

**Business and Planning Bill**

*(Expected to come into force end of July - beginning of August 2020)*

1. The Bill proposes a fast track licensing system for the application of pavement licences, at a reduced cost. Spelthorne Borough Council will be the licencing authority for the provision of the temporary pavement licences proposed by the Bill. The temporary pavement licenses cannot be granted for a period that extends beyond 30 September 2021.
2. Pavement licences can only be granted for highways listed in section 115A(1) of the Highways Act 1980. Generally, these are footpaths restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited. Highways maintained by Network Rail or over the Crown land are exempt (so a licence cannot be granted).
3. Under existing legislation pavement licences are determined by SCC. In addition to pavement licences, licence holders also need to have planning permission covering the furniture placement area; hold a street trader's licence also covering the area in which the furniture is placed, and if they were proposing to serve alcohol they would need to hold a premises licence.
4. Under the new proposals, approval of a temporary pavement licence will mean that the applicant also benefits from having deemed planning permission and a deemed street traders licence for the area of the furniture placement.
5. Applications may only be made electronically and the authority has an application form drafted ready for use.
6. The applicant must fix a notice of the application to the premises stating that the application has been made. The applicant must ensure the notice remains in place for the public consultation period.
7. Applications for a pavement licence must be determined within 14-days of its application being made to the Council. During this time they must consult with the public and stakeholders for seven days. If the authority has not determine 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.
8. The minimum duration that the Council can specify for a licence is three months, but only if it has good reason to limit the term of the licence.
9. Reasonable and necessary conditions can be placed on the licence. These can include conditions for public health & safety (e.g. obstruction, Covid-19), public amenity (control of nuisance, ASB and litter), operational times, and other relevant matters. Justifications for conditions need to be included. Conditions can be a national or local, primacy is given to local conditions. Local conditions will be developed in consultation with internal services and external agency stakeholders.

10. There is no statutory appeal process for the Council's decisions, however, it is general good practise to put in place an internal review process to account for this. A system will be put in place.
11. Enforcement action can be taken for breach of licence conditions requiring breaches to be remedied through the service of enforcement notices. Licences can be revoked in certain circumstances.
12. Details for all stages of the passage of the Bill can be found at:  
<https://services.parliament.uk/Bills/2019-21/businessandplanning/stages.html>
13. Draft guidance can be found here:  
<https://www.gov.uk/government/publications/pavement-licences-draft-guidance/draft-guidance-pavement-licences-outdoor-seating-proposal>