

Committee(s): Licensing Committee – For Information	Dated: 03 02 2021
Planning & Transportation Committee – For Decision	16 02 2021
Subject: Business and Planning Act 2020 – Alfresco Eating & Drinking Policy update	Public
Which outcomes in the City Corporation’s Corporate Plan does this proposal aim to impact directly?	1, 2, 4, 5, 12
Does this proposal require extra revenue and/or capital spending?	N
If so, how much?	n/a
What is the source of Funding?	n/a
Has this Funding Source been agreed with the Chamberlain’s Department?	n/a
Report of: Jon Averbs, Director of Markets and Consumer Protection	For Information – Licensing Committee For Decision – Planning & Transportation Committee
Report author: Aggie Minas – Licensing Officer	

Summary

The Business and Planning Act 2020 (the Act) was given Royal Assent on 22 July 2020. The Act temporarily relaxes licensing and planning laws until 30 September 2021, making it easier for the hospitality sector to obtain permissions to seat and serve customers outdoors by creating a fast-track pavement licence application process.

At its meeting on 14 July 2020, the Planning and Transportation Committee approved the City of London Alfresco Eating and Drinking Policy (the Policy), which sets out the City Corporation’s strategy aimed at facilitating the pavement licence application process whilst maintaining public safety during the COVID-19 pandemic. The policy was also noted by the Licensing Committee at its meeting on 15 July 2020.

This report provides both committees with a summary of pavement licences granted following the easing of lockdown 1 and outlines proposals to facilitate the pavement licence application process following the easing of current lockdown 3.

Recommendation(s)

Members are asked to:

1. Agree the pavement licence duration period until 30 September 2021 as outlined in paragraph 11(a) of this report.
2. Agree a zero fee for all pavement licence applications received after 1 April 2021 as outlined in paragraph 11(b) of this report.

Main Report

Background

1. The Business and Planning Act 2020 (the Act) was given Royal Assent on 22 July 2020. The Act introduces a new temporary pavement licence application process making it easier for premises serving food and drink to apply for permission to place furniture on the highway for the purposes of seating and serving customers outdoors.
2. The Alfresco Eating and Drinking Policy (the 'Policy'), shown at Appendix 1, defines the application and determination process, the licence fee, duration, conditions and enforcement options where necessary.
3. The new statutory provisions in the Act for pavement licensing expire on 30 September 2021. Within that timeframe, a licence can be granted for between 3 months up until the licensing expiry date in 2021. The Policy states that a licence issued by the City Corporation will last for a period of 6 months with the potential to re-apply if safe and appropriate to do so.
4. The decision to set the licence period to a maximum length of 6 months was based on the fact that the City of London's streets are undertaking a period of change in terms of both pedestrian numbers and temporary highway changes. The 6-month licence period gives businesses the ability to trade whilst retaining maximum flexibility to adapt those changes and to ensure the safety of residents, workers and visitors as people gradually return to the City of London and footfall increases.
5. The Act allows the local authority to set a fee up to a maximum of £100. In doing everything possible to assist businesses bounce back from the pandemic, the City Corporation set the fee at zero for all applications received before 31 March 2021.

Current Position

6. Since August 2020, the City Corporation has received 58 applications of which 40 have been granted. A list of licences granted is shown at Appendix 2.
7. Of the remaining 18 applications, 5 have been rejected due to missing information, 7 were refused due to inadequate unobstructed footway, 2 refused due to the proposed area being private land, and 4 were refused due to objections by the Police, Counter Terrorism Security Advisers or substantiated public objection.
8. The first batch of pavement licences issued to businesses in August 2020 will expire throughout February 2021 and those businesses will soon be seeking to re-apply for those licences. It is also expected that the Licensing Team will have an influx of new applications as soon as the government announces any easing of the current lockdown restrictions on the hospitality sector.

9. The hospitality sector has been one of the most financially affected by the COVID-19 pandemic, with very little trade permitted since April 2020. Based on current news reports, the hospitality sector is not likely to have restrictions eased on them before April or May 2021.

Options

10. The City Corporation has the discretion to set an application fee under the Act up to a maximum of £100 per application. It also has the discretion to set a licence duration period subject to a minimum 3-month period.

Proposals

11. In order to continue to facilitate hospitality sector business recovery in the Square Mile, it is proposed that the City Corporation
 - a. issues any new licences until 30 September 2021 when the current temporary provisions expire. This may mean that some licences will be valid for a period of 7 months if issued in March 2021. If the Government extends the temporary provisions beyond 30 September 2021, the licensing team will revert to issuing licences for a period of 6 months in accordance with the Policy
 - b. extends the zero fee to all applications received from 1 April 2021 until the current temporary provisions for pavement licences expire.

Corporate & Strategic Implications

12. The proposals within this report will help to meet one of the overriding aims contained within the Corporate Plan 2018-23 namely to 'Contribute to a Flourishing Society' by way of making people safe and feel safe.

Financial Implications

13. Based on 58 applications received, 5 of which were rejected as incomplete requiring no officer time, the remaining 53 applications would have generated an income of £5,300 if the maximum fee of £100 had been charged. The City Corporation has estimated a cost of £180 to process the applications meaning a net cost of £9,540 to the authority so far.
14. It is anticipated that all 40 licences issued will be applied for again upon expiry. The estimated cost of processing a second application is £140 per application so the net cost to the authority for those will be £5,600
15. It is not possible to gauge the number of new applications likely to be received post lockdown 3 and the effect, if any, on existing tables and chairs licences.

Conclusion

16. Outdoor eating and drinking space is vital for the recovery of the hospitality sector. The proposals set out in this report aim to support those businesses

in returning to work post lockdown 3 by facilitating the process to provide that space. This balances the business needs to operate within the confines of government guidance on social distancing whilst ensuring that City streets are safe for residents, workers and visitors to navigate without obstruction and maintain social distancing.

Appendices

Appendix 1

Al Fresco Eating and Drinking (Business and Planning Act 2020) Policy – found [here](#)

Appendix 2

List of premises that have been issued a pavement licence

Background Papers

Planning and Transportation Report 14 July 2020 – ‘Business and Planning Bill 2020’.

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