

REPORT OF LEAD LICENSING OFFICER
To: LICENSING COMMITTEE
Subject: PAVEMENT LICENSING POLICY
Date: 4 DECEMBER 2024

Reference:

PURPOSE OF REPORT:

To seek approval from the Licensing Committee to commence a consultation exercise for the introduction of a Pavement Licensing Policy

1. INTRODUCTION

The Authority does not currently have a Pavement Licensing Policy. It is considered best practice to have a formal policy in place and this report seeks approval to commence a consultation exercise for the introduction of a formal policy.

2. REPORT

The Business and Planning Act 2020 brought a number of temporary changes to assist businesses re-opening after the Covid pandemic.

One of those changes was the introduction of a streamlined process for issuing pavement licences. It also transferred responsibility of issuing these licences from the County Council to District Councils.

The introduction of the Levelling Up and Regeneration Act 2023 has created a series of amendments to the Business and Planning Act 2020 which are of significance to the Council's pavement licensing regime. The most significant amendment is making the temporary arrangements permanent.

There is no legal duty on the Authority to publish a licensing policy for pavement licences. However, it is widely regarded as best practice to have a policy in order to provide guidance and good practice for applicants, the Authority and members of the public.

It is proposed to undertake an 8 week consultation process and report the responses back to Licensing Committee to approve and adopt the Policy.

The draft policy is detailed in Appendix A.

3. IMPLICATIONS

Legal Implications

There is no legal requirement to have a policy in place, however, such a policy does provide guidance and good practice for applicants, the Authority, members of the public and, ultimately in the case of enforcement action, guidance for the courts.

Financial Implications

None

Human Resources Implications

None



Sustainability/Biodiversity Implications

None

Equality/Diversity

None

Risk Management

There are possible legal, reputational and financial risks if the Council does not maintain a Policy which reflects current legislation and the latest guidance.

Compliance with Policies and Strategies

All regulatory activity is carried out in accordance with current policy and procedures.

Data Protection (GDPR) Implications

None

Climate Change

None

Lead Member Views

Councillor Bright, Chair of Licensing Committee, has been consulted.

4. CONCLUSIONS

It is good practice to have a robust policy to provide guidance and good practice to applicants, the Authority's officers, councillors and members of the public.

5. RECOMMENDATIONS

It is recommended:

1. that Members approve the consultation process;
2. that consultation on the draft policy be carried out over an 8 week period and the responses reported back to this committee at a future date.

SUPPORTING INFORMATION

Consultations: In accordance with the agreed schedule
Contact: Chris Parkhouse
Supporting papers: Licensing data area/files

