

CITY OF  
WOLVERHAMPTON  
COUNCIL

# Statutory Licensing Committee

10 November 2021

<b>Report title</b>	Pavement Licences
<b>Wards affected</b>	All
<b>Accountable director</b>	Ross Cook, Director of City Housing and Environment
<b>Originating service</b>	Licensing
<b>Accountable employee</b>	Paul Dosanjh    Service Manager: Trading Standards and Licensing Act Tel                    01902 556056 Email                Paul.Dosanjh@wolverhampton.gov.uk
<b>Report to be/has been considered by</b>	None

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## Recommendation for decision:

1. To formally endorse the scheme for the extension of pavement licences agreed by the Chair of Statutory Licensing Committee

## **1.0 Purpose**

- 1.1 To update the Committee on the recent changes to the Business and Planning Act 2020 extending the Pavement Licensing scheme until 30 September 2022.
- 1.2 Formal endorsement of the decision, made by the Chair of Statutory Licensing Committee in consultation with Commercial Regulation Manager, to continue with a straightforward mechanism of both renewing existing licences and processing new applications.

## **2.0 Background**

- 2.1 The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2021 came into force on 20 July 2021. This provided a streamlined application method for businesses to secure these licences quickly and for them to remain in place for a year but not beyond 30 September 2021.
- 2.2 The aim was to allow customers to eat and drink in relative safety outdoors during the pandemic when indoor gatherings were discouraged. Where a pavement licence was granted, clear access routes on the highway need to be maintained, considering the needs of all users, including disabled people.
- 2.3 A pavement licence only permits the placing of furniture on the highway and does not negate the need to obtain approvals under other regulatory frameworks, such as the need for a licence to sell alcohol.
- 2.4 Currently there are 15 premises who hold a pavement licence in the City, and Licensing Services charges £25 per year per application.

## **3.0 Proposal**

- 3.1 The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2021 came into force on 20 July 2021. In response to the coronavirus pandemic, sections 1-10 of the Business and Planning Act 2020 (made temporary provision for a fast-track process to allow businesses selling food or drink to obtain authorisation from the local authority for the placement of furniture such as tables and chairs on highway adjacent to their premises (a "pavement licence"). The regulations were designed to provide a streamlined and cheaper route for businesses such as cafes, restaurants and bars to obtain a licence to place furniture on the highway. In doing so the government hoped that this will provide much needed income for business and protect as many hospitality jobs as possible. The 2021 regulations effectively extend the provisions of the 2020 in relation to pavement licences.
- 3.2 The current scheme is both simple to arrange and easy to understand. Existing licence holders whose circumstances have not changed can renew for free with the £25 fee being waived. Licence holders who wish to make changes do incur the fee as do any new applicants. This process provides a streamlined and cheaper route for businesses

such as cafes, restaurants and bars to secure a licence to place furniture on the highway. This will provide much needed income for business and protect as many hospitality jobs as possible.

3.3 Currently there are 9 businesses who have renewed their licences until 30<sup>th</sup> September 2022.

#### **4.0 Financial implications**

4.1 The total amount of income for 15 licences is £375. Any fees waived could be met out of existing budgetary provision.

[SB/02112021/C]

#### **5.0 Legal implications**

5.1 As this is in effect a continuation of an existing schemes there are no legal implications [JB/26102021/B].

#### **6.0 Equalities implications**

6.1 As this is in effect a continuation of an existing schemes there are no equality implications.

#### **7.0 All other Implications**

7.1 There are no implications for climate change and the environment, Human Resources, Corporate Landlord, Health and Wellbeing and no implications that have arisen from the Covid-19 Pandemic.

#### **8.0 Schedule of background papers**

8.1 Pavement Licence Policy -9 September 2020, Statutory Licensing Committee

<https://wolverhampton.moderngov.co.uk/documents/s152378/Appendix%20%20for%20Pavement%20Licences%20Update>.