

Report of	Meeting	Date
Director of Planning and Development	Licensing and Public Safety Committee	Tuesday, 12 September 2023

### Cafe Pavement Licensing

Is this report confidential?	No
Is this decision key?	Not applicable
Savings or expenditure amounting to greater than £100,000	Significant impact on 2 or more council wards

### Purpose of the Report

1. To seek approval to extend the current Café pavement licensing scheme for a further year until 30th September 2024 in line with The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2023.

### Recommendations

2. To note the changes to the Business & Planning Act 2020 introduced by The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2023.
3. To agree to extend the proposed duration of granting of pavement licences until 30<sup>th</sup> September 2024 as per The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2023.
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 delegated authority to Officers as described at Paragraph 21 of this report.
6. If members are minded to accept the recommendations of officers, then to forward this report to the next meeting of the Council with a recommendation for formal adoption of the proposed policy.

## Reason for Recommendation

7. It is a statutory requirement to extend the current Café Pavement Licensing Scheme until 30th September 2024 in line with The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2023.

## Other options considered and rejected

8. There are no other options available.

## Corporate priorities

9. The report relates to the following corporate priorities: (Please bold one)

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

## Background to the report

10. The Business and Planning Act 2020 obtained Royal Assent on 22 July 2020.
11. 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 following the COVID-19 crisis.
12. 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 premises which will enable them to maximize their capacity whilst adhering to social distancing guidelines.
13. 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.
14. Again, as per previous years the new powers are temporary for 12 months until 30th September 2024. With the previous regulations ending on 30th September 2023.

## Recommended approach

15. Any premises with a current Café Pavement Licence issued by this authority, who wish to maintain their outside areas currently covered by a licence, will need to re-apply.
16. 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.

17. 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.
18. In 2020, the fee for pavement licences was set to £100. It has remained at this cost since.
19. 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.
20. The policy and the application form have been updated to reflect the extension of Pavement Licences for another year until the 30th September 2024 and can be found at Appendix 1 and 2, respectively.
21. 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.
Representations	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

### **Climate change and air quality**

22. 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**

23. South Ribble Borough Council is responsible for licensing of all Café Pavement Licences within the Borough
24. 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 impact assessment attached as appendix 3.

## **Risk**

25. 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.
26. 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**

27. Due to the relatively low numbers the income generated has amounted to less than £1k over three years. As such there are minimal financial implications of this report.

## **Comments of the Monitoring Officer**

28. There are no issues or concerns to raise from a Monitoring Officer perspective. The relevant legislation is referred to in the report. Essentially the Café Pavement Licensing Scheme will be extended for a further 12 months. Ultimately it will be for Full Council to make the final decision on this.

## **Background documents**

29. There are no background papers to this report.

## **Appendices**

- Appendix 1 - New proposed policy wording  
Appendix 2 - New application form  
Appendix 3 – Equalities Impact assessment

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