

## LICENSING COMMITTEE

2.00 P.M.

4TH JUNE 2020

**PRESENT:-** Councillors Colin Hartley (Chair), Richard Austen-Baker, Mandy Bannon, Roger Dennison, Merv Evans, Kevin Frea, Mike Greenall, Mel Guilding, Abi Mills and Jean Parr

Also in attendance: Mr Charnley, Mr Binetti, PC Andy Taylor

Officers in attendance:

|                |   |
|----------------|---|
| Luke Gorst     | Head of Legal Services and Monitoring Officer             |
| Jenette Hicks  | Licensing Manager   |
| Daniel Spencer | Criminal Lawyer   |
| Liz Bateson    | Principal Democratic Support Officer, Democratic Services |

### 1 APPOINTMENT OF VICE-CHAIR

The Chair requested nominations for Vice-Chair of the Licensing Committee for the Municipal Year and advised the meeting that self-nominations were acceptable.

Councillor Guilding confirmed that she wished to continue as the Vice-Chair and proposed herself. Councillor Greenall seconded her nomination.

There being no further nominations the Chair declared Councillor Guilding's appointment as Vice-Chair.

***Resolved :-***

- (1) That Councillor Guilding be appointed Vice-Chair of the Licensing Committee for the municipal year 2020/21.

### 2 MINUTES

The Minutes of the Licensing Committee meeting held on 25 February 2020 were agreed as a correct record. The Chair confirmed that the minute book would be signed when it became available.

### 3 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIR

The Chair confirmed that he had agreed to an item of urgent business to update the Licensing Committee with regard to the reintroduction of MOT for taxi vehicles which had been suspended during the coronavirus. The Licensing Manager advised the meeting that guidance had now been received and the test station was confident that it would be able to recommence taxi vehicle testing and from the 6<sup>th</sup> July 2020 all taxi vehicles would need to complete a satisfactory vehicle test.

***Resolved:***

- (1) That the update with regard to the reintroduction of MOTs for taxi vehicles be noted.

#### 4 **DECLARATIONS OF INTEREST**

There were no declarations of interest at this point.

#### 5 **CHAIRS OF LICENSING SUB-COMMITTEES**

The Chair called for nominations for two sub-committee Chairs in addition to the Chair and Vice-Chair and confirmed that self-nominations were acceptable. Councillor Frea advised the meeting that he would like to continue as a sub-committee Chair. Councillor Guilding seconded the nomination. Councillor Austen-Baker advised the meeting that he would also like to continue as a sub-committee Chair and Councillor Frea seconded the nomination.

There being no further nominations the Chair confirmed that Councillors Austen-Baker and Frea be appointed as sub-committee Chairs.

***Resolved:***

- (1) That Councillors Austen-Baker and Frea be appointed as sub-committee Chairs for the municipal year 2020/21.

#### 6 **HIGHWAYS ACT 1980 STREET CAFE LICENCE - CAPPUVINO, 60 CHURCH STREET, LANCASTER**

The Chair welcomed Mr Charnley, Mr Binetti and PC Andy Taylor to the virtual meeting. It was noted that an application for a Street Cafe Licence had been received from Mr Binetti and along with his application the applicant had requested a variation of the standard licence condition which allowed the street cafe to operate between the hours of 10am and 8pm, to allow him to operate from 8.30am to 9pm. Additionally, waivers to the conditions that all alcohol consumption must be taken with a table meal and consumed in polycarbonate glasses had been requested.

The Licensing Manager introduced the report and explained that whilst Licensing Officers had no objections in relation to the licence there were concerns regarding the variation to the standard conditions.

Mr Charnley and Mr Binetti were then invited to address the Committee. Mr Charnley had expressed his disappointment at the objections to the variations in an email which had been circulated to the Licensing Committee prior to the meeting. Mr Charnley stressed that significant investment had been undertaken to make Cappuvino a unique venue and provide a different experience associated with style and quality to attract a more discerning clientele. Given the unprecedented times and the likelihood of a considerable period of difficulty for such businesses due to the social distancing requirements resulting from the coronavirus, flexibility was necessary to enable such businesses to be viable whilst balancing the requirements of avoiding anti-social behaviour.

PC Taylor advised the meeting that the conditions were important from a Police point of view and was particularly concerned at the request to use standard glasses which could

be utilised as a weapon, inflicting life-changing injuries. PC Taylor suggested that allowing alcohol without a meal might encourage all day drinking and any variation to the standard conditions could set a precedent.

The Chair invited Members to ask questions and Mr Charnley, Mr Binetti, PC Taylor and the Licensing Manager responded.

The Chair advised that in the light of the representations made, the Committee would determine whether to allow the applicant's request for a variation of the standard licence and proposed that each variation be considered separately.

The Chair called for a proposal for the first requested variation: permitted times of operation from 8.30am to 9.00pm instead of the standard 10.00am to 8.00pm.

It was proposed by Councillor Parr and seconded by Councillor Austen-Baker:

"That the permitted times of operation for the street cafe licence be varied to allow the café to operate from 8.30am to 9.00pm instead of the standard 10am to 8.00pm."

By way of an amendment Councillor Guilding proposed, seconded by Councillor Mills:

"That the permitted times of operation for the street cafe licence be varied to allow the café to operate from 8.30am to 8.00pm instead of the standard 10.00am to 8.00pm."

Members then voted on the amendment.

Upon being put to the vote 6 Members voted in favour of the amendment and 4 Members against, whereupon the Chair declared the amendment to be carried. Members then voted on the substantive motion which was carried unanimously.

The Chair then called for a proposer to the second variation to facilitate alcohol consumption without patrons having a table meal.

Councillor Austen-Baker proposed, seconded by Councillor Guilding:

"That the licence conditions be varied to facilitate alcohol consumption without patrons having a table meal."

Upon being put to the vote 5 Members voted in favour of the proposal, 3 Members against and 2 Members abstained, whereupon the Chair declared the proposal to be carried.

The Chair invited a proposition in relation to the third variation request to allow standard glasses.

Councillor Austen-Baker proposed:

"That the use of standard glasses rather than those made of polycarbonate plastic be permitted."

There being no seconder the Chair declared the proposal to have failed and confirmed that the use of standard glasses would not be permitted.

**Resolved:**

- (1) That the permitted times of operation for the street cafe licence be varied to allow the café to operate from 8.30am to 8.00pm instead of the standard 10.00am to 8.00pm.
- (2) That the licence conditions be varied to facilitate alcohol consumption without patrons having a table meal.
- (3) That the use of standard glasses rather than those made of polycarbonate plastic would not be permitted.

**7 REPORTING OF URGENT BUSINESS - UB110 DRIVER TRAINING**

The Licensing Manager presented a report which notified the Committee of a decision that had been taken by the Chief Executive, in consultation with the Chair of the Licensing Committee under the Council's Urgent Business Procedure. The decision was in respect of hackney carriage/private hire driver training requirements.

**Resolved:**

- (1) That the report be noted.

**8 REPORTING OF URGENT BUSINESS - UB 120 USE OF SCREENS/PARTITIONS**

The Licensing Manager presented a report which notified the Committee of a decision that had been taken by the Chief Executive, in consultation with the Chair of the Licensing Committee under the Council's Urgent Business Procedure. This related to the approval of a position statement regarding the installation and use of screens/partitions in licenced hackney carriage and private hire vehicles.

**Resolved:**

- (1) That the report be noted.

**9 EXEMPT ITEM**

The Chair confirmed that the remaining two reports concerned the reporting in of following items were exempt and the Committee would need to exclude the press and public if they wished to ask questions. The Committee indicated that they would not be asking questions and therefore there meeting there was no need to exclude the press and public.

**10 REPORTING OF URGENT BUSINESS - UB111**

The Licensing Manager had submitted a report which advised the Committee of a decision that had been taken by the Chief Executive, in consultation with the Chair of the Licensing Committee under the Council's Urgent Business Procedure. The report was exempt from publication by virtue of Paragraph 1, Schedule 12A of the Local Government Act, 1972 and related to a hackney carriage private hire driver's licence.

**Resolved:**

(1) That the report be noted.

**11 REPORTING OF URGENT BUSINESS UB112**

The Licensing Manager had submitted a report which advised the Committee of a decision that had been taken by the Chief Executive, in consultation with the Chair of the Licensing Committee under the Council's Urgent Business Procedure. The report was exempt from publication by virtue of Paragraph 1, Schedule 12A of the Local Government Act, 1972 and related to a private hire driver's licence.

***Resolved:***

(1) That the report be noted.

---

Chair

(The meeting ended at 3.50 p.m.)

**Any queries regarding these Minutes, please contact  
Liz Bateson, Democratic Services - telephone (01524) 582047 or email  
ebateson@lancaster.gov.uk**