

**REPORT TO:** LICENSING COMMITTEE

**DATE:** 6 SEPTEMBER 2022

**TITLE:** PAVEMENT LICENCE

**LEAD OFFICER:** MICHAEL PITT, ASSISTANT DIRECTOR  
ENVIRONMENT (01279) 446114

**CONTRIBUTING OFFICER:** ADAM SHERWOOD, PRINCIPAL LICENSING  
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**RECOMMENDED that:**

- A** The Licensing Committee recommend to Full Council adoption of the proposed Temporary Pavement Licence Procedure 2022 – 2023, attached at Appendix A.

**BACKGROUND**

1. The Government introduced the Business and Planning Act 2020 (the “Act 2020”) with the purpose of assisting the recovery of the economy in relation to several pressing matters following the effects of the COVID-19 pandemic. The Act received Royal Assent on the 22 July 2020.
2. One purpose of the 2020 Act was to provide for the temporary grant of pavement licences for those businesses supplying food and drink. Such a licence would enable the business owner to place removable furniture on pavements such as serving stalls, table and chairs. This will enable the public to purchase and consume food and drink in the open air enhancing safety with regard to COVID-19 risks.
3. Prior to July 2020, Highway furniture permissions were granted as Table and Chair licences, issued by Harlow Council, under the Highways Act 1980. Each valid application is required to go through a 28-day consultation period. These applications remain available to any applicant.
4. On application of a pavement licence to the Council a fee of up to £100 is payable, there is to be public consultation for seven days and the Council is to consult with Essex County Council as the Highways Authority. If an application is not then determined within another seven days it is deemed to be approved. Representations received during the public consultation period must be taken into account, and a decision whether to grant will include whether there would be any unacceptable obstruction of the pavement or other safety issue. Conditions may be imposed.
5. A licence could last for a minimum of three months and only up to 30 September 2021, then in July 2021, provision was made to extend these licences to expire 30 September 2022 with a renewal application. The grant of a licence shall be deemed of planning consent for the activity, and with exemption from street trading licensing requirements.

6. The Temporary Pavement Licence Procedure 2020 – 2021 was introduced to deal with any applications that may wish to be submitted to the Council.

## **ISSUES/PROPOSALS**

7. Part 10 of the Levelling Up and Regeneration Bill 2022 (the “2022 Bill”), currently in parliament proposes to make permanent the temporary provisions of the 2020 Act. The 2022 Bill will not receive Royal Assent to allow the necessary time for implementation before the current regime ends.
8. The Business and Planning Act 2020 (Pavement Licence) (Coronavirus) (Amendment) Regulations 2022 (the “2022 Regulations”) have therefore been enacted to extend the duration of the temporary pavement licence provisions for 12 months to 30 September 2023. This means that businesses can apply for a pavement licence to be in place within this extended period, up to 30 September 2023.
9. Businesses will need to apply for a new licence if they wish to have one in place during the extended period from 30 September 2022, so that the application can be determined based on the 2022 Regulations.
10. Any new or renewed pavement licence shall still be required to comply with any national or local conditions.
11. It is recommended that Members adopt the revised Temporary Pavement Licence Procedure in Appendix A, which includes the application form, local conditions and the national conditions.

## **IMPLICATIONS**

### **Strategic Growth and Regeneration**

As set out in the report.

**Author: Andrew Bramidge, Director of Strategic Growth and Regeneration**

### **Finance**

None specific.

**Author: Simon Freeman, Deputy to the Chief Executive and Director of Finance**

### **Housing**

As outlined in the report.

**Author: Andrew Murray, Director of Housing**

### **Communities and Environment**

None specific.

**Author: Jane Greer, Director of Communities and Environment**

## **Governance and Corporate Services**

The measures proposed will be reviewed following the enacting of the Levelling Up and Regeneration Bill.

**Author: Julie Galvin, Legal Services Manager on behalf of Simon Hill, Director of Governance and Corporate Services**

## **Appendices**

Appendix A - Revised Harlow Council procedure for temporary pavement licences 2022 - 2023

## **Background Papers**

[GOV.UK Pavement Licences Guidance](#)

## **Glossary of terms/abbreviations used**

2020 Act - Business and Planning Act 2020

2022 Bill - The Levelling Up and Regeneration Bill 2022

2022 Regulations - The Business and Planning Act 2020 (Pavement Licence) (Coronavirus) (Amendment) Regulations 2022