

North Yorkshire Council

Executive

17 March 2026

Review of North Yorkshire Pavement Licence Policy

Report of the Corporate Director – Environment

1.0 PURPOSE OF REPORT

- 1.1 This report seeks adoption of the proposed Pavement Licensing Policy post consultation.
- 1.2 Approval for a senior officer to make minor and inconsequential amendments to the policy (if adopted) to reflect legislative changes or correct any inaccuracies.

2.0 BACKGROUND

- 2.1 In 2020 the Government introduced temporary provisions with the Business and Planning Act ('BPA') 2020, to allow certain premises to apply to the local authority for a pavement licence to place removable furniture over certain highways adjacent to the premises in relation to which the application was made, for certain purposes. This was a fast-track procedure to assist premises to operate safely and to promote economic recovery in response to the impact of the global COVID-19 pandemic.
- 2.2 At that time, under the two-tier authority arrangement all applications were dealt with by the legacy seven district councils, in the majority of cases this was dealt with by the district licensing teams.
- 2.3 Pavement licensing provisions laid out in the Levelling Up and Regeneration Act ('LURA') 2023 commenced on 31 March 2024. The provisions introduced a permanent pavement licensing regime in England to replace the temporary provisions introduced by the BPA.
- 2.4 The provisions allow Licensing Authorities greater local control over the pavement licensing regime, including local application standards, locally set fees and specific enforcement powers, which were not available as a compliance tool with the temporary provisions.
- 2.5 New pavement licensing provisions under the LURA 2023 grants local authorities' new enforcement powers. From the commencement date, local authorities can now, with the consent of the licence-holder, be able to amend the licence in certain circumstances.
- 2.6 Local authorities will also be able to give notice to businesses who have placed furniture on the relevant highway without the required licence. If furniture continues to be placed on the highway, in contravention of the notice, the authority may 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 three months of the notice being served, the costs are not paid, the authority can dispose of the furniture by sale or other means and retain the proceeds.
- 2.7 In July 2025, North Yorkshire Council formally approved a unified schedule of pavement licence fees applicable across the entire Council area. Prior to this decision, each legacy licensing authority within the Council operated under its own distinct fee structure for pavement licence applications.

2.8 While the Council is not statutorily required to adopt a Pavement Licensing Policy, the establishment of such a policy serves to provide both applicants and Council officers with a clear and consistent framework outlining the procedural requirements and behavioural expectations of licence holders. This clarity facilitates informed decision-making and may support the initiation of enforcement proceedings where necessary.

3.0 PROPOSALS

3.1 The revised draft policy, is set, and incorporates amendments made following the consultation process and reflects the Secretary of State's Pavement Licensing Guidance. It provides comprehensive information for applicants, officers, and Members of the Council, covering the following key areas (Appendix A):

- Background and introduction
- Scope of the Licensing regime / definitions
- Applying for a licence
- Advertising and consulting on applications
- Determining applications
- Licences deemed to be granted
- Licences duration and conditions
- Compliance and Enforcement
- Equalities
- Rights of appeal
- Planning permission
- Hazards or obstruction on the highway

3.2 Additionally the draft policy includes the following in its annexes:

- Template public notice
- Statutory conditions for pavement licences (these conditions will be part of the pavement licence)
- The Councils standard conditions (these are the conditions the Council proposes to include on the pavement licences).

4.0 THE CONSULTATION

4.1 A public consultation on the policy was undertaken between the 31 October 2025 to 12 December 2025.

4.1.1 The policy was subject to a broad consultation involving the current trade, the public, North Yorkshire Highways, Counter terrorism police, Environmental Control, Trading Standards, Public Health, North Yorkshire Police and other relevant local contacts.

4.2 The consultation was also advertised on the Councils website.

5.0 CONSULTATION OUTCOME

5.1 An overview of the consultation responses received through the online survey is provided which indicates that the majority of respondents were supportive of the draft policy (Appendix B) In addition, the consultation responses submitted by email outside of the survey process has been summarised (Appendix C).

5.2 Officers have reviewed the final consultation responses and provided their comments, which are presented in full (Appendix D).

5.3 Officers have updated the draft policy, the updates are shown in red.

6.0 CONTRIBUTION TO COUNCIL PRIORITIES

- 6.1 The Council is committed to protecting communities, safeguarding children and ensuring the safety and wellbeing of the public. The draft policy delivers significant public protection benefits.
- 6.2 The Council is committed to equality, diversity and inclusion. The draft policy takes on board both the Guidance for Pavement licences issued by the Secretary of State and The Equality Act 2010.

7.0 ALTERNATIVE OPTIONS CONSIDERED

- 7.1 Although the Council is not legally required to adopt a Pavement Licensing Policy, the implementation of such a policy offers significant governance and operational advantages. A formally adopted policy provides a transparent framework that holds the Council accountable for its decisions and actions, promotes consistency in the determination of applications, and ensures that both citizens and stakeholders are furnished with clear, accessible guidance. Moreover, it reinforces public confidence in the Council's licensing processes by demonstrating a commitment to fairness, transparency, and good administrative practice.

8.0 IMPACT ON OTHER SERVICES/ORGANISATIONS

- 8.1 Originally under the provisions of the Business and Planning Act 2020, enforcement powers in relation to pavement licensing were vested in the Highways Authority, this has now changed, and enforcement will now lie with the licensing authority.

9.0 FINANCIAL IMPLICATIONS

- 9.1 The Licensing Services costs (including the proposed consultation and any subsequent meetings) are recovered by way of licence fees and the service will continue to operate on the same cost-recovery basis in future. Income from pavement licences totals around £25k per annum.

10.0 LEGAL IMPLICATIONS

- 10.1 Any legal implications have been considered and addressed within the draft Pavement Licensing Policy.
- 10.2 Licensing authorities are expected to consult with any interested parties before making policy decisions. The consultation must be undertaken at a time when proposals are still at a formative stage; it must include sufficient reasons for particular proposals; and the responses must be conscientiously taken into account when the decision is taken.

11.0 EQUALITIES IMPLICATIONS

- 11.1 Disability is a protected characteristic within the meaning of the Equality Act 2010. Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not, the Council must endeavour to remove or minimise disadvantages suffered by persons who share a relevant protected characteristic and take steps to meet their needs.
- 11.2 The Act sets out a national "no-obstruction" condition which applies to pavement licences which are granted or deemed to be granted, requiring licence holders to allow for access on the pavement for wheelchair users and others. The statutory guidance outlines how the local authority and applicant can consider the needs of disabled people when considering whether the requirements of the no-obstruction condition are met.

11.3 Equality matters are covered by the proposed policy.

11.4 An Equality Impact Assessment is attached (Appendix E).

12.0 CLIMATE CHANGE IMPLICATIONS

12.1 This report only considers requests to carry out a public consultation on the draft Permission to Consult Pavement Licensing Policy, that covers the placing of temporary furniture on the pavement only. A climate impact assessment has been carried out (Appendix F).

13.0 POLICY IMPLICATIONS

13.1 Any policy implications have been considered and addressed within the draft Pavement Licensing Policy.

14.0 COMMUNITY SAFETY IMPLICATIONS

14.1 The Councils Community safety team have been consulted as part of the consultation on the policy.

15.0 REASONS FOR RECOMMENDATIONS

15.1 The adoption of a Pavement Licensing Policy enables the Council to effectively regulate the placement and use of removable furniture on the public highway. The policy is intended to ensure that such furniture is utilised in a manner that is safe, convenient, and does not give rise to public nuisance. It further seeks to preserve unobstructed access to the highway for all users, while facilitating the creation of vibrant public spaces and supporting businesses in operating in a way that is both responsible and acceptable to the wider community.

15.2 A six-week public consultation was held to provide members of the public and relevant stakeholders with a meaningful opportunity to review and contribute to the development of the draft policy. This process is intended to ensure transparency, encourage community engagement, and support the formulation of a policy that reflects a broad range of perspectives.

16.0 RECOMMENDATIONS

16.1 The Executive adopt the proposed Pavement Licensing Policy as shown in Appendix A.

16.2 If adopted, to authorise the approval of minor and inconsequential amendments to the policy from time-to-time by a senior officer to reflect legislative changes or correct any inaccuracies.

APPENDICES:

Appendix A – Draft Pavement Licensing Policy with amendments following consultation

Appendix B – Overview of consultation responses

Appendix C – Summary of consultation responses by email

Appendix D – Officer review of consultation responses

Appendix E – Equality Impact Assessment

Appendix F – Climate Impact Assessment

BACKGROUND DOCUMENTS:

The Secretary of States Guidance Pavement Licences

Karl Battersby
Corporate Director – Environment
County Hall
Northallerton

Report Author: Sharon Cousins, Area Licensing Manager; and Gareth Bentley, Head of Licensing

Presenter of Report: Sharon Cousins, Area Licensing Manager; and Gareth Bentley, Head of Licensing