

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

n/a

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

Following the passing of the Business and Planning Act 2020 (“the 2020 Act”), a new national procedure came into effect. This procedure enabled relevant premises to apply for pavement licences, for customers to sit outside, to support ‘social distancing’, during the Covid-19 pandemic. This was envisaged to be a temporary initiative during the pandemic. However, the pavement licensing provisions in the 2020 Act were subsequently extended each year since, by the Secretary of State, and have therefore been in force since July 2020.

In April 2024, the Government announced that the pavement licensing regime would become permanent. To that end, the Levelling-up and Regeneration Act 2023 (“the 2023 Act”) repealed section 10 of the 2020 Act which had, until its repeal, limited the lifetime of the pavement licensing provisions under the 2020 Act.

The 2023 Act also amended the level of fees that local authorities are permitted to charge for processing pavement licence applications. Until the amendment to the 2020 Act, the maximum that could be charged was £100 although up until this point in time the Authority has made no charge in relation to pavement licence applications.

Given that the pavement licensing regime is now permanent, it is appropriate for the Director of Regeneration and Economic Development to determine:

- a) if the existing standard licence conditions previously approved and published by the Authority, should remain in place or be amended;
- b) if the form of the Notice of Application to be displayed at premises should remain in its current form, or be amended;
- c) what the maximum duration of a pavement licence issued in North Tyneside should be; and
- d) what application fees should apply for new pavement licence application, and for the renewal of existing pavement licences, in North Tyneside.

4. 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.

5. Decision(s)

The Director of Regeneration and Economic Development has decided:

1. that the pavement licence conditions appended to this report at Appendix 1 should apply in relation to any pavement licences granted in North Tyneside;
2. that the Notice of Application to be displayed at the relevant premises by a person applying for a pavement licence in North Tyneside will be in the form set out in Appendix 2 of this report;
3. that the maximum duration of any pavement licences granted in North Tyneside is 2 years from the date of grant;
4. that the application fee for a pavement licence made by a person who already holds a pavement licence and their application is in respect of the premises to which the existing licence relates (whether or not it is a renewal application) be set at £102.00; and
5. the application fee for a pavement licence made by a person who does not already hold a pavement licence in respect of the premises to which their application relates be set at £146.00.

6. Reasons for the Decision(s)

Approving the recommendations in section 1.2 of the report will enable the Authority to continue to have in place appropriate arrangements for pavement licensing in accordance with current legislation.

8. Date Decision Made

16 September 2024

To be completed by Democratic Services

9. Date of Publication (where appropriate)

17 September 2024