

Decision under Delegated Powers

Officer Requesting Decision

Licensing Manager

Officer Making the Decision

Head of Regulatory Services

Recommendation

That no fees are charged as outlined below, under the provisions of the Business and Planning Act 2020 (Pavement Licences), is approved for immediate effect.

Reason

To ensure that relevant fees have been set for all applications received under the provisions of the Business and Planning Act 2020 (Pavement Licences).

Authority for Decision

Part 1, of the Business and Planning Act 2020 (Pavement Licences) provides the statutory power for the Council to set a fee for applications received under the Act.

Section 2, entitled Applications, states:

An application for a pavement licence made to a local authority must -

- “(a) be made in writing and in such form as the authority may specify,
- (b) be sent to the authority using electronic communications in such manner as the authority may specify , and
- (c) be accompanied by such a fee, not exceeding £100.00 as the local authority may require.”

This has been bought in as a ‘non Executive Function’ and the Head of Regulatory Services has been given ‘Delegated Authority’ by the Chief Executive, Rob Mitchel, under the Council’s Scheme of Delegation, to determine applications, set conditions, enforcement and set the fees under the provisions of the Act.

A pavement licence may be granted by a local authority,

- (a) for such period as the local authority may specify in the licence,
- (b) with no limit on its duration, in which case it expires at the end of the 30th September 2021.

Licence Proposed Fee

Pavement Licence – New (to expire 30th September 2021) – £0 (No fee)

Decision and Date

Background

Introduction

1. The Business and Planning Act 2020 received Royal Assent on 22nd July 2020. The Act introduced a streamlined fast-track and cheaper route to apply for a Pavement Licence granted by the local authority for businesses such as cafes, restaurants and bars to secure a licence to place furniture on the highway. This will help support them to operate safely whilst social distancing measures remain in place.
2. Pavement licences are presently granted under Part 7A of the Highways Act 1980 by Leicestershire County Council with a 28 day consultation period. This temporary streamlined process has a 7 day consultation period and a fee capped at £100.00. A Guide to the Act has been produced by GOV.UK and is available at https://www.gov.uk/government/publications/pavement-licences-https://www.charnwood.gov.uk/pages/information_for_licensed_premises_guidance/draft-guidance-pavement-licences-outdoor-seating-proposal
3. Part 1, Section 2 of the Act states;
“An application for a pavement licence must be made to a local authority must–
(a) Be made in writing and in such form as the authority may specify,
(b) Be sent to the authority using electronic communication in such manner as the authority may specify, and
(c) Be accompanied by such fee not exceeding £100.00 as the local authority may require.
4. Section 4 of the Act states that a pavement licence may be granted by a local authority for such period as the local authority may specify (not less than 3 months) or with no limit on its duration, in which case it expires at the end of 30th September 2021. Any licence which is in force at the end of the 30th September 2021 expires at that time.
5. The Chief Executive, has been consulted on the fees proposed and has agreed and approved them for implementation.

Proposed Fees for Pavement Licences

6. It is proposed to charge £0 (No Fee) for a pavement licence for all licences to expire 30th September 2021. This is to enable and support the economic and business recovery process as a result of COVID19.

7. Once approved this will be published on the Council's web site.

Review of fees

8. As this is a temporary fast-track procedure it is not envisaged that the fee will require to be reviewed.

Comments from HR

HR comments are not applicable to the content of this report and have, therefore, not been obtained.

Financial Implications

It is not known currently how many applications Charnwood may receive as this is only a temporary measure to assist premises whilst social distancing measures are in force. Leicestershire County Council will continue to issue permanent Street Pavement Licences for period after the 30th September 2020.

Risk Management

No risks have been identified with this decision.

Key Decision: No

Background Papers:

<https://publications.parliament.uk/pa/bills/cbill/58-01/0148/200148.pdf>

<https://www.gov.uk/government/publications/pavement-licences-draft-guidance/draft-guidance-pavement-licences-outdoor-seating-proposal>