

STOCKTON-ON-TEES BOROUGH COUNCIL

CABINET RECOMMENDATIONS

PROFORMA

Cabinet Meeting16th July 2020

1. Title of Item/Report

Business & Planning Act 2020 - Pavement Licence and Modification to Premises Licences under the Licensing Act 2003

2. Record of the Decision

Cabinet were advised of proposed new legislation in the Business & Planning Bill 2020 which was expected to receive Royal assent on 20 July 2020. The Act once approved would introduce a new pavement licence and modify premises licenses granted under the Licensing Act 2003.

The Act would allow operators of businesses selling food and drink to apply to their local authority for authorisation to put furniture such as tables and chairs on the highway adjacent to their premises to sell food and drink from and/or for their customers to use. In addition the Act would modify premises licenses to authorise off sales for a limited period.

The application process was a fast track system with the Authority required to determine the application within 10 days, which included a 5 day consultation process with relevant parties. In considering the application, the Authority can take into account factors such as accessibility; proposed measures in place to reduce the likelihood of ASB, noise nuisance and litter; and measures in place for social distancing and reducing the risk of the transmission of Covid 19. The decision of the Authority as final, and there was no appeal process.

Cabinet approval was requested for the necessary delegation required to implement the Council's required response for determining applications under the new proposed legislation.

RESOLVED that Cabinet:-

1. Note the content of this report

2. Delegate the functions and administration of pavement licence applications made under the Business & Planning Act 2020 to the Assistant Director of Administration, Democratic and Electoral Services.

3. Agree the current capped fee of £100 is implemented to cover in part the pavement licence regime.

4. Agree fees can be reviewed by the Assistant Director of Administration, Democratic and Electoral Services if appropriate.

3. Reasons for the Decision

The Business and Planning Act 2020 will establish a new approach to licensing activity on the highway that replaces the established regulatory requirements found in the Highways Act 1980 and the Town and Country Planning Act 1990.

4. Alternative Options Considered and Rejected

None

5. Declared (Cabinet Member) Conflicts of Interest

Councillor Nigel Cooke declared a personal, non-prejudicial interest in respect of this item as he was was a member of Tees Music Alliance, potential applicants for such a licence.

6. Details of any Dispensations

None

7. Date and Time by which Call In must be executed

Midnight Friday 24th July 2020

Proper Officer
20 July 2020