

Licensing Committee

22 July 2020



Title	Pavement Licence policy		
Purpose of the report	To make a decision		
Report Author	Lucy Catlyn, Temporary Principal Licensing Officer		
Cabinet Member	Councillor Richard Barratt	Confidential	No
Corporate Priority	Clean and Safe Environment		
Recommendations	To recommend that Cabinet: 1. approve the draft Pavement Licensing Policy for adoption and 2. authorise the Temporary Principal Licensing Officer to make any minor and consequential amendments arising, upon the Business and Planning Bill 2020 receiving Royal Assent.		
Reason for Recommendation	To have a clear policy and standard local conditions for pavement licensing. To ensure timely implementation of the anticipated arrangements.		

1. Key issues

- 1.1 As part of the coronavirus business recovery plan, the Business and Planning Bill 2020 will make temporary provision for the application for a pavement licence to permit the placement of furniture on part of highway adjacent to a relevant premises. This will allow the licence-holder to sell or serve food or drink supplied in connection with the relevant use of the premises. It also allows the use of the furniture for the consumption of food and drink on or off the premises. Further information about the new temporary Pavement Licences is given at **Appendix 1**.
- 1.2 This licensable activity usually falls within the remit of Surrey County Council (SCC) as the highways authority. However, in this instance, the duty to deal with this licensable activity is being given to District and Borough local authorities.
- 1.3 In a case where a local authority operates executive arrangements under the Local Government Act 2000, as Spelthorne Borough Council does, and where a function is not specified in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, that function will be the responsibility of the executive. Pavement Licensing is not specified in those Regulations and therefore this function is a responsibility of the Cabinet.
- 1.4 A draft policy was sent out for consultation to the Highways Authority and various other stakeholders and placed on our website on 14 July 2020 and

comments have been invited to come back no later than 22 July 2020. Officers will update on any comments received.

- 1.5 Applications for a pavement licence must be determined within 14 days of an application being made to the Council. During this time the Council must consult with the public and stakeholders for seven days. The Council may grant wholly or in part or reject the application at the end of the public consultation period. There is no right to appeal.
- 1.6 If the authority has not determined the licence by the end of the 14-day period then the licence is deemed granted for 12 months, but not beyond 30 September 2021. It will be granted subject to any standard local conditions with the authority published before the application was made and a no-obstruction condition, together with any other conditions the Secretary of State may publish.
- 1.7 Therefore the Council needs to adopt a policy detailing how applications will be administrated together with local conditions. This report therefore proposes a policy for adoption which is attached at **Appendix 2**.
- 1.8 The Act makes provision for the Council to recover the costs it incurs to process licences at a maximum of £100 per licence. Cabinet has already agreed for the application charge to be £100.
- 1.9 At the time of preparation of this report, it is understood that the report stage and third reading in the House of Lords will take place on 20 July. It is thought that the House of Lords will send the Bill back on 20 July in the hope that the House of Commons will approve this before summer recess (on 22 July). Once a bill has completed all the parliamentary stages in both Houses, it is ready to receive Royal Assent.
- 1.10 The pavement licensing provisions will come into force on the day on which the Bill is passed.

2. Recommendation

- 2.1 That the Licensing Committee recommends adoption of the policy set out in **Appendix 2**, to Cabinet, subject to amendments which may be added upon the Business and Planning Bill 2020 receiving Royal Assent.

Appendices:

Appendix 1: Background Information

Appendix 2: Draft Pavement Licence Policy