

# Full Licensing Committee



**Report of: Service Director – Growth and Regeneration**

**Title: Pavement Licensing Policy**

**Ward:** N/A

**Officer Presenting Report:** **Shaun Taylor, Highway Maintenance Group Manager**

**Contact Telephone Number:** NA

## **Recommendation**

Adopt the draft pavement licensing policy as set out at Appendix A.

## **Summary**

The policy is being introduced to sit alongside the Business and Planning Act 2020, which streamlined the process for applying for removable furniture on the highway. This Act was introduced during the Covid-19 pandemic to permit a shorter process for applications, to facilitate outdoor dining when restrictions were in place on inside areas. The Act is likely to be made permanent within the next year, to maintain this streamlined approach.



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## **Background**

1. Local authorities have had the ability to manage removable furniture on the highway under the Highway Act 1980 for a number of years, however the process was lengthy and not particularly straightforward.
2. Towards the start of the Covid-19 pandemic the government introduced a range of measures to facilitate outdoor hospitality, including to streamline the process for obtaining permission for removable furniture on the highway. This was introduced under the Business and Planning Act 2020 as a short-term measure.
3. As the restrictions from the pandemic remained in force the government extended the Act several times, and it is now the intention of Parliament to make it permanent through the Levelling Up and Regeneration Bill, which will, if passed, amend the 2020 Act to remove the time limitations.
4. The Act already provides specific requirements in respect of consultation and determination but does not specify that a policy is required in respect of removable furniture. The government has also issued statutory guidance in respect of the current requirements under the Act. The Council must have regard to this guidance when processing and determining applications under this Act.
5. This policy will guide the Council when determining applications made in connection with the Business and Planning Act 2020 in relation to the placing of removable furniture on the highway. The policy covers all applications for pavement licences under this Act which allows the holder to place removable furniture on part of a relevant highway adjacent to the premises to which they relate for specific purposes
6. The policy does not apply to non-removable furniture, parasols over 1.8m in diameter, sided or un-sided structures, or decking. These matters are dealt with under separate legislation and will require separate permissions.
7. The proposed policy is attached at Appendix A. Standard conditions to be attached to pavement licences are attached at Appendix B.

## **Consultation**

8. There is no statutory obligation to consult on policies before introducing them, but it is normally considered best practice. The draft policy before the committee today replicates closely the requirements and considerations in both the Act and the statutory guidance and officers consider that a consultation is not necessary in respect of this policy.
9. It is intended that this policy will be in force until such time as the Levelling Up and Regeneration Bill amends the Business and Planning Act 2020 to make the aspects relating to removable furniture permanent.
10. At this time a review of the policy will be undertaken to ensure that any changes to processes or considerations for determination of applications are correct within the Council's policy, as well as considering whether any other measures are necessary in the longer term to promote outdoor

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hospitality whilst also balancing the needs of other users of the highway. It is intended that a full consultation will be taken at that time.

### **Summary of Equalities Impact of the Proposed Decision**

11. The authority must consider the public sector equality duty before making any decisions. An equalities impact assessment has been undertaken during the development of this proposal and highlights the areas which may cause concern. In particular there is a risk that the needs of disabled persons, parents with pushchairs, and carers of disabled persons are impacted by the granting of pavement licences. These concerns can be mitigated by ensuring that officers give due consideration to the impact of any licence on these groups in the policy and determining applications. There is also a requirement for all licences issued to have a no obstruction condition which ensures that there is an appropriate width of footway for all users of the highway where licences are granted.
12. A copy of the full Equalities Impact Assessment is included at Appendix C.

### **Recommendation**

13. That the committee adopt the draft policy with immediate effect.

### **Legal and Resource Implications**

#### **Legal**

TBC

#### **Financial**

##### **(a) Revenue**

Not applicable

##### **(b) Capital**

Not applicable

#### **Land**

Not applicable

#### **Personnel**

Not applicable

### **Appendices:**

Appendix A – Proposed pavement licensing policy

Appendix B – Standard conditions

Appendix C – Equalities Impact Assessment

### **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

#### **Background Papers:**

None.