

Report to: Cabinet
Date of Meeting: 21 July 2020
Public Document: Yes
Exemption: None
Review date for release None



Subject: **Sitting Out Licences on Council Owned Land**

Purpose of report: As part of the Business and Planning Act 2020 which is expected to be enacted towards the end of July, the Council will take on responsibility for administering Pavement Licences to allow hospitality businesses to place tables and chairs and other furniture on the highway adjacent to their premises. Members have considered a separate report outlining the proposed processes.

While this legislation will cover businesses which are adjacent the public highway, there are businesses in the district which occupy premises in locations such as parks and gardens and seafronts whose premises adjoin or are close to Council owned land. It is envisaged that there may be a number of approaches from such businesses seeking a licence to use outdoor space as part of their compliance with guidance following the Coronavirus pandemic. At present such requests are subject to a lengthy process which involves consultation, negotiation of a fee and terms and drafting of a bespoke legal agreement.

In order to deliver an efficient and consistent response to such requests it is proposed that the process follows that for pavement licences and that licences be granted for a period of up to 1 year and not beyond the 30 September 2021. The proposal would involve the creation of a standard licence agreement by Legal Services into which the basic details such as licensee, hours, extent, use etc. could be added by Streetscene. The fee for such licences is to be the same as that charged for pavement licences, namely £100. The licence agreement would contain conditions similar in nature and effect as those proposed for the pavement licences to facilitate control of these areas by the Council. The sitting out licences will not override the Licensing Act requirements and potential traders will still be required to ensure that they comply with the requirements of their premises licenses (as amended by the Business and Planning Act).

Whilst there is no limit on fees and the Council could seek to charge a higher fee for these licences to reflect the value of the licence to the individual business, it is considered that following the same basis as pavement licences creates a fairer approach to supporting businesses in the Coronavirus recovery period. While delegation to grant short term licences of this nature sits at officer level, the decision to set a fixed fee which is less than may be achieved through negotiation is considered a member decision. The Council would be foregoing possible licence fees calculated on a commercial basis, but with this proposal will be consistent with those pavement licences being granted on pavements and can be administered much more quickly and generally in a way that

is much more supportive to local businesses needing neighbouring space to safely trade.

Recommendation:

That Cabinet agrees;

- 1. That the approach to requests for sitting out licences on Council owned land follow the same broad process to that for pavement licences.**
- 2. The fee for such licences will be £100.**
- 3. That Streetscene administer these licences using the standard form licence provided by Legal Services**

Reason for recommendation:

To ensure an efficient and consistent approach to applications for use of outdoor space which will allow businesses to continue trading whilst complying with government guidance.

Officer:

Tim Child, Service Lead, Place Assets & Commercialisation

Portfolio Holder:

Portfolio Holder Economy and Assets

Financial implications:

Financial implications are set out within the report.

Legal implications:

Legal Services have drafted a standard licence to be used in respect of sitting out areas on Council Land. Any variances from the standard licence will need to be referred to Legal Services for amendment. Awareness should be had that the trader will still be required to comply with the provisions of the Licensing Act (as amended by the Business and Planning Act 2020)

Equalities impact:

Low Impact

Climate change:

Low Impact

Risk:

Low Risk

Links to background information:

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Link to [Council Plan](#):

Outstanding Place and Environment
Outstanding Economic Growth, Productivity, and Prosperity
Outstanding Council and Council Services