

**HUNTINGDONSHIRE DISTRICT COUNCIL**

**RECORD OF CHIEF OFFICER/HEAD OF SERVICE DECISION**

This form should be used to record key and other decisions made by Chief Officers and Heads of Service. The contact officer will ensure that the signed and completed form is given to Democratic Services as soon as reasonably practicable after the decision has been taken.

A key decision shall not be taken unless notice of the item has been published at least 28 days before the decision is to be taken except where:

- a General Exception notice has been published under Rule 15 of the Access to Information Procedure Rules and the Chairman of Scrutiny and Overview Committee has been informed in writing; or
- where a Special Urgency notice has been published under Rule 16 of those Rules and the Chairman of Scrutiny and Overview Committee has agreed the decision is urgent.

<b>Decision Taker</b>	Managing Director
<b>Subject Matter</b>	Part 1 of the Business and Planning Act 2020 relating to Pavement Licenses and the power to determine applications, including the setting of fees.
<b>Ward(s) Affected</b>	All
<b>Date Taken</b>	29 September 2023
<b>Contact Officer</b>	Michelle Bishop, Interim Licensing Manager Michelle.Bishop@huntingdonshire.gov.uk
<b>Date Published</b>	29 September 2023
<b>Call-In Expiry/Exempt from call-in</b>	N/A – not a key decision
<b>Key Decision?</b>	No. (this is a non-executive function)
<b>In Forward Plan?</b>	No – not required as not a key decision and not an executive function. Direction from Government in response to Covid-19 Crisis to support businesses and the economy
<b>Urgent?</b>	Yes, but as it is not a key decision it is not subject to the urgency provisions. The decision is required to respond to direction from Government in response to COVID-19

<b>Purpose / Background</b>
To provide openness and transparency in the exercise of new non-executive functions under the Business and Planning Act 2020 relating to Pavement Licenses.
To provide a clear delegation of authority for officers to determine applications under Section 1 of the Act.

This is a non-executive function, and the recommendation is to delegate it to an officer to determine the licence if representations are received.

The Business and Planning Act 2020 came into force on Thursday 23 July 2020 and is intended to make provision relating to the promotion of economic recovery and growth following the Covid-19 pandemic. It introduces 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 support them to operate safely while social distancing measures remain in place. This will provide much needed income over the summer months and protect as many hospitality jobs as possible.

Any licence is issued for a minimum of 3 months and a maximum of 12 months. All licenses expired by law at the end of 30 September 2021. They have been subsequently renewed in line with legislation extensions in both 2022 and 2023. It is now proposed to grant all licences such that they end on 30 September 2024.

The Council must determine any application within 10 working days following a 5 working day consultation with the County Council Highways Authority as a statutory consultee. Further consultees will be The Police, The Fire and Rescue Service, and Local Town and Parish Councils and the public. Failure to determine the licence within the above timescale will deem the licence granted.

There is no statutory appeals process and as such there is no right of appeal against the refusal or revocation of a licence although the Council can introduce such a process.

It is proposed to charge a fee for this licence of £100 as per set in the legislation. This is to be charged on all application that expire on 30 September 2024.

On approving the application, the Council will issue a Licence to which conditions are attached. The Council's Standard Conditions are set out at Appendix 2 to the Policy. Additional Conditions may also be attached if the Council considered it appropriate in the circumstances of any particular case.

It is a national condition of any licence that clear routes of access along the highway must be maintained, taking into account the needs of disabled people, and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1 of [Inclusive Mobility](#).

**Declaration(s) of Interest**

*Record below any relevant interest declared by any executive Member consulted or by an officer present in relation to the decision.*

None

**Dispensation(s)**

*In respect of any conflict(s) of interest declared above, record below any dispensation(s) granted by the Council's Corporate Governance Committee.*

None

**Consultation**

*Record below all parties consulted in relation to the decision.*

Executive Councillor for Operations and Regulation; Community Services Manager; Chairman of Licensing Committee

**Other Options Considered and Reasons for Rejection**

None. The Council is responding to Central Government direction.

Final decision	Reason(s)
<p>To Authorise Licensing Officers to determine applications and fee under Part 1 of The Business and Planning Act 2020 which enables the District Council to issue Pavement Licences to pubs and other businesses selling food or drink for consumption on or off the premises. A licence permits the business to use furniture placed on the highway to sell or serve food or drink and/or allow it to be used by people for consumption of food or drink supplied from, or in connection with the use of the premises.</p> <p>In order to formalise arrangements for carrying out this function the Managing Director, in exercise of the delegations in Annex A of Part 3 of the Constitution, has overall corporate management and strategic responsibility for the Council and its delivery of services.</p> <p>Accordingly, as a general rule, the Managing Director has responsibility for, and may make decisions in relation to, the deployment of Council resources for the purpose of dealing with the public health emergency.</p>	<p>On reviewing the extension to the legislation for a further 12 months, the council needs to charge the £100 application fee. This will not cover the whole cost of the application and resource required but will help towards the overall amount.</p>

<b>Signed</b>	<b>Name (CAPITALS)</b>	<b>Signature</b>	<b>Date</b>
<b>Lead Cabinet Member (where required by the Constitution)</b>			
<b>Managing Director</b>			