



## Surrey Heath Borough Council Scheme of Delegation of Functions to Officers

### Urgent Action Form – Executive Function

Consultation by Chief Executive or Executive Head of Service or Head of Service involved with relevant Portfolio Holder or Leader of the Council and Chairman (or Vice Chairman) of the relevant Scrutiny Committee

To Councillor	Alan McClafferty
Portfolio Holder for	Leader
Proposal	<p>It is proposed to authorise the Executive Head of Community to:</p> <ol style="list-style-type: none"> <li>i. Determine applications for Pavement Licences under the Business and Planning Bill 2019-2021 when it receives Royal Assent.</li> <li>ii. Charge a fee of £100 per application to cover the cost of any administration arising from an applications for a Pavement Licence.</li> </ol> <p>This urgent action is seeking a temporary delegation until such time as the Executive can consider a full report on the matter. It is scheduled to go to the Executive for decision on 21<sup>st</sup> July 2020.</p>
Background	<p>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.</p> <p>On 25 June 2020, The Government announced relaxations to planning and licensing laws to help the hospitality industry recover from the coronavirus lockdown. The Business and Planning Bill 2019-21 (proposed to make it easier for premises serving food and drink such as bars, restaurants and pubs to seat and serve customers outdoors through temporary changes to planning procedures and alcohol licensing.</p> <p>For the hospitality industry these measures will provide some much-needed flexibility as they seek to reopen fully under social distancing requirements from 4 July 2020. The Act received its third reading in the House of Commons on 29<sup>th</sup> June 2020 and is scheduled to be heard by the House of Lords on 6<sup>th</sup> July 2020.</p> <p>Currently, permission for businesses to place tables and chairs outside their premises on the public highway is granted by Surrey County Council, in its capacity as the Highways Authority, in the form of a Pavement Licences by Surrey County Council under Part 7A of the Highways Act 1980. The fee for a Pavement Licence varies between local authorities and there is a time consuming 28 day consultation period that must be adhered to before a decision is can be made on whether or not to grant a licence.</p> <p>The Bill introduces a new, temporary, fast-track process for these</p>

	businesses to obtain permission, in the form of a “pavement licence”, from Surrey Heath Borough Council for the placement of furniture such as tables and chairs on the pavement outside their premises which will enable them to maximise their capacity whilst still adhering to social distancing guidelines. The Bill transfers authority to grant pavement licences from the Highways authority to the Borough Council and reduces the timescales for the approval of any applications to 14 days. Consequently, procedures need to be put in place to determine any applications for a Pavement Licence before a decision can be made by the Executive.
Options	A procedure needs to be put in place to administer the process in the short term until such time as an Executive decision can be made. In the short term there are no substantial alternative options although a view could be taken on the decision maker and the level of fee charged.
Risk of delaying the decision	Failing to fulfil a statutory duty and possible negative impact on local businesses.
Legal advice	The authority to make this decision is provided by paragraph 4 of section B of Part 3 of the Council’s Constitution (Responsibilities for Functions)
Resource implication	The proposed fee is in line with regulations and would be used to cover officer time.
Contact Officer for further information	Paula Barnshaw Licensing Administrator Paula.barnshaw@surreyheath.gov.uk
Decision Maker	Tim Pashen Executive Head: Community

Signed

Dated

**Name:** *Tim Pashen*

I agree with the above action proposed

Signed

Dated

**Portfolio Holder** for Leader

On behalf of the Scrutiny Committee, I agree with the above action proposed. I recognise that if this decision is taken by the appropriate officer as a matter of urgency, there will be no opportunity for the decision to be scrutinised by the Scrutiny Committee before its implementation.

Signed

Dated

**Chairman/Vice Chairman** of Performance & Finance Scrutiny Committee