

PAVEMENT LICENSING JUNE 2024

Licensing Board	11th June 2024
By	Alison Brock, Technical Support Team Manager
Cabinet Portfolio Member	Cllr Heather Keen, Portfolio Holder for Community
Key Decision	No
Decision classification	Unrestricted
Call in Status	N/A
Ward:	All

Purpose of the Report

To discuss if there should be an increase in the fee for a Pavement Licence following the Levelling Up and Regeneration Act 2023 passing the pavement licensing regime permanently to Local Authorities.

Recommendation(s):

- 1 The fee remains the same as it is currently £100 for both new and renewal, but the length of the licence will be increased to 2 years.
- 2 The Board agrees a fee increase of their choice for both new and renewal and the length of the licence be increased to 2 years.

1. Summary of Reasons

- 1.1 Changes to the application process are required under the new Act and the board's decision is requested.

2. Background

- 2.1 In 2020 the Business and Planning Act gave temporary responsibility for the issue of pavement licences to Local Authorities to make the process easier during the Covid period. This was due to revert back to County Councils back in September 2022 but was again extended to March 2025.

2.2 At the end of March this year the Levelling Up and Regeneration Act 2023 introduced a permanent pavement licensing regime in England to replace the temporary provisions introduced by the Business and Planning Act 2020.

3. Relevant Issues

3.1 The main new provisions the LURA Act has introduced are

- The fee cap for a pavement licence application has been increased from £100 for new or renewal applications to £500 for first time applications and £350 for renewal applications. This increase to the cap is intended to allow local authorities to recover the costs of processing applications, monitoring and enforcing licences. Annex A - other authorities current charges.
- Local authorities can now grant a pavement licence for a length of up to a maximum of two years, unless there is a good reason to do otherwise.
- The 7 day consultation period and 7 day determination periods under the temporary regime have been extended to 14 days for each, therefore making the consultation process 28 days from the current 14.
- The new provisions now give local authorities new enforcement powers. Local authorities can now with the consent of the licence-holder, be able to amend the licence in certain circumstances. They will also be able to give notice to businesses who have placed furniture on the relevant highway without the required licence. If furniture continues to be placed on the highway, in contravention of the notice, the authority may remove and store the furniture and refuse to return it until a licence has been applied for and any costs paid. If within 3 months of the notice being served, the costs are not paid, the authority can dispose of the furniture by sale of other means and retain the proceeds.

The new Pavement Licence guidance that was issued on 2 April is attached at Annex B.

4. Alternative Options

4.1 N/A

5. Consultation

5.1 There is no requirement to conduct statutory consultation on this decision.

6. Corporate Implications

6.1 Finance and Resources

6.1.1 There are no direct financial implications arising directly from this report. Some increase in revenue may be received from payment for Pavement Licences. Implementation will be met by existing staff resources.

6.2 Legal and Constitutional

6.2.1 The powers to implement the Pavement Licence process have been permanently given to the Local Authority by the Levelling Up and Regeneration Act 2023 following on from the temporary arrangement given by the Business and Planning Act 2020.

6.3 Council Policies and Priorities

6.3.1 The report relates to the following corporate priorities:-

- To keep our district safe and clean
- To protect our environment
- To create a thriving place

6.4 Risk

6.4.1 None identified.

6.5 Climate Change and Biodiversity

6.5.1 There are no climate change or biodiversity implications arising from the report.

7. Equality, Equity and Diversity Implications

7.1 Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

In considering this application it is appropriate to consider the rights of both the applicant and other parties, such as “responsible authorities” and/or “other persons” (objectors). The procedure for determining licences has a prescribed format to ensure fair representation of the relevant facts by all parties.

8. Crime and Disorder Implications and Community impact

8.1 There are no Crime and Disorder implications arising from the report.

9. Subject History

9.1 Original report to Cabinet in July 2020 following the temporary measures, given to local authorities by the Business and Planning Act 2020.

Appendices

Annex A - Figures from other local authorities

Annex B - New Guidance

Background Papers

<https://www.gov.uk/government/publications/pavement-licences-guidance>

Report Author(s) Contact: Alison Brock, Technical Support Manager
telephone: 01843 577416
email: alison.brock@thanet.gov.uk

Report Sign Off : Penny Button (Head of Neighbourhoods)

Date sent :3rd June 2024

Date signed off initials - AB/PB

Legal : N/A

Finance:N/A