

## **URGENT BUSINESS**

# **Amendment to the Licensing Committee's Terms of Reference within the Councils Constitution to facilitate new legislative provisions in respect of Part 1 of the Business and Planning Act 2020**

**31 July 2020**

## **Report of Licensing Manager**

### **PURPOSE OF THE REPORT**

To seek approval for amendment to the Terms of Reference of the Licensing Committee and Licensing Sub-Committee to facilitate the new statutory powers under Part 1 of the Business and Planning Act 2020 in respect of Pavement Licences

### **RECOMMENDATIONS**

- 1. That the amendments detailed in section 4 of this report be incorporated into the Terms of Reference of the Licensing Committee and Licensing Sub-Committee**

#### **1.0 Introduction**

- 1.1** On 22 July 2020 The Business and Planning Act 2020 (the "Act") received Royal Assent and was enacted with immediate effect. The Terms of Reference of the Licensing committee require amendment to incorporate Part 1 of the Act
- 1.2** Part 1 of the Act deals with the sale and consumption of food and drink outdoors, and relates to two particular licensing issues
  - The introduction of Pavement licences
  - The modification of premises licences to authorise off sales of alcohol for a limited period
- 1.3** Historically the Council has dealt with the Licensing of Street/ Pavement cafes utilising the provisions contained within the Highways Act 1980. This provision remains in statute but the Act provides a new temporary power for the licensing of such facilities and is seen as key to supporting the hospitality sector during the covid 19 pandemic whilst social distancing requirements are in place
- 1.4** Amendments to the Terms or Reference of Committees of the Council are a function of Full Council.

## **2.0 Reason for the matter to be considered as urgent**

- 2.1 The Act came into force on 22 July 2020 and enquiries re applications are already being received by the Licensing department. The Act specifies a short timescale for consultation and the decision-making process, to enable pavement licences to be facilitated quickly. It is envisaged that the use of pavement licences will be maximised during summer months ie longer days and milder weather. As such it is imperative that the Council has the necessary decision making processes and policies in place without delay.

## **3.0 Urgent Constitutional Changes**

- 3.1 The Councils constitution identifies that the Terms of reference can be amended under matters of Urgency as detailed on page 50 of the constitution and is worded as follows

*Where it is necessary for any function of the Council or one of its Committees to be discharged and it is impracticable or impossible, by reason of urgency, for the matter to be considered by the Council or such Committee, to take such action as they consider appropriate, in consultation, so far as practicable, with the Mayor and Group Leaders in respect of a Council function or the relevant Committee Chair in respect of a matter within the Terms of Reference of a Council Committee.*

## **4. Recommended amendments to the Constitution**

- 4.1 That the Terms of Reference (part 2 section 5) for the Licensing Committee be amended to add at para 1.1 :-
- (u) Pavement Licences under the Business and Planning Act 2020.
- 4.2 That the Terms of Reference (part 2 section 5) for the Licensing Sub Committee be amended by the addition of the following.
- 2.4 To determine applications for pavement licences under the Business and Planning Act 2020 where adverse representations have been made and not withdrawn or other reasons why the Licensing Manager considers it relevant to refer the matter, to the Licensing Sub Committee

**CONCLUSION OF IMPACT ASSESSMENT**

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

**FINANCIAL IMPLICATIONS**

There is no financial implication associated with the amendments to the constitution, the procedures will be delivered within existing staff resources

**LEGAL IMPLICATIONS**

As set out in the report

**MONITORING OFFICER COMMENTS**

These are contained within the report

**BACKGROUND PAPERS**

None

**Contact Officer:** Jenette Hicks

**Telephone:** 01524 582732

**E-mail:** [jhicks@lancaster.gov.uk](mailto:jhicks@lancaster.gov.uk)

**Ref:** JH