

Council



Please contact: Democratic Services

Please email: democraticservices@north-norfolk.gov.uk

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11 April 2025

A meeting of the **Council** of North Norfolk District Council will be held in the Council Chamber - Council Offices on **Wednesday, 23 April 2025 at 6.00 pm.**

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 arrive at least 15 minutes before the start of the meeting. It will not always be possible to accommodate requests after that time. 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 516010, Email:Democratic.Services@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 should 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. This meeting is live-streamed: [NNDC eDemocracy - YouTube](#)

Emma Denny
Democratic Services Manager

To: Cllr T Adams, Cllr P Bailey, Cllr M Batey, Cllr K Bayes, Cllr D Birch, Cllr H Blathwayt, Cllr J Boyle, Cllr A Brown, Cllr S Bütikofer, Cllr C Cushing, Cllr N Dixon, Cllr P Fisher, Cllr A Fitch-Tillett, Cllr T FitzPatrick, Cllr A Fletcher, Cllr W Fredericks, Cllr M Gray, Cllr M Hankins, Cllr C Heinink, Cllr P Heinrich, Cllr V Holliday, Cllr N Housden, Cllr K Leith, Cllr R Macdonald, Cllr G Mancini-Boyle, Cllr P Neatherway, Cllr L Paterson, Cllr S Penfold, Cllr P Porter, Cllr J Punchard, Cllr C Ringer, Cllr L Shires, Cllr E Spagnola, Cllr M Taylor, Cllr J Toye, Cllr K Toye, Cllr A Varley, Cllr L Vickers and Cllr L Withington



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

Chief Executive: Steve Blatch
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A G E N D A

1. APOLOGIES FOR ABSENCE

To receive apologies for absence, if any.

2. TO RECEIVE DECLARATIONS OF INTERESTS FROM MEMBERS

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 (see attached guidance and flowchart)

3. 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.

4. ADDITION OF BUDGET TO CAPITAL PROGRAMME 2025/26 FOR THE PROCUREMENT OF VEHICLES AND CONTAINERS FOR A WEEKLY FOOD WASTE COLLECTION SERVICE

7 - 14

Executive Summary	This report is being presented to seek approval from full Council for the capital expenditure to be added to the Capital Programme for 2025/26 for the purchase of vehicles and caddies required for the introduction of food waste collection services within the area of North Norfolk District Council. This service is to be delivered by Serco on behalf of the Council.
Options considered	<ol style="list-style-type: none"> 1. Allocating capital budget for this project at this time would allow the Council to make arrangements for purchase of vehicles, equipment, and caddies, so as to be in a position to comply with the legislation, and to avoid delays in the supply chain in making these purchases. 2. Not to allocate capital budget to this project at this time would hinder progress to procure vehicles or equipment associated with the delivery of a food waste service. This option is not recommended as it is in breach of the legislation and could result in legal action being taken against the Council.
Consultation(s)	Not applicable
Recommendations	It is recommended that Council approves a budget of £1.956m be added to the capital

	programme for 2025/26 which will be funded by the new burdens funding provided by Government of £1.456m and the use of the Environmental Health reserve (to fund the balance) to allow the procurement of vehicles and equipment to commence.
Reasons for recommendations	To ensure compliance with the introduction of a new legislation
Background papers	None

Wards affected	All
Cabinet member(s)	Cllr C Ringer
Contact Officer	Emily Capps – Assistant Director Environmental and Leisure Services – 01263 516274

5. RURAL ENGLAND PROSPERITY FUND CAPITAL BUDGET 2025-26

15 - 20

Executive Summary	<p>MHCLG confirmed on 27 March 2025, the award to North Norfolk District Council of £437,259 capital funding for the period 2025-26; the Rural England Prosperity Fund (REPF).</p> <p>Full Council approval is being sought to add the capital expenditure (£437,259) to the capital programme for 2025/26 so that the funding can be defrayed.</p> <p>It will be defrayed in accordance with the Government's programme rules and is considered a rural top-up to the UK Shared Prosperity Fund (UKSPF) for which a programme was agreed by Cabinet in February 2025. It is, in effect, a continuation of the REPF grant that was administered over the past two years (the outcomes of which were reported to the Overview and Scrutiny Committee on 9th April 2025).</p>
Options considered	Not applicable. This grant will be received and needs to be allocated in the budget. Rejecting the grant is the only alternative option, which is clearly not worthy of consideration.
Consultation(s)	Portfolio Holder for Sustainable Growth Director of Resources/S151 Officer Monitoring Officer

Recommendations	That full Council approve that £437,259 be added to the capital programme for the Rural England Prosperity Fund and that will be funded by a specific grant allocation from Central Government that has to be fully spent during the financial year 2025-26.
Reasons for recommendations	<p>The Council has received a REPF grant allocation from Central Government and in accordance with its Constitution full Council must approve that the capital expenditure it will incur in defraying this grant is added to the capital programme.</p> <p>NNDC received the funding allocation announcement on 27 March 2025 and it was therefore not possible to bring this report to Full Council earlier. The period within which this funding must be defrayed is 1st April 2025 to March 31st 2026, so it is essential to minimise any delays.</p>

6. PERMANENT PAVEMENT LICENSING POLICY & SETTING OF FEES 21 - 42

Following approval by the Licensing Committee (Premises and Gambling) on 26th March it is recommended that Full Council:

1. Supports the adoption of the Permanent Pavement Licensing Policy (attached)
2. Approves the fees as set out in Appendix A

7. 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 item(s) of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph(s) _ of Part 1 of Schedule 12A (as amended) to the Act.”

8. PRIVATE BUSINESS

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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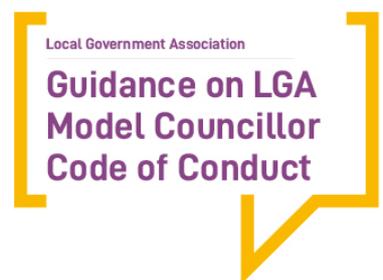
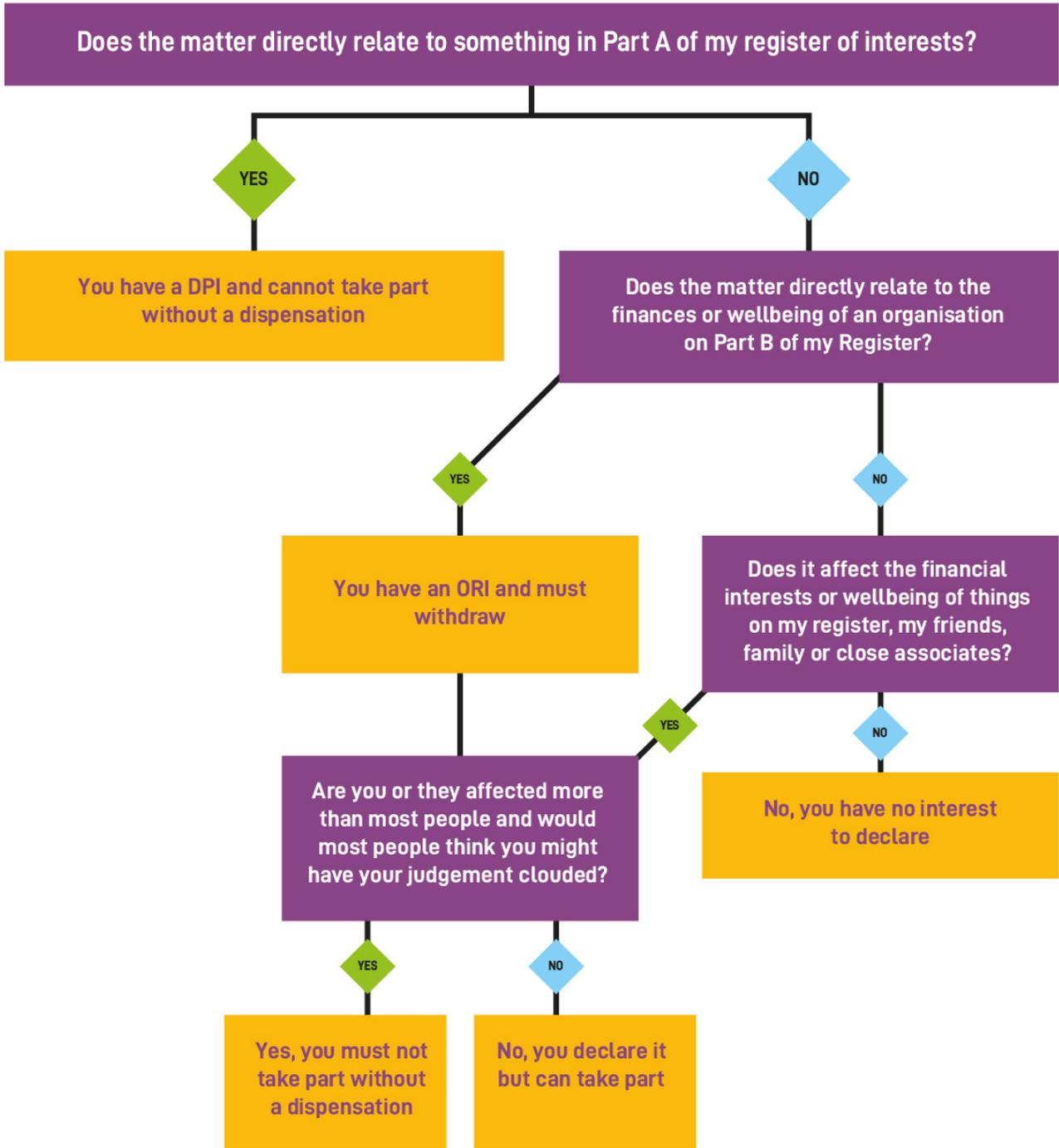
* 'director' includes a member of the committee of management of an industrial and provident society.

* '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

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- 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
 - (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)



Addition of budget to Capital Programme 2025/26 for the procurement of vehicles and containers for a weekly food waste collection service.	
Executive Summary	This report is being presented to seek approval from full Council for the capital expenditure to be added to the Capital Programme for 2025/26 for the purchase of vehicles and caddies required for the introduction of food waste collection services within the area of North Norfolk District Council. This service is to be delivered by Serco on behalf of the Council.
Options considered	<ol style="list-style-type: none"> 1. Allocating capital budget for this project at this time would allow the Council to make arrangements for purchase of vehicles, equipment, and caddies, so as to be in a position to comply with the legislation, and to avoid delays in the supply chain in making these purchases. 2. Not to allocate capital budget to this project at this time would hinder progress to procure vehicles or equipment associated with the delivery of a food waste service. This option is not recommended as it is in breach of the legislation and could result in legal action being taken against the Council.
Consultation(s)	Not applicable
Recommendations	It is recommended that Council approves a budget of £1.956m be added to the capital programme for 2025/26 which will be funded by the new burdens funding provided by Government of £1.456m and the use of the Environmental Health reserve (to fund the balance) to allow the procurement of vehicles and equipment to commence.
Reasons for recommendations	To ensure compliance with the introduction of a new legislation
Background papers	None

Wards affected	All
Cabinet member(s)	Cllr C Ringer
Contact Officer	Emily Capps – Assistant Director Environmental and Leisure Services – 01263 516274

Links to key documents:

Corporate Plan:	Our Greener Future.
Medium Term Financial Strategy (MTFS)	The vehicle and equipment purchase is funded through central government new burdens funding linked to the introduction of Food waste. The balance of any funding required above this to cover the capital expenditure will be covered by the use of the Environmental Health Reserve.
Council Policies & Strategies	None

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

1. Purpose of the report

- 1.1. The purpose of this report is to seek Council's approval to add the capital expenditure required for the procurement of vehicles and equipment to deliver a separate weekly food waste collection service in the area of North Norfolk District Council to the capital programme for 2025/26.

2. Introduction & Background

- 2.1. In November 2021 the amended Environment Act was enacted laying a foundation for enhanced waste management and recycling across the UK. In alignment with this the Government released the Simpler Recycling requirements in May 2024. These requirements outline consistent waste collection methods aimed at reducing landfill waste and supporting sustainable resource recovery. Under this legislation, all Councils in England (unless transitional arrangements have been requested and agreed) are now mandated to implement a separate, weekly food waste collection service from households by 31 March 2026.
- 2.2. To support this transition, DEFRA allocated a capital funding payment of £1,097,527 to NNDC in January 2024 to facilitate the purchase of essential equipment including food waste caddies, bins and dedicated collection vehicles.

Kitchen Caddies (plus spares)	Kerbside Caddies (plus spares)	Communal wheeled bins (plus spares)	Vehicles (plus spares)	Total
£115,584	£265,843	0	£716,100	£1,097,527

2.3. Additionally in March 2025 DEFRA has allocated a further £358,867.50 for the project management, procurement, communications and caddy delivery.

Container Delivery	Project Management	Procurement	Communications	Total
£192,381	£67,000	£2,000	£97,485	£358,867

2.4. An internal food waste caddy (approx. 5 litres) will need to be provided to householders for use in the kitchen. This provides the householder with somewhere to store food waste in the short term and helps improve collection yields. Householders will empty their food waste into an external food waste caddy of approximately 23 litres (approximately 10% of the size of a wheelie bin) which can be placed either on top of or beside their existing bins. Residents in flats etc. where larger communal bins are provided will have larger external bins to empty their food waste into.

2.5. The Council's contractor Serco will then empty the material from these external caddies or communal bins into a specific food waste collection vehicle. These vehicles are smaller than a normal refuse collection vehicle (RCV) and weight around 7.5tonnes, they have a leakproof body which is essential for the collection of food waste, to the high-water content of the waste.

2.6. Whilst the number of vehicles is yet to be confirmed, our contractors (Serco) are currently working on a project proposal and round planning, early indications suggest that we will require between 12-14 vehicles. Indicative costs suggest these vehicles will be somewhere in the region of £105,000.00 to £112,000.00 per vehicle and a further report will be submitted to Cabinet regarding procurement and purchase of these vehicles.

3. Proposals and Options

3.1. Separate weekly food waste collections are a legal requirement for NNDC from April 2026, doing nothing is not an option that can be considered due to potential legal challenge, government sanctions and reputational damage.

- 3.2. Options have been explored around how we could incorporate separate weekly food waste collection into our current service delivery model; however, it would be too problematic from an operational perspective, and a waste disposal perspective.
- 3.3. Utilising split bodied vehicles that have an additional compartment for food waste meaning more than one material could be collect at a time, has been considered. This would require significant investment in new 26t vehicles, along with a full re-routing exercise. Our current fleet was purchased in 2019 and will remain viable and fit for purpose for a good number of years to come. In addition, compartments will fill at differing rates meaning multiple trips to the disposal point would be required.
- 3.4. Collecting food waste separately increases yields and ensures that there is full visibility on the amount of food waste collected, which enables us to understand capture rates across the district. This information will enable NNDC to deliver targeted communications and educational material and monitor their impacts.
- 3.5. Food waste that is collected separately can be treated through anaerobic digestion which efficiently captures methane for energy production. Keeping food waste separate ensures it is managed in the most environmentally friendly and efficient way.

Option 1

Allocating budget for this project at this time would allow the Council to make arrangements for purchase of vehicles, equipment, and caddies, so as to be in a position to comply with the legislation, and to avoid delays in the supply chain in making these purchases

Option 2

Not to allocate budget to this project at this time would hinder progress to procure vehicles or equipment associated with the delivery of a food waste service. This option is not recommended as it is in breach of the legislation and could result in legal action being taken against the Council.

4. Corporate Priorities

- 4.1. The introduction of food waste collections helps to contribute to the corporate plan objective of “Our Greener Future” particularly the objective “Using the National Waste and Resources Strategy implementation and any additional funding available to maximise recycling and reduce waste through the introduction of new streams, such as food waste collections for every household”

5. Financial and Resource Implications

- 5.1. Simpler Recycling which includes the mandatory introduction of food waste aims to significantly improve recycling services as well as introduce nationwide consistency. Government has committed that the additional requirements will be funded in two ways:
 - All costs relating to packaging waste and recycling costs will be met through packaging Extended Producer Responsibility (pEPR) payments from packaging producers.
 - All other new requirements on councils will be funded by Government under the New Burdens doctrine.
- 5.2. DEFRA has allocated NNDC an initial £1,097,527 in new burdens funding towards the cost of caddies, communal bins and vehicles.
- 5.3. At this stage it is predicted that the DEFRA capital funding currently allocated will not meet the full implementation costs. Further information is required from Serco particularly information about the required numbers of RCVs before the full cost is known. Initial indications are that an additional £500,000.00 could be needed allowing for inflation and the demand in the market place
- 5.4. There is a shortfall in funding awarded by successive Governments under the new burdens scheme. The allocation has been appealed with DEFRA and raised as a concern through the District Councils Network but no additional funding has been awarded. It is proposed that the shortfall would be met from the Environmental Health Reserve.

Comments from the S151 Officer:

The Council must introduce this service and approval is being sought to add this to the capital programme now so that the order for the vehicles and caddies can be placed so NNDC secures it's build slot for the vehicles.

Funding to cover the expenditure will be grant funding and use of the Environmental Health Reserve. .

6. Legal Implications

- 6.1. The amended Environment Act was enacted, laying a foundation for enhanced waste management and recycling across the UK. Under this legislation, the Council is now mandated to implement a separate, weekly food waste collection service from households by 31 March 2026.
- 6.2. Failure to comply with the new regulation may result in the council being sanctioned or penalised by Government.
- 6.3. Failure to comply with the new legal requirement may result in significant reputational damage to the organisation

Comments from the Monitoring Officer

There is a legal obligation to provide a food waste service by 31 March 2026. This is a national obligation and so there is likely to be a demand from local authorities at a similar time to purchase the vehicles and equipment needed. So as to avoid delay and ensure we can meet our legal obligations to have the food waste collection in place by 31 March 2025, the Council would need to ensure there is funding in the budget and then provide details of the procurement and purchase process at Cabinet at the earliest opportunity

7. Risks

- 7.1. There are reputational risks associated with the introduction of a food waste collection service. Service changes must be carefully designed and planned, comprehensively and clearly communicated to residents, and implemented and operated to a high standard to ensure resident satisfaction.

- 7.2. Shortfall in financial funding, DEFRA has provided a contribution to some capital, with ongoing resource and revenue costs to be available from 1 April 2026, although specific allocations of this are still pending.
- 7.3. There is a high likelihood of procurement bottlenecks given the national implement of food waste. This could create supply delays and impact the implementation timescales of a new service. The council should act quickly to determine requirements and to proceed with procurements as early as possible

8. Net Zero Target

- 8.1. In 2021/22, 6.4 million tonnes of food (and drink) waste was generated from UK households, of which 4.7 million tonnes is categorised as edible and 2 million tonnes inedible or unavoidable. This equates to 95 kg per person per year or 227 kg per household per year or 247 kg per household of four.
- 8.2. Producing food requires significant resources including land, energy and water. Globally, 25–30% of total food produced is lost or wasted, and food waste is estimated by the Intergovernmental Panel on Climate Change to contribute 8-10% of total man-made greenhouse gas (GHG) emissions.
- 8.3. The specification of the food waste vehicles would mean that they are able to run on Hydrotreated Vegetable Oil (HVO).
- 8.4. Whilst the purchase of new vehicles and containers will have a negative impact arising from the embodied carbon (i.e. the energy and emissions arising from the manufacturing process), such negative implications can reasonably be assumed to be offset within a short period of time with the increased diversion of food waste from landfill.

9. Equality, Diversity & Inclusion

- 9.1. There are no equality, diversity or community implications which directly result from the recommendations within this report, as these are only to consider the need to commence procurement of vehicles, caddies and bins due to the extended lead in times of the supply chain.
- 9.2. The Government's requirement for councils to introduce a separate weekly collection of food waste from all households by 31st March 2026 will affect daily life in North Norfolk and it's imperative that the Council considers the impact of this on all residents. The equality, diversity, and community implications of the implementation of a domestic kerbside food waste collection service will be considered as part of the planning

and development of the service implementation plans required to successfully comply with the Government requirements.

10. Community Safety issues

- 10.1. There are no Community Safety implications which directly result from the recommendations within this report, as these are only to consider the need to commence procurement of vehicles, caddies and bins due to the extended lead in times of the supply chain.

11. Conclusion and Recommendations

- 11.1. Government has legislated for major reforms to waste collection and packaging, requiring councils to align their waste and recycling services with new nationwide Simpler Recycling requirements.
- 11.2. This will mean the NNDC will need to add a new weekly collection of food waste to the existing waste services
- 11.3. Due to what are expected to be extended lead times on the manufacture and supply of vehicles, caddies and bins it is considered prudent to undertake the procurement of these as early as possible and ensure that orders are placed which ensure that deliveries of vehicles and equipment can be placed.
- 11.4. Government has stated it is committed to providing reasonable new burdens funding where local authorities are required to deliver food waste collections from households.
- 11.5. The introduction of a food waste collection service in North Norfolk is one of the biggest changes within the waste service over the last 25 years. Further information will be supplied to members as the project progresses and key milestones are met.
- 11.6. It is recommended that Council approves a budget of £1.956m to be added to the capital programme for 2025/26 which is in excess of the new burdens funding provided by Government to allow the procurement of vehicles and equipment to commence. The balance of funding will be met from the Environmental Health Reserve.

Agenda Item 5

Rural England Prosperity Fund capital budget 2025-26	
Executive Summary	<p>MHCLG confirmed on 27 March 2025, the award to North Norfolk District Council of £437,259 capital funding for the period 2025-26; the Rural England Prosperity Fund (REPF).</p> <p>Full Council approval is being sought to add the capital expenditure (£437,259) to the capital programme for 2025/26 so that the funding can be defrayed.</p> <p>It will be defrayed in accordance with the Government's programme rules and is considered a rural top-up to the UK Shared Prosperity Fund (UKSPF) for which a programme was agreed by Cabinet in February 2025. It is, in effect, a continuation of the REPF grant that was administered over the past two years (the outcomes of which were reported to the Overview and Scrutiny Committee on 9th April 2025).</p>
Options considered	Not applicable. This grant will be received and needs to be allocated in the budget. Rejecting the grant is the only alternative option, which is clearly not worthy of consideration.
Consultation(s)	Portfolio Holder for Sustainable Growth Director of Resources/S151 Officer Monitoring Officer
Recommendations	That full Council approve that £437,259 be added to the capital programme for the Rural England Prosperity Fund and that will be funded by a specific grant allocation from Central Government that has to be fully spent during the financial year 2025-26.
Reasons for recommendations	<p>The Council has received a REPF grant allocation from Central Government and in accordance with its Constitution full Council must approve that the capital expenditure it will incur in defraying this grant is added to the capital programme.</p> <p>NNDC received the funding allocation announcement on 27 March 2025 and it was therefore not possible to bring this report to Full Council earlier. The period within which this funding must be defrayed is 1st April 2025 to March 31st 2026, so it is essential to minimise any delays.</p>
Background papers	Rural England Prosperity Fund: prospectus - GOV.UK

Wards affected	All wards
Cabinet member(s)	Portfolio Holder Sustainable Growth

Contact Officer	Jenni Jordan – Economic Programmes & Funding Manager jenni.jordan@north-norfolk.gov.uk Stuart Quick – Economic Growth Manager stuart.quick@north-norfolk.gov.uk
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Links to key documents:	
Corporate Plan:	Investing in Our Local Economy & Infrastructure Our Greener Future Developing Our Communities
Medium Term Financial Strategy (MTFS)	The REPF funding programme, which is a rural top up funding to UK Shared Prosperity Fund, will be fully funded by external grant funds, and does not impact upon the MTFS. The forthcoming delivery of the UKSPF transition programme further utilises external grant funds and has been agreed by Cabinet. It will not impact upon the MTFS.
Council Policies & Strategies	North Norfolk Economic Growth Strategy & Action Plan

Corporate Governance:	
Is this a key decision	Yes
Has the public interest test been applied	N/A
Details of any previous decision(s) on this matter	Cabinet resolution on 3 February 2025 – to support the following recommendations: <ol style="list-style-type: none"> 1. To confirm Cabinet’s support for the approach to the UKSPF programme (transitional year 2025/26) outlined in this report 2. To delegate to the Assistant Director for Sustainable Growth, in consultation with the Portfolio Holder for Sustainable Growth, the detailed definition of the projects to be delivered within the overall programme headings and the commissioning of specific projects and the procurement and/or appointment of any project delivery partners or contractors, as appropriate.

1. Purpose of the report

This report seeks approval to add a further £437,259 of capital expenditure to the 2025-26 capital programme. This is to distribute the 2025-26 REPF capital grant allocation received from Central Government. .

2. Introduction & Background

- 2.1. The Rural England Prosperity Fund (REPF) was introduced as part of the Government's Levelling Up White Paper and the Future Farming Programme. It provided funding for capital projects aimed at small and medium-sized enterprises, as well as community infrastructure initiatives. The primary objectives of the fund were to enhance productivity, bolster the rural economy and strengthen rural communities. Additionally, it supported projects designed to address the unique challenges faced by rural areas.
- 2.2. The total capital-only allocation for North Norfolk during 2023 /24 and 2024/25 was £1,457,852. It was not known until very recently that a further REPF scheme would operate but the Council has now been informed that it has been allocated £437,259 capital funding for a 'transitional year' for a 2025-26 programme.
- 2.3. This additional year's funding was only announced on 27 March 2025. The delivery must be complete within this financial year (2025-26). The Rural Fund is integrated into the UKSPF which supports 'productivity and prosperity in places that need it most'. For eligible local authorities, the Rural Fund is a rural top-up to UKSPF allocations. It supports activities that specifically address the particular challenges rural areas face. It is complementary to funding used to support rural areas under the UKSPF

3. Proposals and Options

- 3.1. The REPF programme has to be delivered in accordance with the Government's 'missions' and prescribed outputs and outcomes for the funding programme. Other than reshaping to fit the Government's new missions, the funding programme remains effectively the same as the previous two years, with a revised prospectus reflecting that realignment. The programme will be delivered under the same 'Addendum' to the Investment Plan submitted by NNDC and approved by MHCLG in 2023.
- 3.2. The Government has stated that the programme will be delivered against:

Mission 1: Kickstart economic growth
Mission 4: Break down barriers to opportunity
- 3.3. The REPF will be able to fund capital projects for small businesses (SMEs) and community infrastructure in rural areas, with the aim of helping to improve productivity and strengthen the rural economy and rural communities, as identified in the previous two year programme.

4. Corporate Priorities

- 4.1. The REPF funding will contribute towards the Corporate Plan priorities by investing in the local economy supporting business growth and community resilience.

5. Financial and Resource Implications

- 5.1. This report relates to the allocation of a capital grant for the delivery of a REPF programme in North Norfolk. The funding is from Government and is 100% capital. This report is not seeking any additional financial resources, but an addition to the capital programme so that there is the required authority in place to spend the grant received. The Council has the necessary staff resources, and arrangements with potential delivery partners, to administer the programme with no additional demands on Council financial resources.

Comments from the S151 Officer:

This report is being presented to Members so that the required approval can be given to add the capital expenditure to the capital programme in order to spend the grant allocated. The expenditure will be fully funded by the grant. Any grant not spent by the end of 2025/26 must be returned to Central Government. So approval as soon as possible after notification of the grant allocation on 27 March 2025 will enable officers to allocate the full grant .

Legal Implications.

- 5.2. The Council is expected to confirm its delivery programme with Government by 1st May 2025. Its legal obligations include providing the necessary monitoring information in accordance with the grant scheme. The Council has fulfilled such obligations and delivered similar programmes in the recent past and this is not thought to raise any legal implications.

Comments from the Monitoring Officer

This additional capital grant funding allocation has only just been announced. There is a limited period (which has already commenced) in which the funding must be defrayed. A further report to Cabinet, once the funding sum has been allocated in the Council budget, would be required with regard to how that funding will be used detailing any delegations to specific officers (similar to that in the February 2025 resolutions)

6. Risks

- 6.1. The REPF 2025-26 funding allocation must be committed and defrayed by March 2026. Unspent funds will need to be returned.

7. Net Zero Target

- 7.1. There are not considered to be any specific impacts on the [Net Zero 2030 Strategy & Climate Action Plan](#) as a result of recommendations in this report.

8. Equality, Diversity & Inclusion

8.1. There are not considered to be any impacts upon equality and diversity as set out in the Council's [Equality, Diversity & Inclusion Strategy](#) as a result of the recommendations in this report.

9. Community Safety issues

10.1 There are not considered to be any impacts upon crime and disorder as a result of the recommendations in this report.

10. Conclusion and Recommendations

11.1 The REPF funding programme for 2023 – 2025 was successfully implemented. This additional year's funding will enable provision of further support to the local economy and communities in the area, in accordance with the scheme, during the current financial year.

11.2 It is recommended that:

The sum of £437,259 be allocated in the budget for capital expenditure for the Rural England Prosperity Fund programme during the financial year 2025-26.

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PERMANENT PAVEMENT LICENSING POLICY	
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, 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</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. 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

5. Net Zero Target

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

6. 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.

7. 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.

8. 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 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

PAVEMENT LICENCE FEE 2025/26
(Based on full cost recovery)

<u>Application Processing Fee</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Cost</u>
2 hours at G10 / scp 13	2	22.5534	45.11
1 hour at G8 / scp 27	1	29.6582	29.66
			<hr/> 74.77
Contractor costs	4	25	8.33
			<hr/> 83.10
2 year licence			166.20

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