

Report of	Meeting	Date
Director of Planning and Development (Introduced by Cabinet Member (Planning, Business Support and Regeneration))	Council	Wednesday, 21 September 2022

Extension to Cafe Pavement Licences

Is this report confidential?	No
------------------------------	----

Is this decision key?	Not applicable
-----------------------	----------------

Purpose of the Report

1. To seek approval to extend the current Café pavement licensing scheme until 30th September 2023 in line with The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2022.

Recommendations to Council

2. To note the changes to the Business & Planning Act 2020 introduced by The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2022.
3. To agree to extend the proposed duration of granting of pavement licences until 30th September 2023 as per The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2022.
4. To confirm the level of fee charged in respect of applications for pavement licences issued under the Business & Planning Act 2020.
5. To extend the delegated authority given to Officers.

Reasons for recommendations

6. It is a statutory requirement to extend the current Café Pavement Licensing Scheme until 30th September 2023 in line with The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2022.

Other options considered and rejected

7. There are no other options available. It is a statutory requirement to extend the current Café Pavement Licensing Scheme until 30th September 2023.

Corporate priorities

8. The report relates to the following corporate priorities:

An exemplary council	Thriving communities
A fair local economy that works for everyone	Good homes, green spaces, healthy places

Background to the report

9. The Covid-19 pandemic has affected businesses across the economy causing many to cease trading for several months while others have had to significantly modify their operations.
10. The Business and Planning Act 2020 obtained Royal Assent on 22 July 2020. The Act introduced several powers and requirements on local authorities that affect how they deal with a variety of issues, with the aim of supporting local businesses and helping economic recovery as the COVID-19 restrictions put in place by Government continue to be eased.
11. The Act introduced a temporary fast-track process for these businesses to obtain permission, in the form of a "pavement licence", from the Local Authority for the placement of furniture such as tables and chairs on the pavement outside their premise which will enable them to maximize their capacity whilst adhering to social distancing guidelines.
12. Any business selling and/or serving food or drink may apply for a pavement licence to have tables and chairs and other street furniture placed on the highway adjacent to their premises for the benefit of their customers.
13. The new powers are temporary, and were originally placed until 30 September 2021, however, The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2021, extended the temporary outdoor furniture provision until 30th September 2022.
14. This has now been extended for a further year until 30th September 2023.
15. Under the Business and Planning Act 2020, pavement licences are currently handled by the Licensing Authority, as an alternative to the previous regime which was the responsibility of the Highways Authority.
16. Due to the Covid 19 pandemic, an urgent decision was made in July 2021 under Standing Order 35 of the council's constitution, to adopt a Pavement Licensing Policy by virtue of the Business and Planning Act 2020.

Licensing & Public Safety Committee 06/09/2022

17. On 06/09/2022 a report was taken to the Licensing & Public Safety Committee, with a proposal asking members to agree to extend the pavement café licensing regime for another 12 months in line with the legislation.
18. At the meeting member unanimously voted to approve the report and as a result this report is before of members of the council for final approval.

Recommended approach

19. As the pavement licence regime was originally time limited to run through to 30th September 2021, all licences issued under the scheme where to expire on this date.
20. An amendment was then made to extend until 30th September 2022. However, the new regime allows us to extend this further 12 months, to the 30th September 2023.
21. As such, if these premises wish to maintain their outside areas currently covered by a licence, they will need to re-apply.
22. As the application process is designed to be as burden free and expedited as possible, this should not cause any delay in re-issuing licences to premises and not be subject to a lengthy process.
23. The legislation does enable the Council to issue a pavement licence for a shorter duration than the length of the scheme, however guidance issued by the Local Government Association indicates that the Council should only consider issuing for a shorter duration than the length of the scheme where there is reasonable reason to do so e.g. where the application is linked to a time limited road closure.
24. In 2020 and 2021 the fee for pavement licences was set to £100. It is recommended that Council confirms to retain the same fee of £100 for each new pavement licence in line with the maximum amount specified by Government.
25. The Policy and application form have been updated to reflect the extension of Pavement Licences until the 30th September 2023 and can be found at Appendix 1 and 2 respectively.
26. The policy seeks to extend authority to delegate decisions to officers in the following way;

Function		Decision Delegated to
Grant of Pavement Licence	Where, during the public consultation period, no representations have been received.	Licensing Officers.
	Where, during the public consultation period, representations have been received.	Licensing Manager with Chair/Vice Chair of Licensing/Portfolio holder

Revocation of Pavement Licence	In line with Paragraph 5 of the Policy above	Licensing Manager with Chair/Vice Chair of Licensing/Portfolio holder
--------------------------------	--	---

27. Members are now asked to approve to extend the current Café pavement licensing scheme until 30th September 2023 in line with The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2022, adopting the policy attached to this report as appendix 1.

Climate change and air quality

28. The work noted in this report does not impact the climate change and sustainability targets of the Councils Green Agenda and all environmental considerations are in place.

Equality and diversity

29. South Ribble Borough Council is responsible for licensing of all Café Pavement Licences within the Borough.

30. This policy applies to all proprietors of Premises requiring a Café Pavement Licence regardless of gender, age, disability, religious belief, race, ethnic minority or sexual orientation. No overriding impact have been identified around the protected characteristic within the report.

Risk

31. The implementation of the Regulations and being in a position to accept and determine applications is a legal duty placed upon South Ribble Borough Council.

32. If the Council fails to implement the Regulations, it may be challenged when exercising its functions through several routes, e.g. service complaints to the Local Government and Social Care Ombudsman and judicial review. Conversely, by implementing the requirements of the Regulations, the Council is complying with its legal obligation.

Comments of the Statutory Finance Officer

33. There are no significant financial implications arising from this report, as whilst there is a charge for pavement licences, overall income is relatively low.

Comments of the Monitoring Officer

34. The legal implications have been identified within the body of the report.

Background documents

Background document 1 - Report to The [Licensing & Public Safety Committee](#) 06/09/2022

Appendices

Appendix 1 - New proposed policy wording

Appendix 2 - New application form

Report Author:	Email:	Telephone:	Date:
Chris Ward (Licensing Manager)	christopher.ward@southribble.gov.uk	01772 625330	07/09/2022