

| PERMANENT PAVEMENT LICENSING POLICY | |
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| 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</u> – Chelmsford City Council</p> |

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

| Corporate Governance: | |
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| 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.