

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO LICENSING COMMITTEE

meeting date: TUESDAY, 5 SEPTEMBER 2023
title: PAVEMENT LICENCE UPDATE
submitted by: MARSHAL SCOTT, CHIEF EXECUTIVE
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1 PURPOSE

1.1 To inform Committee of a proposal to extend provision for Pavement Licences.

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives } The Council aims to be a well-managed
- Corporate Priorities } authority and consideration of these issues will
- Other Considerations } promote that aim.

2 BACKGROUND

2.1 One of the temporary provisions introduced in response to the Coronavirus pandemic, under the Business and Planning Act 2020, was a fast-track process to allow businesses selling food or drink to obtain authority from the local authority for placement of furniture such as tables and chairs on the highway adjacent to their premises. This is known as a Pavement Licence.

2.2 This temporary provision was initially due to expire on 30 September 2021. That deadline has been extended twice, currently expiring on 30 September 2023. The Council has issued six such licences during this period, although all have expired and not been renewed.

2.3 In early 2022, the Government consulted on a proposal to make this regime permanent. Following the consultation, provisions for the introduction of permanent pavement licensing are contained in the Levelling Up and Regeneration Bill, which is currently making its way through Parliament.

3 ISSUES

3.1 The Government has now introduced the Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2023, which provide for the pavement licensing regime to continue with an expiration date of 30 September 2024. If approved, this will maintain the current arrangements until the Levelling Up and Regeneration Bill has become law, or until further renewal. (This report has been prepared at the time of the introduction of the draft regulations – they may have been approved by the time of this meeting).

3.2 The provisions in the Levelling Up and Regeneration Bill, if passed in their current form, do have some implications for the Council. Currently, there is a limit of £100 on the licensing fee which can be charged – if passed the fee could be £500 or £350 in the case of premises with an existing Pavement Licence. Additionally, whereas the current regime has no sanction within the legislation for operation without a licence,

the Bill provides for local authorities to be able to require removal of unauthorised furniture, and, in default, to remove the unauthorised items and recover their reasonable costs in so doing. Currently, the only sanction is if the Highways Authority or Police were to take action for obstruction of the highway.

- 3.3 If should be noted that the grant of a Pavement Licence does not affect any requirement to ensure that an area is covered by a Premises Licence, if sales of alcohol will actually take place in that area (for example, if there is a temporary bar).

4 **CONCLUSION**

- 4.1 Committee is asked to note the contents of this report.

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BACKGROUND PAPERS

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