

## City of London Corporation Committee Report

<p><b>Committee(s):</b>          Planning &amp; Transportation (For Decision)</p> <p>Licensing (For Information)</p>	<p><b>Dated:</b>          05 November 2024</p> <p>31 October 2024</p>
<p><b>Subject:</b>          Business and Planning Act 2020, as amended by          Levelling Up and Regeneration Act 2023.  <b>Alfresco Dining Policy 2024</b></p>	<p><b>Public report:</b>          For Decision</p>
<p><b>This proposal:</b></p> <ul style="list-style-type: none"> <li>• <b>delivers Corporate Plan 2024-29 outcomes</b></li> <li>• <b>provides statutory duties</b></li> <li>• <b>provides business enabling functions</b></li> </ul>	<ul style="list-style-type: none"> <li>• Corporate Plan Outcomes:             <ol style="list-style-type: none"> <li>1. Diverse Engaged Communities</li> <li>2. Dynamic Economic Growth</li> <li>3. Vibrant Thriving Destinations</li> <li>4. Providing Excellent Services</li> </ol> </li> <li>• Statutory duties under Business and Planning Act 2020</li> <li>• Providing the hospitality industry to option to extend floorspace externally.</li> </ul>
<p><b>Does this proposal require extra revenue and/or capital spending?</b></p>	<p>No</p>
<p><b>If so, how much?</b></p>	<p>£ N/a</p>
<p><b>What is the source of Funding?</b></p>	<p>N/a</p>
<p><b>Has this Funding Source been agreed with the Chamberlain’s Department?</b></p>	<p>No</p>
<p><b>Report of:</b></p>	<p>Gavin Stedman          Port Health and Public Protection Director</p>
<p><b>Report author:</b></p>	<p>Aggie Minas          Licensing Manager</p> <p>Joe Mannix          Licensing Policy Officer</p>

## **Summary**

Following the enactment of the Levelling Up and Regeneration Act 2023, the Business and Planning Act 2020 was amended to make Pavement Licensing a permanent licensing regime. As such, the Alfresco Dining and Drinking Policy 2020 was reviewed and refreshed by officers, amended and brought to this Committee on 23 July 2024.

It was resolved by members that the Policy should go out to consultation for a period of 4 weeks to be considered and commented on, by responsible authorities and the public. The consultation ran from 16<sup>th</sup> September to 13<sup>th</sup> October 2024. A Public Consultation Analysis is attached as Appendix 3 and details the proposed outcomes to be approved by this Committee, and to be noted by the Licensing Committee.

## **Recommendation(s)**

Members are asked to:

- Note the report, and the changes made to the Alfresco Eating and Drinking Policy (Appendix 2) having considered the comments of Responsible Authorities.
- Agree the proposed changes, contained in the Consultation Analysis (Appendix 3).
- Approve the Alfresco Eating and Drinking Policy (Appendix 1).

## **Main Report**

### **Background**

1. The Business and Planning Act 2020 (“the Act”), was amended by the Levelling-up and Regeneration Act 2023 on the 31 March 2024. The Act made a number of amendments to the process, duration, fees, application consultation period, determination period, officer decisions and enforcement powers.
2. The Alfresco Eating and Drinking Policy 2024 (“the Policy”) was reviewed against the Government Pavement Licensing Guidance and Legislation. The Transport for London Pedestrian Comfort Guidance was also considered, to ensure the Square Mile is both inclusive and accessible to all.
3. At the last Planning & Transportation Committee meeting, on 23 July 2024, it was resolved that the Policy Documents should be consulted on with the public and responsible authorities for a period of 4 weeks, with the result of that consultation brought back to this meeting. It was further resolved that the Licensing Service explores the option of establishing a new Sub-committee consisting of Members drawn from this Committee and the Licensing Committee, with the purpose of hearing any appeals made by applicants against officer decisions to partly grant or reject pavement licence applications, and to bring a proposal to the next meeting of this Committee.

4. The public consultation was carried out from 16 September 2024 to 13 October 2024. Responsible authorities were invited by email to review the Policy and make comment, or recommendations. The public consultation was held on the Commonplace platform and the results are set out in this report.
5. Officers have commenced work on exploring the options of establishing a new sub-committee to hear appeals against officer decisions. This work is still ongoing, and a report will be brought back to this Committee at a later date. In the meantime, appeals will continue to be heard by the Director of Port Health and Public Protection.

### **Current Position**

6. The proposed Alfresco Eating and Drinking Policy (“the Policy”) is attached at Appendix 1 and contains the proposed changes that resulted from the public consultation. Appendix 2 details all changes made, with reasoning, to the Policy since the Committee last reviewed the document.
7. A Consultation Analysis was carried out and is attached at Appendix 3. This document details the responses received from the public consultation, and the proposed outcomes from the consultation based on those responses.
8. An Equality Impact Analysis was completed to ensure that the City Corporation’s Public Sector Equality Duties are fulfilled with regards to this Policy, and this document is attached at Appendix 4.
9. The Committee may review the public consultation analysis and agree the changes that the document concludes. The proposed outcomes are evidenced by the responses received, and reasoning for them is included.

### **Proposals**

10. It is recommended that the proposed Policy be approved in its current format, to promote the objectives of the City Corporation’s Corporate Plan 2024-2029 and be presented to the Licensing Committee for information.

### **Corporate & Strategic Implications –**

Strategic implications – There are a number of Corporate Plan objectives that are achieved through the adoption of the Policy, namely:

- **Diverse Engaged Communities:** Pavement licensing can increase community engagement, by providing local businesses opportunities to create spaces that encourage social and economic diversity by attracting people from different backgrounds, to foster a sense of belonging and inclusivity to residents, visitors and workers in the Square Mile.
- **Dynamic Economic Growth:** Pavement licensing supports local business by encouraging them to thrive by expanding their operations and reaching new

customers; creating vibrant and inviting outdoor spaces that attract investors and businesses to the area stimulating economic growth.

- **Vibrant Thriving Destination:** Pavement licensing enhances public spaces and contributes to the creation of vibrant and welcoming cultural scenes, attracting visitors, residents and workers within the Square Mile seven days per week.
- **Providing Excellent Services:** The Policy provides a positive framework that supports local business in generating revenue but also provides clear boundaries to encourage good practice and support to businesses to achieve compliance and prevent enforcement action. Support can be provided from the initial point of interest, before an application has been submitted to provide excellent services to the businesses, residents and visitors of the Square Mile.

Financial implications – None.

Resource implications – None.

Legal implications – None.

Risk implications – None.

Equalities implications – An Equality Impact Assessment has been carried out, and a positive impact on protected groups has been indicated.

Climate implications – None.

Security implications – None.

## **Conclusion**

11. The Alfresco Eating and Drinking Policy is a crucial tool for the City Corporation to manage and regulate the use of outdoor spaces by businesses for the consumption of food and drink. Our policy helps to balance the needs of businesses, residents, and visitors, ensuring that the public realm is safe, accessible, and enjoyable for all.
12. The policy allows us to promote economic growth by allowing businesses to expand their operations and attract customers, whilst enhancing public spaces ensuring these activities are carried out in a way that complements the character and appearance of the area.
13. Furthermore, the Policy allows the City Corporation to manage public safety through the issuance of pavement licences by setting standards for the design, layout, and operation of licensed outdoor areas to minimize risks to the public.
14. The Policy also allows us to address our communities' concerns, by considering the impact of the activities on residents and visitors, including noise levels, waste management and accessibility, ensuring inclusive and thriving outdoor spaces in the Square Mile to support the delivery of the City's Corporate Plan 2024-2029.

## **Appendices**

- Appendix 1 – Alfresco Eating & Drinking Policy 2024
- Appendix 2 – Consultation Analysis

- Appendix 3 – Summary of Changes
- Appendix 4 – Equality Impact Assessment

## **Background Papers**

- [Business and Planning Act 2020 as amended by Levelling Up and Regeneration Act 2023: Permanent pavement licence regime.](#) – 23 July 2024
- [Ministry of Housing, Communities and Local Government and Department for Levelling Up, Housing and Communities Pavement Licensing Guidance](#) – 02 April 2024
- [Transport for London's Pedestrian Comfort Guidance for London, Version 2](#) – 2019

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