

**Surrey Heath Borough Council**  
**Licensing Committee**  
**14 June 2023**

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**Pavement Licence Regime**

<b>Strategic Director/Head of Service</b>	Nick Steevens
<b>Report Author:</b>	Paula Barnshaw – Senior Licensing Officer
<b>Key Decision:</b>	Yes
<b>Wards Affected:</b>	All

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**Summary and purpose**

The purpose of this report is to inform members of the status of the Levelling Up and Regeneration Bill with regard to Pavement Licences and the extension of the current provisions, and seek to reinstate fees for Pavement Licence applications from 1 October 2023.

**Recommendation**

The Committee is advised to RESOLVE that:

- (i) The fee for applications for a Pavement Licence be reinstated under the provisions of the Business and Planning Act 2020 from 1 October 2023 subject to enabling legislation.

**1. Background and Supporting Information**

- 1.1 The Covid-19 pandemic affected businesses across the economy causing many to cease trading for several months while others significantly modified their operations.
- 1.2 On 22 July 2020 The Business and Planning Act 2020 (the Act) received Royal Assent.
- 1.3 The Act made it easier for premises serving food and drink such as bars, restaurants and pubs to seat and serve customers outdoors through temporary changes to local pavement licensing provisions making the Borough Council the licensing authority rather than Surrey County Council.
- 1.4 Due to the unprecedented and prolonged restrictions of the Covid 19 pandemic the Business and Planning Act 2020 provisions were extended in 2021 and 2022.

- 1.5 The fee for new pavement licences was set by this committee on 14 July 2020 in the report titled Business and Planning Act 2019-2021: Licensing Implications.
- 1.6 On 24 March 2021 the Licensing Committee resolved to waive the discretionary licence fee of £100 for all new pavement licence applications made under the Act, to further aid business recovery the fee was again waived 2022.
- 1.7 Businesses have benefitted from free pavement licences from its introduction in 2020 to 30 September 2023.
- 1.8 It is proposed that the charge for all pavement licence applications is reinstated at £100 for licences running from 1 October 2023 to 30 September 2024.
- 1.9 On 11 May 2022 the Levelling Up and Regeneration Bill 2022-23 (Levelling Up) was published which contained proposals to make the temporary pavement licensing changes in the Act permanent, transferring authority to grant pavement licences from Surrey County Council to the Borough Council.
- 1.10 The Levelling Up bill is unlikely to complete its passage through parliament before the end of September 2023 and the Department for Levelling Up, Housing and Communities (DLUHC) will shortly be laying regulations to extend the current temporary pavement licence measures beyond 1 October 2023 until 30 September 2024.
- 1.11 It was anticipated that Levelling Up would be in place before the current pavement licence provisions expire and fees set for new and renewed pavement licence applications by the committee. The suggested fees within levelling up are £500 for new applications and £350 for renewal applications.
- 1.12 Levelling Up is expected to be enacted before 30 September 2024 and a further report will be forthcoming to seek approval from the committee for the level of licence fee and the duration of licence.

## **2. Reasons for Recommendation**

- 2.1 The authority currently receives no fee for the administration of pavement licences and it is proposed to reinstate the maximum fee permitted under the Act to cover part of the administration costs of the regime.
- 2.2 Currently 17 pavement licences have been issued and these expire 30 September 2023.

## **3. Proposal and Alternative Options**

- 3.1 The fee continues to be waived to support local businesses until further review by the Licensing Committee.

## **4. Contribution to the Council's Five Year Strategy**

- 4.1 The Pavement Licence regime helps to support local businesses, permitting tables and chairs to be placed on the highway safely, and providing an attractive café culture to the town and villages.

## **5. Resource Implications**

- 5.1 The maximum fee set by the Act is £100. Levelling Up proposes an initial application fee of £500 and renewal application £350, this is considered to be a realistic assessment of the actual costs incurred by the Council in administering these licences.

## **6. Section 151 Officer Comments:**

- 6.1 The additional income generated will contribute to the Council's base budget review.

## **7. Legal and Governance Issues**

- 7.1 The Council is responsible for issuing Pavement Licences allowing businesses to place table and chairs on the highway under the Business and Planning Act 2020 part 1.

## **8. Monitoring Officer Comments:**

- 8.1 None.

## **9. Other Considerations and Impacts**

### **Environment and Climate Change**

- 9.1 No direct impact.

### **Equalities and Human Rights**

- 9.2 No direct impact.

### **Risk Management**

- 9.3 Licensing will continue to enforce the Pavement Licence regime. Businesses must provide evidence of public liability insurance.

### **Community Engagement**

- 9.4 There is a seven day public consultation, notices are posted at the premises, the Council's public notice web page and shared on social media. Councillors are notified of each application within their ward.

### **Annexes**

None.

### **Background Papers**

None.