

To: All Members of the LICENSING AND
REGULATORY COMMITTEE
(Other Members for Information)

When calling please ask for:

Kimberly Soane, Democratic Services Officer
Policy and Governance

E-mail: kimberly.soane@waverley.gov.uk

Direct line: 01483 523258

Calls may be recorded for training or monitoring

Date: 17 July 2020

Membership of the Licensing and Regulatory Committee

Cllr Robert Knowles (Chairman)
Cllr Roger Blishen
Cllr Martin D'Arcy
Cllr Jerome Davidson
Cllr Patricia Ellis
Cllr Maxine Gale

Cllr Michael Goodridge
Cllr Jerry Hyman
Cllr Anna James
Cllr Jacquie Keen
Cllr Michaela Martin
Cllr Ruth Reed

Substitutes

Cllr Peter Isherwood
Cllr Jenny Else

Cllr Joan Heagin
Cllr John Ward

Members who are unable to attend this meeting must submit apologies by the end of Thursday, 23 July 2020 to enable a substitute to be arranged.

Dear Councillors

A meeting of the LICENSING AND REGULATORY COMMITTEE will be held as follows:

DATE: THURSDAY, 30 JULY 2020

TIME: 11.00 AM

PLACE: ZOOM MEETING

The Agenda for the meeting is set out below.

The meeting can be viewed remotely in accordance with the provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, via the Council's YouTube page.

Yours sincerely

ROBIN TAYLOR

Head of Policy and Governance

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This meeting will be webcast and can be viewed by visiting www.waverley.gov.uk

NOTE FOR MEMBERS

Members are reminded that contact officers are shown at the end of each report and members are welcome to raise questions etc in advance of the meeting with the appropriate officer.

AGENDA

1. **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

To receive apologies for absence and to report any substitutions

2. **ELECTION OF VICE-CHAIRMAN**

To elect a Vice-Chairman of the Committee, following the resignation of Cllr Clark.

3. **APPOINTMENT OF MEMBERS TO SUB COMMITTEES**

To appoint Member(s) to fill the vacancies on the Licensing & Regulatory Sub-committees as shown below.

Following the resignation of Cllr Peter Clark from the Licensing & Regulatory Committee, there is a vacancy on the following Sub-Committees to be filled from among the Members of the Licensing & Regulatory Committee:

- Licensing (General Purposes) Sub-Committee
- Licensing Act 2003 Sub-Committee A

4. **DECLARATIONS OF INTEREST**

To receive from members declarations of interest in relation to any items included on the agenda for this meeting, in accordance with the Waverley Code of Local Government Conduct.

5. **QUESTIONS FROM MEMBERS**

The Chairman to respond to any questions received from Members in accordance with Procedure Rule 11.

The deadline for submission of written questions for this meeting is Thursday 23rd July 2020.

OTHER LICENSING ITEMS

6. **PAVEMENT LICENSING** (Pages 7 - 28)

1.1 The Government has swiftly introduced through Parliament a new streamlined process to apply for a "Pavement Licence". After proceeding through the Commons and Lords stages, on 21 July, the Commons accepted all amendments proposed by the Lords and has passed both Houses of Parliament. At the time of writing, Royal Assent

is awaited (a formality) and it is anticipated that this final stage will be reached shortly. This temporary authorisation will short-circuit the usual suite of consents required under the Highways Act and planning law. The purpose of the new licence is to help the struggling hospitality sector in a time of social distancing.

- 1.2 It is proposed that this new procedure will be administered by district and borough councils in non-unitary Council areas and Waverley will therefore need to adopt a policy, set the fee and delegate to officers the authority to issue, amend and or refuse licences, and deal with enforcement.
- 1.3 This report therefore proposes a policy for Waverley Borough Council attached at Annexe A, a fee level and seeks delegation to officers for the issue, amendment and or refusal of licenses, as well as enforcement of the new arrangements.
- 1.4 This report also advises on changes to the licensing laws which will allow premises with a premises licence for on-sales of alcohol to sell off-sales without the need to apply for a formal variation to their licence in the usual way, which are limited to 11pm at the latest and new permissions for off-sales do not apply to times when the premises licence does not allow sales of alcohol for consumption in outdoor areas of the premises.

Recommendation

The Council be recommended to:

- Adopt the policy set out in Annexe A
- Set the fee for a pavement licence at £100
- Delegate authority to the Head of Environmental and Regulatory Services to issue pavement licences and/or authority to refuse or amend pavement licences in consultation with the Portfolio holder for Operational and Enforcement Services.
- Delegate authority to Head of Environmental and Regulatory Services in relation to enforcement powers under the new proposed legislation (the Business and Planning Act 2020 once enacted).
- Delegate authority to the Head of Environmental and Regulatory Services to make minor or consequential amendments to the Policy and Licence conditions in the event of any amendments/ updating statutory instruments and or government guidance in consultation with the Chairman of the Licensing and Regulatory Committee.

7. EXCLUSION OF PRESS AND PUBLIC

To consider the following recommendation on the motion of the Chairman:-

Recommendation

That pursuant to Procedure Rule 20 and in accordance with Section 100B(5) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the grounds that it is

likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items, there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified in the appropriate paragraph(s) of the revised Part 1 of Schedule 12A to the Act (to be identified, as necessary, at the meeting).

8. LEGAL ADVICE

To consider any legal advice relating to any items in the agenda.

**For further information or assistance, please telephone
Kimberly Soane, Democratic Services Officer, on 01483 523258 or by
email at kimberly.soane@waverley.gov.uk**