

Report to: General Purposes Committee: 20 March 2025

Director Lead: Matthew Finch

Lead Officer: Damian Wilkins, Environmental Health & Licensing Manager

Report Summary	
Report Title	Adoption of a Permanent Pavement Licence Scheme
Purpose of Report	To approve the adoption of the permanent scheme to replace the temporary scheme. To approve the fees for Pavement Licences. To delegate functions to officer level.
Recommendations	It is recommended that the General Purposes Committee: <ul style="list-style-type: none"> a) approve that the permanent Pavement Licence Scheme replace the temporary scheme; b) approve the proposed fees for Pavement Licences; and c) approve delegated authority be given to the Business Manager – Public Protection to determine applications, as with the Temporary Scheme.
Reason for Recommendation	The Licensing Authority has delivered the Temporary Pavement Licence Scheme since its introduction. Amendments to the Business & Planning Act 2020, made by the Levelling Up & Regeneration Act 2023, have introduced a Permanent Pavement Licensing Scheme to replace the temporary scheme. We need to introduce a permanent scheme to ensure that the Council is able to continue to provide this service and regulate pavement licences within the District.

1.0 Background

1.1 The Business & Planning Act 2020 delegated the issue, administration and enforcement of Temporary Pavement Licences to Newark & Sherwood District Council. The Temporary Pavement Licence scheme was adopted at a meeting of the Licensing Committee on 3 September 2020 – as detailed in **Appendix One** to this report. A copy of the Minutes of the Licensing Committee decision is attached at **Appendix Two**.

1.2 A Pavement Licence permits a pub, bar, restaurant, café, snack bar, coffee shop, or ice cream parlour to place street furniture in an approved location on the highway (defined as generally being footpaths restricted to pedestrians or roads and places to which vehicular access is restricted or prohibited).

- 1.3 Such a designated area is solely to provide for the serving and consumption of food and drink outdoors at such establishments, in order to continue to promote public safety and to give a boost to the hospitality sector. It also hopes to boost the vibrancy of localities by creating a “vibrant alfresco experience for all”.
- 1.4 The maximum fee permitted for a Temporary Pavement Licence was £100.00, however, the Council opted to charge a fee of £50 and a renewal fee of £25.
- 1.5 Under this temporary scheme, several applications were received between 2020 and 2023, some of which were granted following consultation. Officers have reviewed the applications that have previously been granted and these have all expired.
- 1.6 With effect from 31st March 2024, the Levelling Up & Regeneration Act 2023 made amendments to the provisions of the Business & Planning Act 2020, to make the Temporary Scheme, a Permanent Scheme.
- 1.7 Under the Permanent Scheme, individuals now have a legal right to make the application and if the Council does not determine such an application, the applicant will automatically get their licence. Therefore, if the Council does not replace the Temporary Scheme with the Permanent Scheme, licences will be deemed granted.
- 1.8 There are only a few changes between what was in place under the Temporary scheme and what is required under the Permanent Scheme, namely:
 - The 7 day consultation period for applications increases to 14 days;
 - The 7 day period to hold a Hearing following the close of consultation for contentious applications increases to 14 days;
 - The Council can set fees for such licences (subject to new maximum permitted levels);
 - Licences can be issued for a maximum period of 2 years, or less; and
 - The Council is provided with the powers to enforce designated Pavement Licence areas.
- 1.9 The standard conditions, application form, and site notice devised by the Licensing Team and used by all of the Nottinghamshire Councils have been amended to be taken forward under the Permanent Scheme, simply by removing the word “Temporary”, and offering licences for the duration of 12 months or 24 months.
- 1.10 Licences to be issued for a shorter period than 12 months would be at the discretion of the Chair of the General Purposes Sub Committee for a contentious application.
- 1.11 Officers have calculated the costs for new licences and renewal applications for 1 year and 2 year periods, in **Appendix Three**, and the proposed fees are:
 - New Licence (1 Year): £100
 - New Licence (2 Years): £150
 - Renewal Licence (1 Year): £75
 - Renewal Licence (2 Years): £125

1.12 The authority to determine temporary licence applications was delegated to the Public Protection Business Manager (Appendix 1 of the 2020 Committee Report) and it is proposed that decision making in respect of the permanent scheme remains the same.

2.0 Proposal/Options Considered

2.1 This Committee may not approve the scheme or fees. This would mean that the Council would not be able to determine applications and/or would not be able to recover the costs to the Council of determining applications for permanent licences.

3.0 Implications

In writing this report and in putting forward recommendations, officers have considered the following implications: Data Protection; Digital & Cyber Security; Equality & Diversity; Financial; Human Resources; Human Rights; Legal; Safeguarding & Sustainability and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

3.1 Data Protection

Accepting the recommendations will not increase the volume of data held by the Council. The data will be held and processed in accordance with the data protection principles contained in Schedule 1 to the Data Protection Act 1998.

3.2 Financial Implications FIN24-25/9223

These proposals will ensure that costs are recovered. Under the Localism Act we are allowed to charge for the cost of the service. The money received will only be used to cover the existing costs for this activity. An annual review will be completed by the Public Protection Business Manager and Finance to ensure the cost recovery of the service is calculated only to cover the services completed, and to ensure officer time and costs are reviewed.

In the short term these charges will only generate a very modest income given the number of applications that the Licensing team are currently asked to undertake.

3.3 Legal Implications

With effect from 31 March 2024, the Levelling Up & Regeneration Act 2023 made amendments to the provisions of the Business & Planning Act 2020, to make the Temporary Scheme become a Permanent Scheme. Under the Permanent Scheme, individuals now have a legal right to make the application and if the Council does not determine such an application, the applicant will automatically receive their licence.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

[Pavement Licences-Guidance](#)