

URN: 24-095

Subject: Pavement Licences

Report to: Licensing Committee

Report by: Licensing and Elections Manager



SUBJECT MATTER

Members are asked to acknowledge the new provisions for pavement licences and recommend an appropriate cost to cabinet for an amendment to the fees and charges.

RECOMMENDATION:

That Committee

- (1) Recommend to cabinet an amendment to the fees and charges for pavement licences of £250 for a new licence and £200 for a renewal.

1. Background

1.1 Pavement licences are currently issued under temporary legislation brought in as a response to the Covid pandemic, under the Business and Planning Act 2020. This temporary legislation was due to expire at the end of September 2024, however the government has made the scheme permanent, with some amendments, through the Levelling Up & Regeneration Act 2023.

1.2 On 31 March 2024, the pavement licensing provisions laid out in the Levelling Up and Regeneration Act 2023, were commenced. This permanent regime retains the key features of the 2020 regime, intended to streamline processing and reduce costs, but also incorporates some changes. A summary of which are outlined below:

- The fee cap is increasing. It will no longer be capped at £100 but instead be capped at £500 for first time applications and £350 for renewal applications, subject to each local authority deciding the level of fee based on the time spent administering the licence.
- Licences can be granted for any length of time up to a maximum of two years. It is expected that the maximum term is granted unless there is a good reason to do otherwise.
- The 7 day consultation and 7 day determination periods have been extended to 14 days for each.
- New enforcement powers. Local authorities will now, with the consent of the licence-holder, be able to amend the licence in certain circumstances. Local authorities will also be able to give notice to businesses who have placed furniture on the relevant highway without the required licence.

2 Current situation

- 2.1 Currently the fee for a pavement licence is set at £100, which was the maximum under the temporary legislation. These licences are due to expire in September 2024 and any existing licences will remain valid until the expiry date.
- 2.2 New licences will need to be issued under the new provisions and fees have been calculated to ensure that they are set at an appropriate level to support the recovery of the cost associated with providing the service.
- 2.3 A breakdown of these costs for a new licence are as follows:

Processes	No of mins	Cost
Admin inc: Enquiry and advice, consultation process, processing and issuing licence	150 mins	104.33
Compliance over 2 years inc: Inspections and advice	180 mins	141.30
Stationery/printing		5.00
Total Cost		£250.63

It is therefore proposed that for a new licence the fee be £250 and for a renewal £200.

3. Recommendation

- 3.1 For members to acknowledge the new regime and recommend to cabinet an amendment to the fees and charges for pavement licences of £250 for a new licence and £200 for a renewal.

Areas of consideration: e.g. does this report raise any of the following issues and if so how have these been considered/mitigated against?

Area for consideration	Comment
Monitoring Officer Consultation:	Yes
Section 151 Officer Consultation:	
Existing Council Policies:	Yes
Financial Implications (including VAT and tax):	N/a
Legal Implications (including human rights):	N/a
Risk Implications:	N/a
Equality Issues/EQIA assessment:	N/a
Crime & Disorder:	N/a