



Licensing Committee

Item
8

8 November 2023

Report of	Head of Public Protection	Author	Alison Chapman
Title	Pavement Licence Policy – policy update		☎ 508770
Wards affected	Not applicable		

1. Executive Summary

- 1.1 In 2020 the Government passed legislation to help the hospitality industry recover from the coronavirus lockdown. The Business and Planning Act 2020 ([the Act](#)) streamlined the process of applying for outdoor furniture through a new system of 'Pavement Licences'. The Act has been amended several times to extend the date that pavement licences can be issued until. The Pavement Licence Policy (version 4) attached as Appendix 1 to this report, has been updated to reflect this and make it more informative and user friendly to assist customers to self-serve.

2. Recommended Decision

- 2.1 It is recommended that the Committee approve the updated Pavement Licensing Policy.

3. Reason for Recommended Decision

- 3.1 The updated policy provides more information to applicants and licence holders on what is expected in applying for and operating a pavement licence. The policy allows for further amendments to the Act without the need to re-write the policy on an annual basis.

4. Alternative Options

- 4.1 To update the policy on an annual basis.

5. Background Information

- 5.1 In 2020 the Government passed legislation to help the hospitality industry recover from the coronavirus lockdown. The Business and Planning Act 2020 ([the Act](#)) streamlined the process of applying for outdoor furniture through a new system of 'Pavement Licences'. The Act meant licences could be granted more quickly than a 'Pavement Permit' issued under part 7A section 115A of the Highways Act 1980.
- 5.2 [The Business and Planning Act 2020 has been amended](#) to extend the end date of the pavement licence regime, which is currently 30 September 2024.
- 5.3 The Pavement licence policy has been updated to make it more user friendly, providing clearer information to applicants, licence holders and the general public. Changes include:
- Further information on the required standard of barriers, to ensure they take into account the needs of disabled people.
 - Clarity around what constitutes a valid pavement licence application.
 - Further information relating to site plans, including the need for scale plans.
 - A simplified site notice template.
 - Clearer, enforceable licence conditions.
- 5.4 The changes will enable customers to be better informed when applying for a pavement licence. It is anticipated this will reduce the number of pre-application queries to the customer service centre/licensing team and reduce the number of incomplete applications being rejected due to inadequate site plans.

6. Equality, Diversity and Human Rights implications

- 6.1 The Act requires a standard national condition relating to clear routes of access:-
"Clear routes of access along the highway must be maintained, taking into account the needs of disabled people, and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in the Department of Transport publication '[Inclusive Mobility](#)'."
- 6.2 An Equality Impact Assessment (EIA) is not required as there are only minor changes to the existing policy.

7. Strategic Plan References

- 7.1 Links to the priorities in the Council's [Strategic plan 2023-26](#).
Priorities:-
- Strengthen Colchester's tourism sector and welcome more visitors each year.
 - To make our city a better place in which to live and work and visit.

8. Consultation

- 8.1 The policy consolidates and updates the existing policy. The changes are considered to be 'minor' changes and therefore do not require consultation.

9. Publicity Considerations

- 9.1 The policy will apply to new applicants for pavement licences. The Policy and supporting information will be made available on the Council's website.

10. Financial implications

- 10.1 There are no financial implications associated with the policy.

11. Health, Wellbeing and Community Safety Implications

- 11.1 Pavement licences increase the amount of outdoor seating for food businesses. This allows customers to eat and drink outside in 'fresh' air which will reduce the likelihood of transmission of respiratory illness including Coronavirus, which was the reason for the implementation of the legislation.
- 11.2 The standard conditions applied to each pavement licence include that the licence holder shall ensure that the area operates in a safe and orderly manner, minimising any safety risk or nuisance to customers, other users of the public highway or any adjacent land or premises. Where the consumption of alcohol is permitted to take place, all drinking vessels shall be plastic or toughed glass. If conditions are not met the Council can revoke the licence.

12. Health and Safety Implications

- 12.1 The licenced area of highway remains a public right of way, and furniture must be positioned to enable safe passage. Furniture is required to be securely packed away daily at the end of service each day. As such the risk to the health and safety of the general public is minimised.

13. Risk Management Implications

- 13.1 There are no significant risk management implications associated with this policy.

14. Environmental and Sustainability Implications

- 14.1 The policy does not permit the use of outdoor heaters in areas where pavement licences are granted, hence reducing the environmental impact of using the areas during colder months.