

DECISION NO:	<i>For Member Services use only</i>
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Concurrence No:	066409
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Action under delegated authority of Chief Executive	
Action under delegated authority of Director of Finance and Cabinet Member for Finance	
Action taken by Chief Executive in consultation with Cabinet Member(s)	X

Subject: Pavement Licencing

Signature and designation of officer(s) taking action:

03/08/2020	31/07/2020
Chief Executive	Director of Finance
Date	Date
24/07/20	
Head of Finance	
Date	

**Name of Cabinet Member(s)
Consulted:**

I have been consulted and concur with
the proposals set out below:

Councillor Mason

Cabinet Member for Finance and Business
Services

Councillor

Cabinet Member for

Signature: _____ Date: _____

Signature: _____ Date: _____

Name of any member who has declared a
conflict of interest in relation to this decision: _____

THIS DOCUMENT WILL BE PUBLISHED ON THE COUNCIL'S WEBSITE

The report overleaf sets out the decision to be taken, the reasons for the decision, and the details of alternative options, if any, considered and rejected.

Officer decisions are available for public inspection, both at the Borough

Offices and on the Council's website. Officer decisions are kept for a period of six years at the Borough Offices and for six months on the website after the decision is made. Background papers are available for four years.

RECOMMENDED that;

- (a) a fee of £100 for a pavement licence issued under the Business and Planning Act 2020 be agreed; and**
- (b) all pavement licences be issued until 30 September 2021.**

Purpose

To seek approval of the fee to be charged for the issue of a pavement licence under the Business and Planning Act 2020.

The Project

The Business and Planning Act 2020 has been introduced to provide a series of measures to assist businesses to recover after the ending of the Covid-19 lockdown. One of the provisions of the Act provides for premises selling food and drink to be able to apply to a local authority for permission to place removable furniture, such as tables and chairs, on the highway adjacent to the premises.

The application process has been streamlined compared to the procedure currently used by the Council acting on behalf of the Highway Authority and arrangements have been made for applications to be made via the Council website which the Act requires.

The Act also enables local authorities to charge a fee of up to £100 for a licence. Under the current scheme whereby the Council licenses premises to place furniture on the highway, the fee set by the Council charge ranges from £150 to £250 depending on the number of tables and chairs being applied for.

The Act provides for licences to be granted for any period in excess of three months up until 30 September 2021, when it is expected the legislation will be reviewed.

Consideration

It is felt appropriate that the Council should charge a fee for pavement licences issued under the Act given that there will be administrative costs in hosting the process on the Council's website, and dealing with any representations that may be made as each application has to be publicly advertised.

Accordingly, it is proposed that the Council should charge the maximum fee of £100 for all licences granted to 30 September 2021.

Financial, Legal and Risk Management Implications

The financial and legal implications are outlined above. Risk arises from the Council not introducing the scheme as it would be in breach of the legislation.

Alternative Options Considered and Rejected

An alternative would be to consider charging nothing, or any fee up to the maximum permitted under the Act. For the reasons outlined above and the administrative cost to the Council, it is proposed that the alternative of not charging a fee or a lower fee than £100 is not appropriate. Other Hertfordshire districts have indicated that they will be charging the maximum fee.

Contribution to the Council's Objectives and Environmental Sustainability Priorities

The pavement licensing scheme will directly contribute to the Council's objective of supporting the local economy as it will allow the hospitality trades in the Borough to serve food and drink beyond the extent of their premises in order to assist with social distancing, thus maximising the customer footfall. There are no Environmental Sustainability Priorities arising from the recommendation.

Conclusion

For the reasons outlined above, it is proposed that the Council should charge the maximum fee permitted for a pavement licence under the Business and Planning Act 2020. This will contribute to the offsetting of the Council's costs and result in a minimal cost to local businesses of less than £8.00 per month for a licence issued in August and expiring in September 2021.

Contact Officer: Stephen Billington

Ext:5534

Date 24 July 2020

Action reported to the Cabinet on:
