

**Public**  
**Key Decision - No**

## **HUNTINGDONSHIRE DISTRICT COUNCIL**

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

**Meeting/Date:** Licensing and Protection Committee – 15 May 2024

**Executive Portfolio:** Executive Councillor for Customer Service–  
Councillor Stephen Ferguson

**Report by:** Michelle Bishop – Licensing Manager

**Ward(s) affected:** All or list individual Ward(s)

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### **Executive Summary:**

This report is to explain the changes to the temporary pavement licensing regime under the Business & Planning Act 2020 and the impact of the changes to this regime made by the Levelling-Up and Regeneration Act 2023.

New legislation has come into force on 31 March 2024 to make permanent changes to the temporary pavement licensing regime currently under the Business & Planning Act 2020 and has introduced changes including a new capped level fee structure for new and renewal applications.

The Business and Planning Act 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 businesses and protect as many hospitality jobs as possible, particularly during times of increasing living costs

### **Recommendation(s):**

**That the Licensing & Protection Committee take note of the changes to temporary pavement licensing and proposed transitional arrangements and agree:**

- **That the fee for applications be charged at the set amount in the table below:**

	<b>Fee A - Up to a maximum of 5 Tables and/or 20 chairs</b>	<b>Fee B - Over 5 tables and/or 20 chairs</b>
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New Licence for up to 2 Years	£330	£380
Renewal Licence for up to 2 Years	£240	£280

- **The length of licence be granted for 2 years or less by exception only.**
- **Any appeal following refusal of an application or revocation of a licence to be referred to the Licensing & Protection Sub-Committee.**

## 1. PURPOSE OF THE REPORT – BACKGROUND INFORMATION

- 1.1 Temporary Pavement Licences were introduced by the Business & Planning Act 2020 (BPA 2020) on 19 August 2020 to streamline the process of obtaining a pavement licence and help businesses during the Covid pandemic.  
Section 229 of and schedule 22 of the Levelling Up & Regeneration Act 2023 (LU&RA 2023) amends the Business & Planning Act 2020 to make the provision of temporary pavement licences permanent. The commencement date for this amendment was 31 March 2024.
- 1.2 From 31 March 2024 the process for issuing temporary pavement licences under the BPA 2020 became permanent under the LU&RA 2023. A letter and guidance from the Department for Levelling Up, Housing & Communities was issued to all Local Authorities in England on 2 April 2024. A copy of the letter can be found at **APPENDIX A** and the Government Guidance is attached as a link to this report.
- 1.3 The main changes to temporary pavement licensing as a result to the amendment to the BPA 2020 are as follows:
- The introduction of maximum standard capped fees for new and renewal applications. The fee levels are capped at a maximum amount of £500.00 for new applications and £350.00 for renewal applications.  
The fee applicable for a temporary pavement licence was previously £100.00.
  - The duration of the consultation and determination periods have increased from 7 days to 14 days for each.
  - The maximum term a licence can be granted has increased to 2 years (from one-year previously).
  - The new guidance makes clear that a minimum width of 2000mm clear space should be provided between the furniture and edge of the footway.  
However, if this is not possible due to physical constraints then a minimum width of 1500mm could be regarded as the minimum acceptable distance.
  - Pavement licences will be issued with, mandatory, national and local conditions. The mandatory conditions and local conditions can be found at **APPENDIX B** (subject to slight amendment). At the time of writing this report the regulations outlining the national conditions have not yet been published.
  - Local Authority now have the enforcement powers to remove furniture from the Highways linked to unlicensed use.

## **2. TRANSITIONAL ARRANGEMENTS**

- 2.1 The licensing team currently manage a total of fourteen pavement licences, of which all of these were issued before 31 March 2024 and therefore were licensed under the BPA 2020.
- 2.2 These licences will expire on 30 September 2024 in line with the guidance issued from Government last year.
- 2.3 Work has commenced in updating our information to the public and to update our application process, which will include liaising with current licence holders to ensure a smooth transition.

## **3. IMPACT OF THE CHANGES**

- 3.1 It is important for Members to be aware of the amendment to the BPA 2020 and the possible impact the changes may have on the licensing team.
- 3.2 Members to note the attached guidance
- 3.3 Members to note Section 7 of the guidance 'Enforcement and to be aware of possible circumstances where the local authority may enforce or revoke a licence and the possibility of removing furniture from the highway, see section 7.2 *'When can furniture be removed?'*
- 3.4 A further report will be submitted at a later meeting of the Licensing & Protection Committee to: To present a draft policy for consideration.

## **4. CONSULTATION**

- 4.1 Not required as updated/new legislation

## **5. LEGAL IMPLICATIONS**

- 5.1 The legislation does not have a statutory right of appeal, any appeal would heard by the Licensing & Protection Sub-Committee.

## **6. RESOURCE IMPLICATIONS**

- 6.1 There is a resource cost for this additional piece of work and therefore the fees set will support these costs to the Council.

## **7. BACKGROUND PAPERS**

- Government Guidance updated 02 April 2024; [Pavement licences: guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/pavement-licences)

- The commencement Regulations - [The Levelling-up and Regeneration Act 2023 \(Commencement No. 3 and Transitional and Savings Provision\) Regulations 2024 \(legislation.gov.uk\)](#)
- Legislation updated 10 August 2023: [The Business and Planning Act 2020 \(Pavement Licences\) \(Coronavirus\) \(Amendment\) Regulations 2023 \(legislation.gov.uk\)](#)

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