

Report to: General Purposes Committee Meeting – 22 September 2022

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Report Summary	
Report Title	Update on Pavement Licences and Review of Fees
Purpose of Report	To set out the current position with regard Pavement Licences issued under the Business and Planning Act and to review the current fees of these licences.
Recommendations	<p>That Members:</p> <p>a) note the temporary extension of the pavement licence regime until 30 September 2023.</p> <p>b) further note the Government’s policy proposal that the regime will become permanent subject to parliamentary approval; and</p> <p>c) Members agree that the fee remains unchanged.</p>
Reason for Recommendations	To ensure Members are aware of the latest position in relation to the pavement licence regime.

1.0 Background

1.1 In 2020 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. 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.

1.2 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.

1.3 When the regime was first initiated a set of conditions was agreed. They are attached as **Appendix 1**.

- 1.4 Initially the provisions relating to the new powers for pavement licences were only to be in existence until September 2021. These were extended in 2021 by the Government for a further 12 months to September 2022.
- 1.5 In July 2022 the Business & Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2022 were enacted and the regulations extend temporary pavement licence provisions to 30 September 2023. All current pavement licences will expire on 30 September 2022. There is no official renewal process within the regulations so new applications will be required to be submitted.
- 1.6 There are currently 3 pavement licenses being used in the Newark & Sherwood district.
- 1.7 The current fee for a licence is £50 for a new application and £25.00 for a subsequent application for the same premises.
- 1.8 Following the Queen’s Speech announced earlier this year, the Government has made a commitment to make the provision of pavement licences, in England and Wales, under the Business & Planning Act permanent.
- 1.9 The Levelling Up & Regeneration Bill sets out the framework for the new regime. The key points are:
 - Two-year licences
 - Application fee of £500 for new applications
 - Renewal fee of £350
 - Increased enforcement powers
 - Removal of the dual licensing system

2.0 Proposal/Options Considered and Reasons for Recommendation

- 2.1 As Members can see from the figures set out in paragraph 1.6, the number of pavement licenses issued by the district council is low. The major drawback with the current regime is that there are no powers that the district council can use to enforce the requirement to have a valid licence.
- 2.2 The licence fees currently charged are set out in paragraph 1.7. The cost-of-living crisis is not only impacting on households but on local businesses as well. In view of this and the likelihood of a new regime being introduced in the not-too-distant future it is proposed that no changes are made to the current fees.
- 2.3 Therefore it is proposed that the fees for Pavement licences are set at

New licence application	£50
Renewal of licence	£25
- 2.4 It is also proposed that there are no amendments made to the conditions attached to a licence. These are attached as **Appendix 1**.
- 2.5 The Pavement Licence regime will support the following Community Plan objective.

Reduce crime and anti-social behaviour and increase feelings of safety in our communities: The proposed control will provide an enforcement tool to control drink related ASB.

3.0 Implications

3.1 In writing this report and in putting forward recommendations, officers have considered a range of potential implications.

Financial Implications – Under the current temporary regime the income from pavement licenses is not considered significant. When the new permanent regime is enacted the implications on the budget will be reviewed.

Background Papers and Published Documents

Business & Planning Act 2020
Levelling Up & Regeneration Bill