

REPORT TO FULL COUNCIL

DATE	30th July 2020
PORTFOLIO	Leader
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PAVEMENT LICENCES**PURPOSE**

1. To outline the new Pavement Licence regime which has been introduced in the Business and Planning Bill 2020; to set a fee for the Pavement Licence application and to seek approvals to grant the necessary delegations to officers to enable the Licences to be issued and make the necessary amendments to the Council's constitution.

RECOMMENDATION

2. The Council is asked to approve:
 - (1) the Pavement Licence Application fee being set at £25
 - (2) the Head of Streetscene or in her absence the Strategic Head of Economy and Growth power under the Business and Planning Act 2020 to;
 - (a). Issue guidance for Pavement Licences
 - (b). Set conditions (both standard and bespoke conditions) to be attached to Pavement Licences.
 - (c) Grant in whole, or in part any application for a Pavement Licence (with or without conditions) or to refuse any application for a Licence.
 - (d) Revoke a Pavement Licence
 - (e) Issue notices to remedy any breaches of a Pavement Licence

REASONS FOR RECOMMENDATION

3. This legislation was fast tracked through Parliament and is expected to become law on or before 30th July 2020. The Council needs to be ready to process applications for Pavement Licences from traders as soon as possible.

SUMMARY OF KEY POINTS

4. One of the measures introduced by the Business and Planning Bill 2020 is the pavement licence. A pavement licence will allow businesses selling food and drink, such as cafes, pubs and restaurants to place temporary furniture such as tables and chairs on the pavement outside their premises.
5. The reason behind the initiative is to provide a temporary measure to support businesses selling food and drink and in particular to mitigate the impact of social distancing guidelines on their capacity to accommodate customers. Use of outdoor spaces is also seen as a positive way to reduce the transmission and spread of COVID-19.

6.	The pavement licence will be administered by the same authority that is responsible for the functions of the Licensing Act 2003 in their area. In Burnley, responsibility for issuing pavement licences will be Burnley Council. This contrasts with Highway permits which are decided by Lancashire County Council.
7.	<p>The pavement licence will avoid the need for the trader to apply for three separate permissions under three separate regimes; a highway permit under the Highways Act 1980; planning permission under the Town and Country Planning Act 1990 and a street trading licence or consent under the Local Government (Miscellaneous Provisions) Act 1982.</p> <p>8.. Licences can be granted for any period that is not less than 3 months and that does not extend beyond 30th September 2021.</p> <p>9. There is a requirement for public consultation prior to the application for a licence being determined. There is also a requirement to consult with Lancashire County Council as the highway authority.</p> <p>10. The Council is entitled to charge a fee for the licence application, the maximum being £100. It is proposed to set the fee at £25 which is considered a reasonable fee and is unlikely to deter applications.</p> <p>11. The Council will need to have a process in place to consider applications for pavement licences. This includes devising guidelines, setting conditions to be attached to the licence and identifying an officer within the Council who has the power to determine the application, whether this is to grant the licence (with or without conditions) or to refuse the licence. Powers are also needed to revoke the licence or issue a notice requiring any breaches of the licence to be remedied.</p> <p>12. It is proposed that the Head of Streetscene is given the powers set out in the recommendation with the powers also exercisable by the Strategic Head of Economy and Growth in her absence.</p> <p>13. There is no statutory right of appeal against the refusal of a licence. Given the Pavement Licence regime is only intended as a temporary measure, it is not proposed to introduce an internal review mechanism.</p>

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

14. None arising directly from this report.

POLICY IMPLICATIONS

15. As set out in the report.

DETAILS OF CONSULTATION

16. Chief Operating Officer, Head of Finance and Property
Head of Streetscene
Strategic Head of Economy and Growth