

Non-Statutory Licensing Committee

9 September 2020

Report title	Pavement Licences Update	
Wards affected	All wards	
Accountable director	Ross Cook, Director of City Environment	
Originating service	Licensing Services	
Accountable employee	Greg Bickerdike	Service Lead – Licensing
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Report to be/has been considered by	None	

Recommendations for decision:

The Non-Statutory Licensing Committee is recommended to:

1. Approve the revised Pavement Licence Policy and Standard Pavement Licence Conditions.
2. Confirm the delegation of authority to determine applications, review licences and manage the appeal of decisions for Pavement Licences.

1.0 Purpose

- 1.1 To update the Non-Statutory Licensing Committee on the implementation of the Pavement Licence Regime.

2.0 Background

- 2.1 The Committee approved the implementation of the Pavement Licence regime on 8 July 2020. Since then, there have been some minor changes to the regime, but it has been successfully operating.

3.0 Delegation of Authority

- 3.1 Changes to The Business and Planning Bill prior to its enactment meant that the administration of Pavement Licences transferred from being a function of the Executive to a function of the Council. The delegation of authority was approved by the Chair of the Non-Statutory Licensing Committee on 28 July 2020. This approval is attached as Appendix 1. The scheme of delegations is below:

Determination of applications with no representations:

- Licensing Officer, Licensing and Compliance Officer, Licensing Services

Determination of applications with representations or applications non-compliant with policy:

- Senior Licensing and Compliance Officer, Licensing Services
- Section Leader, Licensing Services

Issuing notices of breach of licence conditions, or revoking licences:

- Licensing and Compliance Officer, Licensing Services
- Environmental Health Officer/Senior Environmental Health Officer
- Senior Officer, Environmental Health
- Section Leader, Licensing Services

Review of decisions to refuse grant or revoke licence to:

- Service Lead, Business Services
- Commercial Regulation Manager, Business Services

4.0 Update to Standard Pavement Licence Conditions

- 4.1 Prior to enactment of the legislation, the House of Lords amended The Business and Planning Bill so that licence holders must make reasonable provision for outside seating where smoking is not permitted.
- 4.2 In addition, it has been identified that a licence condition for all customers to be seated would reduce the risk of COVID-19 transmission and anti-social behaviour.

4.3 As a result of this, it is proposed that the following conditions are included on the Standard Pavement Licence Conditions:

- Licence holders must make reasonable provision for outside seating where smoking is not permitted.
- All customers must be seated, with no vertical drinking.

4.4 The updated Pavement Licence Policy, including the proposed Standard Pavement Licence Conditions is attached as Appendix 2.

5.0 Uptake of Pavement Licences

5.1 Five Pavement Licences have been granted to the following premises:

- The Slug And Lettuce, 34 Queen Square, Wolverhampton WV1 1TL
- The George Wallis, 11-15 Victoria Street, Wolverhampton WV1 3NP
- The Royal London, Wulfruna Street, Wolverhampton WV1 1LX
- The Giffard Arms, 64 - 65 Victoria Street, Wolverhampton WV1 3NX
- The Subcontinent, 10 Victoria Street, Wolverhampton WV1 3NP

6.0 Financial implications

6.1 There are no financial implications arising from the recommendations in this report.

[SB/28082020/Y]

7.0 Legal implications

7.1 Pavement Licences are regulated under The Business and Planning Act 2020.

[JB/28082020/B]

8.0 Equalities implications

8.1 There are no equalities implications arising from the recommendations in this report.

9.0 Climate change and environmental implications

9.1 The reduction in space available for smoking will create an area with improved air quality.

10.0 Human Resources implications

10.1 There are no Human Resources implications arising from the recommendations in this report.

11.0 Corporate Landlord implications

11.1 There are no Corporate Landlord implications arising from the recommendations in this report.

12.0 COVID-19 implications

12.1 The condition requiring customers to be seated in the licensable area, in tandem with the requirement for the location of all seating to be approved, will assist businesses in maintaining social distancing between their customers. Social distancing has been proven to reduce the spread of COVID-19.

13.0 Schedule of background papers

13.1 Pavement Licences - Non-Statutory Licensing Committee, 8 July 2020

13.2 The Business and Planning Act 2020, 22 July 2020

13.3 Guidance: pavement licences (outdoor seating proposal), Ministry of Housing, Communities & Local Government, 22 July 2020

14.0 Appendices

14.1 Appendix 1 - Delegation of authority to administer Pavement Licences

14.2 Appendix 2 - Pavement Licence Policy