

Decision under Delegated Powers

Changes to Pavement Licence Applications and Fee Structure

Officer Requesting Decision

Licensing Manager

Officer Making the Decision

Head of Regulatory Services

Recommendation

1. That the proposed fees listed in **Appendix A** for new pavement licence applications and renewals be implemented.

Reason

1. In order to charge a fee to enable cost recovery on a new pavement licence regime.

Authority for Decision

Under section 8.2 – Delegation to the Head of Regulatory and Community Safety point 32 (Pavement Licences) – to determine fees up to the Statutory Maximum.

Decision and Date

That the proposed fee structure be implemented.



Gareth Harvey
Head of Regulatory and Community Safety
01/08/2024

Background

Following its introduction as a temporary provision in the Business and Planning Act 2020, pavement licensing has now become permanent with the commencement of the provisions within the Levelling Up and Regeneration Act 2023.

Originally, pavement licensing was created as a temporary measure to help establishments adapt during the COVID-19 pandemic by allowing licence holders to place removable furniture over certain highways adjacent to the premises.

Whilst the previous measures and provisions will remain the same mainly, there have been 4 key adjustments:

- **Fees:** Fees are now capped at £500 for any new applications (increased from £100) with the cost of a renewal application capped at £350.
- **Duration:** Pavement licences can now be granted for a period of up to 2 years, with the full period being the recommendation unless there are specific reasons.
- **Consultation and determination periods:** These periods have increased from 7 days to 14 days for each, making the full process now take 28 days from submission of application to grant.
- **Enforcement powers:** These have been improved, including the ability to amend a licence (with consent of the holder) and to remove and store outdoor furniture (at a cost to the premises) should they operate in contravention of their licence or without a licence altogether.

Current Numbers

Licences issued by Charnwood Borough Council under the BPA Act 2020 can continue to operate until their expiry on the 30th September 2024, there are currently 17 pavement licences issued within the Borough.

To enable local businesses to trade and make use of the summer months, a temporary measure has been put in place to allow premises to apply for a short term pavement licence valid until 30th September 2024.

Any pavement licences issued by Leicestershire County Council will also now be required to obtain one from Charnwood Borough Council upon their expiry, currently they have 1 valid (expires 03/11/2024) and 1 recently expired licence.

Proposed Fees

There is currently no fee required to apply for a pavement licence within Charnwood Borough Council. However due to the expected increase in applications and enforcement measures required, this additional burden would fall to the Licensing Team.

The proposed fee structure, detailed in **Appendix A**, takes into account the actions required to administer and enforce the function.

Comments from HR

Not applicable.

Financial Implications

The implementation of a fee structure for pavement licensing will increase Licensing's income by approximately £7,500 based on the current number of licences.

A new income code has been created specifically for this on E205 (J0539).

Risk Management

Risk Identified	Likelihood	Impact	Overall Risk	Risk Management Actions Planned
Challenges to the Council that the fees are unreasonable	Possible	Moderate	4 (moderate)	The fees have been calculated on a costs recovery basis with workings and costings for each stage of applications

Key Decision: No

Background Papers: None

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Appendix A

Process	Time	Cost
New Application	7.76 Hours	£423.55
Renewal	5.59 Hours	£306.51

Proposed fee for **New Application - £420**

Proposed fee for **Renewal - £300**