

Date of Meeting 11th February 2026

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Pavement Licensing Policy Consultation

Report summary:

A draft pavement licensing policy was developed jointly by local authorities across Devon and Cornwall through 2025 and presented to the Licensing and Enforcement meeting on 16th July 2025. The Committee on that date approved moving to a public consultation on the draft pavement licensing policy.

The consultation ran until 30 September 2025 and was open for 10 weeks. The consultation received 253 contributions, and this report summarises the responses to that consultation.

This Policy if approved will ensure that the Council carries out its Pavement Licensing responsibilities in a fair, equitable and consistent manner, and in-line with other Devon authorities who have also adopted the policy.

Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

Recommendation:

That the Licensing and Enforcement Committee give consideration to the feedback received during the public consultation and either:

- approve the adoption of the draft policy; OR
- direct Officers to make amendments to the draft policy and return the policy to a subsequent meeting of the Licensing and Enforcement Committee;

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.

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

Pavement Licences National Guidance: [Pavement licences: guidance - GOV.UK](#)

Inclusive mobility: making transport accessible for passengers and pedestrians [Inclusive mobility: making transport accessible for passengers and pedestrians - GOV.UK](#)

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

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 30th 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 2nd April 2024. 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 In July 2025 the Licensing and Enforcement Committee approved moving to a public consultation on the draft policy and this was undertaken for 10-weeks, concluding on 30th September 2025.

1.2.5 This report summarises the responses received from that statutory consultation process.

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 31st 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. Consultation Responses

3.1 The public consultation was published on the Community Engagement webpages on the EDDC website and promoted through the Council's standard communications channels (updates to website subscribers, communications to parish councils, communications to Members Etc), and generated some 253 responses.

3.2 A report summarising the consultation responses received is attached at **Appendix B**. Overall the consultation findings showed broad support for the draft policy and concluded that it was "well-aligned with public and business expectations, provided it is applied transparently and

enforced fairly". Overall 87.3 to 97.2% of respondents agreed with the proposals as set out in the consultation document, with the exception of question 5 on hours of operation where 69.9% of respondents agreed with the proposed general hours of operation for pavement licences in East Devon.

3.2.1 General feedback received from the consultation consisted of the following themes:

- "keeping pavements safe and unobstructed, particularly for wheelchair users, people with pushchairs and those who are visually impaired. Many wanted minimum clear widths and defined furniture boundaries". The draft policy gives clear information on the requirements to keep pavements safe and unobstructed, in particular that "under normal circumstances a width of 2000mm of 'clear space' is the minimum that should be provided" and "considerations under the no-obstruction condition including the cumulative impact of multiple pavement licences in close proximity, in particular considering the needs of disabled people". Officers therefore consider that the draft policy is appropriately aligned with national guidance and affords appropriate assurances and information in this regard.
- "Monitoring and enforcement: Consultees highlighted weak enforcement and asked for clearer markings, consistent checks and action where furniture spreads too far". The draft policy gives details of the enforcement options available in cases of non-compliance and Officers have worked with neighbouring authorities to develop draft enforcement notices including for use where there is evidence of non-compliance with pavement licence conditions. Officers also recently served a remedial action notice for non-compliance with pavement licence conditions.
- Numerous responses highlighted "risks from unsecured or unsuitable furniture such as parasols, light plastic chairs, or barriers". The draft policy gives detailed information relevant to this feedback in the policy section on Furniture Standards, including that "furniture must be safe and intended for commercial use. Domestic plastic patio furniture will not be acceptable" and "Parasols should be properly secured/ fixed in place at all times when in use", as well as condition 6 of the standard conditions which gives details on requirements for anchorage Etc for gazebos and temporary structures.
- Accessibility standards: "Respondents emphasised the need to meet Equality Act duties and Inclusive Mobility guidance, ensuring wide, unobstructed routes for disabled people, those with pushchairs and the visually impaired. Regular inspections and clear markings were strongly supported". Officers consider that the draft policy is clearly aligned with the Council's Equality Act duties in that it mirrors the minimum width requirements as set out in the Inclusive Mobility guidance. Officers also understand and wholly support the need for regular inspections, but this would need careful balancing within the framework in the Business & Planning Act 2020 for fees and charges. Currently East Devon have maintained an application fee of £100 whereas BPA 2020 provides for a maximum fee of £500 on first application and £350 upon renewal.

3.2.2 Question specific feedback received from the consultation:

- Q3 Proposed furniture standard: Overall support for the proposed furniture standard was a strong 92%, but responses to the consultation also included "flexibility to allow individuality, upcycled furniture and cost-effective options for smaller businesses". Officers understand the need for cost-effectiveness and feel that the proposed policy wording would not prohibit the upcycling of quality furniture, but that furniture must be "safe and intended for commercial use". Other comments related to the appearance of the furniture and asked for "furniture to suit the setting and avoid clutter or "ramshackle" appearances, with limits on bright colours, heavy signage and advertising on parasols". Officers understand these concerns but feel that the draft policy includes sufficient information in order to safeguard against these concerns without being unduly prescriptive, specifically "...should be constructed from quality materials and the style is expected to fit in with the local environment. The furniture should be uniform in appearance for the premises" and "Furniture colours should ideally be uniform and not be overly reflective where this may pose a risk to road or highway users". Applicants are also required to provide information regarding the proposed furniture as part of any application.

- Q5 Hours of operation: The draft policy states that “the Council will generally only permit Pavement Licences between 10:00 and 23:00 hours”. Some 69.9% of respondents agreed with the proposed general hours of operation for pavement licences, but numerous responses cited a need for an earlier start time “particularly for cafés and bakeries serving breakfast or commuters. Suggested start times ranged from 7–9am, especially in summer months”. Officers were mindful of the need for some businesses to have a pavement licence applicable before 10am daily but felt that this required a careful balance with neighbouring properties (particularly residential properties). On balance Officer would therefore recommend a small amendment to the general opening hours starting from 9am (as opposed to 10am). Likewise, comments on the general closing time limit were also mixed, with some respondents concerned that 23:00hrs would be too late, particularly in residential areas. Officers would comment that the proposed timings are what the Council would generally only consider, and the draft policy makes clear that it would be for the applicant to “consider the surrounding environment, neighbouring business and residential properties when setting out their proposed operating times” and that “Applicants wishing to apply for operating hours outside of these timings are advised to seek guidance from the Council’s Environmental Health Team and Devon & Cornwall Licensing Police before submitting an application”. The upper limit of 23:00hrs would also accord with other Licensing policies such as the Licensing Act 2003 Statement of Licensing.

3.2.3 Officers have therefore carefully considered the consultation responses received but have not recommended any changes to the draft policy with the exception of general hours of operation which is recommended to be revised to 09:00hrs to 23:00hrs (as opposed to 10:00hrs to 23:00hrs).

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”.