

GENERAL LICENSING COMMITTEE
28 July 2020

ITEM NO.

**MINOR UPDATE OF FEES RELATING
TO PAVEMENT CAFÉ LICENCES**

SUMMARY REPORT

Purpose of the Report

1. To invite Members to determine a new reduced fee for the licensing and operation of Pavement Cafés in the borough of Darlington in line with new legislation.

Summary

2. The Council's policy in respect of the licensing of pavement cafes in Darlington town centre was designed to enhance the leisure provision for residents and visitors to Darlington and add to the vibrancy of both the day time and evening economy of the town centre. Well operated pavement cafes are attractive venues for families to enjoy refreshment and add to the ambiance of the town centre.
3. Businesses in the Borough of Darlington have, like many other areas, suffered greatly following the outbreak of the Coronavirus and many of these businesses have been required to close. The hospitality industry has been particularly adversely affected and is in need of stimulation to attract customers with reduced capacity. Greater use of outside space is one method of increasing capacity, whilst not compromising public safety. It has recently been announced by the Government, that many premises, including those within the hospitality trade, are able to open (as of the 4th July 2020) provided they adhere to the Government guidance. Whilst this has been welcomed, it has created an extra financial burden on businesses at a time when income has been reduced due to a decrease in customers.
4. The Government has proposed new legislation, Business and Planning Bill which, if passed, is likely to be enacted before the end of the month. This new legislation will be temporary (until 30 September 2021) and has been developed to encourage the consumption of food and drink outdoors where the process of making an application for a licence has been slimlined. This will allow businesses to obtain a licence to place temporary furniture, such as tables and chairs outside of cafes, bars and restaurants quickly, for a fee not exceeding £100. Although this places a 'cap' on how much can be charged it does not preclude having no fee. Consideration will need to be given that the even maximum fee of £100 is not likely to fund the operation of the scheme, which requires significant work to be undertaken at a rapid pace. Early indications are that there will be at least 18 premises not currently licenced that will apply.

5. As the licensing budget is self-funding, if any incentives are provided to new applicants, those existing licence holders may expect a refund. Nine pavement café licences have currently been issued at a cost of £2,360
6. The current Pavement Café fees are as follows:
- | Covers | Fee |
|---------------|------------|
| 1 – 10 | £200.00 |
| 11 – 25 | £240.00 |
| 26 – 40 | £280.00 |
| 41 – 60 | £320.00 |
| 61 – 80 | £360.00 |
| 81 – 100 | £400.00 |
| Over 100 | £450.00 |
7. The current Pavement Café Policy, was revised in March 2014 where the fee's charged were amended to provide some equity between the smaller and larger establishments. Any revised fee would need to take this into consideration.

Recommendations

8. It is recommended that :-
- (a) The Licensing Committee follow the Government legislation, namely the Business and Planning Act and are invited to provide clarification on the cost of a pavement café licence. This may be set between the range of no fee, up to £100 for issue until 30 September 2021.

Reasons

9. The recommendations are supported by the following reason:-
- (a) To provide a consistent, fair approach to the regulation and control of pavement cafes placed on the Councils public areas and to enhance the use of public space, aid the local economy and add to the facilities offered to people who visit, live, and work in the borough of Darlington.

Ian Williams
Director of Economic Growth

Background Papers

- (i) The Highways Act 1980 Section 115E

Appendices

- 1 Current Policy and Conditions

