

Present: Councillor Donald Nannestad (*in the chair*), Councillor Chris Burke, Councillor Bob Bushell, Councillor Rosanne Kirk and Councillor Neil Murray

Apologies for Absence: Councillor Ric Metcalfe

1. Confirmation of Minutes - 14 May 2020

RESOLVED that the minutes of the meeting held on 14 May 2020 be confirmed.

2. Declarations of Interest

No declarations of interest were received.

3. Business and Planning Bill

Purpose of Report

To update the Executive on the implications of the Business and Planning Bill and to seek necessary delegations for the pavement licence function and consider an option to delegate these powers to Lincolnshire County Council's Executive.

Decision

- (1) That the Council enters into negotiations with Lincolnshire County Council following its proposal to take on the function of pavement licences, and delegates the decision whether to accept the proposal to the Strategic Director for Communities and Environment (or nominated representative) in conjunction with the Portfolio Holders for Economic Growth and Remarkable Place.
- (2) That, if the proposal is accepted, this function be delegated to the Executive of Lincolnshire County Council.
- (3) That the Strategic Director for Communities and Environment (or nominated representative), in conjunction with the Portfolio Holders for Economic Growth and Remarkable Place, be given the authority to grant pavement licences (with or without conditions) or to refuse a pavement licence.
- (4) That the Strategic Director for Communities and Environment be given the authority to establish a review panel made up of Licensing Committee members to consider any appeal against the refusal of a licence.
- (5) That the Strategic Director for Communities and Environment be given authority, in consultation with the Portfolio Holders for Economic Growth and Remarkable Place, to set a fee which, if set, will reflect cost recovery and not exceed £100.
- (6) That Licensing Officers, in conjunction with Legal Services, have authority to enforce conditions on a licence, or revoke a licence for the grounds outlined in the report.

Alternative Options Considered and Rejected

None.

Reason for Decision

In order to assist businesses with economic recovery and protect hospitality jobs, the Government had introduced the Business and Planning Bill which sought to provide a streamlined and cheaper route for businesses such as cafés, restaurants and bars to secure a licence to place furniture on the highway. This was a new function given to District Councils.

As this was a function normally reserved to the County Council under the Highways Act 1980, there was no provision under the Council's Constitution which gave delegated authority to officers to grant or refuse such applications, seek a fee for such applications and apply any conditions.

Lincolnshire County Council had put forward a proposal that it took on responsibility for implementing the legislative requirements, as set out above. However, it was recommended to the Executive that the City Council retained this responsibility, in keeping with its management of the city centre street scene and the Public Space Protection Order and taking into account that any respect appeals would be administered and facilitated by the City Council.

Details relating to the application process for licences was set out in the report and it was noted that no licence where granted or deemed to be granted would be valid beyond 30 September 2021.

The Council could charge a fee for an application for a licence, which was capped at £100. It was reported that a fee was unlikely to be introduced and, if it was, this would be solely to cover any costs associated with administering the application.

It was reported that a slight delay had occurred in the legislation being laid before Parliament, but it was anticipated that the legislation would be passed and implemented by the end of July or early August 2020.

Members agreed with the recommendations contained within the report and agreed that there would be no benefit in the County Council implementing the application process on the City Council's behalf.