

PAVEMENT LICENSING/OFF SALES - LEGISLATIVE UPDATE 2022

Licensing Committee - 28 September 2022

Report of: Chief Officer Planning and Regulatory Services

Status: For Information

Key Decision: No

Executive Summary: This update Members on changes to legislation in relation to pavement licensing and provision of off sales

This report supports the Key Aim of: Sustainable Economy

Portfolio Holder: Cllr. Margot McArthur

Contact Officer: Sharon Bamborough, Ext. 7325

Recommendation to Licensing Committee:

To note the report.

Reason for recommendation: To ensure the Licensing Committee are updated on relevant changes to licensing legislation.

Introduction and Background

- 1 There have been some recent changes to legislation in respect of Pavement licensing and off sales of alcohol which Members may find of interest.
- 2 The pavement licensing and additional off sales are contained within the Business and Planning Act 2020.

Business and Planning Act 2020

- 3 In July 2020, the Business and Planning Act 2020 came into effect which introduced, for a temporary period, relaxations to planning and licensing laws to help the hospitality industry recover from the coronavirus lockdown. The Business and Planning Act made it easier for premises serving food and drink such as bars, restaurants and pubs to seat and serve customers outdoors through temporary changes to planning procedures and alcohol licensing.
- 4 This moved the responsibility for licensing of furniture on the highway from the County Council (Highways Service) to the District Council level and was taken on by Licensing.

- 5 It also provided that where an existing premises licence (issued under the Licensing Act 2003) authorised the sale of alcohol for consumption *on* the premises, they could also provide sale of alcohol for consumption *off* the premises.
- 6 Initially the duration of these schemes was intended to end on 30.09.2021. The government extended the scheme to 30.09.2022.
- 7 **This has been further extended to 30 September 2023**, to allow time for government to introduce further legislation which will permanently pass the licensing of furniture on the highway (Pavement Licensing) to District Council level.

Key Implications

Financial

None.

Legal Implications and Risk Assessment Statement.

None.

Equality Assessment

The information contained within this report has a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Net Zero Implications

The decisions recommended through this paper have a remote or low relevance to the council's ambition to be Net Zero by 2030. There is no perceived impact regarding either an increase or decrease in carbon emissions in the district, or supporting the resilience of the natural environment

Appendices

None

Background Papers

[The Business and Planning Act 2020 \(Pavement Licences\) \(Coronavirus\) \(Amendment\) Regulations 2022 \(legislation.gov.uk\)](#)

[Business and Planning Act 2020 \(legislation.gov.uk\)](#)

Richard Morris

Deputy Chief Executive and Chief Officer - Planning & Regulatory Services