



WEST OXFORDSHIRE
DISTRICT COUNCIL

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Name and date of Committee	LICENSING COMMITTEE - 22 SEPTEMBER 2022.
Report Number	AGENDA ITEM NO 8
Subject	BUSINESS AND PLANNING ACT 2020 – EXTENSION TO PAVEMENT LICENSING REGIME
Wards affected	All
Accountable member	Cllr Lidia Arciszewska – Cabinet Member for Environment Email: Lidia.Arciszewska@westoxon.gov.uk
Accountable officer	Alison Gardner – Licensing Team Leader Email: alison.gardner@publicagroup.uk
Summary	Draft policy document for approval following the extension of the current pavement licensing regime to 30th September 2023.
Annexes	Annex A – Copy of draft Pavement Licensing Policy
Recommendations	a) <i>that the Licensing Committee considers the draft Pavement Licensing Policy at Annex A and</i> b) <i>that, subject to any further amendments, approves the draft Policy; and</i> c) <i>the Licensing Committee considers the fee charged for 2022/23.</i>
Corporate priorities	ECONOMY Develop a vibrant economy that is resilient and future proofed. COMMUNITY Improve community wellbeing, supporting and celebrating our distinctiveness.
Key Decision	No
Exempt	No
Consultees/ Consultation	

I. BACKGROUND

- I.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.
- I.2.** These powers were further extended until 30th September 2022.
- I.3.** The Pavement Licensing regime has now been given an interim extension until 30th September 2023 under the Business and Planning Act 2020 (Pavement Licence) (Coronavirus) (Amendment) Regulations 2022 pending a permanent change in the future.
- I.4.** West Oxfordshire District Council has a total of 17 licences across the District.

2. MAIN POINTS

2.1. Draft Policy Document

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
- Inclusion of paragraph at section 2.6 regarding previous permissions.
- Change of wording at section 3.4 to read more clearly.
- Removal of paragraph at section 3.6 which indicated that objections will not be considered if no concerns raised during term of previous licence as all objections must be considered in accordance with the Act and to ensure fairness across applications.
- Updating of job title and wording in delegations table at section 3.6.

2.2. Fee

In 2021/22, the Council determined to charge an application fee of £100 which is the maximum fee permitted under the Act.

Licensing 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.

2.3. 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.

3. FINANCIAL IMPLICATIONS

- 3.1. 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.

4. LEGAL IMPLICATIONS

- 4.1. 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.

5. EQUALITIES IMPACT

- 5.1. Not directly applicable to this decision.

6. CLIMATE CHANGE IMPLICATIONS

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

7. ALTERNATIVE OPTIONS

- 7.1. There are no alternative options.

8. BACKGROUND PAPERS

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