

Public
Key Decision - No

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Business and Planning Act 2020 – Pavement Licences

Meeting/Date: Licensing and Protection Committee - 27 September 2023

Executive Portfolio: Executive Councillor for Customer Services – Cllr Stephen Ferguson

Report by: Michelle Bishop – Interim Licensing Manager

Ward(s) affected: All

Executive Summary:

The Business and Planning Act 2020 originally came into force on Thursday 23 July 2020 and was intended to make provision relating to the promotion of economic recovery and growth following the Covid-19 pandemic. It introduced a streamlined and cheaper route for businesses such as cafes, restaurants, and bars to secure a licence to place furniture on the highway. This supported them to operate safely while social distancing measures remained in place. This provided much needed income over the summer months and protected as many hospitality jobs as possible.

Any licence issued can be for a minimum period of 3 months. The original provision expired on 30 September 2021 and then again further extended until 30 September 2022 and 30 September 2023.

On 10 August 2023, parliament has made an extension to the current Business and Planning Act 2020 regulation to allow the current provisions to be in place until 30 September 2024. The purpose of this report is to provide an update on the extension and advise on possible future plans for the regulation for furniture to be placed on the Highway.

Recommendation(s):

- That the fee for applications be charged at the set amount of £100 for all licenses issued with an expiry date of 30 September 2024.
- The original delegation/decision notice agreed on 24 July 2020 be further extended until 30 September 2024. This can be seen at **APPENDIX A**

1. PURPOSE OF THE REPORT

- 1.1 To provide an update on the extension of the Business & Planning Act until 30 September 2024 and to seek approval for the application fee to be charged at £100 per application.

These licences have been issued since 2020 with no fees and the cost absorbed by Local Authority to support businesses recovery, however this is not sustainable going forward and therefore we believe this is the correct time to introduce the £100 fee which is the maximum amount we can charge as per the legislation.

Any licences granted through this legislation will cease to have effect after 30 September 2024 unless there is a further extension in place.

2. WHY IS THIS REPORT NECESSARY/BACKGROUND

- 2.1 The Council are the 'Licensing Authority' for the purposes of the Act.
- 2.2 At the current time Parliament are considering through the 'Levelling up process' a new piece of legislation to permanently introduce pavement licenses which will fall to the local authority to both administer and enforce.

As part of this review a discussion point regarding the maximum fee that can be set and an extension to the consultation period is likely to be included but no confirmed information has been released.

3. CONSULTATION

- 3.1 Not required as Legislation extension

4. LEGAL IMPLICATIONS

- 4.1 The legislation does not have a statutory right of appeal, any appeal would be by way of Judicial Review.

5. RESOURCE IMPLICATIONS

- 5.1 There is a resource cost for this additional piece of work and therefore charging the £100 application fee will support these costs to Local Authorities.

The enforcement provision is still maintained by Highways.

6. BACKGROUND PAPERS

Government Guidance updated 26 July 2022; [Pavement licences: guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/pavement-licences-guidance)

Legislation updated 10 August 2023: [The Business and Planning Act 2020 \(Pavement Licences\) \(Coronavirus\) \(Amendment\) Regulations 2023 \(legislation.gov.uk\)](#)

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