



WEST OXFORDSHIRE
DISTRICT COUNCIL

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Name and date of Committee	Miscellaneous Licensing Sub-Committee: Thursday 9th September 2021
Report Number	Agenda Item No. 6
Subject	BUSINESS AND PLANNING ACT 2020 – EXTENSION TO PAVEMENT LICENSING REGIME
Wards affected	All
Accountable member	Councillor Norman MacRae, Cabinet Member for Environment Email: norman.macrae@westoxon.gov.uk
Accountable officer	Michelle Bignell, Service Leader (Licensing and Business Support) Tel: 01285 623000 Email: michelle.bignell@publicagroup.uk
Summary	The report details the extension of the current regime and the review to the current Policy and provides the Miscellaneous Licensing Sub-Committee with a draft document for approval.
Annexes	Annex A – Copy of draft Pavement Licensing Policy
Recommendations	a) That the Miscellaneous Licensing Sub-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.
Corporate priorities	A Vibrant District Economy Strong Local Communities
Key Decision	N/A
Exempt	No
Consultees/ Consultation	West Oxfordshire District Council Pavement Licensing Working Group – August 2021

I. 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. West Oxfordshire District Council has issued a total of 20 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. In 2020/21, the Council determined to waive the application fee to support the hospitality sector. Now that hospitality is reopen, it is proposed that the maximum fee permitted under the Act is charged. This is £100.
- 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 Michele Mead, Leader
 - Councillor Norman MacRae, Cabinet Member for Environment and Chair of the Licensing Committee
 - Phil Martin, Group Manager
 - Keith Butler, Monitoring Officer
 - William Barton, Business Development Officer
 - Michelle Bignell, Service Leader
 - Oliver Murray, WODC Planning Team

3. FINANCIAL IMPLICATIONS

- 3.1. If the Miscellaneous Licensing Sub-Committee determines not to charge a fee, then this work will need to be subsidised by the Council.

4. LEGAL IMPLICATIONS

- 4.1. The Licensing Committee holds the delegated powers for the amendment of the Policy and fee which has been delegated to the Miscellaneous Licensing Sub-Committee.

5. CLIMATE CHANGE IMPLICATIONS

None.

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