

Licensing Committee - Premises and Gambling



Please contact: Democratic Services
Please email: democraticservices@north-norfolk.gov.uk
Please direct dial on: 01263 516108

18th March 2025

A meeting of the **Licensing Committee - Premises and Gambling** of North Norfolk District Council will be held in the **Council Chamber - Council Offices** on **Wednesday, 26 March 2025 at 10.00 am**.

At the discretion of the Chairman, a short break will be taken after the meeting has been running for approximately one and a half hours

Members of the public who wish to ask a question or speak on an agenda item are requested to notify the committee clerk 24 hours in advance of the meeting and arrive at least 15 minutes before the start of the meeting. This is to allow time for the Committee Chair to rearrange the order of items on the agenda for the convenience of members of the public. Further information on the procedure for public speaking can be obtained from Democratic Services, Tel: 01263 516108, Email: democraticservices@north-norfolk.gov.uk.

Anyone attending this meeting may take photographs, film or audio-record the proceedings and report on the meeting. Anyone wishing to do so must inform the Chairman. If you are a member of the public and you wish to speak on an item on the agenda, please be aware that you may be filmed or photographed. Please note this meeting is livestreamed:

<https://www.youtube.com/@nndcedemocracy/streams>

Emma Denny
Democratic Services Manager

To: Cllr P Fisher, Cllr D Birch, Cllr T Adams, Cllr M Batey, Cllr K Bayes, Cllr H Blathwayt, Cllr J Boyle, Cllr A Brown, Cllr T FitzPatrick, Cllr N Housden, Cllr G Mancini-Boyle, Cllr E Spagnola, Cllr P Porter, Cllr E Vardy and Cllr L Withington

Members of the Management Team, appropriate Officers, Press and Public



**If you have any special requirements in order
to attend this meeting, please let us know in advance**

If you would like any document in large print, audio, Braille, alternative format or in a different language please contact us

Corporate Directors: Nick Baker and Steve Blatch
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A G E N D A

1. TO RECEIVE APOLOGIES FOR ABSENCE

2. PUBLIC QUESTIONS

3. DECLARATIONS OF INTEREST

(1 - 6)

Members are asked at this stage to declare any interests that they may have in any of the following items on the agenda. The Code of Conduct for Members requires that declarations include the nature of the interest and whether it is a disclosable pecuniary interest. Members are requested to refer to the attached guidance and flowchart.

4. ITEMS OF URGENT BUSINESS

To determine any other items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B(4)(b) of the Local Government Act 1972.

5. PERMANENT PAVEMENT LICENSING POLICY

(7 - 32)

Executive Summary	<p>The permanent pavement licensing regime and changes in the Levelling Up and Regeneration Act came into effect on 31 March 2024 (the commencement date).</p> <p>A number of premises require licences and have yet to apply.</p> <p>NNDC cannot take enforcement action under the new regime until it is adopted.</p>
Options considered	<p>The permanent pavement licencing process retains the streamlined consent route for businesses to obtain a licence to place removable furniture, such as tables and chairs outside of cafes, bars, and restaurants quickly.</p> <p>Local authorities may charge up to £500 for first-time applications and £350 for renewals. Licences can be granted for up to 2 years.</p> <p>Enforcement action was previously the responsibility of Highways at Norfolk County Council.</p> <p>NNDC could choose not to adopt the permanent regime. Enforcement action now lies with local authorities; there could be no remedial measures until the policy is adopted.</p>
Consultation(s)	<p>Consultation is not required since the licensing regime is mandatory and already in effect. Internal consultation with the Licensing team,</p>

	Property Services and Estates teams was carried out in the design of enforcement plans detailed in the policy.
Recommendations	To approve and adopt the Permanent Pavement Licensing Policy, with effect from 1 April 2025.
Reasons for recommendations	To adopt the Government's permanent pavement licensing regime under the Levelling Up and Regeneration Act 2023, thereby enabling administration and enforcement activities within its remit.
Background papers	Pavement licences: guidance - GOV.UK Pavement licence – Chelmsford City Council

Wards affected	All wards
Cabinet member(s)	Cllr Callum Ringer
Contact Officer	Elisa Pendered, Environmental and Leisure Business Support Manager

6. EXCLUSION OF PRESS AND PUBLIC

To pass the following resolution, if necessary:

“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph _ of Part I of Schedule 12A (as amended) to the Act.”

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Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative, close associate; or
 - c. a body included in those you need to disclose under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter **affects** your financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licenses	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<p>Any tenancy where (to the councillor's knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were</p>

	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

<p>You have a personal interest in any business of your authority where it relates to or is likely to affect:</p> <ul style="list-style-type: none"> a) any body of which you are in general control or management and to which you are nominated or appointed by your authority b) any body <ul style="list-style-type: none"> (i) exercising functions of a public nature (ii) any body directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
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PERMANENT PAVEMENT LICENSING POLICY	
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Options considered	<p>The permanent pavement licencing process retains the streamlined consent route for businesses to obtain a licence to place removable furniture, such as tables and chairs outside of cafes, bars, and restaurants quickly.</p> <p>Local authorities may charge up to £500 for first-time applications and £350 for renewals. Licences can be granted for up to 2 years.</p> <p>Enforcement action was previously the responsibility of Highways at Norfolk County Council.</p> <p>NNDC could choose not to adopt the permanent regime. Enforcement action now lies with local authorities; there could be no remedial measures until the policy is adopted.</p>
Consultation(s)	<p>Consultation is not required since the licensing regime is mandatory and already in effect. Internal consultation with the Licensing team, Property Services and Estates teams was carried out in the design of enforcement plans detailed in the policy.</p>
Recommendations	<p>To approve and adopt the Permanent Pavement Licensing Policy, with effect from 1 April 2025.</p>
Reasons for recommendations	<p>To adopt the Government’s permanent pavement licensing regime under the Levelling Up and Regeneration Act 2023, thereby enabling administration and enforcement activities within its remit.</p>
Background papers	<p><u>Pavement licences: guidance - GOV.UK</u> <u>Pavement licence – Chelmsford City Council</u></p>

Wards affected	All wards
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Cabinet member(s)	Cllr Callum Ringer
Contact Officer	Elisa Pendered, Environmental and Leisure Business Support Manager

Links to key documents:	
Corporate Plan:	
Medium Term Financial Strategy (MTFS)	
Council Policies & Strategies	This policy supersedes any previous pavement licensing policies and regimes.

Corporate Governance:	
Is this a key decision	
Has the public interest test been applied	
Details of any previous decision(s) on this matter	None

1. Purpose of the report

- 1.1 The Levelling Up and Regeneration Act made permanent the pavement licensing regime under the Business and Planning Act 2020, with a number of changes. The Levelling Up and Regeneration Act introduced a standard fee cap for both new and renewals of licences as well as increased consultation and determination periods. It lengthened the maximum duration of licences and provided local authorities with new powers to remove unlicensed furniture.
- 1.2 This report is to present the draft policy under the permanent pavement licensing regime, for the committee to adopt, thereby enabling officers to act under the new powers.

2. Introduction & Background

A pavement licence is a licence 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, for certain purposes. The Levelling Up and Regeneration Act 2023 made permanent the provisions set out in the Business and Planning Act (BPA) 2020 that streamlined the process to allow businesses to secure these licences quickly.

3. Proposals and Options

The Government's 'Pavement licences: guidance' of 2 April 2024, provides the foundation for the draft policy being presented to committee.

Training from Chelmsford City Council was undertaken in November 2024 and their procedure and policy were considered when the draft NNDC policy was refined.

4. Corporate Priorities

If your proposals are linked to the Corporate Plan and MTFS, you should provide further information here.

5. Comments from the S151 Officer

The S151 Officer will complete this section. They will set out the funding sources for any costs associated with implementing the recommendations. This will include resources such as staffing.

6. Comments from the Monitoring Officer

The Monitoring Officer will complete this section. They will set out any legal implications arising from your report, together with a summary of any legal advice provided.

7. Risks

Risks of continuing without adoption of the new powers conferred on local authorities:

- Unlicensed pavement furniture on the highway, posing risks to highway users including disabled pedestrians and highway users.
- Increased litter outside premises
- Antisocial behaviour outside premises
- Reputational risk

8. Net Zero Target

No detrimental impact to the Council's Net Zero target are implied by adoption of the policy.

9. Equality, Diversity & Inclusion

Under equality legislation, the Council has a legal duty to pay 'due regard' to the need to eliminate discrimination and to promote equality. The policy includes a 'no obstruction' condition. All pavement licences must work to prevent obstruction to the highway for wheelchair users, those with pushchairs, walking aids, blind and visually impaired users of the highway.

Applicants can request reasonable alternative format application forms and guidance, if required to meet their needs.

To promote accessibility to those unable to access printed notices, we will use digital methods of publicity. We will print copies on request for those who may find it more difficult to access online publications.

10. Community Safety issues

Public consultation is a pre-requisite for all applications. NNDC consults with the police licensing team on all permanent pavement licensing applications.

All concerns raised about community safety would be considered when deciding whether to grant a licence.

Any negative impact on the local community brought about as a direct or indirect result of the pavement licence would be grounds for revocation of the licence.

11. Conclusion and Recommendations

The permanent pavement licensing regime came into force on 31 March 2024. Adopting the draft policy would enable authorised officers to administer licences and carry out enforcement activity under the new regime.

To recommend that the Permanent Pavement Licensing Policy is adopted with effect from 1 April 2025.

Permanent Pavement Licensing Policy

VERSION NUMBER	DATE
OA	10 March 2025



Executive Summary

A pavement licence permits the business to use furniture placed on the highway to sell or serve food or drink and/or allow it to be used by people to enjoy food or drink supplied in connection with the use of the premises.

The Business and Planning Act 2020 provided a streamlined and cheaper route for businesses such as cafes, restaurants, and bars to obtain a licence to place removable furniture on the highway. This provided much needed income for businesses, particularly during times of increased living costs.

The Levelling Up and Regeneration Act 2023 made permanent the provisions set out in the Business and Planning Act (BPA) 2020 that streamlined the process to allow businesses to secure these licences quickly.

The Levelling Up and Regeneration Act 2023 made permanent the pavement licensing regime, with several changes. There is a standard fee cap for both new and renewals of licences as well as increased consultation and determination periods and local authorities now have powers to remove unlicensed furniture. The duration of licences was also extended.

The permanent pavement licensing regime and changes provided for in Levelling Up and Regeneration Act came into effect on 31 March 2024 (the commencement date).

This process applies to England only, including London and other areas where statutory regimes other than the regime in the Highways Act 1980 may be relevant to the grant of licences for street furniture.

Under section 101 of the Local Government Act 1972 the council delegates this function to officers of the Environmental and Leisure service.

Scope - Eligible businesses

A business which uses premises within the district of North Norfolk 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, or similar, where the furniture is ancillary to the main business, for example: supermarkets, or entertainment venues which sell food and drink.

Businesses that do not use their premises for the sale of food or drink, for example salons, are ineligible. Though they can apply for permission to place furniture on the pavement under a different law - Highways Act 1980.

A pavement licence does not licence the activity, only permission to place removable furniture. The pavement licence is issued to a person or incorporated body. If there is a change to the business, the licence lapses and a new application shall be made under the new business details.

Policy Statement

Permission to place objects or structures on the highway are otherwise granted primarily under Part 7A of the Highways Act 1980. The fee for the Highways Act process varies between local authorities, and there is a minimum 28 calendar day consultation period. The Business and Planning Act process provides a cheaper, easier, and quicker way for businesses to obtain a licence. The fee for applying for a licence under the Business and Planning Act process is capped at £500 for first time applications and £350 for renewals and the public consultation period is 14 days (excluding public holidays), starting the day after the application is sent electronically to the authority.

If the local authority does not determine the application before the end of the determination period (which is 14 days beginning with the first day after the end of the public consultation period, excluding public holidays), the licence is deemed to have been granted for two years and the business can place the proposed furniture such as tables and chairs within the area set out in the application for the purpose or purposes proposed.

Roles & Responsibilities

NNDC is responsible for determining applications before the end of the determination period.

The applicant is responsible for submitting a complete application, and abiding by any conditions attached to the licence.

An NNDC authorised officer can take action against any licence holder that breaches the conditions of their licence, under the NNDC Scheme of Delegation.

Review Process

First draft

Distribution & Amendment

Licensing committee

Document name	Permanent Pavement Licensing Policy
Document description	Policy to adopt the permanent pavement licensing regime set out in The Levelling Up and Regeneration Act 2023.
Document status	Under Review
Lead officer	Elisa Pendered
Sponsor	Emily Capps
Produced by (service name)	Environmental and Leisure Services
Relevant to the services listed or all NNDC	Environmental and Leisure Services
Approved by	
Approval date	
Type of document	Policy
Equality Impact Assessment details	Required
Review interval	5 years
Next review date	

Version	Originator	Description including reason for changes	Date
0.01	Elisa Pendered	Legislative change	19/12/2024

1. Cost of applications

Fees will be set locally, and it is for NNDC to determine the appropriate charge. Fees are capped at a maximum of £500 for first time applications and £350 for renewals.

Current fees are displayed on our website or available on request. The fees are set on a cost-recovery basis.

2. Furniture

The furniture which may be placed on the pavement include:

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

This furniture is required to be removable and related to service, sale and consumption of food or drink. It is expected that the style of furniture would be 'in keeping' with the local area.

Picnic benches and plastic tables and chairs designed for domestic use are not permitted. The furniture must be fit for purpose, designed for commercial use and comply with all relevant BS and CRIB standards.

NNDC defines removable furniture as a non-permanent structure, that is able to be moved easily and stored away at night.

2.1 Permitted furniture

Permanent structures and furniture are not permitted by a pavement licence.

Advertising boards are not included in the definition of furniture within the pavement licensing regime. As well as needing consent under the Highways Act 1980, advertising boards also require express advertising consent under the Town and Country Planning Regulations 2007.

Applicants that wish to place non-removable furniture onto the highway must apply to Norfolk County Council for permission under the Highways Act 1980.

Any form of gazebo or enclosed shelter with one or more sides, is not permitted.

2.1.1 Barriers

A standard barrier consisting of a fabric banner and associated post and rail system shall be used. The function of the barriers is to demarcate and contain the tables and chairs, give clear warning to visually impaired pedestrians and other highway users.

The barriers shall be secured by purpose designed posts with weighted bases to prevent collapse. The barriers shall be between 800 - 1000mm in height to prevent obstruction of view.

The business branding can be applied to any banners.

2.2. Times of operation

Furniture can be placed on the highway only when the premises are open and not before 7am.

Where nuisance is likely to be caused when premises are open for business late at night, the furniture shall be removed before the close of business and before 11pm.

3. Exclusions

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

A pavement licence does not grant the right to permanently close a road. To do so, a pedestrian planning order made under section 249(2) or 249(2A) of the Town and Country Planning Act 1990, extinguishing the right to use vehicles on the highway, is required.

4. Alcohol licensing

It is important to note the grant of a pavement licence only permits the placing of furniture on the highway. Pavement licence holders still need to obtain approvals under other regulatory frameworks, such as the need for a licence to sell alcohol, and the need to comply with registration requirements for food businesses.

Any businesses which apply for a pavement licence will also need to have regard to their own duties under the Equality Act 2010, such as their duty under section 29 of the Act not to discriminate in providing their service and the duty to make reasonable adjustments.

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 relevant to the licence while the licence is valid, but not for any other purpose.

6. Duration of licence

If a local authority determines an application before the end of the determination period (which is 14 calendar days, beginning with the first day after the end of the public consultation period, excluding public holidays), the authority can specify the duration of the licence. To help support local businesses, we will grant licences for a maximum of 2 years, unless there are good reasons for granting a licence for a shorter period such as plans for future changes in use of road space.

If a licence is 'deemed' granted because the authority does not decide on an application before the end of the determination period, then the licence will be valid for two years starting with the first day after the determination period. However, if, when implemented, a licence that has been deemed granted does not meet the conditions set out in the legislation or any local conditions, it can be revoked at any time on the grounds that it has breached the conditions.

7. Applications

- 7.1 What information does an applicant need to provide?
An application to the local authority must:
- specify the premises and, the part of the relevant highway to which the application relates
 - specify the purpose (or purposes) for which the furniture will be used which must be for use by the licence-holder to sell or serve food or drink, and/or for use by other people for the consumption of food or drink. In both cases the food or drink must be supplied from, or in connection with relevant use of the premises
 - specify the days of the week on which and the hours between which it is proposed to have furniture on the highway
 - describe the type of furniture to which the application relates, for example: tables, chairs, and/or stalls
 - specify the date on which the application is made
 - contain or be accompanied by such evidence of public liability insurance in respect of anything to be done pursuant to the licence as the authority may require
 - contain or be accompanied by such other information or material as the local authority may require, for example how national and local conditions have been satisfied.

Our application form for pavement licences will be available on the council's website, or on request by email to licensing@north-norfolk.gov.uk, or by telephone to customer services.

- 7.2 What other information may the local authority require?
The council may require the applicant to provide other information or material to help us make a swift determination. We will publish our requirements on our website and on the application form. Any additional requirements will be reasonable and kept as minimal as possible. Examples of the information we require include:

- a plan showing the location of the premises shown by a red line, so the application site can be clearly identified (some authorities may require this on an OS Base Map)
- 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 proposed duration of the licence (2 years or less.)
- evidence of the right to occupy the premises (e.g. the lease, mortgage statement)
- contact details of the applicant
- photos or brochures showing the proposed type of furniture and proposed location of it within the area applied
- evidence that the applicant has given notice of the application (such as a photograph)
- (if applicable) reference of existing pavement licence currently under consideration by the council
- any other evidence that shows how the furniture to be introduced is in accordance with national guidance regarding accessibility (such as use of good colour contrast, suitable physical barriers around chairs and tables and or other appropriate measures)
- any other evidence needed to demonstrate how any local and national conditions will be satisfied, including the 'no-obstruction' national condition.

7.3 Can licensable activities still be granted under the Highways Act? Any licence applications for activities in England licensable under pavement licensing legislation in the Business and Planning Act 2020 must 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). They should not be granted under the Highways Act 1980.

Applicants will still need to apply for permission to carry out activities not licensable under the Pavement Licensing regime, under the Highways Act 1980. Example of such activities include the placement of furniture that is not removeable, such as bolted to the ground or cannot be reasonably removed, or placement of furniture other than tables, chairs or stools on the highway.

8. National conditions

The 2020 Act sets out two conditions which apply to pavement licences which are granted or deemed to be granted; these are: a no-obstruction condition and a smoke-free seating condition. These apply only to licences granted under the Business and Planning Act 2020, not existing licences permitted under Part 7A of the Highways Act 1980, or other relevant legislation. Full national and standard conditions can be found at Annex A.

8.1 Considering the needs of disabled people
The no-obstruction condition is a condition that the licence must

not have the effects set out in section 3(6) of the 2020 Act. When determining whether furniture constitutes an unacceptable obstruction in light of the no-obstruction condition, the provisions require that local authorities consider the needs of disabled people. In order to do this, authorities should consider the following matters when setting conditions, determining applications (in the absence of local conditions), and when considering whether enforcement action is required:

- Section 3.2 of [Inclusive Mobility](#) - gives advice on the needs of particular pavement users sets out a range of recommended widths which would be required, depending on the needs of particular pavement users. Section 4.2 of Inclusive Mobility sets out that footways and footpaths should be as wide as practicable, but under normal circumstances a width of 2000mm is the minimum that should be provided, as this allows enough space for two wheelchair users to pass, even if they are using larger electric mobility scooters. Local authorities should take a proportionate approach if this is not feasible due to physical constraints. A minimum width of 1500mm could be regarded as the minimum acceptable distance between two obstacles under most circumstances, as this should enable a wheelchair user and a walker to pass each other
- any need for a barrier to separate furniture from the rest of the footway so that the visually impaired can navigate around the furniture, such as colour contrast and a tap rail for long cane users. In some cases, it may be appropriate to use one or more rigid, removable objects to demarcate the area to which the licence applies, for example wooden tubs of flowers. However, as these are not necessary for the consumption of food, this will need to be balanced to ensure any barriers do not inhibit other street users, such as the mobility impaired, as such barriers may create a further obstacle in the highway. Advertising boards are not included in the definition of furniture within the pavement licensing regime, therefore, should not be used as a barrier
- any conflict of street furniture with the principal lines of pedestrian movement particularly for disabled people, older people and those with mobility needs. The positioning of furniture should not discourage pedestrians from using the footway or force pedestrians into the highway. The available route must be entirely clear for pedestrians to use and not be impeded with tables and chairs
- the cumulative impact of multiple pavement licences in close proximity to each other and if there is specific evidence that this may create a build-up furniture in a particular area and potentially cause obstruction on the footway for certain pavement users, such as disabled people
- so that where possible furniture is non-reflective and of reasonable substance such that it cannot easily be pushed or blown over by the wind, and thereby cause obstruction - for example, the local authority could refuse the use of plastic patio furniture, unless measures have been taken to ensure it is kept in place

Section 149 of the Equality Act 2010 places duties on local authorities, to have due regard to: the need to eliminate unlawful discrimination, advance equality of opportunity between people who share a protected characteristic and those who do not and foster or encourage good relations between people who share a protected characteristic and those who do not. Therefore, we will take all complaints against licensees seriously and may revoke a pavement licence where equality of opportunity is raised as an issue.

8.2 What is reasonable provision for seating where smoking is not permitted?

The national smoke-free seating condition seeks to ensure customers have greater choice, so that both smokers and non-smokers can sit outside.

It is important that businesses can cater to their customers' preferences. The Business and Planning Act 2020 imposes a smoke-free seating condition in relation to licences where seating used for the purpose of consuming food or drink has been, (or is to be) placed on the relevant highway. The condition requires a licence-holder to make reasonable provision for seating where smoking is not permitted.

This means that where businesses provide for smokers, customers will also have the option of sitting in a non-smoking area. Ways of meeting this condition could include:

- Clear 'smoking' and 'non-smoking' areas, with 'no smoking' signage displayed in designated 'smoke-free' zones in accordance with Smoke-free (Signs) Regulations 2012.
- No ash trays or similar receptacles to be provided or permitted to be left on furniture where smoke-free seating is identified.
- Licence holders should provide a minimum 2m distance between non-smoking and smoking areas, wherever possible.

Further, business must continue to have regard to smoke-free legislation under The Health Act 2006, and the subsequent Smoke-free (Premises and Enforcement) Regulations 2006.

8.3 Where an authority has set a local condition covering the same matter as a national condition, which take precedence?

Where a local authority sets a local condition that covers the same matter as set out in national conditions, then the locally set condition would take precedence over the national condition where there is reasonable justification to do so.

9. Applicant consultation

9.1 Engaging with the community

The applicant must display a notice at the premises, so it is easily visible and legible to the public on the day they submit the application to the local authority. They must ensure the notice

remains in place for the duration of the public consultation period which is the period of 14 days beginning with the day after the day the application is submitted to the authority. When counting days, public holidays are not included. Applicants are encouraged to keep evidence of this.

Applicants are encouraged to engage with any services operated in the vicinity for vulnerable customers, for example: care home or disability organisations nearby where individuals may be at particular risk.

9.2 What must a notice contain?

The notice must:

- be in the form which the council prescribes, which is available on our website, or on request
- state that the application has been made and the date on which it was made
- indicate that representations relating to the application may be made to NNDC during the public consultation period and give the date that period comes to an end
- contain such other information or material as required on the council's template

The applicant is encouraged to talk to neighbouring businesses and occupiers prior to applying to the local authority and consider noise and nuisance issues as part of the proposal.

9.3 Information required on the site notice

The council may require that other information is included in the notice such as:

- the statutory provisions under which the application is made
- description of the proposed use of the furniture
- address of the premises and name of the business
- website for the council where the application and any accompanying material can be viewed during the consultation period
- address (which might be an email address) to which representations should be sent during the consultation period

A template site notice local authorities may wish to adapt is contained in Annex A.

9.4 NNDC consultation

We will consult with:

- Norfolk County Council Highways Department.
- NNDC Public Protection teams
- NNDC planning department
- Norfolk Police Licensing
- Ward councillors
- Local town and parish councils

For security advice, we may consult Police Licensing Teams, Designing Out Crime Officers or Counter Terrorism Security Advisors. We will also consult with any other persons we believe to be relevant.

9.5 How can members of the public make representations about the application?

Members of the public can contact the council to make representations. Local authorities must consider representations received from members of the public during the public consultation period, which is the period of 14 days starting the day after the application is submitted. To promote accessibility to those unable to access printed notices, we will use digital methods of publicity. We will print copies on request for those who may find it more difficult to access online.

9.6 How must local authorities publicise the application and seek representations from local communities and other stakeholders? We are required to publish the application and any information or material which the applicant has submitted with it to meet the requirements of the authority, in such a manner as it considers appropriate, for example, on their website or via an online portal.

We are also required to publicise the fact that representations may be made during the public consultation period and when that period comes to an end. We will publicise this information on our website: north-norfolk.gov.uk and make it available at reception.

10. Determining the application

10.1 What happens once an application is submitted to the local authority?

Once a valid application is submitted to NNDC, we have 28 days from the day after the application is made (excluding public holidays) to consult on and determine the application.

This consists of 14 calendar days for public consultation, and then 14 calendar days to consider and determine the application after the consultation.

If we do not determine the application within the 14-day determination period, the application will be deemed to have been granted subject to any local conditions published by the local authority before the application was submitted.

10.2 What will NNDC consider when deciding whether to grant a pavement licence?

The council will need to consider several factors, when determining whether to approve the application. These include whether local conditions might be needed to make it possible to approve an application which would otherwise be unacceptable.

We will consider:

- public health and safety including security – for example, any reasonable crowd management measures needed as a result of a licence being granted
- public amenity – will the proposed use create nuisance to neighbouring occupiers by generating anti-social behaviour, and litter
- 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 account of
- 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
- 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 fixed structures in place on the footway that already reduce access
- other users of the space, for example if there are high levels of pedestrian or cycle movements

10.3 Security

When considering public health and safety, the council will seek to ensure a balanced consideration for security implications, particularly the risk to groups of people from interaction with hostile vehicles, and the creation of large crowds in new public spaces. The impact of several pavement licences in an area may result in larger, distributed, or dense crowds of people. Local authorities should factor this into the security planning process and ensure the [overall security arrangements for an area are adapted as appropriate](#). Examples of appropriate measures could include increased CCTV surveillance, manned guarding, vehicle security barriers and ACT (Action Counters Terrorism) training for businesses. Find more information about [ACT Awareness Products](#).

We may consult with Police Licensing Teams, Designing Out Crime Officers and Counter Terrorism Security Advisors for relevant advice.

10.4 Miscellaneous conditions

Yes. When we grant a licence, we may add reasonable conditions whether or not they are published upfront. We will give clear justification for the need of a condition, such as evidence raised during the consultation, which is in addition to any published local conditions. Conditions might, for example, limit the maximum number of chairs and tables, or type of furniture, time and days of operation with justification for this. Conditions imposed by NNDC will be proportionate and tailored to the applicant's premises.

10.5 Outcomes

If NNDC determines the application before the end of the

determination period, we 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 impose conditions, or
- refuse the application

To the extent that conditions imposed on a licence by the council do not have the effects specified in the statutory conditions (see paragraph 4.1 and paragraph 4.2) the licence is granted subject to those requirements.

10.6 Appeals

We will provide reasons for refusal of an application. There is no statutory appeal process for these decisions, however, applicants can appeal in writing to the Assistant Director of Environment and Leisure Services, who may refer the matter to Licensing Sub-Committee for review of determination. The applicant will have the opportunity to present their reasons for appeal. The committee's decision is final and cannot be appealed.

11. Enforcement

11.1 In what circumstances can the local authority enforce or revoke a licence?

If a condition imposed on a licence (either by the local authority or nationally) is breached, the council may issue a notice requiring the breach to be remedied. If the licence-holder fails to do so, the local authority may amend the licence, with the consent of the licence-holder, revoke the licence or itself take steps to remedy the breach and can take action to recover any costs of so doing.

NNDC may revoke a licence, or amend it with the consent of the licence holder, in the following circumstances:

1. If it considers that the highway is no longer suitable for the use as granted by or deemed to be granted by the licence.
For example, the licenced area (or road adjacent) is no longer to be pedestrianised.
2. Or if there is evidence that:
 - there are risks to public health or safety – for example where it comes to light that there are significant security risks which have not been sufficiently considered, or addressed in a proportionate fashion (this should be reassessed as necessary, particularly in the event of changes to the terrorism threat level);
 - this use of the highway is causing an unacceptable obstruction, breaching the no-obstruction condition – for example, the arrangement of street furniture prevents disabled people, older people or wheelchair users to pass along the highway or have normal access to the premises alongside the highway; or
 - the use is causing, or risks causing, 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.

We may revoke a licence in the following circumstances:

- For a breach of condition, (whether a remediation notice has been issued or not) or
- It comes to light that the applicant 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 of the application or secure that the notice remains in place until the end of the public consultation period.

We will give reasons in writing where these powers are used.

11.2 When can furniture be removed?

In cases where furniture has been placed on a relevant highway without the required licence, NNDC can give notice requiring the business to remove the furniture before a date specified and to refrain from putting furniture on the highway unless they gain a licence.

If furniture continues to be placed on the highway, in violation of the notice, the authority can remove and store the furniture, recover the costs from the business for the removal and storage of the furniture and refuse to return the furniture until those costs have been paid. If within 3 months of the notice, the costs are not paid, the authority can dispose of the furniture by sale or other means and retain the proceeds.

11.3 Recovering furniture following removal

It is the responsibility of the owner of the furniture to pre-arrange for the collection of the furniture, with the Licensing team. Collection must be during normal office hours.

Annex A - Template Site Notice

Notice of application for a pavement licence

Section 2 Business and Planning Act 2020

Notice is given that on this date (dd/mm/yyyy):

1. Name of applicant:
applied for a pavement licence at the location below:

Premises name and address:
2. The application is for (provide a brief description of application (e.g. outdoor seating to the front of the premises for serving of food and drink]):
3. Any person wishing to make representations regarding this application may do so by email to: licensing@north-norfolk.gov.uk, or in person/by post to:
North Norfolk District Council
Holt Road
Cromer
Norfolk
NR27 9EN
4. By this date: (14 days after the date of application)
5. The application, and information submitted, is published on the council's website at north-norfolk.gov.uk and available to view at the council offices.

Signed



Equality Impact Assessment Record Form

A practical step-by-step approach
to conducting
Equality Impact Assessments

Equality Impact Assessments

Directorate	Service	Person responsible for the assessment	Date assessment completed
Environmental and Leisure Services	Public Protection - Licensing	Elisa Pendered	10 March 2025
Title of the policy being assessed	Permanent Pavement Licensing Policy		
The status of the policy	First draft		
1. What are the aims, objectives and purposes of the policy?	To adopt the new powers extended to local authorities under the Levelling Up and Regeneration Act 2023, which made permanent streamlined processes for pavement licensing that were introduced in 2020 in response to the covid pandemic.		
2. Does the policy support other objectives of the council?			
3. Who is intended to benefit from the policy, and in what way?	Licensed premises benefit by extending their customer seating to outside adjacent areas. Local communities benefit from enforcement action on unlicensed premises.		
4. What outcomes are anticipated from the policy being in place?	Removal of unlicensed furniture from the public highway.		

5. Identify and select your assessment team.	Name		Role		Responsibilities	
	Elisa Pendered		Environmental and Leisure Business Support Manager		Licensing team EDI Champion	
6. What data have you gathered for this assessment? How have you analysed this data?	Source and Age of Data		Owner		Findings	
	Feb 2023 Feb 2025		EDI:UK Opening Doors (Norfolk)		Avg reading age in North Norfolk is 9 years.	
7. Who are the main stakeholders of this policy?	Community		Staff/Members		Partners	
	Local business owners		Public Protection - Licensing		Police Licensing team, Norfolk	
8. Are there any concerns that the policy could have a negative impact with regard to race and ethnicity?	Yes/No		What evidence (actual data or assumptions) do you have to support this?			
			The policy applies to all race and religions indiscriminately.			
9. Are there any concerns that the policy could have a negative impact with regard to gender?	Yes/No		What evidence (actual data or assumptions) do you have to support this?			
			The policy is applied across all genders equitably.			
10. Are there any concerns that the policy could have a negative impact with regard to disability?	Yes/No		What evidence (actual data or assumptions) do you have to support this?			
			The policy is written in a legal tone, which some people with educational needs may find challenging.			

<p>11. Are there any concerns that the policy could have a negative impact with regard to age?</p>	<p>Yes/No</p>	<p>What evidence (actual data or assumptions) do you have to support this? The policy is applied indiscriminately.</p>
<p>12. Are there any concerns that the policy could have a negative impact with regard to religion/belief?</p>	<p>Yes/No</p>	<p>What evidence (actual data or assumptions) do you have to support this? Nothing in the policy favours one religion over another.</p>
<p>13. Are there any concerns that the policy could have a negative impact with regard to sexual orientation?</p>	<p>Yes/No</p>	<p>What evidence (actual data or assumptions) do you have to support this? The policy is applied indiscriminately across all sexualities.</p>
<p>14. Could the negative impact you have identified in questions 8 - 13 lead to the potential for adverse impact if the policy is implemented?</p> <p>Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group?</p> <p>Or any other reason?</p> <p>Can the impact be mitigated by existing means?</p> <p>If yes, what actions will</p>	<p>Yes/No</p>	<p>Not applicable. Alternative formats would be made available on request. Reasonable adjustments would be applied, where requested.</p> <p>Applicants are offered support by telephone, in writing or in person, as required. Alternative formats of the policy and notices are available on request.</p> <p>Enforcement action would be explained in writing, then in person and carried out on by contractors, providing several opportunities for reasonable adjustments to be requested.</p>

you undertake to mitigate these impacts and revise the policy?		
15. Describe the arrangements for reporting and publishing this assessment.	The assessment accompanies the report to committee.	
Has this assessment been undertaken by a minimum of two staff?	Yes/No	Has this assessment been scrutinised by your Directorate Steering Group? Yes/No
If the policy is new, or requires a decision by Councillors to revise, has this Equality Impact Assessment been included with the report?		Yes/No
Have any actions identified in this assessment been included in your service equality and diversity action plan?		Yes/No
Completed by:	Elisa Pendered	Signed off by:

Produced by
David Lloyd associates
In partnership with
North Norfolk District Council
May 2008