

Pavement Licences

To: Cambridge Joint Area Committee

Meeting Date: 12 June 2024

From: Communities Director (Cambridge City Council)

Electoral division(s): County Council divisions within Cambridge: All
City Council wards: All

Executive summary: To update the committee on the changes to the legislation in relation to pavement licenses, previously known as table and chair licences.

Recommendation: The Committee is recommended to:

Note the changes to the legislation and that the function is now with district authorities

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1. Background

- 1.1 Under Part 7A of the Highways Act 1980, if a business would like to put tables and chairs on the highway, they would have to apply to the County Council for a table and chair licence, pay the appropriate fee and abide by the conditions set out with that licence. The County Council was responsible for the issuing of such licences. The County Council was the enforcing authority for breaches of licensing conditions and also unlawful placement of tables and chairs on the highway. The responsibility for the table and chairs licensing function changed in July 2020 during the Covid-19 pandemic.

2. Main Consideration

- 2.1 The Business and Planning Act 2020 came into force in July 2020 and introduced the pavement licences regime. A pavement licence is a licence granted (or deemed to have been granted) by the district authority, 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 Business and Planning Act process provides a streamlined and cheaper route for businesses (such as cafés, restaurants and bars) to secure a licence to place furniture on the highway. This provided much-needed income for businesses and protected as many hospitality jobs as possible, particularly during times of re-opening during the Covid-19 pandemic.
- 2.2 This legislation ran in parallel to the table and chairs licensing regime, which was administered and enforced by the County Council under Part 7A of the Highways Act 1980. Businesses which had table and chair licences with the County Council prior to the change in legislation, could renew their licences with the County Council or apply to the City Council for a pavement licence. However, if table and chairs were put out on the highway unlawfully, it would be for the County Council to continue to enforce this and remove the furniture.
- 2.3 The Levelling Up and Regeneration Act 2023 makes permanent the pavement licensing regime under the Business and Planning Act 2020, with a number of changes. The Levelling Up and Regeneration Act introduces a standard fee cap for both new and renewals of licences as well as increased consultation and determination periods. It lengthens the maximum duration of licences and provides district authorities with new powers to remove unlicensed furniture.
- 2.4 This report is to update members on the changes to replace table and chairs licensing regime to pavement licences.

3. Significant Implications

The implications for the City Council are as follows.

3.1 Finance Implications

The fees must be set for cost recovery of the service.

3.2 Legal Implications

This is a regulatory function, which is the responsibility of the City Council's Licensing Committee.

3.3 Risk Implications

The granting of the licence must be determined within 28 days of receipt of application: 14 days for consultation and a following 14 days for determination.

If the local authority does not make a determination by the end of the determination period, the licence for which the application was made is deemed to be granted by the authority to the applicant.

3.4 Equality and Diversity Implications

When determining an application, the City Council must have regard in particular to:

- (a) The needs of disabled people, and
- (b) The recommended distances required for access by disabled people as set out in guidance issued by the Secretary of State.

3.5 Climate Change and Environment Implications

None.

4. Source Documents

- 4.1 [Official guidance on Pavement Licenses \(dated 2 April 2024\) from the Department for Levelling Up, Housing and Communities](#)