

Report of	Meeting	Date
Director of Planning and Development (Introduced by Cabinet Member (Finance and Public Protection))	Council	Wednesday, 20 September 2023

## Café Pavement Licence

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 until 30<sup>th</sup> September 2024 in line with The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2023.

## Recommendations to Council (delete if not applicable)

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, (£100).
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 30<sup>th</sup> September 2024 in line with The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2023.

**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 2024.

**Corporate priorities**

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

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 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 following on from the COVID-19 crisis.
- 10. 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 enables them to maximize their capacity.
- 11. 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.
- 12. 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 2022, extended the temporary outdoor furniture provision until 30th September 2023.
- 13. This has now been extended for a further year until 30th September 2024.
- 14. 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.

**Licensing & Public Safety Committee 06/09/2022**

- 15. On 12/09/2023 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 until September 2024.
- 16. 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

17. 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.
18. 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.
19. 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.
20. In 2020, the fee for pavement licences was set to £100. It has remained at this cost since.
21. 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.
22. 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.
23. 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

24. Members are now asked to formally approve the extension of the current Café pavement licensing scheme until 30<sup>th</sup> September 2024 in line with The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2023, adopting the policy attached to this report as appendix 1.

## Climate change and air quality

25. 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**

26. South Ribble Borough Council is responsible for licensing all Café Pavement Licenses within the Borough
27. 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**

28. 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.
29. 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**

30. The recommendation is to support a 12-month extension to the existing scheme.
31. The extension would result in additional income to the council as the fee is £100 per application.

### **Comments of the Monitoring Officer**

32. There are no concerns with this report from a Monitoring Officer perspective. Essentially this relates to a 12-month extension to an existing scheme. We are acting in accordance with the relevant legislation.

### **Background documents**

Background document 1 - Licensing and Public Safety Committee 12/09/2023 report  
[Cafe Pavement Licensing - Committee template.pdf \(moderngov.co.uk\)](#)

### **Appendices**

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

Report Author:	Email:	Telephone:	Date:
----------------	--------	------------	-------

Chris Ward (Licensing Manager)	christopher.ward@southribble.gov.uk	01772 625330	13/09/2023
--------------------------------	-------------------------------------	-----------------	------------

This decision will come into force and may be implemented five working days after its publication date, subject to being called in in accordance with the Council's Constitution.