

Licensing & Regulatory Committee

26 April 2021

Report of the Director – Environment, Transport and Planning

Licensed Premises Reopening

Summary

1. This report is to update Members on the work undertaken by the Council and partner agencies with regards to licensed premises reopening.

Recommendations

2. There are no recommendations arising from the report as it is for information only.

Background

3. In February 2021 the government announced a roadmap to the lifting of coronavirus restrictions. This roadmap introduced a stepped approach, there are 4 Steps.
4. Step 1 was implemented on 8 and 29 March, with schools and colleges reopening, 6 people or two households been able to meet up outdoors and outdoor leisure facilities been allowed to reopen.
5. Step 2 was implemented from 12 April, with non-essential retail, indoor leisure facilities, and outdoor hospitality allowed to reopen.
6. As Step 2 allowed outdoor hospitality to reopen relevant section within the Council (Public Protection, Licensing, Highways, Public Health, Regeneration, and Community Safety) met with partner agencies (North Yorkshire Police, the BID and Make it York) to discuss outside drinking areas for licensed premises, pavement cafes, provision of additional outdoor seating areas, the pedestrian zone, litter, toilets and other relevant matters which may impact the city centre. Similar meetings took place prior to the lifting of the first lockdown restrictions in July 2020.

7. Following these meetings it was agreed that additional seating would be provided by the BID and Make it York. This seating has been provided on Parliament Street and College Green, with more benches to be made available around the city centre in the future. This seating allows people who have purchased drink or food as an off sale/takeaway somewhere to sit and consume rather than loiter in unsuitable places. Additional toilets have also been placed on Parliament Street.
8. The provisions within the Business and Planning Act 2020 are still in place. The provisions with regards to the off sale of alcohol are in place until 30 September 2021. These provisions allow premises authorised to sell/supply alcohol on the premises only to also sell/supply alcohol as an off sale, and remove any restrictions that may be in place on a premises licence with regards to the off sale of alcohol, for example if a premises licence has a condition that 'off sales can only be supplied in a sealed container', this condition does not currently apply. At this time the provisions relating to off sales in the Act have not been extended.
9. Provisions in the Business and Planning Act also relate to the licensing of pavement cafes, simplifying the process and removing the need to have planning permission. Pavement café licence applications are processed and issued by the Councils Highways Regulation Team. The area and hours of the pedestrian zone in the city centre have been increased to allow more premises to benefit from having pavement cafes. The provisions relating to pavement café licences in the Act has recently been extended until the end of March 2022.
10. Public Protection, Licensing and North Yorkshire Police Officers have been meeting regularly to discuss any issues relating to licensed premises, and taken a partnership approach to enforcement. Since the 23 March 2020, 6 fixed penalty notices have been served on 4 licensed premises for breaches of the Coronavirus Regulations. In some case to prevent further legal action being taken, premises licence holders have also voluntarily removed designated premises supervisors (DPS) that were responsible for these premises when the breaches took place.
11. Public Protection, Licensing and North Yorkshire Police Officers wrote to all licensed premises prior to reopening after the first and third lockdowns, providing guidance on the Regulations and the restrictions that remained in place. Joint visits were also carried out by officers to engage with the licence trade once premises reopened. Our Officers were part of a joint operation with the police in the run up to Christmas

in which over 160 tickets were issued to people breaching the restrictions (including people travelling from tier 3 areas to visit pubs etc. in the city).

12. As infections rates rose again in the autumn, enforcement funding was received by the Council from the government, this funding allowed Public Protection to employ a team of six Covid Support Marshalls, to engage/interact with people and businesses. The Marshalls started work at the beginning of December, working shifts from Monday – Sunday. The Marshalls have interacted with 861 businesses, 1576 groups of people, they have also given 178 people PPE (face coverings or sanitiser) and picked up 1463 discarded face coverings. 98.9% of customers have been ‘happy’ with the service provided by the Marshalls. Due to the success of the Marshalls the Council are hoping that additional funding will allow them to operate until the end of December 2021.
13. It has not always been easy to offer advice and guidance to businesses, as there has always been a delay between the government announcements regarding lifting lockdowns and/or easing restrictions, and approval/publications of Regulations and associated guidance. Since the first lockdown on 23 March 2020 Public Protection and Licensing Officers have dealt with 1569 complaints and enquiries related to Coronavirus matters, from which 511 businesses have been advised.
14. Step 3 will be implemented no earlier than 17 May. This Step will see indoor hospitality and entertainment, and indoor and outdoor events being allowed to reopen. Once the Regulations and associated guidance is published, if required further engagement will take place with licensed premises and event organisers.
15. Step 4 will be implemented no earlier than 21 June. This Step will see remaining businesses, such as nightclubs, being allowed to reopen.
16. All Steps are subject to review.
17. As the lockdown lifts we are expecting some issues of ASB, partly because this occurs during normal times and also because people have been restricted for so long. In anticipation the Council is part of a multiagency response to assess what is happening across the authority area. Teams from across the Council meet the police on a daily basis

to understand emerging issues but also to agree how to deploy council and partner resources to tackle issues that emerge.

Consultation

18. There is no consultation associated with this report as it is for information only.

Options

19. There are no options associated with this report as it is for information only.

Council Priorities

20. The licensing functions undertaken by the council are statutory, supporting new and existing businesses, as well as local resident and visitors through these functions supports the Council's Plan of a good quality of life for everyone.

Implications

21. The direct implications arising from this report are:
 - (a) **Financial** – There are no financial implications.
 - (b) **Human Resources (HR)** - There are no HR implications.
 - (c) **Equalities** – There are no equalities implications.
 - (d) **Legal** – There are no legal implications.
 - (e) **Crime and Disorder** – There are no crime and disorder implications.
 - (f) **Information Technology (IT)** - There are no IT implications.
 - (g) **Property** - There are no property implications.
 - (h) **Other** - There are no other implications.

Risk Management

22. There are no known risks associated with this report.

Contact Details

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**Report
Approved**



Date 15/04/21

Specialist Implications Officer(s)

Wards Affected:

All ✓

For further information please contact the author of the report

Background papers

None