

**Minutes of a meeting of the
Adur Licensing Committee
9 September 2024
at 7.00 pm**

Councillor Carol O'Neal (Chair)
Councillor Robina Baine (Vice-Chair)

*Councillor Carson Albury
Councillor Tony Bellasis
Councillor Jude Harvey
Councillor Pauline Higgins
*Councillor Nigel Jenner

Councillor Adrienne Lowe
*Councillor Paul Mansfield
Councillor Gerry Thompson
Councillor Julia Watts

***Absent**

ADC - LC/1/24-25 Declaration of Interests / Substitute Members

Councillor Nigel Sweet substituted for Councillor Nigel Jenner.

There were no declarations of interest.

ADC - LC/2/24-25 Public Question Time

There were no questions from the public.

ADC - LC/3/24-25 Members Questions

There were no questions from Members.

ADC - LC/4/24-25 Minutes

Resolved: that the minutes of the Licensing Committee meeting held on **11 March 2024** and the Sub-Committees meetings held on **26 February, 29 April** and **14 August 2024** be approved as the correct record.

ADC - LC/5/24-25 Items Raised Under Urgency Provisions

There were no urgent items.

ADC - LC/6/24-25 Levelling Up & Regeneration Act 2023 - Schedule 22: Pavement Licensing

The Officer presented the report explaining that there was an error within the report and at paragraph 3.8 on page 6 that referred to 'street trading applications', it should read 'pavement licence applications'.

The Council had been issuing temporary pavement licences to allow removable outside seating since the Covid19 pandemic to assist local hospitality businesses. There was now a new act that made it a permanent arrangement and the government had charged local authorities with putting this in place. The Officer confirmed that the fees charged would not aim to raise surplus revenue and that yearly licences would be issued initially so that the fees could be reduced if necessary. After one year a time and motion study would be undertaken to ensure the fees were correct and he clarified that the government had also capped the fees. He explained that the proposed fees were also significantly less than those charged by the County Council for fixed tables and chairs outside premises.

With regards to the tiered fee system, Members queried what was classed as a small business and the officer explained that any more than two outside tables was considered a large business and so would be subject to the higher fee. Members asked if the fees could have a more graduated scale as they felt that small businesses may struggle to pay the fees. The Officer explained that the fees system had been prescribed by the government and, at least initially, were mandatory. He also clarified for Members that those businesses that currently held pavement licences would be treated as renewals and so would not be subject to the First Annual Fee.

The Committee asked the Officer how those businesses who had removable tables and chairs on the pavement, but had not yet applied for a licence, would be informed of the change. The Officer explained that environmental and licensing officers would be out and about across Adur and would approach these businesses and ensure they applied for a licence.

During debate members concurred that it would be better to have more tiers of fees to avoid the smaller businesses struggling to pay the fees and would welcome this change if it became an option going forward. Members were concerned that heaters had been included in the list of permitted furniture under the pavement licences. This raised concerns among Committee Members who considered that as Adur District Council had declared a climate emergency in 2019 and had therefore committed to reducing its carbon footprint the heaters should not be included. The Officer agreed that he would seek legal advice on removing the word 'heaters' from the list of permitted furniture and report back to the Committee regarding this.

There was a proposal to accept the Officers recommendation, subject to seeking legal advice regarding the heater aspect. This was seconded and voted in favour of unanimously.

Decision -

The Licensing Committee considered the pavement licensing provisions of the Levelling Up & Regeneration Act 2023 - Schedule 22 and considered the implications for A&W Councils. Members considered and commented on the attached draft statement of Pavement Licensing Policy and approved the adoption of the draft policy, with the amendment removing the word 'heater', subject to legal advice, and the proposed Pavement Licence fee structure.

The meeting ended at 8.05 pm

Chair