

Business and Planning Act 2020: Pavement Licence Fees

Summary:

The purpose of this report is to seek permission from the Licensing Committee to allow officers to waive the discretionary pavement licence fee.

Recommendation

The Committee is asked to RESOLVE that

- (i) The discretionary licence fee of £100 for Pavement Licence applications, made under the Business and Planning Act 2020, is waived in light of the current and ongoing impact of the COVID-19 pandemic.
- (ii) To authorise the repayment of pavement licence fees to applicants where these have already been paid, to ensure a fair and consistent treatment of applicants.

1. Background

- 1.1 The Covid-19 pandemic has affected businesses across the economy causing many to cease trading for several months at a time, while others have had to significantly modify their operations.
- 1.2 The Business and Planning Act 2020(the Act) received Royal Assent on the 22nd July 2020. Part 1 of the Act, provisions relating to Pavement Licences, transferred authority to grant pavement licences from Surrey County Council in its capacity as the Highways Authority to Surrey Heath Borough Council. It also reduced the timescales for the approval of these applications.
- 1.3 These changes were introduced to make it easier for premises serving food and drink such as bars, restaurants and pubs to seat and serve customers outside, whilst at the same time complying with social distancing rules.
- 1.4 On the 29th July 2020 the Licensing Committee received details of proposed arrangements for Surrey Heath to process applications for pavement licences.
- 1.5 These arrangements were approved by the Licensing Committee and the fee for a pavement licence was set at £100. (This is the maximum fee allowed under the Act).
- 1.6 It is likely that these arrangements could come to an end in September 2021 unless extended. The Government has recently indicated its intention to introduce secondary legislation to extend these provisions for a further 12

months subject to Parliamentary approval. We will monitor this closely in the coming months and respond accordingly.

2. Current Impact of Covid-19

- 2.1 Covid -19 continues to have a major impact on businesses within the Borough. Licensed premises remain closed with the exception of a limited food takeaway offering.
- 2.2 The Government recently published a 'road map' to recovery subject to conditions. It is planned that licensed premises will be allowed to open in a phased manner no earlier than the 12th April. With outdoor space having a greater part to play in helping to make businesses financially viable.
- 2.3 In Step 2 of the Government's plans, no earlier than the 12th April- Outdoor areas at hospitality venues(cafes, restaurants, bars, pubs, social clubs, including in member's clubs) can reopen, including for takeaway alcohol. The outdoor areas are only allowed to be used by groups of 6 people or 2 households.
- 2.4 In Step 3 – no earlier than the 17th May. Indoor areas of hospitality venues will be allowed to open. They can be used by groups of 6 or two households indoors; or in a group of no more than thirty people outdoors.
- 2.5 In Step 4- no earlier than the 21st June. All remaining settings, not opened in previous steps, will be allowed to open There will be a lifting of the restrictions on social contact that apply in Step 3.
- 2.6 It is likely that a number of premises will apply for pavement licences to allow them to open in the first phase (Step 2) using the adjacent pavement where appropriate.
- 2.7 Recognising that this has been a very difficult time the Council is keen to support businesses throughout the current restrictions and the phased re-opening of the hospitality sector. As a goodwill gesture we would like to be in a position to waive the fee for pavement licences as set out in this report. We hope that this will play a small part in helping to rebuild the economy as we emerge from the current restrictions.
- 2.8 All pavement licences issued by Surrey Heath will expire on 30 September 2021. This will change if the proposed extension to these provisions is introduced.

3. Resource and Financial Implications

- 3.1 The Licensing Service is ready to proceed with applications for pavement licences as part of the wider work to be ready for the reopening of the licensed trade as lockdown restrictions are eased.

3.2 We have currently received 9 applications for pavement licences. Of these 2 have been granted, 3 have been received recently and are still within the time limits for approval. Four applications were incomplete and despite chasing, we have not received the information required as part of their application. Reimbursing the applicants will mean that we will repay a total of £900.

3.3 The costs are expected to be accommodated within the existing Licensing Services budget.

4. Recommendations

- The discretionary licence fee of £100 for Pavement Licence applications, made under the Business and Planning Act 2020, is waived in light of the current and ongoing impact of the COVID-19 pandemic.
- To authorise the repayment of pavement licence fees to applicants where these have already been paid.

Annexes	Business and Planning Act 2020- licensing implications- Licensing Committee report and minutes of – 29 th July 2020
Background Papers	Business and Planning Act 2020
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