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Licensing & Appeals Committee

Minutes of a Licensing & Appeals Committee meeting held at 6.00 pm on Tuesday, 18th June, 2024 in the Council Chamber, Town Hall, Matlock, DE4 3NN.

PRESENT

Councillor Dawn Greatorex - In the Chair

Councillors: Anthony Bates, John Bointon, Geoff Bond, Sue Burfoot, Bob Butcher, Neil Buttle, Peter Dobbs, Marilyn Franks, Susan Hobson, Laura Mellstrom and Peter Slack

Steve Capes (Director of Place and Economy), Grace Dowson (Licensing Manager), Kerry France (Legal Services Manager), Karen Henriksen (Director of Resources) and Tommy Shaw (Democratic Services Team Leader)

Note:

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APOLOGIES

Apologies for absence were received from Councillor(s): Steve Wain and Joanne Linthwaite

39/24 - APPROVAL OF MINUTES OF PREVIOUS MEETING

It was moved by Councillor Peter Slack, Seconded by Councillor Laura Mellstrom and

RESOLVED (unanimously)

That the minutes of the meeting of the Licensing and Appeals Committee held on 26 March 2024 be approved as a correct record, following amendment of the resolutions to more clearly represent the decisions made.

Voting

09 For

00 Against

03 Abstentions

The Chair declared the motion **CARRIED**.

40/24 - INTERESTS

There were no declarations of interest.

41/24 - PUBLIC PARTICIPATION

There was no public participation.

42/24 - PERMANENT PAVEMENT LICENSING REGIME 2024

The Licensing Manager introduced a report which sought Member approval to set the fees associated with the Permanent Pavement Licensing Regime, which would come into effect following the expiration of existing Licences issued under the temporary legislation.

The report presented Members with background information regarding the circumstances which resulted in the implementation of temporary pavement licensing legislation, in response to the Covid-19 pandemic. The aim of this legislation was to allow businesses to more effectively utilise outdoor space adjacent to their premises, reducing the risks to customers during the pandemic. Prior to the introduction of the temporary regime, Street Café Licences were issued by County Council Authorities under part 7A of the Highways Act 1980.

The provisions to make the pavement licence scheme permanent were included within the Levelling Up & Regeneration Act 2023 which came into force on Sunday 31 March 2024. It was noted within the report that this Act introduced new maximum standard fee caps of £500 for new applications and £350 for renewals, with fees to be set locally by the relevant licensing authority. A Member decision was therefore required as to what these fees would be set at in the Derbyshire Dales area.

As previously requested by this Committee, the report set out the options considered for a tiered system of fees based upon a variety of factors. It was noted that none of the options considered were deemed feasible due to the difficult and costly enforcement processes that would be required. It was therefore recommended that the maximum standard fee caps be charged across the board in order to ensure that the costs for the licensing process could be recuperated effectively by the authority.

It was moved by Councillor Laura Mellstrom and Seconded by Councillor Peter Slack:

1. That the information presented in the report regarding the implementation of a permanent pavement licensing regime be noted.
2. That any premises holding a licence issued under the temporary pavement licensing regime be treated as a renewal under the new regime, as long as such an application is made before the expiration of the existing licence and the scope of the new application is identical to that of the previously granted licence.

3. That the following banded structure of fees be established, based on the number of seats an establishment wishes to use in the applicable outdoor space:
 - A fee of £200 per two-year licence for the use of four seats or less, applicable to both new applications and renewals.
 - A fee of £500 per two-year licence for the use of five seats or more, applicable to new applications. With a fee of £350 for renewals of this nature.

During debate, it was moved by Councillor John Bointon and seconded by Councillor Geoff Bond to amend point 3 of the previously proposed motion to read as follows:

3. That the following banded structure of fees be established, based on whether the applicant is licensed for the sale of alcohol:
 - A fee of £300 per two-year licence for businesses which are not licensed for the sale of alcohol, applicable to both new applications and renewals.
 - A fee of £500 per two-year licence for businesses which are licensed for the sale of alcohol, applicable to both new applications and renewals.

This amendment was then put to the vote as follows:

05 For
05 Against
02 Abstentions

The Chair declared the amendment **LOST**.

The meeting was adjourned from 19:05 to 19:10.

The substantive motion was then put to the vote and it was

RESOLVED

1. That the information presented in the report regarding the implementation of a permanent pavement licensing regime be noted.
2. That any premises holding a licence issued under the temporary pavement licensing regime be treated as a renewal under the new regime, as long as such an application is made before the expiration of the existing licence and the scope of the new application is identical to that of the previously granted licence.
3. That the following banded structure of fees be established, based on the number of seats an establishment wishes to use in the applicable outdoor space:
 - A fee of £200 per two-year licence for the use of four seats or less, applicable to both new applications and renewals.
 - A fee of £500 per two-year licence for the use of five seats or more, applicable to new applications. With a fee of £350 for renewals of this nature.

Voting:

07 For
06 Against
00 Abstentions

The Chair declared the motion **CARRIED**.

43/24 - EXCLUSION OF PUBLIC AND PRESS

It was moved by Councillor Peter Slack, seconded by Councillor Peter Dobbs and

RESOLVED (unanimously)

That in accordance with Section 100(a) of the Local Government Act 1972, the public and press be excluded because it is likely that the nature of the business to be transacted would result in exempt information being disclosed.

The Chair declared the motion **CARRIED**.

44/24 - APPEAL AGAINST OFFICER DECISION TO REJECT AN APPLICATION FOR A DISCRETIONARY COUNCIL TAX DISCOUNT FOR A PROPERTY IN DARLEY DALE

The Director of Resources introduced a report which asked Members to consider an appeal against an Officer decision to reject an application for a discretionary Council Tax discount.

It was moved by Councillor Peter Slack, seconded by Councillor Geoff Bond and

RESOLVED

That the appeal be dismissed and that payment be required in full.

Voting

10 For
00 Against
02 Abstentions

The Chair declared the motion **CARRIED**.

Meeting Closed: 7.38 pm

Chair