

Report to:	LICENSING COMMITTEE
Relevant Officer:	Tim Coglan, Head of Public Protection
Date of Meeting:	22 September 2020

PAVEMENT LICENCES

1.0 Purpose of the report:

- 1.1 Further to the decision of the Committee on 6 August 2020 concerning the new temporary Pavement Licence to consider whether the Committee wishes to revisit the fee aspect of that decision in light of the revised situation, set out in the report.

2.0 Recommendation(s):

- 2.1 To set aside decision of the Licensing Committee on 6 August 2020, to set the fee for Pavement Licences at £100.
- 2.2 To set the fee for applications for Pavement Licence at the same nominal £25 administration fee as the Street Café Licences fee.
- 2.3 To refund any fees already paid for Pavement Licences or reapply them to other licence fees.
- 2.4 To refer the fees to the relevant Cabinet Member for future review along with other Licensing fees as part of the budget setting process in 2021, to ensure similar considerations are using in reviewing the Pavement Licence fee and Street Café Licence fee in future.

3.0 Reasons for recommendation(s):

- 3.1 Subsequent to the meeting of the Licensing Committee on 6 August 2020, the Cabinet Member for Environment and Climate Change in approving Decision PH39/2020 agreed to waive the Street Café Licence fee and replace it with a £25 administration fee to help and support small businesses within Blackpool. The Committee in setting the fee was not aware that this decision to waive the fee would be made and it is considered reasonable to approach the Committee now to review its previous decision.

3.2 Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.3 Is the recommendation in accordance with the Council's approved budget? Yes

4.0 Other alternative options to be considered:

The Committee could retain the existing fee. However that would mean that Pavement Licences were out of step with the existing Street Café Licences for whom the fee is now waived.

The charging of an administration fee is considered necessary to deter speculative applications and to ensure that applicants are serious about compliance with the undertakings required.

5.0 Council Priority:

5.1 The relevant Council priority is: "The economy – maximising growth and opportunity across Blackpool".

6.0 Background Information

6.1 The Business and Planning Act 2020 received Royal Assent on 22 July 2020. This Act contains measures to assist businesses to trade during the restrictions imposed due to Coronavirus. Pavement licences are one such measure.

6.2 The Licensing Committee considered a report on the policy for Pavement Licences at its meeting on 6 August 2020. At the meeting members held a discussion on the level of fees with members expressing two conflicting desires to both support small businesses as much as possible but also to ensure that the costs of administration did not fall unreasonably on the General Fund Revenue Budget and by extension Blackpool residents.

6.3 On the 6 August 2020, the Licensing Committee resolved:

Resolved:

1. To adopt the Pavement Licence policy as attached at Appendix 3a subject to the minor amendments as confirmed at the meeting.
2. To agree the standard conditions that will be attached to Pavement Licences, as set out in Annex 2 of Appendix 3a, to the agenda.

3. To set the fee for applications at £100.
4. To approve the granting of Pavement Licences until 30 September 2021 or such later time as appointed by regulations.
5. To delegate to the Director of Community and Environmental Services, or in his absence, the Head of Public Protection, the power to make determinations in relation to applications for Pavement Licences.
6. To delegate to the Director of Community and Environmental Services, or in his absence, the Head of Public Protection, the power to revoke or suspend for a fixed period Pavement Licences on the grounds outlined in section 4 of Appendix 3a, to the agenda, after consultation with the Chairman and Vice-Chairman of the Licensing Committee.

- 6.4 Subsequent to that meeting, the Cabinet Member for Environment and Climate Change considered a report to review the Street Café Licensing fee. This decision outlined the Council's concerns that the fee level would have a negative impact on currently trying to re-establish themselves and businesses are struggling financially to make ends meet and also outlined the potential to claim from central Government under the Local Government Income Compensation Scheme for lost sales, fees and charges. The waiving of the fee and its replacement with a nominal £25 administration fee was approved on 21 August 2020 and a link to the Decision Notice is here. [decision notice](#)
- 6.5 While it is not normal practice to revisit previously agreed decisions of a Committee. It is considered that in the circumstances, where the Committee was unaware of the changes to situation that lead to the Cabinet Member decision and it may wish to amend its decision of 6 August 2020 to ensure consistency of approach with Street Café Licensing.
- 6.6 The amended fee for Street Café Licensing would expire on 31 March 2021 before which time the Council will have undertaken a full review of all licensing fees taking into account the impact of Coronavirus. It is therefore recommended that the Pavement Licence fee be added to that review to be undertaken by the Cabinet Member for Environment and Climate Change. This would again ensure consistency of approach in that licence fees are an Executive responsibility as the costs of which form part of the budget for that service. It would be also be considered that at that point, that greater clarity would be available as to the longer term future of Pavement Licences potentially beyond the original end date of September 2021 and support offered by central government to offset the reduction in fee income.

6.7 Does the information submitted include any exempt information? No

7.0 List of Appendices:

7.1 None.

8.0 Financial considerations:

8.1 The administration costs of the scheme remain the same as before so the costs of administration not covered by the nominal administration fee will be claimed back from the Government under the Local Government Income Compensation Scheme for lost sales, fees and charges with any residual falling on the service.

9.0 Legal considerations:

9.1 The Business and Planning Act creates a new Pavement Licence. Decisions need to be made by the Licensing Committee to determine how this licence is administered.

10.0 Risk Management considerations:

10.1 None.

11.0 Equalities considerations:

11.1 None.

12.0 Sustainability, climate change and environmental considerations:

12.1 None.

13.0 Internal/ External Consultation undertaken:

13.1 Internal consultation has taken place with Highways, Street Scene and other Council departments.

14.0 Background papers:

14.1 None.