# North Yorkshire Council

## Environment Executive Members

## 25 July 2025

## Fees and Charges – Pavement and Primate Licensing

## Report of the Assistant Director – Regulation and Harbours

**1.0 PURPOSE OF REPORT**

1.1 The purpose of this report is to propose and agree new fees and charges relating to North Yorkshire Council's pavement and primate licensing functions.

**2.0 BACKGROUND**

2.1 The Council may charge a reasonable fee to recover the costs associated with administration and enforcement of licences in accordance with the following specific provisions:

- Section 2 (1A) of the Business and Planning Act 2020, as amended by the Levelling Up Act 2023 for pavement licensing; and
- Regulation 13 of The Animal Welfare (Primate Licences) (England) Regulations 2024, including a fee in respect of any inspection which the Council must or may arrange.

**3.0 PAVEMENT LICENCES**

3.1 The Council is responsible for the administration and regulation of Pavement Licences under the Business and Planning Act 2020. Pavement Licences are issued to allow movable furniture on part of a relevant highway for the purpose to sell or serve food/drink and allow customers to consume food/drink in connection with the relevant use of a premises.

3.2 In response to the Covid-19 pandemic, the Business and Planning Act 2020 was introduced to allow business to gain licences quickly and the Act was only originally intended to remain in place for a temporary period. The Levelling up and Regeneration Act 2023 made permanent the provisions set out in the Act, which came into effect as of 31 March 2024.

3.3 This permanent regime retains the key features of the 2020 regime, intended to streamline processing and reduce costs, but also incorporates some changes regarding fees, outlined below

- a fee of up to £500 can be charged for first time applications; and
- up to £350 for renewal applications
- subject to each local authority deciding the level of fee up to that cap.

3.4 Previously, the maximum fee to be charged was set by the Government to aid businesses following the pandemic and was set at £100. This did not cover the cost to authorities for dealing with and processing an application for a pavement licence and then enforcement of the licence.

3.5 Local authorities can grant pavement licences for a length of their choosing up to a maximum of two years.

3.6 Additional information on pavement licensing and the Levelling up and Regeneration Act 2023 can be found on the following link: Pavement licences: guidance - GOV.UK

## 4.0 PRIMATE LICENSING

4.1 In 2024, the Department for Environment, Food and Rural Affairs (Defra) using powers granted to them by the Animal Welfare Act 2006, created the Animal Welfare (Primate Licences) (England) Regulations 2024.

4.2 These Regulations introduce a primate licensing scheme, setting strict rules to ensure that only private keepers who can provide zoo-level welfare standards will be able to keep primates.

4.3 The new Regulations commenced on 06 April 2025, and the enforcement provisions of the Regulations commence on 06 April 2026. All existing primate owners and prospective owners will be required to have a primate licence from 06 April 2026.

4.4 The Regulations set out a specific application process and require an inspection to be carried out prior to any application being determined. They also require a further inspection to take place on at least one occasion during the licence period (where issued for more than 12 months). These inspections must be conducted by a "suitable person", which is defined in the situation as being:

- a veterinarian; or
- any other person who, in the view of the local authority is competent to carry out the inspection.

4.5 Once issued licences may last up to three years, with three years being the default unless the applicant requests the licence to be issued for a shorter period.

4.6 An application fee may be charged, and 13 of the Regulations also permits a fee to be charged for any required inspections.

4.7 Additional information on the Animal Welfare (Primate Licences) (England) Regulations 2024 can be found on the following link: The Animal Welfare (Primate Licences) (England) Regulations 2024. To note, no guidance has been issued to date.

## 5.0 FEES OVERVIEW

5.1 Licence fees should be calculated on a cost-recovery basis in order for the associated costs of the service to be met by individuals and businesses benefiting from the licensed activity. Any failure to recover costs in this regard would result in a subsidisation of private enterprise at the expense of other services that the Council provides to its taxpayers.

5.2 The proposed fees for pavement licensing can be found in Appendix A.

5.3 The proposed fees for primate licensing are attached at Appendix B.

5.4 It is proposed that the new fees for both pavement and primate licensing take effect from 01 August 2025.

## 6.0 PROPOSED LICENCE FEES

6.1 It is essential to a well-functioning licensing service that those administering and enforcing the regime are well-resourced. Licensing authorities are expected to regularly review their fees to reflect changes to costs.

6.2 The cost of the service is determined by several factors including staffing (salaries, along with National Insurance and pension contributions), accommodation, utilities, IT support, legal costs, software, insurance, printing and postage. The licence fee for each application is then dependent on several other factors including, where applicable, the time spent on administration, inspections, complaints, compliance checks, committees and consultations.

6.3 The costs associated with pavement and primate licensing functions in North Yorkshire have been calculated with due regard to the relevant legislation, case law and guidance, accounting for changes in personnel, salaries, overheads and operational service delivery. The relevant cost calculations are attached at Appendix A and Appendix B.

6.4 Prior to local government reorganisation in North Yorkshire, the seven district licensing authorities operated different pavement licensing regimes, the cost of which was recovered from permit holders in accordance with district authority calculations. Some did not charge a fee at all. The different area fees for pavement licensing remain. Now, North Yorkshire has one licensing team, it is important to harmonise the pavement licence fee throughout the Council area, in line with the new provisions under the Levelling Up and Regeneration Act 2023, which require the Council to set a new fee.

## 7.0 CONTRIBUTION TO COUNCIL PRIORITIES

7.1 The Council is committed to protecting communities, safeguarding children and ensuring the safety and wellbeing of the public.

7.2 Fees will be reviewed annually to ensure that the licensing regime is adequately resourced to deliver its public protection functions. Effective delivery in this regard also supports economic growth.

## 8.0 ALTERNATIVE OPTIONS CONSIDERED

8.1 The Council may consider retaining the existing licence fees for pavement licences. However, the fees set by the predecessor authorities vary significantly from £0 to £100, and the service would be running at a loss, and recovered unfairly elsewhere. Any failure to recover costs permitted by statute would require an unnecessary subsidisation of the licensing regime at the expense of the Council's taxpayers.

8.2 The proposed fee for primate licensing is the first fee to be set for this new type of licence.

## 9.0 FINANCIAL IMPLICATIONS

9.1 The proposed fees have been calculated with a view to recovering all costs associated with the applications concerned (where permitted by statute).

9.2 Any income received must only be used to fund service delivery relating to the relevant licensing functions and therefore it must be emphasised that a review of the fees will not lead to any additional revenue for the Council.

9.3 The impact of the primate legislation is expected to be minimal, but the new legislations bring with it cost implications to both the Licensing Authority and to those who are captured by the scope of the new law. This is not an optional law, and so the only way to mitigate the impacts is to ensure that suitable cost recovery fees are set. Fees set at incorrect levels can adversely impact those who wish to obtain permission to operate lawfully, and equally, where fees which can be set to cost recover are not, any shortfall must be funded by the Council. As a Council has duty to uphold its statutory duties. This impacts on the Council's ability to spend money in other areas. The fees suggested in this report will be reviewed annually.

## 10.0 LEGAL IMPLICATIONS

10.1 The legislative framework for setting licence fees has been explored at paragraph 2.1 of this report.

10.2 Regards should be had to the Local Government Association Guidance (14 December 2023) on locally setting licensing fees and the general principles of the Provision of Services Regulations 2009. In accordance with regulation 18(4) of the Provision of Services Regulations 2009, any relevant charges which applicants may incur under an authorisation scheme must be reasonable and proportionate to the cost of the procedures and formalities under the scheme and must not exceed the cost of those procedures and formalities.

10.3 In accordance with R (on the application of Cummings) v Cardiff City Council [2014] EWHC 2544 (Admin), the Council must not use licence fees as an income-generating scheme. In the event of any surplus arising from income in relation to a particular licence type, the surplus must be used to reduce the relevant fees charged at the next review. The Council must also ensure that any surplus from one licensing regime shall not to be used to subsidise a deficit in another.

## 11.0 EQUALITIES IMPLICATIONS

11.1 No equalities implications have been identified in the proposed review of licence fees. See Appendix C for the screening form.

## 12.0 CLIMATE CHANGE IMPLICATIONS

12.1 No climate change implications have been identified in the proposed review of licence fees. See Appendix D for the screening form.

## 13.0 POLICY IMPLICATIONS

13.1 In accordance with the Council's Fees and Charges Policy, the default charging method is to recover the full costs (including overheads, capital charges and recharges) with a view to ensuring no element of subsidy from local taxpayers. The Policy is attached at Appendix E.

13.2 HM Treasury's Managing Public Money publication promotes a standard approach to calculating costs and setting charges. Annex 6.1 of the document explores how to calculate the cost of public services. The relevant extract is attached at Appendix F.

13.3 The Local Government Association (LGA) has published guidance on locally set fees (December 2023) setting out the legislation, case law and details of the costs that may be recovered. The guidance is attached at Appendix G.

## 14.0 REASONS FOR RECOMMENDATIONS

14.1 The Council is expected to conduct regular reviews of licence fees to ensure that, where statutory powers exist, the cost of the licensing regime is recovered from applicants and licence holders.

**15.0 RECOMMENDATIONS**

15.1 It is recommended that the Corporate Director – Environment, in consultation with the Executive Member for Managing our Environment approve:

(i) The fees and charges set out in **Appendix A** relating to Pavement Licensing, be rounded up for simplicity, effective from 01 August 2025 as follows:

| | |
|---|---|
| Pavement licence (grant), two years | £400 |
| Pavement licence (renewal), two years | £305 |

(ii) The fees and charges set out in **Appendix B** relating to Primate Licensing, be rounded up for simplicity, effective from 01 August 2025 as follows:

| | |
|---|---|
| Primate licence (new or renewal), three years | £440 |
| Primate licence (variation) | £170 |

**APPENDICES:**
Appendix A – Proposed Pavement licence fees
Appendix B – Proposed Primate Licensing fees
Appendix C – Equalities Impact Assessment
Appendix D – Climate Impact Assessment
Appendix E – North Yorkshire Council's Fees and Charges Policy
Appendix F – Extract from 'Managing Public Money' (HM Treasury)
Appendix G – Local Government Association guidance on locally set fees

**BACKGROUND DOCUMENTS:**
Pavement licences: guidance - GOV.UK
Levelling-up and Regeneration Act 2023
The Animal Welfare (Primate Licences) (England) Regulations 2024

Callum McKeon
Assistant Director – Regulation and Harbours Environment
County Hall
Northallerton

Report Author: Sharon Cousins - Area Licensing Manager (Central); and Gareth Bentley - Head of Licensing
Presenter of Report: Callum McKeon, Assistant Director, Regulation and Harbours