

Agenda

Extraordinary Licensing Committee Meeting

Date: Monday, 3 August 2026

Time 7.00 pm

Venue: Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT

Membership:

Councillors Lloyd Chapman, Simon Clark (Chair), Alex Eyre, Tim Gibson, Carole Jackson, Elliott Jayes, Mark Last, Peter Marchington, Charlie Miller, Lee-Anne Moore (Vice-Chair), Tara Noe, Tom Nundy, Richard Palmer, Paul Stephen and Tony Winckless.

Quorum = 5

Pages

Recording and Privacy Notice

Swale Borough Council is committed to protecting the security of your personal information. As data controller we process data in accordance with the Data Protection Act 2018 and the UK General Data Protection Regulation.

This meeting may be recorded. The recording will be retained in accordance with the Council's data retention policy and may be published on the Council's website. By entering the chamber and by speaking at a meeting, whether in person or online, you are consenting to being recorded and to the recording being published.

When joining a meeting online, your username will be visible to others in attendance. In joining the meeting you are consenting to us processing your username. You may use a pseudonym as your username but the use of an inappropriate name may lead to removal from the meeting.

If you have any questions about how we look after your personal information or your rights under the legislation, please email dataprotectionofficer@swale.gov.uk.

1. Emergency Evacuation Procedure

Visitors and members of the public who are unfamiliar with the building and procedures are advised that:

- (a) The fire alarm is a continuous loud ringing. In the event that a fire drill is planned during the meeting, the Chair will advise of this.
- (b) Exit routes from the chamber are located on each side of the room, one directly to a fire escape, the other to the stairs opposite the lifts.
- (c) In the event of the alarm sounding, leave the building via the nearest safe exit and gather at the assembly point on the far side of

the car park. Do not leave the assembly point or re-enter the building until advised to do so. Do not use the lifts.

- (d) Anyone unable to use the stairs should make themselves known during this agenda item.

2. Apologies for Absence

3. Declarations of Interest

Councillors should not act or take decisions in order to gain financial or other material benefits for themselves, their families or friends.

The Chair will ask Members if they have any disclosable pecuniary interests (DPIs) or disclosable non-pecuniary interests (DNPIs) to declare in respect of items on the agenda. Members with a DPI in an item must leave the room for that item and may not participate in the debate or vote.

Aside from disclosable interests, where a fair-minded and informed observer would think there was a real possibility that a Member might be biased or predetermined on an item, the Member should declare this and leave the room while that item is considered.

Members who are in any doubt about interests, bias or predetermination should contact the monitoring officer for advice prior to the meeting.

4. Public Session

The Council operates a scheme of public speaking at meetings of the Licensing Committee. Requests to speak at the meeting must be registered by Democratic Services by noon on Friday 31 July 2026 and must be related to an item on the Agenda. Each speaker has a maximum of three minutes to speak.

- | | | |
|----|-------------------------------|---------|
| 5. | Review of Taxi Tariff | 3 - 24 |
| 6. | Draft Pavement Licence Policy | 25 - 52 |

Issued on Friday, 24 July 2026

The reports included in Part I of this agenda can be made available in alternative formats. For further information about this service, or to arrange for special facilities to be provided at the meeting, please contact democraticservices@swale.gov.uk. To find out more about the work of this meeting, please visit www.swale.gov.uk.

**Chief Executive, Swale Borough Council,
Swale House, East Street, Sittingbourne, Kent, ME10 3HT**

Licensing Committee Meeting	
Meeting Date	03 August 2026
Report Title	Review of Taxi Tariff
EMT Lead	Emma Wiggins, Director of Regeneration and Neighbourhoods
Head of Service	Charlotte Hudson, Head of Housing and Community Services
Lead Officer	Johanna Thomas Licensing Team Leader
Classification	Open
Recommendations	1. That Members determine whether they wish there to be an increase of the maximum scale of fares for licensed hackney carriages operating within the borough (taxi tariff) 2. That if Members do determine that the taxi tariff is to be increased that they authorise officers to proceed with the statutory consultation.

1 Purpose of Report and Executive Summary

- 1.1 This report asks Members to consider whether they wish to instruct officers to proceed with the process to propose amendments to the taxi tariff.
- 1.2 The report provides two options for an increase to the tariff and requests that if Members are in favour of an increase they decide which option to progress or instruct officers to progress an alternative tariff of their choice.
- 1.3 This report requests that if Members agree amendments to the tariff, they instruct officers to begin the consultation process.

2 Background, Context and Proposals

- 2.1 It is at the discretion of the Council as licensing authority to set a meter tariff for licensed hackney carriages.
- 2.2 Councils are not obliged to set a maximum fare for their area, they could decide instead to rely on market forces to establish the going rate and at the same time promote competition.
- 2.3 In the past Swale BC has chosen to set a tariff which represents the maximum fee that can be charged. The current tariff became effective on 11th March 2024 and was amended to increase the soilage fee with effect from 20th May 2025 and is attached as **Appendix I**.

- 2.4 At an extraordinary meeting of the General Licensing Committee of 12th May 2025 it was resolved:
- (1) That the current maximum scale of fares for licensed hackney carriages operating within the borough (taxi tariff) remained, taking into consideration comments received during the statutory consultation, and the soilage charge be increased.*
- (2) That the agreement to automatically annually increase the taxi tariff based upon the National Rail fares increase be amended so this is carried out biannually.*
- 2.5 The agreement to automatically increase the taxi tariff biannually allows a proposed tariff based on the National Rail fares increase to go out to consultation but does not remove the requirement for public consultation which is a statutory requirement under Section 65, Local Government (Miscellaneous Provisions) Act 1976.
- 2.6 At a further meeting of the General Licensing Committee on 14th July 2025 Members were asked to provide further clarity for the biannual increase and resolved:
- (4) That the biannual tariff be increased in 2026 as per the National Rail Fares increase for 2026 and not be cumulative, and this be updated in the draft policy document at Appendix I prior to formal approval.*
- 2.7 This year, for the first time in 30 years, National Rail Fares were frozen. Therefore it was not possible to propose the biannual increase as set out in the Swale Hackney Carriage (Taxi) and Private Hire Licensing Policy 2025 – 2030
- 2.8 As there had been no increase to fares last year and drivers and operators are experiencing increased costs due to the political climate and in particular increased fuel costs, an increase is proposed based on last year's National Rail Fare increase of 4.9%
- 2.9 A pre-consultation survey was sent out to drivers and operators to help measure support from the trade. Swale currently has 331 drivers who are licenced to drive hackney carriages and 39 taxi operators. Licensing received 59 responses to the survey, with 42 responses in favour of and increase 15 against and 2 ambiguous responses. The survey results and comments are attached as **Appendix II**.
- 2.10 The setting of fares applies only to hackney carriages and not to private hire drivers who can charge their own rates as statute allows.
- 2.11 Any driver has the option of charging less than any tariff that is set, as the tariff is the maximum that can be charged but is not obligatory.
- 2.12 Private Hire and Taxi magazine, a monthly magazine for the trade and licensing authorities, regularly publishes a 'league table' of tariffs set by licensing

authorities (including Transport for London in relation to “Black Cabs”) from the highest to lowest based on the cost of a 2-mile journey. To assist Members the latest figures published in July 2026 relating to all Kent authorities is shown below.

Council	Fare at 2 miles	Year of last increase	Position in Country Wide League Table as of 1 st July 2026
Folkestone and Hythe	£6.60	2022	260
Canterbury	£7.40	2022	164
Ashford	£7.60	2025	134
Dover	£8.00	2026	91
Gravesham	£8.20	2024	74
Thanet	£8.30	2026	67
Swale CURRENT	£8.30	2024	66
Dartford	£8.30	2025	62
Medway	£8.40	2025	60
Tunbridge Wells	£8.60	2024	48
Sevenoaks	£8.70	2022	41
Swale PROPOSED	£8.70	2026	42
Maidstone	£9.00	2025	22
Tonbridge & Malling	£9.00	2025	26

- 2.13 Officers have prepared two proposals for the tariff increase. Option 1 keeps the amount for the first 200 yards (182 metres) of the journey (the flag) the same as per the current tariff (£3.40) and reduces the number of yards that additional fees are incurred (the 10 pence drop) to make a fare of £8.70 at 2 miles. Option 2 increases the amount charged for the first 200 yards to £3.80 and keeps the drop at the same yardage as per the current tariff. Option 2 increases that amount drivers and operators will make on shorter local journeys, but keeps the 2 mile fare at £8.70. The proposed options can be seen as **Appendix III**

3 Recommendations

- 3.1 Members are asked to consider the below recommendations:

- 3.1.1 That Members decide whether they want an increase to the taxi tariff.
- 3.1.2 That Members consider whether to increase the taxi tariff as set out in Option 1 or Option 2 or by an alternative amount of their choosing.
- 3.1.3 That if Members agree an increase to the tariff, they authorise officers to proceed with the statutory consultation process.

4 Alternative Options Considered and Rejected

- 4.1 Members could decide that the current taxi tariff is fair and reasonable and to leave it as it is. This option is not recommended based on the results of the survey conducted with the trade, no increase to the tariff may increase feelings of discord amongst the trade as the majority response was in support of an increase.
- 4.2 Members could decide not to set a taxi tariff at all and let hackney carriage drivers set their own fares. This options is also not recommended as could result in too much competition amongst the trade and complaints to the licensing team regarding unfair charges.

5 Consultation Undertaken or Proposed

- 5.1 If Members decide that the taxi tariff should be amended a consultation will run for 2 weeks from 20 August 2026 until 3 September 2026, and advertised in the local newspapers and at the Council offices in accordance with the statutory requirements set out under Section 65, Local Government (Miscellaneous Provisions) Act 1976.
- 5.2 All Swale licensed taxi drivers and private hire operators will be consulted by way of a newsletter.
- 5.3 In accordance with the statutory requirements a date will be set and advertised by when the amended tariff will come into effect if no objections are received during the consultation period. If an objection is duly made and is not withdrawn, it will be necessary for a Licensing Committee to be arranged for Members to consider the objections and decide whether the proposed tariff needs to be modified. If this is the case the tariff must be set, with or without modifications as Member's decide by no later than 2 months after the date originally set.

6 Implications

Issue	Implications
Corporate Plan	The service is an important regulatory function undertaken to ensure the safety of the travelling public of Swale as well as its licensed drivers. There are links to: Community - To enable our residents to live, work and enjoy their leisure time safely in our borough and to support community resilience. Economy - Working with our businesses and community organisations to work towards a sustainable economy which delivers for local people.

	Environment - To provide a cleaner, healthier, more sustainable and enjoyable environment, and to prepare our borough for the challenges ahead. Running the Council - Working within our resources to proactively engage with communities and outside bodies to deliver in a transparent and efficient way.
Financial, Resource and Property	The cost of re-calibrating individual meters would be met by licensed drivers and operators.
Legal, Statutory and Procurement	Changes to the table of fares published by the Authority must be made in accordance with the procedure set out in s.65 Local Government (Miscellaneous Provisions) Act 1976. That sets out the notification requirements and the process if unresolved representations are made to any proposed changes.
Crime and Disorder	The licensing role of the Council is important in improving the safety, security and welfare of the Borough's residents, visitors and business community by ensuring an adequate supply of properly licensed taxis as a safe mode of transport for the public, particularly when other public transport is unavailable and ensuring the safety of drivers.
Environment and Climate/Ecological Emergency	None identified
Health and Wellbeing	Some Taxi Drivers have commented that earnings are under the national living wage, an increase in the tariff may increase their earnings which could positively impact taxi driver's health and wellbeing.
Safeguarding of Children, Young People and Vulnerable Adults	Licensing regimes are largely designed to protect public safety. The DfT Statutory Standards and The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 go even further to protect public safety, especially children, young people and vulnerable adults and these have been incorporated into this policy revision. Air quality is also an important aspect of protecting children and vulnerable adults and therefore imperative that the licensing of vehicles contributes to improving the air quality in the borough.
Risk Management and Health and Safety	If there are any risks associated with your report and decision, then this section should be used either to outline the risks in full or to refer to the relevant section of the report. If any of the risks identified are significant, then this section should also include a summary of how you intend those risks to be managed. Further guidance and support on this section is available from the audit team. This section should also provide details of any health and

	safety implications arising from the proposals in the report, including where appropriate a discussion of how risks will be managed. Further guidance on this can be obtained from the health and safety officer.
Equality and Diversity	An unreasonable increase in the level of fares could be a source of resentment amongst the travelling public. Equally an unreasonably low increase or no increase could be a source of resentment amongst the trade.
Privacy and Data Protection	None identified
Local Government Reorganisation	There is significant disparity between taxi tariffs set by neighbouring authorities this could be a cause for concern for the Taxi trade and the travelling public if the new Unitary Authorities implement a single tariff through out the area under their authority.

7 Appendices

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Current Hackney Carriage (Taxi) Fare Table – date of commencement 20th May 2025
- Appendix II: Survey Carried out with the Taxi Trade
- Appendix III: Proposed Tariff Options

8 Background Papers

All relevant legislation as outlined at paragraph 1.1.2 of the draft Swale BC Hackney Carriage and Private Hire Licensing policy, most particularly The Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976

The Minutes of the Extraordinary Licensing Committee Meeting held on 12th May 2025 [Minutes Template](#)

The Minutes of the Licensing Committee Meeting held on 14th of July 2025 [Minutes Template](#)



HACKNEY CARRIAGE (TAXI) FARES TABLE FROM 11th March 2024

(Maximum Soilage Fee as amended with commencement from 20th May 2025)

RATE 1	
For the first 200 yards (182 metres)	£3.40
If the distance exceeds 200 yards (182 metres) for the first 200 yards	£3.40
For each subsequent 68 yards (62 metres) or uncompleted part	£0.10
For each stationary waiting period of 1 minute or uncompleted part	£0.35
RATE 2	
For any hiring commenced: - For hirings begun between 23:00 and 06:00 - At any time on a bank holiday (including Easter Sunday) or public holiday - Between 18:00 and 23:00 on 24th December	Rate 1 + 50%
RATE 3	
For any hiring commenced: - Between 23:00 on 24th December and 06:00 on 27th December - Between 18:00 on 31st December to 06:00 on 1st January	Rate 1 + 100%
EXTRA CHARGES	
At any time when carrying 5 to 8 passengers	+ 50% Applies to any rate above at any time
For a specific request to hire a vehicle with more than 4 passenger seats (excluding wheelchair users accompanied by less than 4 other passengers)	+50% Applies to any rate above at any time
If vehicle is soiled to the extent that it has to be cleansed before re-use	a matter between the driver/company and the customer not exceeding £100
FARES CHARGED BY TIME	
When a hackney carriage is hired by time the fare shall be agreed with the hirer at the commencement of the hiring	
OFFENCE	
It is an offence for the proprietor or driver to demand and take a fare greater than that shown on the taximeter. Any discount given to the customer must be discounted from the amount shown on the meter	
COMPLAINTS	
If you have any complaints about this vehicle or driver please contact the Licensing Team Leader, Swale Borough Council, East Street, Sittingbourne, Kent ME10 3HT. Email: taxis@swale.gov.uk	

On a Meter this will show as - For saloons - Rate 1 single time (1x) day, Rate 2 time and half (1.5x) 23:00>, Rate 3 double time (2x) For minibuses - Rate 4 single time + 50% (1.5x) , Rate 5 time and half +50% (2.25x) , Rate 6 double time + 50% (3x)

This page is intentionally left blank

Taxi Tariff Survey Results

Appendix II

Id	Are you in favour of an increase to the hackney fares tariff in 2026?	What are your reasons for wanting an increase to the tariff?	What are your reasons for not wanting an increase to the tariff?	What type of Taxi business do you have?	Date
1	Yes	The cost of running a taxi has increased significantly in recent years, including fuel prices, insurance, vehicle maintenance, and licensing costs. Without a fare increase, it is becoming difficult for drivers to maintain a sustainable income. A reasonable increase will help ensure drivers can continue to provide a reliable and safe service while keeping up with rising expenses.		I am an independent hackney driver	23/03/2026
2	Yes	Fuel prices are very high		I am an independent hackney driver	23/03/2026
3	Yes	Everything else has gone up in the last two years so why not taxis		I am a hackney driver who works for an operator	23/03/2026
4	Yes	Due to current hicks in fuel costs and also the high cost of living.		I am an independent hackney driver	23/03/2026
5	Yes	Everything has gone up especially fuel		I am a hackney driver who works for an operator	23/03/2026
6	Yes	Short distance then waiting for next fare takes time		I am a hackney driver who works for an operator	23/03/2026

Taxi Tariff Survey Results

Appendix II

7	Yes			I am a hackney driver who works for an operator	23/03/2026
8	No		We are in the middle of people not having much money	I am a hackney driver who works for an operator	24/03/2026
9	Yes	Slow trade at the moment and no increase for a while		I am an independent hackney driver	24/03/2026
10	No		We are losing customers to outside taxis operating in faversham and uber have moved in as well	I am a hackney driver who works for an operator	24/03/2026
11	Yes	Fuel, minimum salary going up every April, inflation		I am an independent hackney driver	24/03/2026
12	Yes	Fuel, minimum salary going up every April, inflation		I am an independent hackney driver	24/03/2026
13	Yes	Cost of living increases and operating costs		I am an independent hackney driver	24/03/2026
14	Yes	cost of living going up and we have not had a pay rise to help us with the cost of everything, working at a percentage of the fare not the full cost of a fare		I am a hackney driver who works for an operator	24/03/2026
15	No		Putting customers off using the service	I am a hackney driver who works for an operator	24/03/2026
16	No		Swale is one of the most deprived areas in Kent, moving prices upwards will only deter people from taking taxis more than they already are.	I am a hackney driver who works for an operator	24/03/2026
17	No		It's a struggle at the moment with lack of work and an increase will have such a negative impact on us firms, loss of work and the expense of changing the metres	I have an operators licence	24/03/2026

Taxi Tariff Survey Results

Appendix II

18	No		People are saying it's already too much fair at the moment also in this economy I think it's better not to increase the tariff it helps people and it's enough for us to keep it as it is	I am an independent hackney driver	24/03/2026
19	Yes	price of fuel		I am a hackney driver who works for an operator	24/03/2026
20	No		Seems like an opportunity for Uber to come and would do the amount of business	I am an independent hackney driver	24/03/2026
21	No		We are in a cost of living crisis, fuel is incredibly high and our potential customers are broke. Swale does not have nightclubs, great restaurants, or anything to draw people into Swale. To have our prices increased to more than Canterbury is a joke. We are already seeing uber in our area and you will be pricing us out of the market. Under the proposed new council boundaries we will be grouped with Folkestone and Ashford and yet we are already so much more expensive. Swale is a poor area, getting a taxi for many is a luxury. On top of this there is a cost to get the meter updated when you've already added more costs to our badges by having the new course we have to sit.	I have an operators licence	24/03/2026
22	Yes	Cost of living increase fuel increase I know customers are struggling but so are we as drivers		Other	24/03/2026

Taxi Tariff Survey Results

Appendix II

23	Yes	The increase in fuel costs along with everything else is crippling. The cost of living increases, yet drivers wages don't increase to pay for their needs.		I have an operators licence	24/03/2026
24	No		Fare is high enough as is. Customers complaint about it already not need to give uber a reason to come into the area.	I am an independent hackney driver	24/03/2026
25	Yes	With petroleum and coast of everything it worth doing		I am an independent hackney driver	24/03/2026
26	Yes	Increased fuel costs		I am an independent hackney driver	24/03/2026
27	Yes	keep up with inflation		I am a hackney driver who works for an operator	24/03/2026
28	No			I am an independent hackney driver	24/03/2026
29	No			Other	24/03/2026
30	Yes	I am a driver and I haven't had any increase in my earnings in 2 years whilst the cost of living just keeps going up & up. At the moment I take home less than the national minimum wage		I am a hackney driver who works for an operator	24/03/2026
31	Yes	Cost of living		I am a hackney driver who works for an operator	24/03/2026
32	Yes	Rising costs in running the business		I have an operators licence	24/03/2026
33	Yes	Fuel costs and increasing costs.		I am an independent hackney driver	24/03/2026

Taxi Tariff Survey Results

Appendix II

34	Yes	I support an increase to the Swale Hackney Carriage tariff and believe it should be set at £9.00 at 2 miles (rather than the proposed £8.70). My reasons are: Escalating operating costs, especially fuel. Diesel is currently averaging around 174.7p per litre (late March 2026), with recent sharp rises. This far exceeds the 4.9% rail-based benchmark. Sheppey's unique geography and significantly higher dead mileage. The island's layout, limited crossings (A249 bridge), and spread-out communities (Sheerness to Leysdown etc.) frequently turn short-looking jobs into long, uneconomic round trips with high empty return miles. Public transport is much poorer on Sheppey than on the mainland. Buses are infrequent, especially evenings, so taxis fill bigger gaps but with worse efficiency. In contrast, Sittingbourne and Faversham are compact mainland towns with denser road networks, better bus and rail links, and easier job chaining. Dead mileage there is noticeably lower. Recent example: From Sheerness taxi rank, a fare that passengers thought was only 0.4 miles (to Leysdown Promenade / Harts Caravan Site area) became a 20-mile total journey (including return), charged just £4 (receipt supplied). The passengers were two carers and an elderly woman. Loading and unloading plus equipment took considerable extra unpaid time. Jobs like	I am a hackney driver who works for an operator	24/03/2026
----	-----	--	---	------------

		this are routine on Sheppey but rare in Faversham or Sittingbourne. Benefit payments not keeping pace. Many vulnerable residents rely on PIP mobility or grants (rising only 3.8% from April 2026). We support affordable travel, but operator costs have risen faster, threatening service viability, especially on the island. Kent comparison and timing. £9.00 aligns Swale with Maidstone and Tonbridge and Malling (currently at £9.00 after 2025 reviews, with further reviews likely soon). Swale held steady last year, so a fair catch-up is justified, particularly given Sheppey's extra challenges. Fares remain a maximum only and can be negotiated downwards. A rise to £9.00 gives essential flexibility without forcing every customer to pay more. Thank you for considering the real pressures, especially the unique dead-mileage burden on Sheppey operators compared to the mainland.			
35	Yes	Fuel price has gone higher		I am an independent hackney driver	25/03/2026
36	Yes	Rising fuel prices		I am an independent hackney driver	25/03/2026
37	Yes	Fuel prices		I am an independent hackney driver	25/03/2026
38	Yes	rising fuel ,road tax ,vat		I am a hackney driver who works for an operator	25/03/2026

Taxi Tariff Survey Results

Appendix II

39	Yes			I am a hackney driver who works for an operator	25/03/2026
40	Yes			I am a hackney driver who works for an operator	25/03/2026
41	Yes			I am a hackney driver who works for an operator	25/03/2026
42	Yes			I am a hackney driver who works for an operator	25/03/2026
43	No		Price increase in the current cost of living will only deter the public using the taxis more now than it has already	I have an operators licence	28/03/2026
44	Yes	In these extreamly difficult time all bills have increased, fuel, insurance rfl, mortgages all utility bills, taxi drivers really need this increase just to make ends meet,		I am a hackney driver who works for an operator	28/03/2026
45	Yes	Cost of living and we waited 2 years for a raise		I am an independent hackney driver	30/03/2026
46	Yes	The cost of living has gone up, my money isn't going as far as it did plus we missed the last increase		I am a hackney driver who works for an operator	30/03/2026
47	No		If National Rail Fares have been frozen I believe so should the taxi fares	I am an independent hackney driver	31/03/2026
48	Yes	The cost of fuel insurance everything so expensive		I have an operators licence	31/03/2026
49	Yes	Increasing costs		I have an operators licence	01/04/2026
50	Yes	We can't make a living.		I am an independent hackney driver	01/04/2026

Taxi Tariff Survey Results

Appendix II

51	Yes	The cost of living, cost of home energy and cost of fuel crisis.		I am a hackney driver who works for an operator	05/04/2026
52	?	Thank you for this but can I say this only works if all taxi firms adhere to what is being implemented. However there are some that offer a discount of the metre price.			23/03/2026
53	Yes	We definitely need a fare increase as currently approximately 20% of our income is consumed in fuel. However, the objections that came last year, will come from the same operators this year. However, the objections that came last year, will come from the same operators this year. Those that operate, totally on corporate work and school runs that are quoted prices. Therefore, they see the cost of changing the meters as totally unnecessary. For the rest of us, who use our meters, it is causing us to struggle. I would also like to point out that trains do not run on petrol or diesel! The cost of which is crippling us.			23/03/2026

54	Yes	Thank you for considering that we may in fact need a fare increase. Frankly, I am sick and tired of grovelling for the pittance that you may allow us. A fare increase every two years in line with rail fare increases, based only on the current year is frankly insulting. Anyone can work out that means we are only getting 50% of inflation, assuming that rail increases are inflation based. In 30 years of driving taxis, I have never felt so disrespected. As, our profit margins are squeezed, we have to work dangerously long hours to earn a very basic wage. Far less than that the minimum wage everyone else is entitled to. No wonder long term drivers are having so many heart attacks and strokes. Roll on retirement and a basic state pension. If we live long enough to get it. It will seem generous compared to the profits we are earning. As you can tell I am very disappointed. Long term taxi driving is a thing of the past. Drivers come and go now, when they realise how little they will earn for the time and money they have to invest. Please show us that we are deserving of a normal living wage.			24/03/2026
----	-----	---	--	--	------------

Taxi Tariff Survey Results

Appendix II

55	?	I don't believe the fixed fare should be changed, however with the current situation with the war in Iran and the prices on the rise the cost should not be our responsibility and therefore prices should incur this cost so we are not out of pocket. No need for consultation or change meters just charge the price of fuel before the war and the current price on top of the metered price			27/03/2026
56	Yes	We've had no tariff rise for a couple of years, will fall behind and need a bigger rise to catch up as has happened many times so yes to the rise. If anybody does not want to charge the full rate they can always set a price under the meter price, so I don't understand why anybody would be against the rise with all transport costs all ways go up and up			05/04/2026
57	No	Make people want to use uber more, great plan. not			04/06/2026
58	No	When you say a 2 mile journey would cost £8.70, is that including the starting rate of £3.40? It makes it hard to calculate. Would be nice to know what the rate is per mile on its own, then to add the starting rate on top. Big difference between £4.35 per mile and £2.65 per mile. With that in mind and putting my consumer hat on, I'd say was a bit pricey.	Officer Response -The calculation is: Flag: First 200 yards (182m) = £3.40 For each subsequent 63 yards (57.6m) = 10p Mile 1 would include the £3.40 and works out at £5.80, each subsequent mile is approximately £2.90		05/06/2026

		As much as I want to make money, I would think twice about getting a cab if I were a customer.			
59	Yes	With reference to the proposed increase to the Hackney Carriage fares increase, as an taxi owner/driver, I am disappointed to note that yet again the proposed increase does not increase the starting fare of £3.40 for the first 200 yards. We have had a number of fare increases over recent years and the starting fare has remained the same. It is OK quoting the £8.70 for a 2 mile journey, but most of the town work in Faversham is less than 2 miles, with the typical fare being £5.40, £5.70 or just over £6.00. Canterbury/Whitstable rates start at £4.00 and have done for a number of years. Keeping the Swale rate at £3.40 means we have not had an inflation increase rise on the starting fee for a number of years now and this I feel badly needs correcting. The minimum wage as quoted by central government is unattainable as a driver in Swale most days and a starting fee increase would go some way to helping wages and running costs.			14/06/2026

This page is intentionally left blank

Proposed Tariff Options

Option 1

MILEAGE:

(a) If the distance does not exceed 200 yards (182 metres) for the whole distance £3.40

(b) If the distance exceeds 200 yards (182 metres) – for the first 219 yards £3.40

For each subsequent 63 yards (57.6 metres) or uncompleted part thereof £0.10

WAITING TIME:

For each period of 1 minute or uncompleted part thereof £0.35

EXTRA CHARGES:

For hiring's begun between 11pm and 6am and for Bank Holidays (including Easter Sunday) and between 6pm and 11pm on 24th December (excluding 11pm 24th December to 6am 27th December and 6pm 31st December to 6am on 1st January)... +50% of above charges

The fares for distance will be DOUBLED between 11pm on 24th December and 6am on 27th December and between 6pm 31st December and 6am on 1st January.

Charge to be applied for the soiling of a vehicle should it be soiled to the extent that it has to be taken out of service to be cleaned. This charge is a matter between the driver/company and the customer not exceeding £100

For additional passengers in excess of 4, or for a specific request to hire a vehicle with more than 4 passenger seats (excluding wheelchair users accompanied by less than 4 other passengers) + 50%

When this Hackney Carriage is hired by distance it is an offence for the proprietor or driver to demand and take a fare greater than that shown on the taximeter. Any discount given to the customer must be discounted from the amount shown on the meter.

FARES FOR TIME

If the Hackney Carriage is hired by time the fare shall be agreed with the hirer at the commencement of the hiring

This fare is £8.70 over a 2-mile journey

Approximately £5:80 at mile 1

Option 2

MILEAGE:

(a) If the distance does not exceed 200 yards (182 metres) for the whole distance £3.80

(b) If the distance exceeds 200 yards (182 metres) – for the first 219 yards £3.80

For each subsequent 68 yards (62 metres) or uncompleted part thereof £0.10

WAITING TIME:

For each period of 1 minute or uncompleted part thereof £0.35

EXTRA CHARGES:

For hiring's begun between 11pm and 6am and for Bank Holidays (including Easter Sunday) and between 6pm and 11pm on 24th December (excluding 11pm 24th December to 6am 27th December and 6pm 31st December to 6am on 1st January)... +50% of above charges

The fares for distance will be DOUBLED between 11pm on 24th December and 6am on 27th December and between 6pm 31st December and 6am on 1st January.

Charge to be applied for the soiling of a vehicle should it be soiled to the extent that it has to be taken out of service to be cleaned. This charge is a matter between the driver/company and the customer not exceeding £100

For additional passengers in excess of 4, or for a specific request to hire a vehicle with more than 4 passenger seats (excluding wheelchair users accompanied by less than 4 other passengers) + 50%

When this Hackney Carriage is hired by distance it is an offence for the proprietor or driver to demand and take a fare greater than that shown on the taximeter. Any discount given to the customer must be discounted from the amount shown on the meter.

FARES FOR TIME

If the Hackney Carriage is hired by time the fare shall be agreed with the hirer at the commencement of the hiring

This fare is £8.70 over a 2-mile journey

Approximately £6:00 at mile 1

Licensing Committee Meeting	
Meeting Date	3 August 2026
Report Title	Draft Pavement Licence Policy
EMT Lead	Emma Wiggins, Director of Regeneration and Neighbourhoods
Head of Service	Charlotte Hudson, Head of Housing and Community Services
Lead Officer	Johanna Thomas, Licensing Team Leader
Classification	Open
Recommendations	1. Members to consider a draft Pavement Licence policy for consultation and advise on any relevant amendments prior to approving the draft for consultation. 2. Members to note the consultation process as outlined and to instruct officers to proceed with the same.

1 Purpose of Report and Executive Summary

- 1.1 This report provides Members with information and guidance on a draft Pavement Licence policy which requires Members comments and approval prior to public consultation.

2 Background, Context and Proposals

- 2.1 In response to the Coronavirus pandemic, the Government introduced the Business and Planning Act 2020. This included a temporary provision for a quicker and cheaper “fast track” process to allow businesses selling food or drink to obtain authorisation from a local authority to place furniture such as tables and chairs on the highway adjacent to their premises known as a Pavement Licence.
- 2.2 This temporary provision was originally due to expire on 30th September 2021, but in July 2021 the Government extended the provision in subsequent years and the fast track Pavement Licence provisions under the Bvusiness and Planning Act 2020 continued to apply until 30th September 2023.
- 2.3 The current policy was adopted on the 19th October 2023 and was intended to run until 18th October 2026. However legislative changes necessitated a revision of the policy.
- 2.4 The Levelling Up and Regeneration Act 2023 included a relevant section for pavement licences, (Commencement No. 3 and Transitional and Savings Provision) Regulations 2024/389, that came into force from 31st March 2024.

This made a number of important changes, not least the introduction of enforcement powers for Licensing Authorities. A draft revision of the Swale Pavement Licence Policy 2023 – 2026 was presented to Licensing Committee on 24th June 2024 to incorporate those changes and Members agreed the policy for recommendation to the Policy and Resources Committee who in turn approved the revised policy for publication on 11 September 2024.

- 2.5 In 2023 and 2024 there were 17 and 18 granted pavement licences respectively. Currently there are 27 granted licences, an increase of 67%. 13 of the 27 have been new applications granted in the past 2 years, 9 for premises that did not have a current licence and 4 where a change of terms required a new application. Of the new applications 1 was refused outright and did not appeal the decision; 6 were granted with modifications to the plan or hours applied for, 3 appealed the decision, the decision to modify was upheld for 1 licence and 2 were granted further amendments. 9 premises required visits prior to a decision being made on their application.
- 2.6 There is no statutory requirement for a local authority to have a formal Pavement Licence policy; however, a Council can choose to adopt a policy. This is for the benefit of business owners as well as reassuring the general public. It also reinforces the Regulators Code when dealing with applications by promoting effective practice and ensuring that all decisions as to whether to grant an application or not are proportionate, consistent and transparent.
- 2.7 Changes to the policy are detailed in a table shown as **Appendix II**.

3 Recommendations

- 3.1 Members to consider a draft Pavement Licence policy as shown as **Appendix I** for consultation and advise on any relevant amendments prior to approving the draft policy for consultation.
- 3.2 Members to note the consultation process as outlined and to instruct officers to proceed with the same

4 Alternative Options Considered and Rejected

- 4.1 Members could choose not to have a policy on Pavement Licences but as the request for the development of a policy came from a previous Licensing Committee meeting it is assumed to be implicit that Members want a policy.
- 4.2 Members could consider not consulting on the proposed policy; however, this would not accord with good governance, giving interested parties an opportunity to consider the proposed policy and make any representations where they consider that changes may be made before adoption. Therefore, this option is not recommended.

5 Consultation Undertaken or Proposed

- 5.1 It is proposed that an six-week consultation takes place to run between 20 August 2026 until 1 September 2026. Methods of consultation will be by advertising on the Council's website and where appropriate by email and post. The results of this will then be presented to the Licensing committee with a view to being formally adopted.
- 5.2 Consultees will be the following:
- KCC Highways Department
 - Swale BC Environmental Health Service (including environmental protection and food and safety teams)
 - Ward Councillors
 - Existing licence holders
- 5.3 All incoming responses will be entered onto a grid for consideration. The Community & Regulatory Services Manager together with licensing officers will conduct an evaluation of each response and give a recommendation as to whether or not to amend the policy statement. The grid and recommendations will be put before a future meeting of the Licensing Committee for consideration and inclusion of any amendments prior to formal adoption.

6 Implications

Issue	Implications
Corporate Plan	The service is an important regulatory function undertaken to ensure the safety of the public consumers Community – Indirect links to: To work as part of the Community Safety Partnership to delivery priorities to address domestic abuse, crime, and disorder, ASB and support vulnerable people.
Financial, Resource and Property	The amendments to the Business and Planning Act 2020 application fees for Pavement Licences cap licence fees at a maximum of £500 for a new application and £350 for a renewal application.
Legal, Statutory and Procurement	The Business and Planning Act 2020 as amended by The Levelling up and Regeneration Act 2023 gives Council the power to grant pavement licences and deal with them thereafter. Unlike certain licensing matters, the Licensing Committee is able to delegate the administration and decision-making process of Pavement Licence functions to officers.
Crime and Disorder	It is important that Swale BC has a robust and accountable regulatory regime in relation to pavement licences in order to

	ensure fair trading and to protect consumers. Licensing regimes are designed to regulate licensable activities in such a way as to support the prevention/reduction of crime and disorder through the imposition of permissible conditions and appropriate enforcement.
Environment and Climate/Ecological Emergency	There are no direct climate change implications for these proposals. In terms of environmental impact, licence holders will be required to keep the pavement used clean and clear of litter/rubbish and to ensure that tables and chairs and furniture are removed from the pavement by 11pm to prevent noise nuisance to nearby residential properties.
Health and Wellbeing	The pavement licence arrangements require licence holders to make reasonable provision for outside seating where smoking is not permitted. Businesses must continue to have regard to smoke free legislation under the Health Act 2006, and the subsequent Smoke Free (Premises and Enforcement) Regulations 2006.
Safeguarding of Children, Young People and Vulnerable Adults	Whilst there are no specific elements of the pavement licence regime relating to the safeguarding of children and vulnerable adults, licensing regimes in general provide a means of regulating, which links in with safeguarding duties and responsibilities.
Risk Management and Health and Safety	Failure to process and determine applications in a timely manner would lead to a number of deemed approvals with less control over their impact on the environment or the community.
Equality and Diversity	The Council has a legal obligation under section 149 of the Equality Act 2010 to have due regard to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups. There are mandatory conditions involved with Pavement Licences which relate to persons with disabilities
Privacy and Data Protection	As Pavement Licences involve the processing of personal data, GDPR and Data Protection Act 2018 principles are followed
Local Government Reorganisation	None Identified.

7 Appendices

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Draft Pavement Licence policy
- Appendix II: Summary of changes to policy

8 Background Papers

Business and Planning Act 2020
 Levelling Up and Regeneration Act 2023

Swale Borough Council



Pavement Licensing Policy

Business and Planning Act 2020

(as amended by the Levelling Up & Regeneration Act 2023)

Version 1.0

Next Scheduled Review:

All enquiries relating to this document should be sent to:

Licensing
Swale Borough Council
Swale House
East Street
Sittingbourne
Kent
ME10 3 HT

licensing@swale.gov.uk

Issue & Review Register

Summary of Changes	Issue Number & Date	Approved by

Compiled by Johanna Thomas, Licensing Team Leader

Date:

Approved by: Licensing Committee

Date:

Changes and Corrections

Any changes or corrections required should be notified in writing to:

Licensing
Swale Borough Council
Swale House
East Street
Sittingbourne
Kent
ME10 3HT

Or

licensing@swale.gov.uk

Contents

Section	Title	Page
1	Introduction	4
2	Scope	5
3	Application and Determination of Pavement Licences	6
4	Conditions	11
5	Enforcement	11
Appendix 1	Site Notice Template	14
Appendix 2	Standard Pavement Licence Conditions	15

1. Introduction

The COVID-19 pandemic affected businesses across the economy causing many to cease trading for several months while others had to significantly modify their operations.

As the economy started to re-open, on 25 June 2020 the Government announced an urgent relaxation to planning and licensing laws to help the hospitality industry recover from the coronavirus lockdown by removing some requirements and expediting others.

Amongst other measures, the Business and Planning Act 2020 introduced a temporary fast-track process for premises serving food and drink such as bars, restaurants and pubs to obtain permission, in the form of a “pavement licence”, from Swale Borough Council for the placement of furniture such as tables and chairs on the pavement outside their premises which will enable them to maximise their and boost the economy.

Until then, street furniture permissions were granted as tables and chairs licences by Kent County Council, the Highways Authority, under Part 7A of the Highways Act 1980. The fee varies between local authorities and there is a 28-day consultation period.

The new temporary measure placed a cap on the application fee for businesses, and introduced a new 14-day determination period, ensuring that businesses could obtain licences in a timely and cost-effective manner to aid their financial recovery.

The original Pavement Licensing provisions were set to expire on 30 September 2020 however, these have been extended further, until 30 September 2024.

The Levelling Up and Regeneration Act 2023 made these changes permanent on 31st March 2024 and these amendments have now been incorporated into this policy.

The amendments are to:

- Amend the fee that councils can charge applicants, increasing it from £100 to £350 for premises which already hold a Pavement Licence, and £500 for new applicants
- Extend the public consultation period and council determination period from 7-day to 14 days
- Extend the maximum duration of Pavement Licences from 1 year to 2 years. The length of a licence is however at the discretion of the local authority
- Provide that Pavement Licences can also be amended by the local authority with the consent of the licence holder if it is considered that the conditions on the licence are not being met
- Prohibit a local authority (i.e. KCC) from granting a tables and chairs licence under the old regime (Highways Act 1980) if a Pavement Licence is capable of being granted under this Bill

- ~~Insert a new Enforcement schedule providing powers to the local authority to remove furniture if a premises is not abiding by its pavement licence conditions and hours~~

~~One of the current benefits of the Pavement Licence procedure is that once a licence is granted by the local authority, the premises will benefit from deemed planning permission for the street furniture for the duration of the Pavement Licence. There is no proposal to change this.~~

The Business and Planning Act 2020 introduced during the COVID-19 pandemic as a temporary fast-track process for premises serving food and drink such as bars, restaurants and pubs to obtain permission, in the form of a “pavement licence”, from the Council for the placement of furniture such as tables and chairs on the pavement outside their premises which will enable them to maximise their sale or service of food and/or drink.

Previously, street furniture permissions were granted as tables and chairs licences by Kent County Council, the Highways Authority, under Part 7A of the Highways Act 1980. Applications under this legislation required a 28-day consultation period.

The Levelling Up and Regeneration Act 2023 made pavement licences pursuant to the Business and Planning Act 2020 a permanent regime as of 31st March 2024

The amended measures set a new cap on the application fees for businesses, and increased the consultation period to 14 days, followed by a 14-day determination period. A new Enforcement schedule was inserted providing the local authority with powers to remove unlicensed furniture or where the conditions of the licence are not being met.

Premises with granted Pavement Licences benefit from deemed planning permission for the street furniture for the duration of their licence.

2. Scope

2.1 Definition of Pavement Licence

A pavement licence is granted by the local authority, or deemed to have been granted, which allows the licence-holder to place removable furniture over certain highways adjacent to the premises in relation to which the application was made.

A licence permits a business to use furniture placed on the highway to sell or serve food or drink and/or allow it to be used by people for consumption of food or drink supplied from, or in connection with the use of the premises

2.2 Eligible Businesses

A business which uses (or proposes to use) premises for the sale of food or drink for consumption (on or off the premises) can apply for a licence. Businesses that are eligible include: public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours.

2.3 Eligible Locations

Licences can only be granted in respect of highways listed in section 115A(1) Highways Act 1980.

Generally, these are footpaths restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited. Highways maintained by Network Rail or over the Crown land are exempt (so a licence cannot be granted).

2.4 Type of furniture permitted

The furniture which may be used are:

- Counters or stalls for selling or serving food or drink
- Tables, counters or shelves on which food or drink can be placed
- Chair, benches or other forms of seating
- Umbrellas, barriers, heaters or other articles used in connection with the outdoor consumption of food or drink.

Photos of the proposed furniture to be used must be submitted to the Council when an application for a licence is received. In order to protect the aesthetics of the surrounding neighbourhood the Council reserve the right to refuse the proposed furniture if it is not of sufficient quality.

This furniture is required to be removable, which in principle means it is not a permanent fixed structure, and is able to be moved easily, and stored away of an evening.

2.5 Planning Permission

Once a licence is granted, or deemed to be granted, the applicant will also benefit from deemed planning permission to use the land for anything done pursuant to the licence while the licence is valid.

3. Application and Determination of Pavement Licences

3.1 Submission of the application

An application for a NEW Pavement Licence must be made to the Council and the following will be required to be submitted with the application:

- a) a completed application form and the required fee
- b) a plan showing the location of the premises shown by a red line, so the application site can be clearly identified
- c) a plan clearly showing the proposed area covered by the licence in relation to the highway, if not to scale, with measurements clearly shown. The plan must show the positions and number of the proposed tables and chairs, together with any other items that they wish to place on the highway. The plan shall include clear measurements of, for example, pathway width/length, building width and any other fixed item in the proposed area. The entrance to the premises must also be shown

- d) the proposed days of the week on which, and the times of day between which, it is proposed to put furniture on the highway,
- e) evidence of the right to occupy the premises (e.g. the lease);
- f) photos or brochures showing the proposed type of furniture and information on potential siting of it within the area applied;
- g) (if applicable) reference of existing pavement licence currently under consideration by the local authority;
- h) evidence that the applicant has met the requirement to give notice of the application (for example photographs of the notice outside the premises and of the notice itself);
- i) a copy of a current certificate of insurance that covers the activity for third party and public liability risks, to a minimum value of £5 million, and
- j) any other evidence needed to demonstrate how the Council's local conditions, and any national conditions will be satisfied.

An application for a RENEWAL of a pavement licence must be made electronically to the Council and be accompanied by the following:

- a completed application form
- the required fee
- a copy of a current certificate of insurance that covers the activity for third party and public liability risks, to a minimum value of £5 million, (caveat: there may be rare circumstances where a different minimum value may be agreed in advance before submission of application)
- any other information or evidence requested
- Note: photographs of furniture are not required on renewal unless the proposed items differ from those currently licensed

NOTE: a renewal cannot be submitted after expiry of the current licence. A new application would be required.

NOTE: There is no transfer process for a pavement licence, where the business changes hands the new proprietor will be required to apply to the Council for a new pavement licence.

3.2 Fees

The fee for applying for a licence can be set locally but are capped at £500 for a new application and £350 for renewal. Please refer to the Council's website to look up current fees <https://swale.gov.uk/business-licensing-and-procurement/licences-permits-and-consents/putting-furniture-in-a-public-place>

Application fees must accompany the application in order for the application to be considered valid and for the consultation period to commence.

The fee can be paid using the Councils automated payment line 01795 417286 or on the Swale website <https://swale.gov.uk/business-licensing-and-procurement/licences-permits-and-consents/make-a-licensing-payment>

The fee is an 'application' fee for the processing of the application. The fee will not be refunded if the application is withdrawn, refused or if a licence is surrendered or revoked before expiration.

3.3 Consultation

Applications are consulted upon for 14 days, starting with the day on which a valid application is made to the Council.

The Council will publish details of the application on its website at <https://swale.gov.uk/news-and-your-council/consultations>

The Council is required by law to consult with the Highways Authority. In addition, to ensure that there are not detrimental effects to this application the Council will also consult with:

- Swale BC Environmental Health Service (including environmental protection and food and safety teams)
- Ward Councillors
- Police
- The relevant Town Council for Town Centre applications in locations with a high prevalence of street furniture
- The Officer of the Council with responsibility for market contracts

Members of the public and others listed above can contact the Council to make representations.

The Council must take into account representations received during the public consultation period and consider them when determining the application.

3.4 Site Notice

An applicant for a pavement licence must, on the day application is made, fix a notice of the application to the premises so that the notice is readily visible to, and can be read easily by passers-by. The notice must remain in place until the end of the public consultation period.

Evidence of the placement of the site notice must be emailed to the council at licensing@swale.gov.uk

The Site Notice must:

- a) state that the application has been made and the date on which it was made
- b) state the statutory provisions under which the application is made
- c) state the address of the premises and name of the business
- d) describe the proposed use of the furniture
- e) indicate that representations relating to the application may be made to the Council during the public consultation period and when that period comes to an end

- f) state the Council's website where the application and any accompanying material can be viewed during the consultation period
- g) state the address to which representations should be sent during the consultation period
- h) the end date of the consultation (7 days starting the day after the application is submitted to the authority)

A template Site Notice is shown as **Appendix 1**.

3.5 Site Assessment

The following matters will be among those used by the Council and consultees in considering the suitability of the proposed application:

- a) Public health and safety – for example any reasonable crowd management measures needed and, if it were to become applicable again any government guidance on social distancing requirements
- b) Public amenity – would the proposed use create nuisance to neighbouring occupiers by generating anti-social behaviour and litter
- c) Accessibility – taking a proportionate approach to considering the nature of the site in relation to which the application for a licence is made, its surroundings and its users, taking particular account of:
 - Any other temporary measures in place that may be relevant to the proposal, for example, the reallocation of road space. This could include pedestrianised streets and any subsequent reallocation of this space to vehicles.
 - Whether there are other permanent street furniture or structures in place on the footway that already reduce access
 - The impact on any neighbouring premises
 - The recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1 of Inclusive Mobility publication www.gov.uk/government/publications/inclusive-mobility
 - Other users of the space, for example if there are high levels of pedestrian or cycle movements

Applicants are strongly encouraged to talk to neighbouring businesses and occupiers prior to applying to the Council and to take any issues around noise, and nuisance into consideration as part of their proposal.

3.6 Determination

Once the application is submitted the Council has 28 days from the day after the application is made (excluding public holidays) to consult on and determine the application. This consists of 14 days of public consultation, and then 14 days to consider and determine the application after the consultation.

If the Council determines that application before the end of the determination period it can:

- Grant the licence in respect of any or all of the purposes specified in the application
- Grant the licence for some or all of the part of the highway specified in the application, and/or impose conditions
- Refuse the application

If the council does not determine the application within 14 days, the application will be deemed to have been granted.

3.7 Approval of applications

Swale Borough Council supports the aims of the Business and Planning Act 2020 and wishes to promote economic recovery and growth in its area and will therefore seek to grant applications for licences where possible.

However, this aim has to be balanced with the need to ensure that the issuing of Pavement Licences does not put public health or safety at risk, does not lead to anti-social behaviour and ensures that the public, particularly those with disabilities such as sight impairment are unhampered when walking along streets

The Council will consider the criteria contained within these guidelines in determining applications and will treat each case on its merits.

On approving the application, the Council will issue a Pavement Licence and attach conditions. The licence will also contain specific terms such as days and hours when tables and chairs and other street furniture are permitted and if necessary, the appearance and location of the furniture corresponding to the application.

A copy of the Council's standard conditions, which will be attached to all Pavement Licences is shown at Appendix 2. Additional conditions may be attached if the Council considers it appropriate in the circumstances of any particular case.

3.8 Licence Duration

If the Council determines an application before the end of the determination period they can specify the duration of the licence, subject to a maximum of 2 years.

The Council will normally grant applications for a 2 year period unless a shorter period has been requested or it is necessary for good reason, such as known upcoming street works, for example.

If a licence is 'deemed' granted because the authority does not make a decision on an application before the end of the determination period, then the licence will be valid for a period of two years.

3.9 Refusal of applications

If the site is deemed unsuitable for a Pavement Licence, or if relevant representations are made which cannot be mitigated by imposing conditions, then the application may be refused.

The Council may refuse an application on other grounds including (but not limited to) where the granting of the licence would put at risk public health or safety, lead to anti-social behaviour or public nuisance or unreasonably hamper pedestrians' ability to move freely.

The Council will notify applicants of the reasons for refusal following determination. There is no statutory appeal process against a decision to refuse an application. However, the Community & Regulatory Services Manager~~Community Safety Manager~~ will consider any appeal submitted within 14 days of the refusal notification. Clear reasons should be given for the reasons of an appeal. The ~~Community Safety Manager's~~Community & Regulatory Services Manager's decision is final.

3.10 Where the Council deems to Grant the licence in respect of the application but with a modified plan and/or hours or for part of the highway specified in the application, and/or imposes conditions the applicant may submit and appeal to the Community & Regulatory Services Manager for their consideration within 14 days of the grant of the licence. Clear reasons should be given for the reasons of an appeal. The Community & Regulatory Services Manager's decision is final.

3.103.11 Variation of licences

There is no provision in the legislation to apply for variation of a pavement licence. Should the licence holder wish to vary the licence, they would need to submit a new application.

4. Conditions

The Council's standard conditions are set out in Appendix 2. In some cases, extra measures may be required. This will be determined when assessing any application, on a case-by-case basis.

5. Enforcement

The Council aims to work closely with other enforcement authorities to enforce the provisions of all appropriate legislation. The case remains that an obstruction of the Highway is an offence under the Highways Act 1980 and will be dealt with by Kent County Council Highways or the police.

Obtaining a Pavement Licence does not confer the licence holder immunity in regard to other legislation that may apply, e.g. Public Liability, Health & Safety at Work, Food Hygiene and Safety and Alcohol and Entertainment Licensing, and applicants must ensure that all such permissions etc. are in place prior to operating.

Where a licence is issued:

The Levelling Up and Regeneration Act 2023 states that:-

If a condition imposed on a licence either by the Council or via a National Condition is breached the Council is able to issue a notice requiring the breach to be remedied.

The authority may revoke a licence in the following circumstances:

1. For breach of condition, (whether or not a remediation notice has been issued) or
2. Where:
 - the highway is being obstructed (other than by anything permitted by the licence);
 - there is anti-social behaviour or public nuisance – for example, the use is increasing the amount of noise generated late at night and litter is not being cleaned up;
 - it transpires the applicant has provided false or misleading statements in their application – for example they are operating a stall selling hot food and had applied for tables and chairs on which drinks could be consumed; or
 - the applicant did not comply with the requirement to affix the notice to notify the public for the relevant period.
3. The Council may also revoke the licence where all or any part of the area of the relevant highway to which the licence relates has become unsuitable for any purpose for which the licence was granted or deemed to be granted. For example, the licensed area (or road adjacent) is no longer to be pedestrianised. The Council will give reasons where these powers are used.

As an alternative to revoking the licence the Licensing Authority may, with the consent of the licence holder, amend the licence if it considers that— (a) some or all of the part of the relevant highway to which the licence relates has become unsuitable for any purpose in relation to which the licence was granted or deemed to be granted, (b) as a result of the licence— (i) there is a risk to public health or safety, (ii) anti-social behaviour or public nuisance is being caused or risks being caused, or (iii) the highway is being obstructed (other than by anything done by the licence holder pursuant to the licence).

Unlicensed activity

Where a person/business puts removable furniture on a relevant highway and is not authorised to do so, the licensing authority may, by issuing a notice, require the person/business to:

- Remove the furniture before the date specified on the notice and

- Refrain from putting furniture on the highway unless authorised to do so.

Contravention of such a notice may lead to the authority removing the furniture and storing it, and require the person/business to pay the authority's reasonable costs in removing and storing the furniture and to refuse to return the furniture until those costs are paid.

If, within the period of three months beginning with the day on which the notice is given, the person/business does not pay those reasonable costs, or does not recover the furniture, the local authority may-

- Dispose of the furniture by sale or in any other way it thinks fit, and
- Retain any proceeds of sale for any purpose it thinks fit

In this section, 'authorised' means authorised by-

- A pavement licence,
- Permission under Part 7A of the Highways Act 1980, or
- Permission granted under any other enactment

If the Council considers that a licence holder has breached any condition of the licence it may:

- Revoke the licence, or
- Serve a notice on the licence holder requiring the taking of such steps to remedy the breach as specified in the notice

If the licence holder fails to comply with the terms of a notice it may revoke the licence.

The Council may also revoke a licence in the following circumstances:

- a) Where the highway is being obstructed (other than by anything permitted by the Pavement Licence)
- b) If there is anti-social behaviour or noise nuisance associated with the operation of the Pavement Licence – for example if the use of the Pavement Licence increases the amount of noise generated late at night or litter is not being cleaned up

The Council may also revoke a Pavement Licence where all or any part of the area of the highway to which the licence relates has become unsuitable for the purpose that the licence was granted. The Council will give reasons where these powers are used.

All enforcement activity will be undertaken in line with the principles set out in the Regulator's Code and the Council's Enforcement Policy.

6. Review of Policy

This Policy covers the processes and procedures for Pavement Licences under the Business and Planning Act 2020 (as amended by the Levelling Up and Regeneration Act 2023) .

This Policy will be reviewed from time to time should changes occur in relevant legislation, the nature of Pavement licences generally, or as a result of local considerations within the Borough.

Appendix 1

NOTICE for display by an applicant for a Pavement Licence.

[Clause 2] of the Business and Planning Act 2020.

I/We (name of applicant)

Appendix I

do hereby give notice that on *(date of application)* [I/we] have applied to Swale Borough Council for a 'Pavement Licence' at: *(postal address of premises)*

known as *(name premises known by)*

The application is for: *(brief description of application – e.g outdoor seating to the front of the premises for serving food and drink)*

Any person wishing to make representations to this application may do so by writing to: Swale Borough Council. Email: licensing@swale.gov.uk or Swale Borough Council, Swale House, East Street, Sittingbourne, Kent ME10 3HT

by: *(last date for representations being the date ~~7~~14 days after the date the application is submitted to the local authority (excluding public holidays)*

The application and information submitted with it can be viewed on the Council's website: www.swale.gov.uk/licensing

Signed

Dated: *(date the notice was placed which must be the same date as the date of application)*

Appendix 2

PAVEMENT LICENCES CONDITIONS

1. The Council generally will only permit Pavement licences to operate until 23:00hrs
 2. It is a condition that clear routes of access along the highway must be maintained, taking into account the needs of disabled people, and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people
(National Condition relating to clear routes of access)
 3. If barriers are to be used they must be disability compliant barriers. This means that barriers MUST:
 - (a) Be between 1000mm and 1200mm in height
 - (b) Have a continuous tapping rail (150mm to 200mm deep) or panel edge either on the ground or up to a maximum height of 200mm above the ground.
 - (c) Have a colour contrast to ensure they are highly visible.
 - (d) Be continuous around the area of tables, Chairs and temporary street furniture except for the access point
 4. No tables, chairs or removable street furniture sited on a footway are to be placed within 1.2m of the edge of an adjacent carriageway. A minimum clear footway width of 1.5m must be obtained at all times and 2m in busy locations or at busy times except in the following circumstances where additional width may be required:
 - A – Proposals which place furniture within 20m of a road junction or roundabout.
 - B – Proposals which place furniture within 15m of a push button, zebra crossing or pedestrian island crossing.
 - C – Proposals which place furniture within 5m of a bus stop
- Additional widths may be required to accommodate social distancing in line with the guidance issued by the Secretary of State.**
5. Furniture should be placed so as not to obstruct driver's sightlines, or road traffic signs. . Care should be taken in the use of hanging baskets, awnings, protruding umbrellas etc. Alternative items may not be used without first seeking the written authority of Swale Borough Council.
 6. No apparatus such as power cables or water pipes shall be allowed to be laid across or suspended above the highway for the purposes of providing services to outside areas on or off the highway
 7. Every table, chair and item of removable street furniture shall be positioned so that it does not impede the surface water drainage of the highway.
 8. No wastewater or other substances shall be discharged on to the highway or highway drainage system
 9. A licence holder must make reasonable provision for seating where smoking is not permitted so that customers have the option of sitting in a smoking or non-smoking area
(National Condition relating to Smoke Free Regulations)
 10. No items shall be sited as to obstruct access to any premises unless the consent of the occupier of these premises has been obtained. No items shall be sited in such a way that it obstructs any fire exits or dry risers etc.

11. No tables, chairs or removable street furniture shall be left on the highway longer than is necessary.
12. Tables, chairs and removable furniture within a pedestrianised area covered by a traffic Regulation Order shall only be placed on the highway during the hours of pedestrianisation.
13. No tables, chairs or removable street furniture shall remain on the highway pursuant to this permission after the period of this licence has expired.
14. Tables and chairs must not be placed in position outside of the permitted times stated on the licence.
15. Tables, chairs and removable street furniture shall be taken inside and stored during the hours when the business is not trading.
16. During the hours of darkness, suitable and sufficient lighting must be provided to ensure safe use of the area. Any proposals to provide additional lighting to the licensed areas must be agreed with the Highway Authority.
17. The licensee shall be responsible for keeping the designated area as shown on the submitted plan in a clean and tidy condition at all times and shall ensure that any associated debris is removed at the end of each day and make good any damage caused to the surface area.
18. The licensee is responsible for disposing of all waste from the premises and should provide sufficient refuse facilities for customers use. No waste from the premises should be put in public bins either by the owner or customer.
19. In some cases, extra measures may be required. This will be determined when assessing any application, on a case by case basis.
20. The tables, chairs and removable street furniture shall be positioned in the area agreed with Swale Borough Council.
21. Any infringements of the licence or problems arising out of the use of the site must be immediately rectified to the satisfaction of Swale Borough Council, Kent County Council or the Police who reserve the right to revoke a licence without notice.
22. Swale Borough Council requires evidence that the Licence Holder has Public Liability Insurance for the operation of the Pavement Licence. This must indemnify Swale Borough Council and Kent County Council against all claims for injury, damage or loss to users of the public highway, arising from the use of the highway for the permitted purposes. The minimum level of indemnity must be £5million in respect of any one incident.
23. Permission to operate a Pavement Licence does not imply an exclusive right to the area of public highway. The licence holder must be aware that Swale Borough Council and others (e.g. police, highways authority, statutory undertakers) will need access at various times (including emergencies) for maintenance, installation, special events, improvements etc or any other reasonable cause and it is a condition of this licence to provide such access. This may mean that the pavement licence will need to cease operating and/or be

removed for a period of time. On these occasions there would be no compensation for loss of business.

24. The licence must be clearly displayed on the premises with a plan of the agreed layout of the Pavement Licence.
25. There should be no external speakers, background music, recorded or live music within or into the licensed pavement area.
26. The use of the area must not create a noise nuisance to surrounding premises.
27. Risk assessments must ensure that the hazard such furniture present e.g. a trip hazard is risk assessed and appropriate control measure are implemented to reduce any risks as far as is reasonably practicable

TABLE OF AMENDMENTS MADE TO SWALE BC DRAFT PAVEMENT LICENCE POLICY 2026-2029

Policy Section No. and Title	Current Wording	Amendment	Reasons for Amendment
1. Introduction	The COVID-19 pandemic affected businesses across the economy causing many to cease trading for several months while others had to significantly modify their operations. As the economy started to re-open, on 25 June 2020 the Government announced an urgent relaxation to planning and licensing laws to help the hospitality industry recover from the coronavirus lockdown by removing some requirements and expediting others. Amongst other measures, the Business and Planning Act 2020 introduced a temporary fast-track process for premises serving food and drink such as bars, restaurants and pubs to obtain permission, in the form of a “pavement licence”, from Swale Borough Council for the placement of furniture such as tables and chairs on the pavement outside their premises which will enable them to maximise their and boost the economy.	The Business and Planning Act 2020 introduced during the COVID-19 pandemic as a temporary fast-track process for premises serving food and drink such as bars, restaurants and pubs to obtain permission, in the form of a “pavement licence”, from the Council for the placement of furniture such as tables and chairs on the pavement outside their premises which will enable them to maximise their sale or service of food and/or drink. Previously, street furniture permissions were granted as tables and chairs licences by Kent County Council, the Highways Authority, under Part 7A of the Highways Act 1980. Applications under this legislation required a 28-day consultation period. The Levelling Up and Regeneration Act 2023 made pavement licences pursuant to the Business and Planning Act 2020, prohibited the grant of tables and chairs licences under the Highways Act 1980 and made pavement licences a permanent regime as of 31st March 2024 The amended measures set a new cap on the application fees for businesses, and increased the consultation period to 14 days, followed by a 14-day determination period. A new Enforcement schedule	To update and simplify content

	Until then, street furniture permissions were granted as tables and chairs licences by Kent County Council, the Highways Authority, under Part 7A of the Highways Act 1980. The fee varies between local authorities and there is a 28-day consultation period. The new temporary measure placed a cap on the application fee for businesses, and introduced a new 14-day determination period, ensuring that businesses could obtain licences in a timely and cost-effective manner to aid their financial recovery. The original Pavement Licensing provisions were set to expire on 30 September 2020 however, these have been extended further, until 30 September 2024. The Levelling Up and Regeneration Act 2023 made these changes permanent on 31st March 2024 and these amendments have now been incorporated into this policy. The amendments are to: Amend the fee that councils can charge applicants, increasing it from £100 to £350 for premises which already hold a	was inserted providing the local authority with powers to remove unlicensed furniture or where the conditions of the licence are not being met. Premises with granted Pavement Licences benefit from deemed planning permission for the street furniture for the duration of their licence.	
--	---	---	--

	Pavement Licence, and £500 for new applicants Extend the public consultation period and council determination period from 7 day to 14 days Extend the maximum duration of Pavement Licences from 1 year to 2 years. The length of a licence is however at the discretion of the local authority Provide that Pavement Licences can also be amended by the local authority with the consent of the licence holder if it is considered that the conditions on the licence are not being met Prohibit a local authority (i.e. KCC) from granting a tables and chairs licence under the old regime (Highways Act 1980) if a Pavement Licence is capable of being granted under this Bill Insert a new Enforcement schedule providing powers to the local authority to remove furniture if a premises is not abiding by its pavement licence conditions and hours One of the current benefits of the Pavement Licence procedure is that once a licence is granted by the local authority, the premises will benefit from deemed planning permission for the street furniture for the duration of the Pavement Licence. There is no proposal to change this.		
--	---	--	--

3.Application and Determination of Pavement Licences		NOTE: There is no transfer process for a pavement licence, where the business changes hands the new proprietor will be required to apply to the Council for a new pavement licence.	Added for clarification.
3.3 Consultation	The Council is required by law to consult with the Highways Authority. In addition, to ensure that there are not detrimental effects to this application the Council will also consult with: • Swale BC Environmental Health Service (including environmental protection and food and safety teams) • Ward Councillors • Police	The Council is required by law to consult with the Highways Authority. In addition, to ensure that there are not detrimental effects to this application the Council will also consult with: • Swale BC Environmental Health Service (including environmental protection and food and safety teams) • Ward Councillors • Police • The relevant Town Council for Town Centre applications in locations with a high prevalence of street furniture • The Officer of the Council with responsibility for market contracts	Updated list of consultees for transparency
3.9 Refusal of applications	There is no provision in the legislation to apply for variation of a pavement licence. Should the licence holder wish to vary the licence, they would need to submit a new application. As an alternative to revoking the licence the Licensing Authority may, with the consent of the licence holder, <u>amend</u> the licence if it considers that— (a) some or all of the part of the relevant	The Council will notify applicants of the reasons for refusal following determination. There is no statutory appeal process against a decision to refuse an application. However, the Community & Regulatory Services Manager will consider any appeal submitted within 14 days of the refusal notification. Clear reasons should be given for the reasons of an appeal. The Community & Regulatory Services Manager's decision is final.	Amended to show change to job title for delegated officer

	highway to which the licence relates has become unsuitable for any purpose in relation to which the licence was granted or deemed to be granted, (b) as a result of the licence— (i) there is a risk to public health or safety, (ii) anti-social behaviour or public nuisance is being caused or risks being caused, or (iii) the highway is being obstructed (other than by anything done by the licence holder pursuant to the licence),		
Addition of new paragraph		3.10 Where the Council deems to Grant the licence in respect of the application but with a modified plan and/or hours or for part of the highway specified in the application, and/or imposes conditions the applicant may submit and appeal to the Community & Regulatory Services Manager for their consideration within 14 days of the grant of the licence. Clear reasons should be given for the reasons of an appeal. The Community & Regulatory Services Manager's decision is final.	Added for clarification of appeals process for licences that re granted with conditions or a variation of the plan, hours amount of furniture submitted in the application
3.10	3.10 Variation of licence	3.11 Variation of licences	Renumbered
Appendix 1	by: (last date for representations being the date 7 days after the date the application is submitted to the local authority (excluding public holidays)	by: (last date for representations being the date 14 days after the date the application is submitted to the local authority (excluding public holidays)	Template public notice updated to show the correct duration for the consultation

This page is intentionally left blank