

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

APPENDIX II

	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