

This report is public	
New Cherwell District Council Pavement licence Policy	
Committee	General Licensing Committee
Date of Committee	22 October 2025
Portfolio Holder presenting the report	Portfolio Holder for Safer Communities, Councillor Robert Parkinson
Date Portfolio Holder agreed report	6 October 2025
Report of	Health Protection, Compliance and Licensing Manager, Jan Southgate

Purpose of report

To consider and agree a draft Pavement License Policy for consultation with Oxfordshire Country Council as the Highways Authority, Thames Valley Police, Environmental Health, Fire Authority, along with other Stakeholders including Current Licensees, Local Ward Councillors, and Parish and Town councils. The current Policy is attached at Appendix 1. The proposed draft policy is attached at Appendix 2 together with proposed new standard conditions.

Following consultation and any changes deemed necessary, the Policy will be submitted to the Committee for approval.

1. Recommendations

The General Committee resolves:

- 1.1 To approve the new draft Pavement Licensing Policy for consultation to ensure that it reflects the current Government guidance, and input from relevant consultees.

2. Executive Summary

- 2.1 This report presents options for the Committee to review the Council's pavement licensing process and guidance following the commencement of the pavement licensing provisions laid out in the Levelling Up and Regeneration Act 2023.
- 2.2 The provisions included in the 2023 Act introduce a permanent pavement licensing regime to replace the temporary provisions introduced by the Business and Planning Act 2020. The new legislation retains most of the features of the temporary regime but introduces some changes and is supported by updated government guidance.

Implications & Impact Assessments

Implications		Commentary		
Finance		The proposed fees for this license and its renewal have been calculated according to a full cost recovery model. The proposed fee will be included in the Fees & Charges schedule which will be considered by the Executive at its meeting in February 2026. Joanne Kaye, Head of Finance, 9 October 2025		
Legal		The applicable legislation is cited in the report. Appendix 2 is also in line with the updated legislation. As the recommendation within the report is to approve the policy for public consultation there are no legal implications arising directly as a result of this report. The legal services department provide assistance with implementing and enforcing the existing policy and are able to continue to do so should the new policy be approved by the committee following the consultation exercise. Denzil – John Turbervill Head of Legal Services 9 October 2025		
Risk Management		There are no risk implications arising as a direct consequence of this report. The proposals seek to ensure that the Pavement Licensing Policy continues to be relevant and compliant with the legislation to which it relates. Celia Prado-Teeling, Performance Team Leader, 3 October 2025		
Impact Assessments		Positive	Neutral	Negative
Equality Impact			X	
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?			X	
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?			X	
Climate & Environmental Impact				

ICT & Digital Impact				N/A
Data Impact				N/A
Procurement & subsidy				N/A
Council Priorities	Economic Prosperity: Supporting businesses, skills development, and the local economy to create growth and vibrant town centres.			
Human Resources	N/A			
Property	N/A			
Consultation & Engagement	If agreed by Committee, officers will consult on the new draft policy with Oxfordshire County Council as the Highways Authority, Thames Valley Police, Environmental Health, Fire Authority, along with other Stakeholders including Current Licensees, Local Ward Councillors, and Parish and Town councils. A 4-week consultation period is proposed.			

Supporting Information

3. Background

- 3.1 The Council has been responsible since 2020 on a temporary basis for the processing and determination for Pavement Licences under the Business and Planning Act. This was a result of temporary legislation introduced in response to the Covid-19 pandemic. The Levelling up and Regeneration Act 2023 makes this process a permanent licensing function of the Council. The application process for a Pavement Licence is enshrined and broadly prescribed in legislation, however there are elements within the process which the Council may determine locally, this includes the setting of application fees, the period of time that a licence will have effect up to 2 years and conditions appended to licences which must be complied with.
- 3.2 The temporary measures were due to expire on 30 September 2021 but were extended on a number of occasions in order to further support the hospitality sector.
- 3.3 On 31 March 2024, the Levelling Up and Regeneration Act 2023 amended the Business and Planning Act 2020 to make the following permanent provisions for businesses wishing to place furniture on the highway for the consumption of food or drink.
- A Pavement Licence may be granted by a Local Authority for such period as the Authority may specify in the licence. This period may not exceed two years.
 - An application for a Pavement Licence must be accompanied by a fee not exceeding £500.00.
 - An application to renew a Pavement Licence must be accompanied by a fee not exceeding £350.00.

- 3.2 The Council's current Pavement Permits (Tables & Chairs) policy is out of date and contains out of date legislation. The policy was last reviewed in 2019 prior to the pandemic in 2020 where temporary measures were introduced to facilitate businesses being able to provide seating for customers outdoors.
- 3.3 There is no statutory requirement to have a Pavement Licensing Policy, however having a transparent Policy in place is good practice. When determining applications the Council must have regard to the Guidance issued by the Secretary of State. There is no statutory appeal process against a decision to refuse an application.
- 3.4 This policy is intended to help prospective applicants to understand where trading might be encouraged. It is important that licences are properly administered and managed to ensure that they meet the legal requirements and the high standards expected by the council.

4. Details

- 4.1 During 2020, the Government introduced relaxations to Planning and Licensing laws to help the hospitality industry recover from the coronavirus lockdown restrictions. The Business and Planning Act 2020 received Royal Assent in July 2020 and came into force immediately. It introduced measures to make it easier for premises serving food and drink such as bars, restaurants and pubs to seat and serve customers outdoors through temporary changes to planning procedures and alcohol licensing. The legislation provided the Licensing Authority with the power to issue a Pavement Licence for a period of 12 months and set a maximum fee of £100.00.
 - 4.2 A Pavement Licence allows the licence holder to place removable furniture on the highway adjacent to their premises. This furniture must be related to the consumption of food or drink and can include tables, chairs, umbrellas, barriers, heaters and other items used in connection with the outdoor consumption of food or drink
 - 4.3 A copy of the Council's current Pavement Licence Policy and standard conditions are attached at Appendix 1. The policy and standard conditions have been in place since 2019. It has therefore been more than five years since these have been formally reviewed.
 - 4.4 A draft new pavement licensing policy is attached at Appendix 2. The new draft policy is a more comprehensive and detailed document and incorporates the updated legislation and new standard conditions to be applied to all licences granted.
 - 4.5 An application for a Pavement Licence must be submitted to the Licensing Authority and specify the premises and part of the highway to which the application relates. The application must also specify the days of the week and the hours between which it is proposed to have furniture on the highway and the type of furniture that will be used.
 - 4.6 The applicant is required to place a public notice on the premises which must remain in place for a period of 14 days beginning with the day after the application
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is submitted to the Licensing Authority. This notice will give an opportunity for members of the public to make representations in relation to the application. Details of the application will also be published on the council website.

- 4.7 Prior to making a determination in respect of the application, the Licensing Authority must take into account any representations made to it during the public consultation period. In accordance with the legislation the Licensing Authority must also consult with the relevant Highway Authority to which the application relates. The legislation also provides that the Licensing Authority may consult such other persons as they consider appropriate.
- 4.8 Licensing Authorities regularly review licences and enforce any breaches of the conditions attached to the Pavement Licence. The Licensing Authority may revoke or amend a licence if it is considered that the highway is no longer suitable for furniture, there are risks to public health and safety, the highway is being obstructed or the use is causing, or there is a risk of causing, anti-social behaviour or public nuisance
- 4.9 The changes to the current policy are set out below:
- New draft policy – no longer part of the combined Cherwell District Council Street Trading Policy.
 - Removal of out-of-date legislation - Pavement Licences are no longer issued under the Highways Act 1980
 - Consultation period for applicants reduced from 28 days to 14 days as set out in legislation.
 - Review of the current fees charged for licences, currently charged on a per chair basis with a cap at £100. These fees are no longer applicable.
- 4.10 There are implications to the Council in undertaking this statutory duty and this is recognised in the legislation which gives provision for the Council to recover the costs of administering the processes associated with Pavement Licences.
- 4.11 Fees will be set locally, and it is for the licensing authority to determine the appropriate charge. Fees are capped at a maximum of £500 for first time applications and £350 for renewals.
- 4.12 The Licensing Authority has reviewed the costs associated with granting Pavement Licences for a maximum of 2 years. The proposed fees for 2026/27 have been calculated at:
- Grant of a New Application £242.50
 - Renewal Application £182.50

5. Alternative Options and Reasons for Rejection

- 5.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1. Make no changes to the current policy. This is rejected as the council

policy would remain out of date and not being administered in line with the correct legislation.

6 Conclusion and Reasons for Recommendations

- 6.1 The amendments within the draft Pavement Licensing Policy are required to reflect current legislation, which the council must implement or risk possible legal challenge. The General Licensing Committee is recommended to agree this Policy for public consultation to ensure that this policy remains fit for purpose, taking into account any legislative changes and guidance issued to local authorities.

Decision Information

Key Decision	N/A
Subject to Call in	N/A
If not, why not subject to call in	N/A
Ward(s) Affected	All

Document Information

Appendices	
Appendix 1	Current Pavement Licence Policy
Appendix 2	Revised Draft Pavement Licence Policy
Background Papers	None
Reference Papers	Business and Planning Act 2020 - https://www.legislation.gov.uk/ukpga/2020/16/contents Department for Levelling Up, Housing and Communities Pavement Licences: guidance, published 2 April 2024 https://www.gov.uk/government/publications/pavement-licencesguidance/pavement-licences-guidance#pavement-licences Cherwell District Council Street Trading Policy Street Trading Policy Cherwell District Council
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Corporate Director Approval (unless Corporate Director or Statutory Officer report)	Corporate Director for Communities, 13 October 2025