

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