

**GENERAL LICENSING COMMITTEE**

**8<sup>th</sup> MARCH 2022**

ITEM NO. ....

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**PAVEMENT CAFÉ POLICY REVIEW**

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**Purpose of the Report**

1. The purpose of this report is to invite Members to approve a draft of a revised Pavement Café Policy to be released for consultation (**Appendix 1**).

**Background**

2. On 13<sup>th</sup> March 2000, Darlington’s Community Protection Committee approved the introduction of a pavement café licensing scheme and a guidance document that contained standard conditions applied to such licences. The standard conditions within the Policy were reviewed by Full Council on 16<sup>th</sup> July 2009 when they were simplified and on the 20<sup>th</sup> March 2014 a further update of conditions was approved.
3. The Council’s policy in respect of the licensing of pavement cafes in Darlington was designed to enhance the leisure provision for residents and visitors to Darlington and add to the vibrancy of both the day 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.
4. The licensing of pavement cafés is regulated by the Highways Act 1980. Section 115E(1) permits the Council to consent to issue pavement café licences for areas of the public highway enabling businesses to offer facilities for customers to enjoy refreshments al fresco. A pavement café licence is bespoke to each premises but includes a number of mandatory conditions.
5. The Covid pandemic beginning in March 2020 highlighted a requirement for social distancing, thereby reducing capacity within premises. An emergency Business and Planning Act was introduced in July 2020, which allowed for a greater use of outside space to increase capacity for premises to generate income until 31<sup>st</sup> September 2021.

6. This Act reduced the consultation and decision making time for pavement café licence applications from 28 days to 14 and placed a cap on the fee that could be charged at £100. A decision was made by Darlington's Licensing Committee that no fee should be charged.
7. As it became clear during 2021 that further Covid restrictions would be required, the Act was extended until 31<sup>st</sup> September 2022. This is currently under review following a government consultation, which ended on the 11<sup>th</sup> February 2022, where the changes brought about by the Business and Planning Act could be made permanent. It was suggested in the consultation document that the fee cap would be raised to £350.
8. Prior to the Business and Planning Act, Licensing issued nine pavement café licences, which has been a fairly consistent number over the years. With the introduction of the Act this grew to 32 premises, however this has subsequently reduced to 24, as pavement cafes do not form part of the business model for some premises who initially took advantage of a free licence. Each licence was approved by Highways, Police and Darlington Association on Disability (DAD) following consultation.

### Consultation Process

9. Throughout the time of Covid restrictions, Licensing have been cognizant to the dynamics within Darlington and particularly the town centre licensed trade. It has been clear from comments that pavement cafes have been a huge success and contributed greatly to the economic recovery. It has also highlighted how our policy needs to adapt to take into account these changes along with future development plans.
10. Licensing have been liaising closely with key stakeholders and asking how our current policy can be improved whilst maintaining the vibrancy pavement cafés have brought to the town. These proposed amendments have been made as a result of those discussions and highlighted in a summary at **Appendix 2**, along with the rationale for change.
11. Following formal consultation, this policy will be returned to the Licensing Committee for approval before a final decision is made, which must be by full Council.

## **Recommendation**

12. Members are invited to approve this revised Pavement Café Policy for public consultation.

**Dave Winstanley**  
**Group Director of Services**

## **Appendices**

Appendix 1 – Draft Pavement Café Policy

Appendix 2 – Proposed changes and rationale