



## AGENDA ITEM: 5

Report for:	Licensing and Health & Safety Enforcement Committee
Date of meeting:	12 September 2023
PART:	I
If Part II, reason:	N/A

Title of report:	<b>Arrangements for pavement licensing 2023-24</b>
Contact:	Sally Mcdonald, Lead Licensing Officer, Legal & Democratic Services
Purpose of report:	To advise the Committee on the current position for pavement licensing due to the delayed implementation of new legislation.
Recommendations	Following the publication of amendments to the current legislation, that the Committee agree that the existing administrative and fee arrangements for pavement licences continue as they are until 30 September 2024.
Corporate objectives:	<ul style="list-style-type: none"> <li>• A clean, safe and enjoyable environment;</li> <li>• Building strong and vibrant communities;</li> <li>• Ensuring economic growth and prosperity; and</li> <li>• Delivering an efficient and modern council.</li> </ul>
Implications:	<p>Financial: Current maximum fee permitted is £100 for a one year licence, although this does not cover the cost of the process for determining each licence, the work is currently covered within existing staff resources.</p> <p>Value For Money: Maintaining existing arrangements continues to be the best value for money approach.</p> <p>Community Impact: 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:	None
Legislation:	Business and Planning Act 2020, Business and Planning Act 2020 (Pavement licences)(Coronavirus)(Amendment) Regulations 2023
Glossary of acronyms and any other abbreviations used in this report:	N/A

## 1. BACKGROUND

- 1.1. The Business and Planning Act 2020 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 pandemic during the earlier part of 2020. At the time, these arrangements were put in place as a temporary measure, ending on 30<sup>th</sup> September 2021 – this was subsequently extended to September 2022, then September 2023.
- 1.2. As part of the new regulations, the responsibility for administration of pavement licences was passed over to local authorities from Hertfordshire County Council – they currently retain responsibility for enforcement.
- 1.3. The key requirements of pavement licensing are as follows:
- Any business selling and/or serving food or drink may apply for a pavement licence to have tables and chairs and other street furniture such as patio heaters placed on the highway adjacent to their premises for the benefit of their customers – if the land is not a highway and is privately owned land separate consent of the landowner is required.
  - Licences will be considered granted unless the Council rejects them within a set statutory period.
  - The Council currently has 14 days to determine an application, with half of that forming a public consultation, and the other half being the time permitted for the consultations received to be considered and a decision made.
  - A maximum fee of £100 can be charged for applications.
  - Licences are applied for annually and can last for a maximum of the full period that the legislation will have effect, currently 30<sup>th</sup> September 2023.

## 2. FORTHCOMING CHANGES

- 2.1. Pavement licensing has been included in the provisions of the Levelling up and Regeneration Bill, which, at the time of writing this report, is with the House of Lords. It was believed that the bill would have been enacted by 30<sup>th</sup> September 2023, but given the short time before the September 2023 deadline, we now know this is not going to be the case.
- 2.2. An amendment to the original legislation, the Business and Planning Act 2020 (Pavement licences) (Coronavirus)(Amendment) Regulations 2023, were published with a commencement date of 10<sup>th</sup> August 2023. These effectively amend the current September 2023 end date for the existing arrangements to 30<sup>th</sup> September 2024.

2.3. All existing Licence holders have been contacted to advise them that they will need to apply to renew in the same way as in previous years in order to maintain their permissions to place furniture on the highway outside their premises.

### **3. FUTURE ARRANGEMENTS**

3.1. When the Levelling Up and Regeneration Bill has been enacted, a further report will be presented to this Committee, to advise them of the new arrangements and seek authorisation for a potentially different fee structure.