

Report to Licensing Committee

Date of meeting: 26th October 2023



**Epping Forest
District Council**

Subject: Pavement Licensing

Officer contact for further information:

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Committee Secretary: Therese Larsen 01992564243

Recommendations: For Information

Background

The Levelling-up and Regeneration Bill proposes to make the regime for pavement licences issued under the Business and Planning Act permanent.

Pavement licensing was introduced in 2020 through emergency legislation in response to the COVID pandemic. Its intent was a simplified and fast track route for pubs, restaurants, and cafes to obtain a temporary permission to place furniture including outdoor tables and seating on the highway, allowing them to increase their outdoor capacity safely, quickly and at a low cost.

The regime was first extended in 2021 and again in 2022, and it was due to end on 30th September 2023. However, Government announced in August that it will again extend the temporary regime for a further 12-month period until 30th September 2024.

This extension will also include the automatic entitlement to provide off sales for the consumption of alcohol in the external areas covered by the pavement licence even where off sales is not specified on the existing premises licence.

In summary the Bill proposes to make pavement licensing a permanent fixture subject to the following amendments:

- Amend the fee councils can charge applicants, increasing it from £100 to £350 for premises which already hold a pavement licence, and £500 for new applicants.
- Extend the public consultation period and council determination period from 7 days to 14 days.
- Extend the maximum duration of pavement licences from 1 year to 2 years. The length of a licence is however at the discretion of the local authority.
- Provide that pavement Licences can also be amended by the local authority with the consent of the licence holder if it is considered that the conditions on the licence are not being met.
- Prohibit a local authority from granting a tables and chairs licence under the old regime (Highways Act 1980) if a pavement permit is capable of being granted under this legislation.
- Insert a new Enforcement schedule providing powers to the local authority to remove furniture if a premise is not abiding by its pavement licence conditions and hours.

One of the current benefits of the existing procedure is that once a pavement licence is issued, the premises automatically benefits from planning permission for the furniture for the duration of the licence. There is currently no proposal to change this.

Due to the temporary extension until 2024, we have adopted the same approach taken in previous years, namely:

- Licence holders wishing to keep the same timings, quantity of furniture, layout and making no changes; no fee was charged.
- A public notice be displayed in the window of the premises and in the absence of any objection the licence was automatically extended until 30th September 2024.
- If the licence holder wished to make any changes, they would have to submit a new application, pay the relevant fee (£100) and the application would have been subject to the full consultation and approval process i.e. automatic grant if no objections or where objections received, officer recommendation and determination by Head of Technical Services, Councillor Williamson (Technical Services Portfolio Lead) and Councillor Morgan as Chair of the Licensing Committee.

All premises were written to in August and advised accordingly. They have all renewed their licence for a further period without any variation being sought.

The Levelling-up and Regeneration Bill remains at Committee stage in the House of Commons having had its 1st and 2nd reading and will hopefully receive Royal Assent in due course.