

## EAST HERTS COUNCIL

### OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS

**2014**

### OFFICER DECISION WRITTEN RECORD

Reference:	OD/(to be added by Democratic Services)
Subject Matter:	Amendment to the East Herts Council Pavement Licence Policy issued under the Business and Planning Act 2020, including amended fees.
Date of Decision:	3 <sup>rd</sup> July 2024
Exempt/Confidential information (Yes/No):	No.
If Exempt/Confidential – reason why:	Not applicable.
Name of Officer taking decision under delegated authority:	Jonathan Geall – Head of Housing and Health, acting in consultation with the Cllr Vicky Glover-Ward, Executive Member for Planning and Growth.
Source of delegated authority (constitution/express delegation/etc):	<p>The decision to make amendments to the Pavement Licence Policy is being taken under the approval by the Executive at its meeting of 7<sup>th</sup> July 2020 that: “the making of any minor amendments to the [Pavement Licence] policy and procedure be delegated to the Head of Housing and Health acting in consultation with the Executive Member for Neighbourhoods’.</p> <p><i>Note: the jurisdiction for licensing policy has since transferred to the Executive Member for Planning and Growth.</i></p> <p>The decision to amend the fees is being taken by the Head of Housing and Health, in consultation with the</p>

Reference:	OD/(to be added by Democratic Services)
	Executive Member for Planning and Growth, under the same delegated authority in the context of the Executive at its meeting of 7 <sup>th</sup> July 2020 approving that 'fees be set at the <b>maximum permitted level</b> of £100 in order to, at least in part, recover the cost of issuing licences' ( <b>emphasis added</b> as this demonstrates the Executive's approval to set the fee at the extant maximum which has now been updated).
Exercise of delegated authority approved by: <i>(if different from Officer taking decision)</i>	Not applicable
Decision:	To approve amendments to the existing East Herts Council Pavement Licence Policy in line with amendments to the Business and Planning Act 2020, including amending the fees to £500 for a first time licence and £350 for a renewal of an existing licence.
Reason(s) for Decision:	To allow the council to benefit from the changes brought in by the amendment to the Business and Planning Act 2020 that (a) now render the district council, rather than the county council in a two tier area, the licensing authority for pavement licences whereas previously this was only a temporary measure during the Covid pandemic to fulfil our statutory functions under The Business & Planning Act 2020, (b) enable licences up to a default maximum of two years' duration and (c) uprate the maximum fees allowable to £500 for first time licence and £350 for a renewal of an existing licence.
Details of alternative options, if any considered and rejected:	Not amend the existing Pavement Licence Policy – NOT RECOMMENDED as the existing policy is no longer compliant with the terms of the Business and Planning Act 2020 as

Reference:	OD/(to be added by Democratic Services)
	amended by the Levelling Up and Regeneration Act 2023 thus rendering it the council unable to benefit from the now permanent powers to act as the licensing authority for pavement licences with the consequent ability to increase the associated fees.
Name of Officer who has confirmed with all Members involved in taking this decision whether they have pecuniary or non-pecuniary interest:	Jonathan Geall – Head of Housing & Health.
Name(s) of any Member who has removed himself/herself from contributing to this decision because of a conflict of interest:	None.
Signature of Decision Maker:	REDACTED
Signature of any Executive Member consulted by Decision Maker:	Cllr Vicky Glover-Ward has confirmed her support for (a) the amendments to the policy by email to Jonathan Geall on 26 <sup>th</sup> June 2024 and (b) the revised fees by email to Jonathan Geall on 1 <sup>st</sup> July 2024.

**SIGNATURES ARE REDACTED**