

Report to: Licensing and Enforcement Committee



Date of Meeting 16<sup>th</sup> July 2025

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

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## Draft Pavement Licensing Policy

### Report summary:

The Licensing and Enforcement Committee is asked to consider a proposal to move to a public consultation on a draft pavement licensing policy.

District Councils were handed responsibility for the issuing of temporary 'fast track' pavement licences via the Business & Planning Act 2020 (BPA 2020) in August 2020, to streamline the process of obtaining a pavement licence and help businesses during the Covid pandemic. These temporary pavement licences were limited in duration to 30<sup>th</sup> September 2024, and as such the Government subsequently made amendments via the Levelling Up & Regeneration Act 2023 to make the provisions of the temporary pavement licence regime permanent. As a result of these legislative changes, licences previously issued by Devon County Council under the previous Highways Act 1980 regime will also now only be issued by district councils.

In order to promote consistency between local authorities across Devon and Cornwall a Draft Pavement Licensing Policy has been produced by the Devon Licensing Officers Group, with the view to this policy being adopted in each local authority area.

This Policy will ensure that the Council carries out its Pavement Licensing responsibilities in a fair, equitable and consistent manner.

Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

### Recommendation:

That the Committee give consideration to the draft Policy document and accept the request of the Licensing Manager to approve moving to a public consultation on the draft policy.

That the draft Policy document be returned to the Licensing and Enforcement Committee for further consideration following the public consultation.

## Reason for recommendation:

Following the handover of responsibility for pavement licensing from County to district Councils after the passing of the Levelling Up & Regeneration Act 2023, the Devon Licensing Officers Group worked collaboratively to produce a template pavement licence policy which could be adopted in each local authority area. The document provides a framework which with minimal personalisation can be applied in each area to ensure consistency of approach to pavement licensing across the Devon and Cornwall area.

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Portfolio(s) (check which apply):

- ☐ Assets and Economy
- ☐ Communications and Democracy
- ☐ Council, Corporate and External Engagement
- ☐ Culture, Leisure, Sport and Tourism
- ☐ Environment - Nature and Climate
- ☒ Environment - Operational
- ☐ Finance
- ☐ Place, Infrastructure and Strategic Planning
- ☐ Sustainable Homes and Communities

**Equalities impact** Low Impact

**Climate change** Low Impact

**Risk:** Low Risk;

**Links to background information** N/A

**Link to [Council Plan](#)**

Priorities (check which apply)

- ☐ A supported and engaged community
  - ☐ Carbon neutrality and ecological recovery
  - ☒ Resilient economy that supports local business
  - ☐ Financially secure and improving quality of services
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## Report in full

Prior to 2020 pavement licences were issued by County Councils under the previous Highways Act 1980 regime. The Government introduced 'Fast-Track' temporary pavement licences via the Business & Planning Act 2020 (BPA 2020) in August 2020, to streamline the process of obtaining a pavement licence and help businesses during the Covid pandemic. The fast-track scheme enabled businesses to rapidly obtain permission to use outside space on the Highway adjacent to their premises to place removeable furniture, and thereby helped businesses and customers to comply with the social distancing requirements in place at that time.

1.2.1 These temporary pavement licences were limited in duration to 30<sup>th</sup> September 2024, and as such the Government have now made amendments via the Levelling Up & Regeneration Act 2023 to make the provisions of the temporary pavement licence regime permanent, and

also to transfer responsibility for the issuing of pavement licences to district council level from county council level where this sat previously.

#### 1.2.2 The changes to temporary pavement licensing as a result of the Levelling Up & Regeneration Act 2023 also included:

- The introduction of maximum standard capped fees for new and renewal applications. The fee levels are capped at a maximum amount of £500.00 for new applications and £350.00 for renewal applications. The fee applicable for a temporary pavement licence was previously £100.00, and East Devon District Council will be maintaining a fee of £100.00 until such time as a full analysis of the costs of issuing pavement licences under the amended regime can be undertaken.
- The duration of the consultation and determination periods have increased from 7 days under the temporary pavement licence regime, to 14 days now.
- The maximum term a licence can be granted has increased to 2 years (from one-year previously).

#### 1.2.3 Guidance on the amended pavement licensing regime was issued by the Government on 2<sup>nd</sup> April 2024 ([Pavement licences: guidance - GOV.UK](https://www.gov.uk/guidance/pavement-licences-guidance)). The national guidance document gives a broad framework to the pavement licensing regime, but it was recognised by the Devon Licensing Officers Group that more specific guidance was required covering matters of local interpretation such as furniture standards, hours of operation, consultation arrangements, and licence conditions. The attached draft policy was therefore produced by the Devon Licensing Officers Group to provide businesses with clear information on the standards expected for pavement licensing locally, and to ensure consistency of approach and interpretation across the Devon and Cornwall area. A copy of the draft policy can be found attached at **APPENDIX A**.

#### 1.2.4 Businesses which are eligible to obtain a pavement licence include businesses which use (or propose to use) premises for the sale of food or drink for consumption (on or off the premises). Businesses that are eligible therefore include: public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours.

## 2 Legal

2.1.1 The Levelling Up and Regeneration Act 2023 makes permanent the provisions set out in the Business and Planning Act (BPA) 2020 and came into effect on 31<sup>st</sup> March 2024.

2.1.2 Licence applications for activities in England licensable under pavement licensing legislation in the Business and Planning Act 2020 must now be granted under the Business and Planning Act 2020 (as amended by section 229 of and schedule 22 to the Levelling Up and Regeneration Act), and not under the Highways Act 1980.

## 3. Proposed Timeline

### 3.1 Proposed timeline for implementation of amended statement of Licensing Policy:

- 16<sup>th</sup> July: Licensing and Enforcement Committee report requesting approval to consult on draft policy;
- 21<sup>st</sup> July: 10-week public consultation starts (if approved);

- 19th November: Return to Licensing and Enforcement Committee to discuss any consultation comments received and recommend moving amended policy to Full Council for approval;
  - TBC: Full Council;
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### **Financial implications:**

Consultation costs and officer time will be met in full from Pavement Licence applications fees income.

### **Legal implications:**

“The legislative framework is set out within the report and requires no further comment. The report proposes that the Pavement Licence regime is consistent across Devon Authorities and the Cornwall Authority”.