

Report of the Chief Executive

**Adoption of a Permanent Pavement Licence Scheme under the Levelling Up and Regeneration Act 2023**

1. Purpose of Report

To advise Members of the new Permanent Pavement Licence Scheme which supersedes the Temporary Licence Scheme. To approve the adoption of the permanent pavement licence scheme and to seek approval for the licence fee.

2. Recommendation

**The Committee is asked to RESOLVE that the Permanent Pavement Licence Scheme to replace the Temporary Pavement Licence Scheme is approved and the proposed fees for pavement licences be approved.**

3. Detail

The Licensing Authority has very successfully run the Temporary Pavement Licence Scheme since its introduction providing assistance to local businesses and helping to improve and modernise the Town Centres, creating vibrancy for streets that were previously vacant. Amendments to the Business & Planning Act 2020, made by the Levelling Up & Regeneration Act 2023, have introduced a permanent pavement licensing scheme to replace the temporary scheme.

Under the legislation if the Council does not determine a permanent application in the specified time, the application will be deemed to be granted by the authority to the applicant. It is therefore necessary to introduce a permanent scheme to ensure that the Council is able to continue to provide this service and properly regulate pavement licences within the Borough.

The Business & Planning Act 2020 delegated the issue, administration and enforcement of Temporary Pavement Licences to Broxtowe Borough Council.

A Temporary Pavement Licence permits a pub, bar, restaurant, café, snack bar, coffee shop, or ice cream parlour to place street furniture in an approved location on the highway (defined as generally being footpaths restricted to pedestrians or roads and places to which vehicular access is restricted or prohibited).

Such a designated area is solely to provide for the serving and consumption of food and drink outdoors at such establishments, in order to continue to promote public safety in a post-COVID-19 world, and to give a boost to the hospitality sector as indoor capacities will be likely have been reduced during the pandemic. It also hopes to boost the vibrancy of localities by creating a “vibrant alfresco experience for all”.

The maximum fee permitted for a Temporary Pavement Licence was £100.00. However, the Council opted to charge a fee of £75.00, in order to assist businesses and remove financial burdens from them during a period of significant economic uncertainty.

With effect from 31 March 2024, the Levelling Up & Regeneration Act 2023 made amendments to the provisions of the Business & Planning Act 2020, to make the Temporary Scheme become a Permanent Scheme.

There are only a few changes between what was in place under the Temporary Scheme and what is required under the Permanent Scheme, namely:

- The 7 day consultation period for applications increases to 14 days.
- The 7 day period to hold a Hearing following the close of consultation for contentious applications increases to 14 days.
- The Council can set fees for such licences (subject to new maximum permitted levels).
- Licences can be issued for a maximum period of 2 years, or less.
- The Council is provided with the powers to enforce designated Pavement Licence areas.

Government Guidance on the provisions of the Permanent Pavement Licence Scheme is attached at **Appendix 1**.

The standard conditions, application form, and site notice devised by the Licensing Managers of Broxtowe and Ashfield, and used by all of the Nottinghamshire Councils have been amended to be taken forward under the Permanent Scheme, simply by removing the word “Temporary”, and offering licences for the duration of 12 months or 24 months. Licences to be issued for a shorter period than 12 months would be at the discretion of the Chair to any Hearing for a contentious application. A copy of the standard conditions is attached at **Appendix 2** the application form at **Appendix 3**, and the site notice at **Appendix 4**.

The Licensing Manager has calculated the fees for new licences and renewal applications for 1 year and 2 year periods, and the proposed fees are:

- New Licence (1 Year): £250.00
- New Licence (2 Years): £300.00
- Renewal Licence (1 Year): £250.00
- Renewal Licence (2 Years): £300.00

The authority to determine Temporary Pavement Licence applications is delegated to the Chief Executive /Head of Environmental Health, Licensing and Private Sector Housing.

4. Financial Implications

The comments from the Head of Finance Services were as follows:

The Council can anticipate a nominal uplift in fees and charges income from this licensing stream which will be reflected in the budget setting for 2025/26.

5. Legal Implications

Any comments from the Monitoring Officer / Head of Legal Services will be presented at the meeting.

6. Human Resources Implications

The comments from the Human Resources Manager were as follows:

Not applicable.

7. Union Comments

The Union comments were as follows:

Not applicable.

8. Climate Change Implications

The climate change implications are contained within the report.

9. Data Protection Compliance Implications

This report does not contain any OFFICIAL(SENSITIVE) information and there are no Data Protection issues in relation to this report.

10. Equality Impact Assessment

Not applicable.

11. Background Papers

Nil.