

CITY OF WOLVERHAMPTON COUNCIL	Statutory Licensing Committee 28 September 2022
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Report title	Pavement Licences	
Wards affected	All	
Accountable director	John Roseblade, Director of City Housing and Environment	
Originating service	Licensing	
Accountable employee	Paul Dosanjh	Service Manager: Trading Standards and Licensing Act
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Report to be/has been considered by	None	

Recommendations for decision:

The Statutory Licensing Committee is recommended to:

1. Formally endorse the scheme for the extension of pavement licences for another year in accordance with the Levelling up and Regeneration bill.
2. Apply a renewal fee in line with current table and chairs licences. Currently set at £25.

1.0 Purpose

- 1.1 To update the Committee on the recent changes resulting from the regulations made under the Business and Planning Act 2020 extending the pavement licensing scheme until 30 September 2023. The scheme allows for the placement of table and chairs outside businesses to facilitate eating and drinking.
- 1.2 Whilst the recently passed regulations extend the scheme until September 2023 it is expected that the Levelling up and Regeneration Bill will make these changes permanent. The bill is currently at the committee stage in the House of Commons.
- 1.3 Endorsement of the extension of pavement licences and the application of a £25 fee is also being sought from Committee

2.0 Background

- 2.1 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, the regulations 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 extended the provisions of the 2020 regulations in relation to pavement licences. This was subsequently extended to 30 September 2022.
- 2.2 The aim of the 2021 regulations 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 needed to be maintained, so that any furniture would not impinge on needs of other users, including disabled people.
- 2.3 A pavement licence permits the placing of furniture on the highway. This licence does not remove the need to obtain other approvals, such as a premises licence to sell alcohol.

3.0 Proposal

- 3.1 The 2021 regulations effectively extended the provisions of the 2020 regulations until 30 September 2022 in relation to pavement licences.
- 3.2 The recently passed Business and Planning Act 2020 (Pavement Licences)(Coronavirus)(Amendment) Regulations 2022 now extend the scheme for a

further year until 30 September 2023. The government did not pre-publicise its intention to introduce the 2022 Regulations

- 3.3 Once the Levelling up and Regeneration Bill becomes law the scheme will probably become permanent rather than being renewed on a yearly basis. Accordingly, it would be sensible to apply the £25 charge now so that there is a baseline for charging in the future. The charge is the same as when the scheme was originally introduced and in terms of other business costs it cannot be considered to be a punitive financial burden.
- 3.4 Whilst there are currently only 9 licence holders it is likely that more business will want to take advantage of the “café culture” being promoted in the City. By imposing a reasonable fee now we will have a charging point to go forward with in the future when take up for these licences will hopefully be greater and so the work involved in issuing and securing compliance will also grow.

4.0 Financial implications

- 4.1 The total amount of income for the current 9 licence holders is £ 225 which provides a small contribution to licensing.
- 4.2 It is proposed that fees should be reviewed on an annual basis in line with other fees and charges in accordance with the constitution.

[LD/16092022/X]

5.0 Legal implications

- 5.1 As this is in effect a continuation of an existing scheme there are no legal implications.

[DA/13/09/22/3]

6.0 Equalities implications

- 6.1 As this is in effect a continuation of an existing scheme 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%202%20for%20Pavement%20Licences%20Update.pdf>