

Surrey Heath Borough Council

Licensing Committee

30th August 2022

Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2022 Pavement Licence Fees

Strategic Director: Nick Steevens – Strategic Director of Environment & Community
Report Author: Paula Barnshaw – Senior Licensing Officer
Key Decision: No
Wards Affected: All

Summary and purpose

In July 2020 the Business and Planning Act 2020 made temporary provision for a fast-track process to allow businesses selling food or drink to obtain authorisation from the local authority for the placement of furniture such as tables and chairs, on the highway adjacent to their premises (“a pavement licence”), up until the end of September 2021 and the Licensing Committee set the maximum allowable discretionary application fee of £100. In March 2021, the Committee resolved to waive the licence fee to help support businesses during the coronavirus pandemic. The temporary pavement licence provisions were extended by the Government in July 2021 for a further year and the Committee again resolved to waive the £100 fee until the expiry of the licences on 30 September 2022

The 22nd July 2022 Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2022 have extended the pavement licence provisions for a further year to 30th September 2023, after which time it is anticipated that proposals in the Levelling Up and Regeneration Bill to make permanent the transfer of the authority to grant pavement licences from Surrey County Council to the Borough Council, will take effect.

The purpose of this report is to ask the Committee to consider whether the £100 fee should continue to be waived for applications for pavement licences which will now run from 1st October 2022 until 30th September 2023.

Recommendation

The Committee is asked to RESOLVE that the discretionary licence fee of £100 for pavement licence applications, made under the Business and Planning Act 2020, be waived until 30th September 2023 in light of the ongoing economic difficulties for the hospitality sector.

1. Background and Supporting Information

- 1.1 In response to the coronavirus pandemic, the Business and Planning Act 2020 made temporary provision for a fast-track process to allow businesses selling food or drink to obtain authorisation from the local authority for the placement of furniture such as tables and chairs on the highway adjacent to their premises (“a pavement licence”) up until the end of September 2021. On 24th March 2021 the Licensing Committee resolved to waive the £100 fee that had been set for a licence.
- 1.2 On the 20th of July 2021 the Business and Planning Act 2020 (Pavement Licence) (Coronavirus) (Amendment) Regulations 2021 extended the pavement licence provisions to 30 September 2022 and businesses were able to apply to the Council for a further year’s licence and the Committee again resolved to continue to waive the fee.
- 1.3 On the 22nd July 2022 the Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2022, extended the pavement licence provisions for a further year to 30th September 2023.
- 1.4 There are currently 16 businesses that hold pavement licences, and it is anticipated that there will be similar demand for a further one year licence.
- 1.5 When these licences expire at the end of September 2023 it is anticipated that the new proposals in the Levelling Up and Regeneration Bill will take effect, which would make permanent the transfer of pavement licensing from Surrey County Council to the Borough Council. At the July 2022 meeting the Committee were briefed on these new proposals which would enable the Council to charge a maximum application fee of £350 for premises which already hold a pavement licence, and £500 for new applicants and set a maximum duration of a pavement licence of 2 years. The Committee will receive a report at a future meeting regarding these new provisions, with recommendations as to the duration of licences and level of the licence fees when the Bill is enacted.

2. Proposal and Alternative Options

- 2.1 Option 1 - To continue to waive the £100 discretionary pavement licence fee until further review by the Licensing Committee.
- 2.2 Option 2 - To charge the £100 discretionary fee for pavement licence applications for the period from 1st October 2022 to 30 September 2023.

3. Contribution to the Council’s Five Year Strategy

- 3.1 Supporting businesses by continuing to waive the fee for a further year would contribute to the Economy and Efficient & Responsive priorities in the Council’s Five Year Strategy.

4. Resource Implications

- 4.1 Option 1 - The costs of processing the pavement licence applications will continue to be met from within the existing Licensing Services budget.
- 4.2 Option 2 – the fee income received would contribute to the cost of processing the pavement licence applications – estimated income £1,600.

5. Section 151 Officer Comments:

- 5.1 No matters arising.

6. Legal and Governance Issues

- 6.1 Under the Business and Planning Act 2020 businesses selling food or drink must obtain authorisation from the Council for a pavement licence allowing the placement of furniture such as tables and chairs on the highway adjacent to their premises.

7. Monitoring Officer Comments:

- 7.1 No matters arising

8. Other Considerations and Impacts

Environment and Climate Change

- 8.1 No direct impact.

Equalities and Human Rights

- 8.2 No direct impact.

Risk Management

- 8.3 Licensing will continue to monitor and respond to any complaints relating to placement of furniture on the highway.

Community Engagement

- 8.4 None.

Annexes

None.

Background Papers

The Business and Planning Act 2020
The Levelling Up and Regeneration Bill