

RECORD OF DECISION TAKEN UNDER EMERGENCY URGENCY POWERS

SUMMARY OF DECISION TO BE TAKEN: ADOPTION OF PAVEMENT LICENCE POLICY

- Adoption of the provisions of the Business and Planning Bill 2020
- Adopt the document entitled “Pavement Licence Policy” as part of this process, delegating any revisions to this Policy to the Head of Community Services in consultation with the Cabinet Member for Environmental Services and Sustainability

ASSOCIATED COMMITTEE: Key Decision – Cabinet

RELEVANT PERSONS CONSULTED:

- Leader of the Council – Councillor Lamb
- Opposition Leader – Councillor Crow
- Cabinet Member for Environmental Services and Sustainability — Councillor Jhans
- Chair of Licensing Committee – Councillor Jones
- Vice Chair of Licensing Committee– Councillor Brenda Burgess

Consultation was undertaken from 22 July 2020 to 29 July 2020 and views expressed were considered and helped shaped the proposed Pavement Licence Policy.

DECISION:

1. The adoption of the 'Pavement Licence Policy' and
2. Any revisions to this Policy are delegated to the Head of Community Services in consultation with the Cabinet Member for Environmental Services and Sustainability.

REASONS FOR DECISION AND FURTHER INFORMATION:

Pavement Licensing, adoption of new provisions and functions associated with same.

The Licencing of Tables & Chairs on the highway is normally licenced under the Highways Act 1980 by the West Sussex County Council.

In order to encourage the return of small businesses and high street shops to re-open and to enable physical distancing of customers in outdoor settings the County Council, and latterly all District and Borough Councils agreed to waive all charges for the licences for tables and chairs on the highway at this time.

Government has drafted the Business and Planning Bill which proposes a range of relaxations including the relaxation of off sales of alcohol, changes to planning consents and that the responsibility for the grant of 'pavement' licences being transferred to District & Borough Councils. It includes provisions for much shortened consultation and approval process. This legislation is being 'fast-tracked' and may be enacted in the next 2 weeks. The Business and Planning Bill is going through the final legislative stages and the provisions in the Bill are still subject to potential change,

The Government has issued Guidance in relation to Pavement Licences, but it is in draft form as the Business and Planning Bill 2020 is still in parliamentary process which means the existing process for pavement licensing via West Sussex County Council Highways Department is still in operation – and will be until the Bill is made into law.

In anticipation of these changes, Crawley Borough Council have been working closely with Officers at West Sussex County Council in the District and Boroughs to ensure a co-ordinated and consistent approach. The County Council, as Highway Authority, will remain a consultee in the licensing application process. The proposed timescale for consultation and determination is 14 days, but this may change.

Under the current proposals included in the Business and Planning Bill, businesses will be able to apply for a temporary pavement licence for a maximum duration until 30 September 2021. However, in order to assess the impact of these licences on residents and other businesses in the locality, any pavement licence will be granted for no longer than 6 months in the first instance.

I hereby agree that I will take the decision as set out above, for the reasons detailed, under the Council's Emergency Urgency Powers.



Chief Executive
Date: 30 July 2020