



East Cambridgeshire District Council

Minutes of a Meeting of the Licensing Committee

Held at The Grange, Nutholt Lane, Ely, CB7 4EE at 10:00am
on Wednesday 19 June 2024

Present:

Cllr Lavinia Edwards
Cllr Martin Goodearl
Cllr Keith Horgan
Cllr Julia Huffer
Cllr Bill Hunt (substitute for Cllr Christine Ambrose-Smith)
Cllr Kelli Pettitt
Cllr Alan Sharp
Cllr Caroline Shepherd (substitute for Cllr Charlotte Cane)
Cllr John Trapp
Cllr Alison Whelan
Cllr Gareth Wilson

Officers:

Stewart Broome – Senior Licensing Officer
Maggie Camp – Director Legal Services
Leah Mickleborough – Interim Senior Democratic Services Officer
Liz Knox – Environmental Services Manager
Angela Tyrrell – Senior Legal Assistant
Karen Wright – ICT Manager

There were no members of the public present

1. Apologies and substitutions

Apologies for absence were received from Cllrs Christine Ambrose-Smith and Cllr Mark Inskip

Cllr Bill Hunt was attending as a substitute for Cllr Christine Ambrose-Smith.

During this item, Cllr Caroline Shepherd arrived and confirmed that she was substituting for Cllr Charlotte Cane, who was unable to attend.

2. Declarations of interest

No declarations of interest were made.

3. Minutes

The Committee received the Minutes of the meeting held on 8th April 2024

It was resolved unanimously:

That the Minutes of the Licensing Committee meeting held on 8th April 2024 be confirmed as a correct record and be signed by the Chairman.

4. Chairman's announcements

The Chair welcomed everyone to the meeting and confirmed it was being livestreamed.

5. Gambling Act 2005 – Licensing Statement of Principles (three year review)

The Committee considered a report, Z13, previously circulated, that detailed the proposed changes to the Council's licensing statement of principles and sought approval for a revised draft document that would be subject to consultation.

The Senior Licensing Officer presented the report and reminded members of the legal requirements and process the Council had to go through to review the statement of principles. The Act required the review to be undertaken every 3 years.

The statement of principles covered three main activities; the licensing of betting shops and premises, gaming machines and organised lotteries. Although the July Course of Newmarket Racecourse is located in the District, the Gambling Act is not a major area of activity for the Council.

The Gambling Commission issues guidance for local authorities in operating their gambling licensing functions. There had been limited changes to the guidance since the previous statement of principles agreed in 2022. In 2023 the government had issued a white paper seeking to improve gambling control, but this had not moved forwards so did not need to be considered in the current revisions.

The Senior Licensing Officer explained that the changes proposed from the 2022 document had been outlined in Appendix 1, which were mostly to improve compliance with accessibility standards.

The Chair invited members to ask questions to the Senior Licensing Officer.

Councillor Whelan queried the district population figure given in the statement of principles, and it was agreed to review this to ensure its accuracy before the consultation document was finalised.

Councillors Trapp and Wilson queried the grammatical changes in the document. The Senior Licensing Officer confirmed that these were to comply with accessibility standards, but he would review all changes before it was finalised to ensure consistency throughout the document.

The Chair confirmed there were no further comments or questions to raise, and so it was resolved unanimously:

a) To approve the draft version of the Gambling Act 2005 – Statement of Principles for Licensing at Appendix 1

b) To agree a statutory public consultation taking place on the draft Statement of Principles for Licensing from 8 July 2024 to 19 August 2024 in accordance with the Gambling Act 2005.

1. Business and Planning Act 2020 – Pavement Licensing Policy update

The Committee considered a report from the Senior Licensing Officer (Z14, previously circulated). This highlighted that during Covid, a temporary pavement licensing scheme was introduced which had now become permanent. Due to the timing of regulations, officers had been required to use their delegated authority to update the pavement licensing policy and grant licences in accordance with this policy.

The main changes from the previous temporary policy were outlined. There was a longer period for objections to be received and licences to be determined, and licences would now last for 2 years. District Councils now had the power to remove unauthorised street furniture and could vary and revoke pavement licences if necessary.

The senior licensing officer drew members attention to the fee levels. Fees had to be set to cover costs, which included the administering and enforcement of pavement licences, dealing with enquiries and complaints, undertaking visits and contributing to overheads. The government had set a maximum fee level which was less than the costs to the Council of operating the scheme. The level of fees would be reviewed in future as part of the annual fee review each autumn.

Councillor Wilson questioned whether the pavement licensing policy also covered street furniture on markets. The Senior Licensing Officer confirmed that the policy applied to furniture located on the highway connected to a primary food led business and gave examples of this. Whilst some aspects of markets are subject to separate legislation, if there was concern a market trader was locating furniture on the highway, the application of the pavement licensing policy could be reviewed. Councillor Wilson went on to ask where pavement licences had been granted, which the Officer confirmed.

Councillor Trapp sought clarity on the level of fees the Council would be charging. The Senior Licensing Officer confirmed that the fees would be set at

the allowable statutory maximum, being £500 for an initial application and £350 for a renewal application. The information in the report demonstrated that this was justified, as the Council's costs were higher than the maximum fee allowed.

Councillor Shepherd asked whether concerns or objections were received about pavement licences. The Senior Licensing Officer outlined that objections to licences tended to relate to perceived nuisance concerns. There is the potential for the Council to vary the licence and put in mitigating conditions, such as requiring safety measures to be put in place and limiting numbers of seating. Overall, there had been a low number of complaints. Councillor Shepherd also sought to understand whether the Council could vary licence fees for particularly complex cases, however the Officer clarified this was not feasible. The Council uses the annual review of licence fees to assess time spent and costs incurred.

With no further questions, the Committee **NOTED:**

- a) The amendments made under delegated powers to the Pavement Licensing Policy.
- b) The amendments made under delegated powers to the level of fee to be charged for a new and a renewal pavement licence application.

2. Senior Licensing Officer's update

The Committee received a verbal report from the Senior Licensing Officer which updated on the outcome of a number of court cases. This included the successful prosecution of an individual for animal welfare abuses under the Animal Welfare Act 2006, and the successful defence against two appeals by taxi drivers. The Senior Licensing Officer was pleased the Council's policies were working effectively.

3. Forward agenda plan

The Committee received its Forward Agenda Plan. The Senior Licensing Officer indicated that there were no substantive items for the meeting scheduled in July.

It was resolved:

That the Forward Agenda Plan be noted and the Committee scheduled in July be cancelled.

The meeting concluded at 10:37am

Chair.....

Date.....