

Central Bedfordshire Council

03 September 2025

Licensing Committee

Pavement Licences

Report of:

Cllr Tracey Wye, Executive Member for Sustainability and Climate Resilience

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Responsible Director:

Lorna Carver, Deputy Chief Executive and Director of Place and Communities.

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The following sections of this report are exempt: -

None

Purpose of this report

The report is asking the Committee to approve the updated guidance that will apply to anyone applying for a Pavement Licence, and to confirm the fee payable for the licence, the current fee is published in the schedule of fees and charges

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RECOMMENDATION(S)

The Committee is asked to:

1. Approve the updated guidance relating to Pavement Licences.
2. Recommend the fees payable for a two-year Pavement Licence to full Council remain at the current rate £350 for up to 10 tables and chairs and £500 for 10 or more tables and chairs and £200 or £350 respectively for a renewal.
3. Delegate to the Director of Place and Communities, in consultation with the Executive Member for Sustainability and Climate Resilience, the authority to make minor amendments to the guidance post publication.

Executive Summary

4. Businesses are legally required to have a Pavement Licences if they wish to put tables and chairs on the highway outside their premises.
5. Pavement Licences were introduced during Covid under the Business and Planning Act (BPA) 2020 under this legislation there was a maximum fee payable of £100, this was amended by The Levelling Up and Regeneration Act 2023, which introduced a capped fee that the licensing authority may charge to cover their costs, just as we do for any other license that we issue.

Main body of the report

6. We are keen to update our guidance for Pavement Licences to offer better guidance to licence applicants, and members of the public.
7. More information is being provided to licence applicants to help them understand what our expectations are from licence holders.
8. More information is being provided for members of the public to help them understand how they can be involved with these license applications.
9. Under the Levelling Up and Regeneration Act 2023 a capped fee was introduced that the licensing authority may charge ,for a two-year licence this is capped at £500 for a new application and £350 for a renewal. The licensing authority can choose to charge any amount they wish for a new application or a renewal but it must not exceed the capped levels.
10. When the licences were introduced during Covid they were free to the end user, as the government were keen to support the hospitality industry to reopen safely, by having outdoor space social distancing requirements could be observed. In recognition of the additional burden that the introduction of these licences and other requirements placed on the Council to enforce the Covid regulations, the government provided Contain Outbreak Management Fund (COMF).
11. The licence is issued for a period of two years and can only be granted in respect of highways listed in section 115A(1) Highways Act 1980. Generally, these are footpaths restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited. Highways maintained by Network Rail or over Crown land are exempt.
12. By allowing businesses to expand onto our highway they are able to provide additional covers and generate additional income without having to extend their business.

Options for consideration

13. The guidance tightens the conditions relating to littering and provides examples of notices that applicants need to use during the application process. If these changes are not made it could raise an issue relating to littering and more licences being refused if the correct process hasn't been followed.
14. We can charge a fee for the two-year licence we can charge at the maximum capped rate, £500 for a new application and £350 for a renewal, or we can continue with the current advertised fee of £500 for new applications where there are ten or more tables and chairs or £350 when there are less than ten tables and chairs with a renewal fee of £350 and £200 respectively. The current fees set out at Recommendation 2 were agreed via an executive decision in September 2024 by the Executive Member for Sustainability and Climate Resilience in consultation with the Director of Finance and the Director of Place and Communities.

15. We could not charge a fee, which would mean that income is forgone and we would have to accommodate all the work associated with the issuing and enforcement of the licence. This would impact on issue and enforcement of other licences where a fee is payable.
16. The preferred option is to continue to charge a fee as set out at point 14

Reason/s for decision

17. The updated guidance makes the expectations on licence holders clear and also makes it clear to members of the public to help them understand how they can be involved with these license applications.
18. Legislation now allows for a fee, which is better aligned to the costs for the council, to be attached to these licences as with all other licences that we issue, with the exception of street collections, as they are undertaken by charitable organisations.

Council priorities

19. Provide the environment for economic prosperity in which existing businesses can grow, and new ones will move to the area.

Legal Implications

20. Businesses are legally required to have a Pavement Licences if they wish to put tables and chairs on the highway outside their premises, where the land is listed in section 115A(1) Highways Act 1980

Financial and Risk Implications

21. The Council charges for other permits that allow items to be placed on our Highway examples of these are scaffolding at a cost of £193.90 for first month and £163 for each subsequent month, skips £64.20 for two weeks and hoarding at a cost of £190.10 for the first month and £163 for each additional month. In comparison the weekly fee being proposed for a new application is £4.81 or £3.37 or for a renewal £3.37 or £1.92
22. There are 40 premises in Central Bedfordshire that require a pavement licence of these we believe that two have more than 10 tables and chairs so the income we would not receive if a fee isn't charged is £14,300.
23. The fees associated with the licence are in the schedule of fees and charges published on the website and was included in the MTFP.

Equalities and Fairness Implications

24. Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimization, and foster good relations in respect of nine protected characteristics; age disability; gender reassignment; marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
25. In order to ensure fairness is implemented for licence holders, all applicants are expected to meet all the requirements before a licence can be issued.

26. The guidance sets out the expectations on licence holders in relation to the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1 of Inclusive Mobility <https://www.gov.uk/government/publications/inclusive-mobility-making-transport-accessible-for-passengers-and-pedestrians>

Biodiversity and Sustainability Implications

None identified

Other Corporate Implications

27. None identified

Conclusion and next steps

28. The updated guidance should be adopted to make expectations on licence holders clearer and to allow the public to be involved in the licensing decisions. If adopted it will be placed on our website and relevant business will be made aware of the changes.
29. We should continue to charge the advertised fees for new applications and renewals. These are already advertised on our website and will be confirmed to relevant businesses.

Appendices

Appendix A: Draft guidance for pavement licences

Background Papers

The following background papers, not previously available to the public, were considered and are available on the Council's website:

- None

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