

Subject:	Table and Chair Licensing		
Date of Meeting:	19th January 2021		
Report of:	Executive Director, Economy, Environment & Culture		
Contact Officer:	Name:	David Fisher	Tel: 01273 292065
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Ward(s) affected:	All		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The Council issue licences to allow businesses to place tables and chairs on the public highway.
- 1.2 Changes in legislation due to Covid-19 have altered the legal and internal process of issuing licences. This report sets out recommendations for the licensing of tables and chairs on the highway.

2. RECOMMENDATIONS:

- 2.1 That Committee approve for the Council to continue to agree licences under the Business and Planning Act 2020 from April 2021 to September 2021 (or when the Business and Planning Act expires)
- 2.2 That Committee approve the council waive the maximum fee chargeable under the Business and Planning Act 2020 to continue to support local businesses through the summer months.
- 2.3 That if the Business and Planning Act 2020 expires in September 2021 as it is currently due to do, that the Committee agree that the Council ask businesses to apply for a licence to place outside seating on the highway under the Highways Act 1980 and pay the standard fee, this licence will run for a year and then be annually renewed.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The Highway Enforcement team agree licences for outside seating, shop displays and A-boards for businesses across the city on the public highway, previously these licences have run from May to April each year.
- 3.2 The Highways Act 1980 was used for all licences (outside seating, shop displays and A-boards) until July 2020. In July 2020 the government introduced the Business and Planning Act 2020 as part of its direct response to Covid-19, specifically to support the hospitality sector. The legislation allows local

authorities to grant pavement licences for outside seating and changed some of the procedures and notice periods.

3.3 The Business and Planning Act 2020 capped the fee payable for outside seating areas at £100 and the council, (along with neighbouring authorities) agreed to waive this fee for the rest of 2020. The Business and Planning Act is due to expire in September 2021, although there is a possibility that it may be extended because of Covid-19 and the Secretary of State can extend the expiry date by regulations.

3.4 There have been nearly 250 licences granted for outside seating, which will end in April 2021 to bring them in line with shop display and A-board licence renewals. The renewal process for all licences will begin in February 2021.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

4.1 The council could charge the maximum fee of £100 for licences issued under Business and Planning Act 2020. This would generate an income of approximately £25,000-£30,000. Businesses would still need to apply for a Highways Act 1980 licence once the Business and Planning Act 2020 expires if they wish to continue to place outside seating on the highway.

5. COMMUNITY ENGAGEMENT & CONSULTATION

5.1 No community engagement has been carried out as this is a legal process.

6. CONCLUSION

6.1 The council will be supporting local businesses by allowing outside seating fees to be waived for the summer months.

7. FINANCIAL & OTHER IMPLICATIONS:

7.1 As set out in this report, if the council were to charge the maximum allowable fee of £100 for licences issued under Business and Planning Act 2020, this might potentially generate income of up to £30,000 if businesses were required to renew their licences (no further waivers). If the Business and Planning Act 2020 expires, businesses will still need to apply for a Highways Act 1980 licence if they wish to continue to place outside seating on the highway. The income generated from the licences issued under Highway Act 1980 for outside seating prior to 2020/21 was approximately £100,000 per year. Covid-19 related measures (including recommendation 2.2 of this report) will continue to negatively impact on this source of income.

Finance Officer Consulted: Jess Laing

Date: 21/12/2020

Legal Implications:

7.2 The recommendations contained in this report will allow the Council to issue licences for outside seating in compliance with the existing legislation and to continue to do so after September 2021 .

Lawyer Consulted: Stephanie Stammers *Date: 14 December 2020*

Equalities Implications:

7.3 No EIA has been carried out as the recommendation relates to the processing of an existing policy

Sustainability Implications:

7.4 None

Brexit Implications:

7.5 None

Any Other Significant Implications:

7.5 None

Crime & Disorder Implications:

7.6 None

Risk and Opportunity Management Implications:

7.7 None identified

Public Health Implications:

7.8 None

Corporate / Citywide Implications:

7.9 None

SUPPORTING DOCUMENTATION

Appendices:

None

Background Documents

None

