

 <p>COTSWOLD DISTRICT COUNCIL</p>	<p>COTSWOLD DISTRICT COUNCIL</p>
<p>Name and date of Committee</p>	<p>PLANNING AND LICENSING COMMITTEE – 8 SEPTEMBER 2021</p>
<p>Report Number</p>	<p>AGENDA ITEM 6</p>
<p>Subject</p>	<p>BUSINESS AND PLANNING ACT 2020 – EXTENSION TO PAVEMENT LICENSING REGIME</p>
<p>Wards affected</p>	<p>ALL</p>
<p>Accountable member</p>	<p>Cllr Juliet Layton Cabinet Member for Development Management and Licensing Email: juliet.layton@cotswold.gov.uk</p>
<p>Accountable officer</p>	<p>Michelle Bignell, Service Leader (Licensing and Business Support) Email: michelle.bignell@publicagroup.uk</p>
<p>Summary/Purpose</p>	<p>The report details the extension of the current regime and the review to the current Policy and provides the Committee with a draft document for approval.</p>
<p>Annexes</p>	<p>Annex A – Copy of draft Pavement Licensing Policy</p>
<p>Recommendation/s</p>	<p>a) That the Committee considers the draft Policy at Annex A; b) That, subject to any further amendments, approves the draft Policy; <i>and</i> c) Approves the fee charged for 2021/22.</p>
<p>Corporate priorities</p>	<p>Delivering our services to the highest standards</p>
<p>Key Decision</p>	<p>No</p>
<p>Exempt</p>	<p>No</p>
<p>Consultees/ Consultation</p>	<p>Cotswold District Council Pavement Licensing Working Group – August 2021</p>

1. BACKGROUND

- 1.1. The Business and Planning Act 2020 (“the Act”) was introduced in 2020 to support various business sectors including hospitality. This Act included numerous temporary relaxations to existing legislations including the introduction of the Pavement Licensing regime which permitted businesses to apply to the Local Authority for a licence to use outside space to extend the trading area available for consumption of food and drink during the pandemic.
- 1.2. These powers were in place until 30th September 2021.
- 1.3. The Pavement Licensing regime has now been extended until 30th September 2022 under the Business and Planning Act 2020 (Pavement Licence) (Coronavirus) (Amendment) Regulations 2021.
- 1.4. Cotswold District Council has issued a total of 17 licences across the District.

2. MAIN POINTS

Draft Policy Document

- 2.1. There have been no major changes to the draft policy at Annex A. The only changes made are:
 - Updated dates to reflect the extension of the Act
 - Information for existing licence holders and how to reapply
 - Amendment to condition 5 of the Standard Conditions for clarification

Fee

- 2.2. It is proposed that the fee of £100 remains unchanged. This is the maximum amount permitted to be charged under the Act.
- 2.3. Licensing fees should be charged on a cost recovery basis. Although a cost recovery exercise has not been carried out, the cost of processing a licence would be more than £100.

Existing licence holders

- 2.4. As there is no renewal application permitted under the Act, it is intended to make the application process as easy as possible for those licence holders who wish to apply for a ‘like-for-like’ licence. If no issues have been reported during the time that the licence has been in force, the licence will be granted irrespective of objections. The reason for this is that the regime specifies a review process where issues arise. The licence holder will need to submit a copy of the public liability insurance to demonstrate that they still hold insurance.
- 2.5. A complete application will be required if licence holders wish to change the layout or number of tables/chairs on the existing licence.
- 2.6. A fee will be charged in each case.

Consultation

2.7. The working group which was established in 2020 was consulted on the draft policy. The working group consists of:

- Councillor Joe Harris, Leader
- Councillor Tony Dale, Cabinet Member for the Economy and Council Transformation
- Councillor Juliet Layton, Cabinet Member for Development Management and Licensing
- Councillor Ray Brassington, Chair of Planning and Licensing Committee
- Claire Locke, Group Manager
- Michelle Bignell, Service Leader
- Matthew Britton, CDC Forward Planning Team

2.8. The working group was supportive of the fee and the draft policy.

3. FINANCIAL IMPLICATIONS

3.1. As the maximum fee that is able to be charged is £100, it is recommended that this remains as the cost of processing the licence is not covered by this fee.

4. LEGAL IMPLICATIONS

4.1. The Planning and Licensing Committee holds the delegated powers for the amendment of the Policy and fee.

5. CLIMATE CHANGE IMPLICATIONS

5.1. There are no implications arising from this report.

6. ALTERNATIVE OPTIONS

6.1. None

7. BACKGROUND PAPERS

7.1. MHCLG Guidance on Pavement Licences July 2021

7.2. Business and Planning Act 2020 (Pavement Licence) (Coronavirus) (Amendment) Regulations 2021