

# TANDRIDGE DISTRICT COUNCIL

## LICENSING COMMITTEE

Minutes and report to Council of the meeting of the Committee held in the Council Chamber, Council Offices, Station Road East, Oxted on the 2 October 2024 at 7:30pm.

**PRESENT:** Councillors Colin White (Chair), Shiner (Vice-Chair), Allen, Crane, Gaffney, Killick, Patel, Smith and Gray (Substitute) (In place of Chotai)

**PRESENT (Virtually):** Councillors Steeds and Mark (Substitute) (In place of Sharma)

**ALSO PRESENT:** Councillors Cline

**APOLOGIES FOR ABSENCE:** Councillors Chotai and Sharma

### 131. DECLARATIONS OF INTEREST

The Chair declared a non-pecuniary interest in agenda item 5 (minute 133) on the basis that he was the treasurer of South Godstone Sports Association, which held an alcohol licence.

### 132. MINUTES OF THE MEETING HELD ON THE 23RD MAY 2024

The minutes were confirmed and signed as a correct record.

### 133. DURATION OF A PAVEMENT LICENCE

The Council was responsible for granting or refusing permission to businesses in respect of the placement of furniture such as tables and chairs on the highway (including footpaths and pavements). This had been a temporary scheme but under the Levelling Up and Regeneration Act 2023, it was made permanent.

Under the permanent scheme, each licensing authority was able to determine the duration of a pavement licence up to a maximum of two years. The report recommended a two year duration was set. An urgent decision would be made in accordance with Standing Order 35 to set the new application and renewal application fees.

Members asked a number of clarifying questions and Officers confirmed that:

- all applications for licences would be assessed on their individual merit. Businesses were required to provide an area for smoking and non-smoking by law, but it was possible to attach specific conditions to ensure a non-smoking area was provided if, for example, the submitted plan did not leave sufficient gap between the two areas.
- an application could only be considered a renewal application if the premises held an existing licence. There was no right of appeal against a decision in relation to pavement licences set out in the legislation or guidance, but Officers were considering potential options for an informal route.
- in addition to a pavement licence, an alcohol licence would be required for businesses wishing to serve alcohol on the pavement. A public space protection order would not be in effect in the specific area covering the pavement licence. Businesses would have a

fire risk assessment, which was a separate process from applying for a pavement licence.

- communication lines between partner organisations were strong. Reports of furniture left on the pavement overnight could come from the Police or members of the public. Councillors were encouraged to report issues they were aware of directly to the Licensing team.

**RESOLVED** – that:

- A. The contents of the report, The Levelling Up Act 2023 (LURA2023) and the revised Guidance issued by the Department for Levelling Up, Housing & Communities (DLUHC) issued on 2nd April 2024 are noted.
- B. Officers be authorised to make amendments to the standard licence conditions in Appendix B to the report to reflect the legislative changes required and apply a duration of two years for pavement licences.
- C. It be noted that when reviewing pavement licence applications Officers will ensure that businesses make reasonable provision for non-smokers to use outdoor seating space and that smoking and non-smoking areas are adequately separated.

### **134. GAMBLING ACT 2005 – REVISION OF STATEMENT OF PRINCIPLES 2025-2028**

The Council was required by the Gambling Act 2005 to publish a Statement of Principles setting out how it proposed to exercise its functions under the Act. The existing Statement of Principles had been published on 28th January 2019. The Authority was required to review this policy statement, consult on any proposed changes and adopt a new policy every three years.

Officers explained that the current Statement had worked well and no amendments were proposed, apart from the updating of statistical information on population and relevant facts and figures. Consultation had taken place in August 2024 with statutory bodies and members of the trade. No comments had been received.

It was noted that a review of the Gambling Act 2005 was being undertaken and a White Paper was going through Parliament. Due to the extent of the changes expected as a result, it was expected that a further full review would be required in the next 12 to 18 months.

Councillor Gaffney, seconded by Councillor Allen, proposed an amendment to the recommendation as follows:

*That the Committee consider the report and approve the Draft Statement of Principles and, subject to the Chair and Vice-Chair of the Committee agreeing changes to chapter 2, recommend to Council the reaffirmation of the Council's Statement of Principles for Gambling.*

Upon being put to the vote, the amendment was agreed.

**RESOLVED** that –

- A. The report be considered and the Draft Statement of Principles, appendix A to the report, be approved.

**COUNCIL DECISION**  
(subject to ratification by Council)

**RECOMMENDED** – that:

- B. subject to the Chair and Vice-Chair of the Committee agreeing changes to chapter 2, the Council's Statement of Principles for Gambling are reaffirmed. (*The final version is attached at appendix A to these minutes.*)

Rising 8.18 pm