
EXPLANATORY NOTE

(This note is not part of the Regulations)

In response to the coronavirus pandemic, sections 1-10 of the Business and Planning Act 2020 (“the 2020 Act”) made temporary provision for a fast-track process to allow businesses selling food or drink to obtain authorisation from the local authority for the placement of furniture such as tables and chairs on highway adjacent to their premises (“a pavement licence”).

Under the 2020 Act, a pavement licence may specify an expiry date, which may not be later than the date specified in section 4(2)(b). If a pavement licence does not specify an expiry date, the licence expires on the date specified in section 4(1)(b). If a pavement licence is deemed to be granted under section 3(9) (where the local authority has failed to determine an application), that pavement licence expires after a year, or if earlier on the date specified in section 4(4).

Prior to these Regulations, the date specified in each of those subsections is 30th September 2023. Regulation 5 extends the dates specified in sections 4(1)(b), (2)(b) and (4) by twelve months, to 30th September 2024.

Regulation 5 only applies to a pavement licence for which application is made on or after the date these Regulations come into force. The previous date of 30th September 2023 will continue to apply in relation to any pavement licence applied for before the date these Regulations come into force, though the holder of such a licence may be able to apply for a further licence.

Regulation 6 extends the expiry of sections 1-9 of the 2020 Act generally, also to 30th September 2024.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.