

This report is public	
<b>New Cherwell District Council Pavement Licence Policy</b>	
<b>Committee</b>	General Licensing Committee
<b>Date of Committee</b>	18 February 2026
<b>Portfolio Holder presenting the report</b>	Portfolio Holder for Healthy & Safe Communities, Councillor Rob Pattenden
<b>Date Portfolio Holder agreed report</b>	5 February 2026
<b>Report of</b>	Health Protection, Compliance and Licensing Manager, Jan Southgate

## Purpose of report

To present to the General Licensing Committee a new Pavement Licence Policy. The new policy is included in Appendix 2 together with proposed new standard conditions.

### 1. Recommendations

The General Licensing Committee resolves:

1.1 To approve the new Pavement Licence Policy for adoption from the 1 April 2026 to ensure that the Council's policy reflects the current Government guidance.

### 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. A public, partner agency and trade consultation was undertaken from the 25 November 2025 to the 23 December 2025. Eight responses were received; these can be found in Appendix 3. No material changes were made to the draft policy following the consultation.

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
<b>Finance</b>	<p>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 &amp; Charges schedule which will be considered by the Executive at its meeting in February 2026.</p> <p>Joanne Kaye, Head of Finance, 14 January 2026</p>
<b>Legal</b>	<p>The Levelling up and Regeneration Act 2023 makes the pavement licensing regime under the Highways Act 1980 permanent. Therefore, this has conferred a duty on local authorities to process and operate pavement licensing as a standing function.</p> <p>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. It is not a statutory requirement to have a policy. However, it is necessary to have a clear policy as we have a duty to process and determine pavement licenses (as per the Levelling up and Regeneration Act 2023). This legislation contains specific provisions which we must comply with, such as;</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• An application for a Pavement Licence must be accompanied by a fee not exceeding £500.00.</li> <li>• An application to renew a Pavement Licence must be accompanied by a fee not exceeding £350.00</li> </ul> <p>Cherwell District Council's draft policy is in line with this (£242.50 to apply for a pavement license, £182.50 to renew, maximum 2 years license issued).</p> <p>Furthermore, government guidance has been issued in relation to pavement licences. As the existing policy is not compliant with the updated legislative framework, it must be updated to reflect and align with this guidance.</p> <p>(<a href="https://www.gov.uk/government/publications/pavement-licences-guidance/pavement-licences-guidance">https://www.gov.uk/government/publications/pavement-licences-guidance/pavement-licences-guidance</a>).</p> <p>The report identifies that our current policy needs to be updated in order to reflect the current legislation and the government guidance.</p> <p>Denzil – John Turbervill Head of Legal Services 14 January 2026</p>
<b>Risk Management</b>	<p>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.</p> <p>Celia Prado-Teeling, Performance &amp; Insight Team Leader, 12 January 2026</p>

Impact Assessments	Positive	Neutral	Negative	Commentary
<b>Equality Impact</b>		X		<p>There is no equalities' impact as consequence of this report.</p> <p>Celia Prado-Teeling, Performance &amp; Insight Team Leader, 12 January 2026</p>
<b>A</b> Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		The policy changes have no impact on inequality in either a positive or negative way.
<b>B</b> Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		Pavement Licenses in the Cherwell district are not predominantly applied for by any groups with protected characteristics therefore any changes do not disproportionately affect any particular groups.
<b>Climate &amp; Environmental Impact</b>				N/A
<b>ICT &amp; Digital Impact</b>				N/A
<b>Data Impact</b>				N/A
<b>Procurement &amp; subsidy</b>				N/A
<b>Council Priorities</b>	Economic Prosperity Supporting businesses, skills development, and the local economy to create growth and vibrant town centres.			
<b>Human Resources</b>	N/A			
<b>Property</b>	N/A			
<b>Consultation &amp; Engagement</b>	The draft policy was consulted via an open public consultation from the 24 November 2025 to the 23 December 2025. The following consultees were contacted to advise for the consultation, 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.			

# Supporting Information

## 3. Background

- 3.1 As a result of the COVID pandemic 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. 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, until 2024, 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.
- 3.4 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.
- 3.5 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.
- 3.6 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 can be seen at Appendix 1 (page 5 of the Street Trading Policy). 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. officers believe the policy and conditions should now be subject to review.
- 4.4 The new pavement licensing policy has been produced and is attached at Appendix 2. The new 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 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 List of changes from the current policy are provided below:

New policy – no longer part of the combined Cherwell District Council Street Trading Policy.

Removal of out-of-date legislation - Pavement Licenses 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. 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.

The Licensing Authority have reviewed the costs associated with granting Pavement Licences for a maximum of 2 years.

The fees for 2026/27 have been calculated at:

Grant of a New Application £242.50p

Renewal Application £182.50p

## 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. 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 new Pavement Licensing Policy are required to reflect current legislation and Government guidance, which the council must implement.

### Decision Information

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

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## Document Information

<b>Appendices</b>	
<b>Appendix 1</b>	Current Pavement Licence Policy
<b>Appendix 2</b>	Revised Pavement Licence Policy
<b>Appendix 3</b>	Consultation Responses
<b>Background Papers</b>	None
<b>Reference Papers</b>	<p>Business and Planning Act 2020 -  <a href="https://www.legislation.gov.uk/ukpga/2020/16/contents">https://www.legislation.gov.uk/ukpga/2020/16/contents</a></p> <p>Department for Levelling Up, Housing and Communities  Pavement Licences: guidance, published 2 April 2024  <a href="https://www.gov.uk/government/publications/pavement-licencesguidance/pavement-licences-guidance#pavement-licences">https://www.gov.uk/government/publications/pavement-licencesguidance/pavement-licences-guidance#pavement-licences</a></p> <p>Cherwell District Council Street Trading Policy  <a href="#">Street Trading Policy   Cherwell District Council</a></p>
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<b>Executive Director Approval (unless Executive Director or Statutory Officer report)</b>	Interim Executive Director Neighbourhood Services, Nicola Riley 14 January 2026