



WEST OXFORDSHIRE  
DISTRICT COUNCIL

## WEST OXFORDSHIRE DISTRICT COUNCIL

Name and Date of Committee	LICENSING COMMITTEE – 18 JUNE 2024
Subject	<b>BUSINESS AND PLANNING ACT 2020 – UPDATE TO PAVEMENT LICENSING REGIME</b>
Wards Affected	All
Accountable Member	Councillor Andy Graham – Leader of the Council. Email: <a href="mailto:andy.graham@westoxon.gov.uk">andy.graham@westoxon.gov.uk</a>
Accountable officer	Jon Dearing – Assistant Director, Resident Services Email: <a href="mailto:jon.dearing@publicagroup.uk">jon.dearing@publicagroup.uk</a>
Report Author	Mandy Fathers – Business Manager, Environmental, Welfare and Revenues Email: <a href="mailto:mandy.fathers@publicagroup.uk">mandy.fathers@publicagroup.uk</a>
Summary	To approve a Draft Pavement Licence Policy document following the Levelling Up and Regeneration Act making permanent the pavement licensing regime.
Annexes	Annex A – Copy of Updated Pavement Licensing Policy
Recommendations	That the Licensing Committee recommends to Council to: <ol style="list-style-type: none"><li>1. Approve the draft policy, subject to any further amendments; and</li><li>2. Approve the new fees as detailed in paragraph 3.3 of the report.</li></ol>
Corporate Priorities	Putting Residents First Working Together for West Oxfordshire Enabling a Good Quality of Life for All
Key Decision	YES
Exempt	NO
Consultees/ Consultation	

## **I. EXECUTIVE SUMMARY**

- 1.1** This report introduces an amended Pavement Licensing Policy following The Levelling Up and Regeneration Act making the temporary pavement licensing regime permanent. Any new or existing applications made after 31 March 2024 must be dealt with under the new regime.

## **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.** The Levelling Up and Regeneration Act now makes permanent the Pavement Licensing regime under the Business and Planning Act 2020.
- 2.3.** West Oxfordshire District Council has a total of 15 licences across the District.

## **3. MAIN POINTS**

- 3.1.** Amendments have been made to the draft Policy to reflect the changes in legislation. These changes included:
- Increasing the minimum consultation period from 14 days to 28 days.
  - Expanding the licence validation from 12 months to 24 months.
  - Increasing the capped fees for a new licence from £100 to £500.
  - Introducing a renewal fee, capped at £350.
  - Enforcement powers to give notice to businesses without the required licence and enable the Council to remove and store furniture from the relevant highway and recover the costs from the business.
  - The ability to amend a licence in certain circumstances with the licence holder’s consent.
- 3.2.** For those licences already granted prior to 30 March 2024, these will remain valid until their expiration date on the licence of 30<sup>th</sup> September 2024. Once expired, businesses will need to apply for a new licence. If the application is made by the same licence-holder, in respect of the same premises, and is on the same terms as the expired licence, the Council will treat this as a renewal application.
- 3.3.** To ensure that the Council is reimbursed for the administration of this service a cost analysis has been undertaken. Proposals for the new costs for this service is as follows:
- New Licence Fee      £185.00
  - Renewal Fee            £150.00
- 3.4** The new licence fee will cover a period of 2 years and therefore equates to an overall reduction of £15 in the fees as a result of the cost based analysis.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1. 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 then this work will need to be subsidised by the Council. Given the small number of licences issued by the Council, the increase in fee will not have a significant impact on forecast licensing income included in the 2024/25 budget and Medium-Term Financial Strategy.

#### **5. LEGAL IMPLICATIONS**

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

#### **6. EQUALITIES IMPACT**

- 6.1. Not directly applicable to this decision.

#### **7. CLIMATE CHANGE IMPLICATIONS**

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

#### **8. ALTERNATIVE OPTIONS**

- 8.1. There are no alternative options.

#### **9. BACKGROUND PAPERS**

- 9.1. 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:

- Licencing Committee 22 September 2022. Agenda Item 8
- Licensing Committee 29 August 2023.

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