



Doncaster Council

Report

Date: 17 June 2021

To the Chair and Members of the Licensing Committee

Pavement Licence – Application Process, Conditions and Fee (Highways Act 1980)

EXECUTIVE SUMMARY

1. To request that the members of the Licensing Committee note that following the change in responsibility for the processing and issuing of Pavement Licences, which has moved from the Town Centre team to the Licensing team, approval was sought and obtained to align the fee and conditions with the Temporary Pavement Licence which was introduced in the Business & Planning Act 2020. This was achieved by way of an 'urgent action in accordance with Council procedure rule 36'.

EXEMPT REPORT

2. There are no confidential issues.

RECOMMENDATIONS

3. It is recommended that the members of the Licensing Committee note that the approval by the Director of Economy & Environment, Chair of the Licensing Committee and Cabinet Member for Communities, Voluntary Sector and the Environment was received on 12 April 2021.
4. The fee has been set at £100.
5. The determination and granting of licences of this type has been delegated to the Assistant Director of Environment and Head of Service for Regulation and Enforcement.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

6. The aligning of conditions and fees for both the Pavement Licence under the Highways Act 1980 and the Temporary Pavement Licence under the Business and Planning Act 2020 means that whichever licence is applied for, both are subject to the same conditions to ensure consistency across the borough.

BACKGROUND

7. Applications for a Pavement Licence under the Highways Act 1980 were previously the responsibility of the Town Centre team.
8. The Business & Planning Act 2020 introduced a fast-track application process to allow businesses to obtain permission to place tables and chairs on the highway for use by their customers. The responsibility for processing applications of this type was taken on by the Licensing team.
9. To ensure a consistent approach in considering applications for a Pavement Licence, it was determined that both schemes should be operated by a single team and that the Licensing department are best placed to do this as the majority of applications were expected to be from those businesses which are licensed by the department, to sell alcohol.
10. The SO36 Decision Record is attached as Appendix A.
11. The Decision Record regarding the Fee is attached as Appendix B.
12. The Conditions which will be applied to licences are attached as Appendix C.

OPTIONS CONSIDERED

13. N/A

REASONS FOR RECOMMENDED OPTION

14. N/A

IMPACT ON THE COUNCIL'S KEY OUTCOMES

- 15.

	Outcomes	Implications
	<p>Doncaster Working: Our vision is for more people to be able to pursue their ambitions through work that gives them and Doncaster a brighter and prosperous future;</p> <ul style="list-style-type: none">• Better access to good fulfilling work• Doncaster businesses are supported to flourish• Inward Investment	<p>It is recognised that hospitality premises are, businesses, places of employment and potential assets to the community.</p> <p>The Council, via the Assistant Director of Environment and Head of Service for Regulation and Enforcement, will have regard to this priority when making licensing decisions.</p>
	<p>Doncaster Living: Our vision is for Doncaster's people to live in a borough that is vibrant and full of opportunity, where people enjoy spending time;</p>	<p>It is recognised that hospitality premises are, businesses, places of employment and potential assets to the community.</p>

	<ul style="list-style-type: none"> • The town centres are the beating heart of Doncaster • More people can live in a good quality, affordable home • Healthy and Vibrant Communities through Physical Activity and Sport • Everyone takes responsibility for keeping Doncaster Clean • Building on our cultural, artistic and sporting heritage 	<p>The Council, via the Assistant Director of Environment and Head of Service for Regulation and Enforcement, will have regard to this priority when making licensing decisions.</p>
	<p>Doncaster Learning: Our vision is for learning that prepares all children, young people and adults for a life that is fulfilling;</p> <ul style="list-style-type: none"> • Every child has life-changing learning experiences within and beyond school • Many more great teachers work in Doncaster Schools that are good or better • Learning in Doncaster prepares young people for the world of work 	<p>None</p>
	<p>Doncaster Caring: Our vision is for a borough that cares together for its most vulnerable residents;</p> <ul style="list-style-type: none"> • Children have the best start in life • Vulnerable families and individuals have support from someone they trust • Older people can live well and independently in their own homes 	<p>It is recognised that hospitality premises are, businesses, places of employment and potential assets to the community.</p> <p>The Council, via the Assistant Director of Environment and Head of Service for Regulation and Enforcement, will have regard to this priority when making licensing decisions.</p>
	<p>Connected Council:</p> <ul style="list-style-type: none"> • A modern, efficient and flexible workforce • Modern, accessible customer interactions • Operating within our resources and delivering value for money • A co-ordinated, whole person, whole life focus on the needs and aspirations of residents • Building community resilience and self-reliance by connecting community assets and strengths • Working with our partners and residents to provide effective leadership and governance 	<p>None</p>

RISKS AND ASSUMPTIONS

16. N/A

LEGAL IMPLICATIONS [Officer Initials NC Date 11/5/21]

17. Initial approval for the process was dealt with utilising the emergency provisions set out in the Constitution at Rule 36 of the Council Procedure Rules, which requires that the Committee be advised of details of the process approved at the first available meeting of the Committee.

FINANCIAL IMPLICATIONS [RT __ Date _17/05/21_]

18. The fee charged will cover the cost of administering the scheme, any subsequent enforcement action and is based on government recommendations.
19. The Council's Financial Procedure Rules state that "Any new fees and charges proposed within the financial year or any changes to existing fees and charges will be approved by the CFO in consultation with the relevant Portfolio Holder, subject to key decision rules and reported to Cabinet in the quarterly monitoring report." The Council's Chief Financial Officer (CFO) was supportive of the introduction of the new fee and consulted with the relevant portfolio holder.

HUMAN RESOURCES IMPLICATIONS [Officer Initials DK Date 11/05/2021]

20. There are no direct HR implications to this report.

TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 11/05/21]

21. There are no technology implications in relation to this report.

HEALTH IMPLICATIONS [Officer Initials CT Date 11/05/2021]

22. There are no direct health implications arising from this report. Decision makers will want to consider the health impacts of individual licences including ensuring sufficient access for pedestrians and wheelchair users.

EQUALITY IMPLICATIONS [Officer Initials DDS Date 10/05/2021]

23. Decision makers must consider the Council's duties under the Public Sector Equality Duty at s149 of the Equality Act 2010. The duty requires the Council, when exercising its functions, to have 'due regard' to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the act, and to advance equality of opportunity and foster good relations between those who share a 'protected characteristic' and those who do not share that protected characteristic. The approved conditions seek to meet this obligation. In addition, any activities arising from this report will need to be the subject of separate 'due regard' assessments.
24. Any businesses which apply for a temporary pavement licence will also need to have regard to their own duties under the Equality Act 2010, such

as their duty under s.29 of the Act not to discriminate in providing their service.

CONSULTATION

25. The decision was approved by Dan Swaine: Director of Economy & Environment, Cllr Ken Keegan: Chair of the Licensing Committee and Cllr Chris McGuinness: Cabinet Member for Communities, Voluntary Sector and the Environment.
26. The decision was copied to the Chief Executive, the Governance Services Team and is now being reported to the next ordinary meeting of the Licensing Committee.

BACKGROUND PAPERS

27. Appendix A, B & C.

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