

Dear Business Owner,

## Business and Planning Act 2020 – Pavement Licence

We are writing to inform you of the changes to the above legislation in advance of the Pavement Licence regime being implemented in Medway.

### Background:

On 25 June 2020, the Government announced relaxations to planning and licensing laws intended to help the hospitality industry recover from the Covid-19 lockdown.

Amongst these was a new, temporary, 'Pavement Licensing' regime under the Business and Planning Act 2020 which enabled eligible food and drink businesses to sell, and/or their customers to consume, food or drink from removeable furniture placed on certain areas of the highway adjacent to their premises.

It was introduced as a fast-track process and was initially due to expire on 30 September 2022, but later extended until 2023 and then again until 21 September 2024.

The Council decided not to implement the Temporary Pavement Licensing regime in Medway at that time and instead wrote to businesses selling food and drink, offering advice on how to temporarily trade safely on the pavement outside.

### New Legislation and Provisions:

With effect from 31 March 2024, the Levelling Up and Regeneration Act made this Pavement Licensing regime permanent, with a number of changes including:

- Extended public consultation and determination periods of 14 days each;
- Extending the standard licence duration to 2 years;
- New application fee caps, and;
- New enforcement powers to deal with businesses placing furniture, which would be permitted by a pavement licence, on the highway without obtaining a licence.

In addition to locally set conditions, the 2020 Act also sets out two national conditions which must apply to all pavement licences, being:

- a no-obstruction condition designed to ensure safe accessibility for all pavement users, and that those requiring access to fire safety equipment, utilities, or other essential places are freely able to do so, and
- a smoke-free seating condition to ensure that licence-holders make reasonable provision for seating where smoking is not permitted.

Unless premises can comply with both the National and Local Standard Conditions, a licence will not be granted.

At this stage, we would encourage you to start thinking about whether you will need to apply for a licence for furniture you already have or would like to have once the regime is implemented in Medway. Once the new regime is in place, we will contact you again with guidance and details on how to apply for a licence.

In the meantime, further information is available on the GOV.UK website:

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