

## **LONDON BOROUGH OF LEWISHAM**

MINUTES of the meeting of the LICENSING SUPPLEMENTARY COMMITTEE, which was open to the press and public held on WEDNESDAY 22 JULY 2020 and held remotely at 7.30pm

### **Present**

Councillor Stamirowski (Chair) Councillor Powell (Vice Chair) Councillors Campbell, Elliott, Hall, Hordijkeno, Howard, Kalu, and Wise.

### **Also Present**

Lisa Spall - Crime, Enforcement and Regulatory Manager  
Petra Der Man - Lawyer

#### **1. Minutes**

RESOLVED that the minutes of the meeting of the Licensing Supplementary Committee held on 20 June 2019 be confirmed and signed as a correct record. .

#### **2. Declaration of interests**

None were made.

#### **3. Business and Planning Act 2020 – Pavement Licence**

- 3.1 Ms Hooper presented the report. She said that the new Business and Planning Bill was published on 25 June 2020 and received royal assent today, 22 July 2020. The aim of this new piece of legislation is to provide a quicker and cheaper process for businesses to gain permission to use pavement areas adjacent to their premises. It will enable them to seat customers outside and continue to trade during the period of the coronavirus pandemic and ease the burden of social distancing on businesses by enabling them to use outside spaces. She outlined the new measures that will be in place until September 2021 and the implications for this Council.
- 3.2 Ms Hooper said that last week, an amendment had come out of the Act in relation to off sales, whereby any premises that currently has a premises licence for on sales now has an automatic entitlement to off sales up until 11pm unless previous permissions had been revoked.
- 3.3 This week another amendment to the Act had been made. Licence holders must make reasonable provision for outside seating where smoking is not permitted. This is to help prevent non-smokers sitting too near smokers. This change will be reflected in the conditions. The needs of people with disabilities must also be considered when the granting of a licence is being considered.
- 3.4 Conditions outlined in the Appendix may be changed over the coming months. Ms Hooper was also waiting to hear from the government about a London wide approach to standard conditions.

- 3.5 Councillor Elliott asked where businesses would apply for standard public liability insurance. He said that the minimum level of indemnity at £10m seemed high. Ms Hooper said that that this had changed to £5m. She said that she is in contact with other boroughs about their practices and the manager of forecourt licence and they generally expect cover for around £5m.
- 3.6 Councillor Howard asked what the procedure would be for smoking or drunken behaviour on the forecourts. Ms Hooper said that drunken behaviour would come under the licensing objective of the prevention of crime and disorder and public nuisance and would be dealt with under the Licensing Act 2003. The government want businesses to ensure that they have separate areas for smokers and that the area is at least 2 metres apart.
- 3.7 Councillor Hall asked how disability groups would be consulted on these new regulations. Ms Hooper said that local amenity groups would be identified to ensure that the regulations do not have a negative impact on people with a disability. Councillor Howard suggested that Health Watch be contacted.
- 3.8 Councillor Campbell said that she would have concerns if delegated functions were for executive officers and ward members were not included. In Blackheath there are several bars and cafes, and as a ward member she would want to be consulted about who would have the outside space. Ms Hooper said that pavement applications would be treated in the same way as applications under the Licensing Act 2003; there is a list of consultees and ward members would be included.
- 3.9 Councillor Hall asked for a review of the pavement licences and it was agreed that a 6 monthly report be submitted to this Committee.

RESOLVED that

- (i) the new provisions under the Business and Planning Act 2020 with regards to Pavement Licences and Off sales of alcohol be noted,
- (ii) a proposed fee of £100 per pavement licence application be agreed,
- (iii) it be agreed that this borough will apply local conditions to pavement licences (see annex 2 of the report) either expressly or by default pursuant to the Business and Planning Act 2020; and
- (iv) functions be delegated under the Act to both the Executive Director for Community Services and the Executive Director for Housing, Regeneration & Environment to implement the licensing regime and to make any amendments as a consequence of any changes made between the current Bill and the Act coming into effect.

The meeting ended at 8.15pm.

Chair