



Borough of Telford and Wrekin

Licensing Committee

Monday 29 July 2024

Pavement Licence Fees

Cabinet Member:	Cllr Richard Overton - Deputy Leader and Cabinet Member: Highways, Housing & Enforcement.
Lead Director:	Dean Sargeant - Director: Neighbourhood & Enforcement Services
Service Area:	Neighbourhood & Enforcement Services
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Wards Affected:	All Wards
Key Decision:	Not Key Decision
Forward Plan:	Not Applicable
Report considered by:	SMT- 16 July 2024 Licensing Committee – 29 July 2024

1.0 Recommendations for decision

It is recommended that Licensing Committee:

- 1.1 In noting the content of this report, review and approve the proposed pavement licence fees as set out in this report.
- 1.2 Agree that the revised fees take effect from 1st August 2024.

2.0 Purpose of Report

- 2.1 The purpose of this report is to seek approval from Licensing Committee on the proposed pavement licence fees and once approved, endorse that the revised fees and charges are implemented on 1st August 2024.

3.0 Background

Pavement Licence fees

- 3.1 A pavement licence is a licence granted by the local authority which allows the licence-holder to place removable furniture over certain highways adjacent to the premises in relation to which the application was made. In response to Covid-19 pandemic, government introduced temporary legislation as part of a package of measures to 're-open' the high street. The Business and Planning Act 2020 (BPA) created the pavement licensing regime and in doing so set a cap of £100 for a pavement licence fee.
- 3.2 The Levelling Up and Regeneration Act 2023 provides opportunity to make permanent the provisions set out in the Business and Planning Act (BPA) 2020 while allowing businesses to secure pavement licences quickly. Where a pavement licence is granted, clear access routes on the highway will need to be maintained, taking into account the needs of all users.
- 3.3 In support of our high streets recovering from the pandemic, council issued 20 pavement licences to pubs and café's in the borough between 2020 and 2023. These licences allowed businesses to boost their seating capacity by placing tables and chairs on the pavement. Of the 20, 4 businesses have maintained these licences and 2 are awaiting grant.
- 3.4 Revised fees were introduced by government on 31st March 2023 enabling local authorities to seek to recover their costs associated with administering and managing such licenses. Licensing Committee is asked to note that the fee is capped at £500 for new applications and £350 for renewals. Once approved, pavement licences are granted for a 2 year period.
- 3.5 When setting fees and charges the Council has due regard to the impact that such charges may have upon licence holders. The Council follows the Local Government Association (LGA) guidance on locally set licence fees to ensure a fair and transparent approach for local businesses and communities. The Council continually strives to streamline processes and maximise efficiency in order to reduce the burden on business.
- 3.6 In support of businesses and our local centres, Licensing Committee is asked to approve the proposed fee for a new pavement licence at £400 and renewal at £250.

4.0 Summary of main proposals

- 4.1 This report sets out the proposed fees for pavement licences. If approved, it is proposed that the revised fees take affect from 1st August 2024.

5.0 Alternative Options

- 5.1 Committee can decide not to increase the fees as recommended. However, if fees and charges remained the same, then the Licensing service would not recover the true cost to administer and monitor for compliance throughout the licence duration.

6.0 Key Risks

Pavement Licence fees

6.1 Any change in policy will carry some inherent financial risk to the Council in the event of a legal challenge, however this has been mitigated by ensuring that current and relevant fee-setting and policy guidance has been considered and adhered to.

7.0 Council Priorities

7.1 The report supports the following Council priorities

- Every child, young person and adult lives well in their community
- All neighbourhoods are a great place to live
- Everyone benefits from a thriving economy
- A community-focussed innovative council providing efficient, effective and quality services

8.0 Financial Implications

8.1 A full review of license fees has been undertaken for 2024/25 and approved by Committee at their March meeting. Fees have been calculated on a cost recovery basis taking into account the statutory costs that the service are allowed to recover.

8.2 In setting the fees and charges the Council has taken into account national guidance from the Local Government Association on locally set licence fees. The aim of this is to ensure that the setting of the various fees is proportionate and transparent. In line with this the legislation only allows Councils to set fees and charges to recover costs incurred.

9.0 Legal and HR Implications

9.1 The Committee's responsibilities are set out in the Council's Constitution and include setting and reviewing licensing fees other than those set by statute.

9.2 The power to levy fees is contained in the legislation relevant to each function or otherwise in the Local Government Act 2003 in relation to discretionary services.

9.3 For pavement licences, Section 2 of the Business and Planning Act 2020 provides that an application for a pavement licence made to a local authority must be accompanied by such fee not exceeding the relevant amount as the local authority may require.

The "relevant amount" means—

(a) £350, in the case of an application which is made by a person who already holds a pavement licence, and the application is for premises to which that existing licence relates and

(b) £500, in any other case.

9.4 Fees charged must be reasonable in relation to costs incurred in the issue, administration and enforcement of licences covering the costs associated with the licensing process but not generate a profit.

9.5 The proposals contained in this report can be delivered using existing resources.

10.0 Ward Implications

10.1 This report has implications for all wards in the Borough.

11.0 Health, Social and Economic Implications

11.1 Licensing of certain premises and activities is important to ensure that businesses comply with licence conditions, guidance and standards set out in legislation or by government bodies. This safeguards public safety by setting clear guidelines for licensees operating within the borough.

11.2 The Council should ensure it is recovering its full costs to reduce the risks of a subsidy that then falls on local tax payers. Therefore, any increase to licence holders will be reasonable and proportionate. This ensures that the Council can carry out its licensing functions to maintain compliance and not compromise public safety.

12.0 Equality and Diversity Implications

12.1 Having had regard to the council's obligations it is considered that there are no human rights or equalities implications associated with the proposed fees, as they will apply equally to everyone regardless of any protected characteristic.

13.0 Climate Change and Environmental Implications

13.1 None

14.0 Background Papers

None

15.0 Appendices

None

16.0 Report Sign Off

Signed off by	Date sent	Date signed off	Initials
Legal	15/07/2024	16/07/2024	SH
Finance	15/07/2024	16/07/2024	PT
Director	15/07/2024	16/07/2024	DRS