

SCHEDULES

SCHEDULE 22

Section 229

PAVEMENT LICENCES

Introductory

- 1 In this Schedule—
- (a) “the 2020 Act” means the Business and Planning Act 2020;
 - (b) “the commencement date” means the date on which this Schedule comes into force;
 - (c) “pavement licence” means a licence under section 1 of the 2020 Act.

Making pavement licence provisions permanent

- 2 (1) Omit section 10 of the 2020 Act (expiry).
- (2) In section 23 of the 2020 Act (regulations), in subsection (4), omit “10”.

Applications: fees

- 3 (1) Section 2 of the 2020 Act (applications) is amended as follows.
- (2) In subsection (1)(c), for “£100” substitute “the relevant amount”.
- (3) After subsection (1) insert—
- “(1A) In subsection (1)(c), “the relevant amount” means—
- (a) £350, in the case of an application which—
 - (i) is made by a person who already holds a pavement licence, and
 - (ii) is in respect of the premises to which that existing licence relates (whether or not it is a renewal application), and
 - (b) £500, in any other case.
- (1B) The Secretary of State may by regulations amend subsection (1A)(a) or (b) so as to substitute a different amount for the amount for the time being specified there.”
- 4 In section 23 of the 2020 Act (regulations), in subsection (3), after “section” insert “2(1B) or”.

Applications: procedure on renewals

- 5 (1) Section 2 of the 2020 Act (applications) is amended as follows.
- (2) After subsection (2) insert—

Status: This is the original version (as it was originally enacted).

“(2A) If the application is a renewal application—

- (a) subsection (2) does not apply, but
- (b) the application must contain or be accompanied by such information or material as the local authority may require.”

(3) After subsection (9) insert—

“(10) For the purposes of this section, an application is a renewal application if—

- (a) it is made by a person who already holds a pavement licence,
- (b) it is in respect of the premises to which the existing licence relates, and
- (c) it is for a licence to begin on the expiry of the existing licence and on the same terms.”

Applications: periods for consultation and determination

6 In section 2 of the 2020 Act (applications), in subsection (4), for “7” substitute “14”.

7 In section 3 of the 2020 Act (determination), in subsection (10), for “7” substitute “14”.

Duration of licences

8 (1) Section 4 of the 2020 Act (duration) is amended as follows.

(2) For subsections (1) and (2) substitute—

“(1) A pavement licence may be granted by a local authority for such period as the authority may specify in the licence.

(2) The period specified may not exceed two years.”

(3) In subsection (3)—

- (a) omit “, subject to subsection (4),”;
- (b) for “a year” substitute “two years”.

(4) Omit subsection (4).

Enforcement of licences

9 In section 6 of the 2020 Act (enforcement and revocation), after subsection (3) insert—

“(4) A local authority by which a pavement licence is granted or deemed to be granted may, with the consent of the licence-holder, amend the licence if it considers that—

- (a) the condition in subsection (3)(a) or (b) is met, or
- (b) a no-obstruction condition of the licence is not being complied with.”

Effect of licences

10 In section 7 of the 2020 Act (effects), omit—

- (a) subsections (4) to (6);

- (b) subsections (8) to (10).
- 11 (1) Section 115E of the Highways Act 1980 (execution of works etc by persons other than councils) is amended as follows.
- (2) In subsection (1), for “(4)” substitute “(5)”.
- (3) After subsection (4) insert—
- “(5) A council may not under this section grant a person permission to do anything which is capable of being authorised by a pavement licence under section 1 of the Business and Planning Act 2020.”
- 12 In section 249 of the Town and Country Planning Act 1990 (order extinguishing right to use vehicles on highway), in subsection (7), at the end insert “or sections 1 to 9 of the Business and Planning Act 2020”.

Enforcement

- 13 After section 7 of the 2020 Act insert—

“7A Enforcement

- (1) The following provisions of this section apply where—
- (a) a person puts removable furniture on a relevant highway for a purpose specified in subsection (2), and
- (b) the person is not authorised to do so.
- (2) The purposes referred to in subsection (1)(a) are—
- (a) use of the furniture by the person to sell or serve food or drink supplied from, or in connection with relevant use of, premises which are adjacent to the highway and are used or proposed to be used by the person;
- (b) use of the furniture by other persons for the purpose of consuming food or drink supplied from, or in connection with relevant use of, such premises.
- (3) The local authority may by notice require the person—
- (a) to remove the furniture before a date specified in the notice, and
- (b) to refrain from putting furniture on the highway unless authorised to do so.
- (4) If the person leaves or puts removable furniture on the relevant highway in contravention of the notice, the local authority may—
- (a) remove the furniture and store it,
- (b) require the person to pay the authority’s reasonable costs in removing and storing the furniture, and
- (c) refuse to return the furniture until those reasonable costs are paid.
- (5) If within the period of three months beginning with the day on which the notice is given the person does not pay the reasonable costs, or does not recover the furniture, the local authority may—
- (a) dispose of the furniture by sale or in any other way it thinks fit, and
- (b) retain any proceeds of sale for any purpose it thinks fit.

Status: This is the original version (as it was originally enacted).

- (6) In this section “authorised” means authorised by—
- (a) a pavement licence,
 - (b) permission under Part 7A of the Highways Act 1980, or
 - (c) permission granted under any other enactment.”

Local authority functions

- 14 In section 8 of the 2020 Act, omit subsection (2).
- 15 In Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (S.I. 2000/2853) (functions which are not to be the responsibility of an authority’s executive), in paragraph B, after item 72 insert—

“73 Functions relating to pavement licences	Sections 1 to 7A of the Business and Planning Act 2020”.
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Other amendments

- 16 In section 9 of the 2020 Act (interpretation), omit subsections (2) and (3) (which are spent).
- 17 In section 62 of the Anti-social Behaviour, Crime and Policing Act 2014 (premises etc to which alcohol prohibition in a public spaces protection order does not apply), in subsection (1)(e), at the end insert “or by virtue of a pavement licence under section 1 of the Business and Planning Act 2020”.

Transitional provision

- 18 (1) [This paragraph](#) applies in relation to a pavement licence which is in force immediately before the commencement date and which—
- (a) was granted with no limit on its duration, or
 - (b) was deemed to be granted under section 3(9) of the 2020 Act.
- (2) A pavement licence to which [this paragraph](#) applies expires at the end of the period of two years beginning with the commencement date.
- 19 The amendments made by paragraph 11 do not affect any permission granted by a council under section 115E of the Highways Act 1980 before the commencement date.