

Record of Delegated Non-Executive Decisions by Officers

1. Subject of decision

Delegation Reference – Officer Delegation Scheme:

GD6 states that a Director can “take decisions on behalf of the Authority on all matters where they have managerial or professional responsibilities for their service areas.”

This decision has been delegated to one or more officer(s) under:

- (a) A specific express authorisation (provide the date, report and decision of Council, Committee or Sub-Committee etc which delegated this to the specific officer(s))
- (b) a general authorisation to take such decisions **and**, the effect of the decision is to:
- (i) grant a permission or licence;
 - (ii) affect the rights of an individual; or
 - (iii) award a contract or incur expenditure which, in either case, materially affects the Authority’s financial position.

2. Name and Title of Decision Maker

John Sparkes, Director of Regeneration and Economic Development

3. Details of any Conflict of Interest and any Dispensation granted in respect of such Interest

None

4. Executive Summary (To be taken from written report)

Part 1 of the Business and Planning Act 2020 (“the 2020 Act”) came into force in July 2020 and introduced a new type of licence in England and Wales known as a ‘pavement licence’. Such a licence permitted businesses that sold and served food or drink supplied from their premises to place removable furniture on part of a relevant highway adjacent to the premises for use by their customers. This meant that premises such as cafés, public houses and restaurants operating in North Tyneside from that time became able to apply for such licences, and indeed many licences have been applied for and granted since then.

The Act as initially passed stated that such licences could be granted by the Authority for such period as is considered appropriate, or, if there was no limit on their duration, up to the end of 30 September 2021. However, the Secretary of State has on two occasions now extended the period of time over which such licences can have effect by introducing secondary legislation. The most recent Regulations made by the Secretary of State are the Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2023 which extended the maximum duration of a pavement licence granted by the Authority if there is no limitation on its duration, up to the end of 30 September 2024.

It is therefore necessary for the Director of Regeneration and Economic Development to determine if the existing standard licence conditions previously approved and published by the Authority remain in place up to the end of 30 September 2024, if the form of the Notice of Application to be displayed at premises should remain in its current form, or be amended, and if the application fee should remain at £nil.

5. Alternative options considered

Option 1 – To approve the recommendations in section 1.2 of the report.

Option 2 – Not to approve the recommendations in section 1.2 of the report.

6. Decision(s)

The Director of Regeneration and Economic Development has decided:

1. that the pavement licence conditions previously agreed and published by the Authority and appended to the report at Appendix 1 continue to apply in relation to any pavement licences granted in North Tyneside up to the end of 30 September 2024;
2. that the Notice of Application to be displayed at the relevant premises by a person applying for a pavement licence will continue to be in the form set out in Appendix 2 of this report up to the end of September 2024; and
3. that the application fee for a pavement licence in North Tyneside should continue to be £nil unless that amount is increased following a review carried by the Director of Regeneration and Economic Development.

7. Reasons for the Decision(s)

The proposal will enable the current arrangements that are in place in relation to pavement licensing to continue in place up until 30 September 2024. That will provide certainty for local businesses and continue to provide support for the business sector and boost the economy of the borough.

8. Date Decision Made

29 September 2023

To be completed by Democratic Services

9. Date of Publication (where appropriate)

29 September 2023

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