



AGENDA ITEM: 5

Report for:	Licensing and Health & Safety Enforcement Committee
Date of meeting:	28 May 2024
PART:	I

Title of report:	Pavement Licensing – new arrangements
Contact:	Sally McDonald – Licensing Manager, Legal and Democratic Services
Purpose of report:	<ol style="list-style-type: none"> 1. To inform Members of new arrangements for dealing with pavement licence applications following legislative changes, and to agree the revised fees for grant applications and renewals. 2. To seek authorisation for the draft pavement licence policy to go forward for consultation.
Recommendations	<ol style="list-style-type: none"> 1. That the new arrangements are noted. 2. That revised grant and renewal licence fees to cover administration of the new regime are agreed. 3. That the draft pavement licence policy is presented for consultation, with responses being presented to a future Committee meeting.
Corporate objectives:	<p>Safe and Clean Environment</p> <ul style="list-style-type: none"> • Maintain a clean and safe environment
Implications:	<p><u>Financial:</u> Under the new arrangements Councils will have discretion to set their own fees up to a cap of £500 for new applications, and £350 for renewals which will enable fees to be calculated on a cost recovery basis going forward.</p> <p><u>Community Impact:</u> Correct licensing provisions will enable businesses to continue to provide furniture outside their premises, encouraging customers to visit, and enhancing the vibrancy of town and village centres.</p>
Consultees:	

Background papers:	Business and Planning Act 2020, Levelling Up and Regeneration Act 2023 Pavement Licensing Statutory guidance April 2024
Glossary of acronyms and any other abbreviations used in this report:	N/A

1. BACKGROUND

- 1.1. The Business and Planning Act 2020 originally obtained Royal Assent in July 2020, at the time introducing a number of powers and requirements on local authorities with the aim of supporting local businesses and helping economic recovery during the easing of restrictions put in place by Government to address the Coronavirus pandemic during the earlier part of 2020. At the time, these arrangements were put in place as a temporary measure, ending on 30th September 2021 – this was subsequently extended to September 2022, 2023 and finally 2024.
- 1.2. Permission to place tables and chairs on the highway outside premises for the purpose of consuming food and drink purchased at that premises, was, prior to 2020, administered and enforced by the County Council.
- 1.3. The original arrangements were ‘fast track’ with a two-week application period – consultation was for a period of seven consecutive days, during which time a site visit had to be carried out to check the notice and to ensure the safe positioning of the furniture and safe access for pedestrians, followed by a further seven days in which a decision had to be made if objections had been received. Licences were by law only granted for one year at a time. The fee chargeable was capped at a maximum level of £100 for both grant and renewal applications.

2. NEW ARRANGEMENTS

- 2.1. The Levelling Up and Regeneration bill obtained Royal Assent on 26th October 2023, with schedule 22 of the new Act making permanent the previously temporary arrangements and introducing a number of amendments to the Business and Planning Act as follows:
 - a longer consultation period for applications of 14 days;
 - a longer determination period of 14 days;
 - to enable the local authority to set its own fees up to a cap of £500 for new applications and £350 for renewals;
 - to give the local authority new powers to take enforcement action where breaches of licence occur (previously a County Council function) including the physical removal of tables and chairs where unauthorised activity is taking place.
- 2.2. These new permanent arrangements came into force on 31st March 2024.

3. FEES

- 3.1. As advised at the meeting of the Committee on 12th September 2023, the existing maximum fee permitted under the temporary arrangements was £100 for a one year licence, although this did not cover the cost of the process for determining each

licence. We have therefore examined the amount of time taken to administer the applications, and have calculated the estimated fee levels with the aim of recovering the cost to the service to 31 March 2025 as follows:

- Application for grant of pavement licence: £390.00
- Application for renewal of pavement licence: £195.00

3.2. In calculating the new fees, we have taken into account case law, legislative requirements and statutory guidance to ensure that fees are reasonable and proportionate, must not exceed the cost of considering and determining a licence application, and can ensure compliance of any licence granted.

4. DRAFT PAVEMENT LICENSING POLICY

4.1. We have drafted a policy to cover the new arrangements, and this is set out in Annex A of the Committee report.

4.2. It is intended to consult for a period of six weeks, during which time stakeholders will be directly consulted, and the draft policy will be published on the Dacorum Borough Council website with responses invited. The outcome of consultation, and proposals for the final document will be presented to the Sub-Committee in July.

5. RECOMMENDATIONS

5.1. To note the new arrangements for pavement licensing.

5.2. To agree revised fees as set out in paragraph 3.1 for the remainder of the 2024-25 financial year.

5.3. To authorise the commencement of consultation on the draft Pavement Licensing Policy, with the outcome and responses received being presented to the July meeting of the Licensing and Health and Safety Enforcement Committee.