



|                             |  |
|-----------------------------|--|
| Council name                | <b>COTSWOLD DISTRICT COUNCIL</b>   |
| Name and date of Committee  | <b>PLANNING AND LICENSING COMMITTEE – 13 SEPTEMBER 2023</b>  |
| Subject                     | <b>BUSINESS AND PLANNING ACT 2020 – EXTENSION TO PAVEMENT LICENSING REGIME</b>   |
| Wards affected              | All  |
| Accountable member          | CLlr Juliet Layton Cabinet Member for Development Management and Licensing<br>Email: <a href="mailto:Juliet.layton@cotswold.gov.uk">Juliet.layton@cotswold.gov.uk</a>  |
| Accountable officer         | Alison Gardner – Licensing Team Leader<br>Email: <a href="mailto:alison.gardner@publicagroup.uk">alison.gardner@publicagroup.uk</a>  |
| Report author               | Alison Gardner – Licensing Team Leader<br>Email: <a href="mailto:alison.gardner@publicagroup.uk">alison.gardner@publicagroup.uk</a>  |
| Summary/Purpose             | Draft policy document for approval following the extension of the current pavement licensing regime to 30th September 2024.  |
| Annexes                     | <b>Annex A – Copy of draft Pavement Licensing Policy</b>   |
| Recommendation(s)           | That the Planning and Licensing Committee considers the draft Policy at Annex A and resolves to;<br><ol style="list-style-type: none"><li>1. Approve the draft policy; and</li><li>2. Note the fee charged for 2023/24</li></ol> |
| Corporate priorities        | <ul style="list-style-type: none"><li>• Deliver the highest standard of service</li><li>• Support health and wellbeing</li><li>• Enable a vibrant economy</li></ul>  |
| Key Decision                | NO   |
| Exempt                      | NO   |
| Consultees/<br>Consultation |  |



## **EXECUTIVE SUMMARY**

- 1.1 The Pavement Licensing regime has been extended for a further year until 30<sup>th</sup> September 2024 under the Business and Planning Act 2020 (Pavement Licences)(Coronavirus) (Amendment) Regulations 2023.
- 1.2 The draft policy requires approval following the extension of the current pavement licensing regime to 30<sup>th</sup> September 2024.

## **2. BACKGROUND**

- 2.1 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.
- 2.2 These powers were further extended until 30<sup>th</sup> September 2023.
- 2.3 The Pavement Licensing regime has now been given a further extension until 30<sup>th</sup> September 2024 under the Business and Planning Act 2020 (Pavement Licences)(Coronavirus) (Amendment) Regulations 2023 pending a permanent change in the future.
- 2.4 Cotswold District Council has a total of 15 licences across the District.

## **3. MAIN POINTS**

### **3.1 Draft Policy Document**

There have been no changes to the draft policy at Annex A apart from the change of date to reflect the extension until 30<sup>th</sup> September 2024.

### **3.2 Fee**

In 2022/23, the Council determined to charge an application fee of £100 which is the maximum fee permitted under the Act.

Licence fees should be charged on a cost recovery basis and although a cost recovery exercise has not been carried out, the cost of processing a licence would be more than £100.

### **3.3 Existing Licence Holders**

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. The licence holder will therefore not be required to submit plans and photographs as part of their application unless they wish to change the layout or numbers of tables and chairs. A copy of the public liability insurance will be required to ensure that a current policy is in place. A fee will be charged where applicable.



#### **4. ALTERNATIVE OPTIONS**

4.1 There are no alternative options.

#### **5. FINANCIAL IMPLICATIONS**

5.1 The licensing service should set fees on a cost recovery basis. The Council will not be reimbursed for any costs if no fee is set. Therefore if the Committee determines to not charge a fee the work will need to be subsidised by the Council.

#### **6. LEGAL IMPLICATIONS**

6.1 The legal implications are contained within the body of this report. The Planning and Licensing Committee holds the delegated powers for the amendment of the Policy and fee.

#### **7. RISK ASSESSMENT**

7.1 No risks have been identified.

#### **8. EQUALITIES IMPACT**

8.1 Not directly applicable to this decision.

#### **9. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS**

9.1 There are no direct climate change implications arising directly from this report.

#### **10. BACKGROUND PAPERS**

10.1 The following documents have been identified by the author of the report in accordance with section 100D.5(a) of the Local Government Act 1972 and are listed in accordance with section 100 D.1(a) for inspection by members of the public:

- Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2023
- Ministry of Housing, Communities & Local Government (MHCLG) Guidance on Pavement Licences 26 July 2022

10.2 These documents will be available for inspection online at [www.cotswold.gov.uk](http://www.cotswold.gov.uk) or by contacting democratic services [democratic@cotswold.gov.uk](mailto:democratic@cotswold.gov.uk) for a period of up to 4 years from the date of the meeting.

(END)