full Council, the new policy would come into effect in early January 2020

The meeting closed at 7.15pm

COUNCILLOR AHMED
Chair

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	Licensing Committee 26 August 2020
	Report from the Strategic Director of Regeneration & Environment
Fees for the Licensing of Tables and Chairs under the Business and Planning Act 2020	

Wards Affected:	All
Key or Non-Key Decision:	N/A
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
No. of Appendices:	0
Background Papers	None
Contact Officer(s): (Name, Title, Contact Details)	Simon Legg Head of Regulatory Services simon.legg@brent.gov.uk 020 8937 5522 Anu Prashar Senior Regulatory Service Manager Anu.prashar@brent.gov.uk 020 8937 5515

1.0 Purpose of the Report

- 1.1 This report is for the Licensing Committee to agree the fee charged by Brent Council and duration of the licensing of table and chairs (pavement licences) introduced by the Business and Planning Act 2020.

2.0 Recommendations for the Licensing Committee

- 2.1 That members agree to set the fee of £100 (maximum permitted under the Act) for each pavement licence application.
- 2.2 That members agree the above fee shall be for a licence duration until 30 September 2021, unless due to representations or otherwise, a shorter period of not less than 3 months is considered more appropriate by the council's Licensing Team. If a shorter term licence is granted, the business will be able to reapply without a further fee to extend the licence duration up to 30 September 2021.

3.0 Detail

- 3.1 On 22 July 2020, the Business and Planning Act 2020 (“the Act”) became law. Amongst other things, this provides for a pavement licence which is a licence granted by the local authority allowing businesses to place removable furniture outside their premises.
- 3.2 The Act intends to streamline existing processes to allow businesses to secure these licences before the end of summer in light of the impact of Covid-19. Where such a licence is granted, it must be for a duration of no less than three months and for a duration not beyond 30 September 2021.
- 3.3 It is necessary for there still to be clear pavement access, taking into account the needs of all users, including disabled people.
- 3.4 This new process is also intended to be cheaper for businesses such as cafes, restaurants and bars to obtain their licence compared to existing arrangements. The intention of the new process is to assist the hospitality industry to recover from the lockdown and to help them to trade safely while social distancing measures remain in place.
- 3.5 The Act amends the need for planning permission to use the land for anything done under the licence as this is deemed to be granted for as long as the licence is valid.
- 3.6 Licences can only be granted in respect of highways listed in section 115A(1) Highways Act 1980. Generally, these are footpaths restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited. Highways maintained by Network Rail or over the Crown land are exempt (so a licence cannot be granted).
- 3.7 The Act states the local authority may require a fee not exceeding £100 at the point of each licence application. It is intended to charge the maximum fee to contribute towards the council’s cost of processing and enforcing a pavement licence.
- 3.8 As functions under this Act are non-executive, decisions regarding the setting of fees for them cannot be made by Cabinet. It is for this reason that the council’s Licensing Committee are being asked to determine the fee as provided for by the council’s constitution.
- 3.9 The policy which supports this fee is currently being finalised and will be circulated to the Committee prior to the meeting for information only.
- 3.10 In the intervening period, the Chief Executive acting as “Gold” holds the authorisation to agree or otherwise license applications and the fee to be charged where the matter is urgent and these powers have been exercised for the first applications the council received.

4.0 Alternative Options Considered

- 4.1 The Act permits local authorities to set the fee it charges for pavement licenses at whatever level it requires as long as the fee does not exceed £100. This means the local authority could choose not to make any charge for licence applications.
- 4.2 We do not recommend the Committee considers an alternative fee for the following reasons:

- The proposed fee provides for a much cheaper application than the current equivalent which would attract an £81 new licence fee plus typically a monthly £91 fee for a display outside a shop, (there are other fees depending on the purpose and type of licence applied for).
- The number of applications the council will receive, is not yet known, but it is highly unlikely, there will be sufficient number to cover the council's costs in processing, determining and enforcing licenses. If a lesser or no fee was charged, it will add further to the council's costs.
- There is a risk that if no fee or a lesser fee was charged, the council would receive a higher number of applications for pavement licences. Not only would this generate a significantly increased volume of work for the Licencing Team, it may also lead to an over population of businesses offering outside table and chairs having a detrimental effect on the character and space available on our high streets and a rise in anti-social behaviour or other complaints.

4.3 This is a statutory process, which is accompanied by guidance issued by the Ministry of Housing, Communities & Local Government meaning there is limited scope to consider alternative options.

5.0 Financial Implications

5.1 The Act states that a fee for applying for a licence under the new process is capped at £100. It is proposed that the council applies a fee of £100 for each licence, which will apply not beyond 30 September 2021.

5.2 It is proposed that additional members of staff will be required to assist with the extra work generated from the processing of these applications and it is intended to appoint two posts which would cost in the region of £60k for a six month period to assist with administering the new duties arising from this Act.

6.0 Legal Implications

6.1 The main legal implications of this Act are set out in the main body of the report

7.0 Equality Implications

7.1 There has not been any specific equality implications arising from this report as this is a statutory process supported by guidance issued by central government. It is unlikely to have specific equality implications.

8.0 Any Other Implications (HR, Property etc - if necessary)

8.1 None.

9.0 Proposed Consultation with Ward Members and Stakeholders

9.1 N/A

Report sign off:

Alan Lunt

Strategic Director of Regeneration & Environment

