

**LICENSING COMMITTEE**  
**2 SEPTEMBER 2021**

**REVIEW OF PAVEMENT LICENCES IN NEWARK**

**1.0 Purpose of Report**

- 1.1 To update Members on the current law with regard to Pavement Licences and the uptake within Newark & Sherwood.

**2.0 Background**

- 2.1 Last year the Business & Planning Act 2020 was enacted to support business with arrangements to trade effectively during the controls imposed as part of the combatting of the coronavirus.
- 2.2 The Act included provision for a new legal framework for issuing pavement licences, which enabled food and drink businesses to put removable furniture on the pavement adjacent to their premises in order to sell or serve food and drink, or for people to sit at to consume food and drink. The framework was designed to complement the existing framework for pavement licensing set out in the Highways Act 1980.
- 2.4 It should be remembered that the new regime did not replace that already in existence and premises are still able to apply to the county council for a licence under the old but still extant scheme.
- 2.3 Members will recall that a charging regime and standard conditions were agreed so as to allow applications to be made.
- 2.4 Initially the provisions relating to the new powers for pavement licences were only to be in existence until September 2021. However, this has recently been extended by the government for a further 12 months to September 2022.

**3.0 The Local Picture**

- 3.1 Since the introduction of the Business & Planning Act 2020 the authority has received six applications. Three of these were for premises in Newark, one for premises in Ollerton and two for premises in Blidworth
- 3.2 One of the applications for Newark was found to be invalid as the land being proposed for the seating area was in private ownership and therefore did not fall within the remit of the legislation. The second application for Newark was refused based on comments received from the Highway Authority and the third was returned as the application was not duly made.
- 3.3 The applications for premises in Ollerton and Blidworth were granted.

3.4 Under the provisions of the Business & Planning Act 2020 it is not an offence to trade on the pavement without a licence which does mean that there can be no formal enforcement of none licence holders. When the Licensing Team are made aware of premises trading in an outdoor area on land on which a licence would be required every effort is made to ensure a licence application is submitted.

#### **4.0 RECOMMENDATION**

**That Members note the impacts of the Business & Planning Act 2020 with regard to pavement licences.**

#### Background Papers

Highways Act 1980

For further information please contact Alan Batty on 01636 6554675467

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