

Report title	Adoption of amended Pavement Licensing Policy
Report author	Kelly Dutfield, Senior Licensing Officer
Department	Environmental Services
Exempt?	No

Purpose of report:

- **To resolve**

Synopsis of report:

To seek approval for adoption of the amended Policy, as updated in line with legislative changes introduced by the Levelling Up and Regeneration Act 2023.

Recommendation that:

The revised Pavement Licensing Policy following the 8-week public consultation period, be approved, to be effective from 24 September 2024

1. Context and background of report

- 1.1 Following legislative change to the Business and Planning Act 2020, a revised Pavement Licensing Policy was required to be approved.
- 1.2 This report seeks to complete the formal process and revise the Policy, in conjunction with the public consultation and full Regulatory Committee review.

2. Report and, where applicable, options considered and recommended

- 2.1 In June 2024, a report on the revised Pavement Licensing Policy was approved by this Committee for public consultation for a period of 8 weeks.
- 2.2 Whilst there is no statutory consultation period, all interested parties were consulted via email and/or letter between 25th June – 19th August 2024 (8 weeks). This included;
 - existing pavement licence holders
 - all Councillors
 - Corporate Head of Environmental Services
 - Assistant Chief Executive (Place)
 - the Highways Authority
 - Surrey Police
 - Surrey Fire and Rescue Service
 - RBC Assets

- RBC Planning
- RBC Town Centre Manager
- Chambers of Commerce - Chertsey and Egham
- Disability Rights UK

2.3 The [consultation](#) was also advertised throughout the consultation period on the RBC website, with the updated policy attached, as well as a summary of the key changes.

2.4 No feedback or responses on the proposed changes were received via email or post during the consultation period, therefore the revised policy for pavement licensing remains unchanged and is attached at Appendix A.

3. Policy framework implications

3.1 Should circumstances dictate that the policy requires updating as we gain experience of pavement licensing, this will be done through the normal Committee process.

4. Resource implications/Value for Money

4.1 The amendments to the pavement licensing fees were previously considered at the November 2023 Regulatory Committee meeting, when it was agreed to adopt the proposed fees (licence renewals £350 and £500 for new applications, which is the maximum cap defined by the legislation.). The new fees will provide extra income for the Licensing Service, although may not cover all costs actually incurred.

5. Legal implications

5.1 Section 101 of the Local Government Act 1972 provides for various ways for Local Authorities in the Committee System to discharge their functions, including delegation to committees, officers and other organisations. Following the Council Constitution, this is the correct Committee for this matter to be dealt with.

5.2 As mentioned above in this report, consultation is not mandatory for amendments to the pavement licensing policy and changes themselves were prompted by legislative changes. The Council has gone above and beyond in its duties to make sure all interested parties were made aware of the said changes. As no comments have been received following consultation, the Council is fully entitled to adopt the changes proposed.

6. Equality implications

6.1 Prior to the adoption of the initial Pavement Licensing Policy, an equality screening assessment was referred to the Equalities Group on 14 July 2020, and their comments were incorporated. The Equalities Group confirmed that a full equality impact assessment was not required. As set out in the report to this Committee in June 2024, it is not considered there are any significant changes in the legislation that require it to be reviewed at this time.

6.2 The legislation sets out a national “no obstruction” condition which applies to all pavement licences, which requires licence holders or applicants for new licences to allow for access on the pavement for wheelchair users and others.

7. Environmental/Sustainability/Biodiversity implications

None identified.

8. Risk and other Implications

None identified.

9. Timetable for Implementation

9.1 Once the policy is adopted it will come into effect from 24th September 2024.

10. Conclusions

10.1 The revised Pavement Licensing Policy sets out the changes within the Levelling Up and Regeneration Act 2023, which introduce a permanent pavement licensing regime. The permanent regime continues to streamline the processing of applications for businesses, but also ensures the long-term sustainability of the model.

11. Background papers

Business and Planning Act 2020

<https://www.legislation.gov.uk/ukpga/2020/16/contents/2024-03-31>

Levelling Up and Regeneration Act 2023

<https://www.legislation.gov.uk/ukpga/2023/55/contents/enacted>

Guidance to accompany pavement licensing introduced in the Business and Planning Act 2020 (dated 2 April 2024)

<https://www.gov.uk/government/publications/pavement-licences-guidance>

12. Appendices

Appendix A - Runnymede Council Pavement Licensing Policy (revised)