

Pavement Licence Policy 2026 Committee Report

**Regulatory Services Committee
7 October 2026**

**PART I
Pavement Licence Policy
(DoF)**

1 Summary

- 1.1 A pavement licence is granted by the local authority, or deemed to have been granted, and permits the licence holder to place removable furniture on certain highways adjacent to the premises named in the licence application.
- 1.2 The Levelling Up and Regeneration Act 2023 made permanent the streamlined pavement licence provisions introduced by the Business and Planning Act 2020, enabling businesses to obtain licences more quickly.
- 1.2.1 Officers have prepared a draft Pavement Licence Policy (“the Policy”), attached at **Appendix 1**. The Policy sets out the legislative requirements and identifies enforcement provisions and conditions that may be applied to individual licences.
- 1.2.2 This report also considers the current fees charged for pavement licences and the practical difficulties currently experienced by Officers in administering pavement licences.

2 Recommendation

- 2.1 It is recommended that members of the committee agree to **Option 1**:
 - a) To commence a 6-week public consultation on the proposed Policy, including any amendments proposed by members.
 - b) Following the expiry of the public consultation that details of the consultation responses and any amendments to the Policy following the consultation will be presented to a future Regulatory Services Committee for agreement; or
 - c) In the event there are no amendments or responses from the public consultation which materially impact the Policy as consulted on, that the Head of Regulatory Services in conjunction with the Chair of the Regulatory Services Committee makes minor changes to the Policy, if required, and then for the revised Policy to be formally adopted by a future Full Council.
- Members to offer comments on future pavement licence fees, effective April 2027.

That public access to the report be immediate.

That public access to the decision be immediate.

Report prepared by: Matthew Roberts & Lorna Fryer.

3 Details

3.1 Overview:

- 3.1.1 The Policy would apply to businesses which uses (or proposes to use) premises for the sale of food or drink for consumption (on or off the premises), such as public houses, cafes, bars, restaurants, snack bars, coffee shops, including where such uses form an ancillary aspect of another use.
- 3.1.2 A licence permits the business to use furniture placed on the highway to sell or serve food or drink and/or allow it to be used by people for consumption of food and drink supplied from, or in connection with the use of the premises. The type of furniture could include counters or stalls for selling or serving food and drink, tables, chairs, benches, umbrellas, barriers, heaters, but they must be removable (not a permanent fixed structure, and is able to be moved easily, and stored away at night).
- 3.1.3 Historically, permission to place objects or structures on the highway were otherwise granted primarily under Part 7A of the Highways Act 1980.
- 3.1.4 The Levelling Up and Regeneration Act introduced a standard cap for both new and renewals of licenses as well as increased consultation and determination periods, lengthened the maximum duration of licences and provides local authorities with new powers to remove unlicensed furniture.
- 3.1.5 The grant of a licence would also benefit from deemed planning permission, whilst the licence is valid.

3.2 Pavement Licence Process:

- 3.2.1 Following the adoption of the pavement licence process an online form has been created by officers making it quick and simple for applicants to apply. The Policy sets out what is required to make a valid submission. The applications are made available to view on the licensing online register.
- 3.2.2 Once an application has been submitted, the applicant is required to affix a notice to the premises, and the Licensing Authority has 28 days from the day after the application is made (excluding public holidays) to consult on and determine the application. A 14-calendar day public consultation is required whereby officers must consult the highway authority (Hertfordshire County Council – “HCC”). For security advice, officers consult the police, and when required Designing Out Crime Officers.
- 3.2.3 The Policy sets out that for all applications officers would continue to consult, as standard, HCC, the police, Environmental Health, Parish Councils and ward members.
- 3.2.4 Members of the public can make representations during the 14-day consultation.
- 3.2.5 The Licensing Authority can grant a pavement licence for a period not exceeding 2 years. As standard, a period of 2 years will be granted.
- 3.2.6 If the Licensing Authority does not determine the application within the 28-day determination period, the application will be deemed to have been granted for 24 months.

What can be considered?

- 3.2.7 When determining applications, the Licensing Authority will consider the following:
 - Public health and safety including security

- Public amenity
- Accessibility
- Other temporary measures in place or proximity to other permanent street furniture or fixed structures
- Other users of the space.

Outcomes

- 3.2.8 The Licensing Authority can, before the end of the determination period:
- Grant the licence in respect of any or all of the purposes specified in the application
 - Grant the licence for some or all of the part of the highway specified in the application, and impose conditions, or
 - Refuse the application
- 3.2.9 There is no right of appeal for these decisions, however, the guidance provided by the government does suggest that councils may wish to consider the scope for an internal review process, for example permitted appeals to their licensing committee.
- 3.2.10 Officers consider that at this time a review process is unlikely to be required, but this can be considered further by members of the committee. A change to the council's constitution would be required if this was progressed.

National and Local Conditions:

- 3.2.11 The legislation sets out two 'national' conditions that apply to pavement licences which are granted or deemed to be granted; these are: 1) a no-obstruction condition and 2) a smoke free seating condition.
- 3.2.12 In terms of 'local conditions' the guidance states that Licensing Authorities are encouraged to publish local conditions subject to which they propose to grant pavement licences so that applicants and those making representations are aware of them.

3.3 Cost of Pavement Licences:

- 3.3.1 Under the Business and Planning Act process, application fees are capped at **£500** for first-time applications and **£350** for renewals, for up to two-years. The public consultation period runs for 14 days, excluding public holidays, beginning on the day after the application is submitted electronically to the authority. The council currently charges the maximum permitted fees: **£500** for first-time applications and **£350** for renewals for up to a maximum duration of 2 years. During the pandemic, the Council waived the then applicable £100 fee.
- 3.3.2 Demand for al fresco dining in Three Rivers is relatively limited because the district is made up of clusters of settlements, with the highest concentration of restaurants and cafés in Rickmansworth, Chorleywood and Abbots Langley. There are also limited suitable highway locations across the district where pavement licence applications are likely to be successful. Previous officer work has identified approximately 36 premises that could potentially use the pavement licence process.

However, the current licence fee is likely to be disproportionate for some businesses, creating tension between the legislative framework set by central government and the practical needs of local businesses.

- 3.3.3 Businesses have raised concerns about the high cost of pavement licences. One complaint progressed through the council's formal complaints process, following which officers confirmed that the fees would be reviewed in late 2026 for fees set from 1 April 2027.
- 3.3.4 Since the Levelling-up and Regeneration Act 2023 came into effect on 26 October 2023, pavement licence income has totalled approximately £6,000.

Year	Volume	Income	Budget
2023/2024	2	£1000	£2000
2024/2025	10	£4,500	£2000
2025/2026	1	£500	£2000

Table 1: Volume and incomes from October 2023

- 3.3.5 For businesses that have previously obtained a pavement licence, the lower renewal fee of **£350** would apply in future years. This is likely to reduce future income when compared with first-time applications.
- 3.3.6 Officers' experience suggests that the current licence fee may deter some businesses from applying. This creates practical difficulties when considering enforcement action, as discussed at paragraph 3.3.10. Table 2 shows that six of the eleven Hertfordshire local authorities apply the same fee structure, although Watford, Hertsmere and North Hertfordshire charge lower fees.

Watford		Hertsmere	North Hertfordshire	Stevenage, Broxbourne, East Herts, Welwyn Hatfield & St Albans	Dacorum
6 seats or less	£100 (new and renewals)	£300 (all)	£399 (all)	£500 (new) £350 (renewal)	£500 (new) £350 (renewal)
7 to 11 seats	£200 (new and renewals)				
12 seats or more	£500 (new) £350 (renewals)				

Table 2: Fee comparison with other local authorities

- 3.3.7 In order to make the process more attractive and proportionate, consideration into reducing the fees should be strongly considered and officers' welcome members views as part of the future fee setting process for 27/28. There is also potential to offer applications for one year at a lower cost as the legislation allows authorities to issue a licence for a period not exceeding 2 years. This would enable greater flexibility for businesses, but for many it is likely that they would apply for the two-year period to avoid yearly / repeated submissions. Members views would be welcomed to aid officers' discussions as part of the fee setting process.

Enforcement provisions:

- 3.3.8 The council has the ability to issue a notice requiring a breach of a condition imposed on a licence to be remedied and if the licence holder fails to do so the Licensing Authority has discretion to a) amend the licence, b) revoke or c) undertake the steps required itself and recover any costs of doing so.
- 3.3.9 Where furniture that would ordinarily require a pavement licence, or another relevant licence, is placed on a highway without authorisation, the local authority may serve a notice requiring the business to remove the furniture by a specified date and not to place further furniture on the highway unless a licence is obtained. If the business fails to comply, the authority may remove and store the furniture, recover the costs of removal and storage from the business, and withhold return of the furniture until those costs are paid. If the costs remain unpaid three months after the notice, the authority may dispose of the furniture by sale or other means and retain any proceeds.
- 3.3.10 In practice, however, this enforcement process presents several challenges. It may give rise to significant officer welfare concerns if removing furniture and could create reputational risk if enforcement action against non-compliant businesses is perceived as damaging to the local economy, particularly while many businesses continue to face financial pressure.
- 3.3.11 To date, officers have adopted a light-touch approach where businesses have not applied for a licence. This has included preparing and circulating an information leaflet for businesses and promoting the pavement licence process through TRDC business newsletters, with the aim of encouraging applications. Where necessary, this has been followed by warning letters.
- 3.3.12 Under the proposed Policy, the council would first issue a warning letter requiring the premises to remove the furniture within seven working days. If the business does not comply, a formal Remediation Notice would then be issued. Continued non-compliance with that notice would leave the Council with no alternative but to arrange for the furniture to be removed without further notice.

Removal of furniture:

- 3.3.13 The removal of furniture would more than likely need to be outsourced because of the welfare concerns associated with requiring TRDC staff to remove items directly. Officers have previously approached the council's Environmental Protection team with a view of assisting in removing furniture however similar welfare concerns were raised.
- 3.3.14 The relevant fees associated with the removal of furniture would need to reflect the officer time required to arrange and attend the removal, as well as the contractor costs associated with collecting the furniture and transporting it to storage. Officers

are currently exploring whether commercial companies could assist with the collection and removal process and the likely costs of doing so.

- 3.3.15 Any removal fee is likely to include the cost of a caged vehicle and operative for one hour, together with approximately three hours of officer time to arrange and attend the collection.
- 3.3.16 For storage, officers have discussed the use of vacant TRDC garages across the district with the council's Property team. These garages could provide a practical storage option for removed furniture. The cost is currently being reviewed.

Disposal:

- 3.3.17 After the period of 3 months the furniture will be deemed to be legally owned by the council who would be able to dispose of it as it wishes. If the furniture is not recovered, a fee can be charged to dispose of the furniture.
- 3.3.18 The council will either donate the items to charity, sell the items or destroy them. If the items are sold, the council shall donate any income received to charity after deducting reasonable expenses. Where a donation of money is made to a charity it shall be made to the chosen charity of The Chair of Three Rivers District Council serving in office at the time of the disposal of the furniture.
- 3.3.19 Where an item(s) is to be destroyed the previous owner of the furniture shall be responsible for the costs in its destruction.

Total costs:

- 3.3.20 The total fees and charges associated with the removal and storage of furniture are to be confirmed.

Activity	Fee
Removal of furniture	£tbc
Storage per week, or part thereof	£tbc
Disposal of furniture where costs due are not paid or the furniture is not recovered within three months	£tbc

Table 3: Potential enforcement fees and charges

Recovery of costs:

- 3.3.21 If the furniture is not collected after the period of 3 months the council shall send an invoice of the total amount due to the business. The business will have 28 days to pay the invoice. If the invoice is not paid after 28 days the Council shall start to charge interest on the total sum for each day the invoice remains unpaid.

Settlement plan/payment:

- 3.3.22 The Policy sets out that at any time the council may agree an appropriate settlement plan with any business who owes the council money in respect to the above provisions. Where a business seeks to collect their furniture and apply for the

appropriate licence the council will consider an appropriate discount subject to covering its costs.

4 Options and Reasons for Recommendations

Option 1:

- d) To commence a 6-week public consultation on the proposed Policy including any amendments proposed by members.
 - e) Following the expiry of the public consultation that details of the consultation responses and any amendments to the Policy following the consultation will be presented to a future Regulatory Services Committee for agreement; or
 - f) In the event there are no amendments or responses from the public consultation which materially impact the Policy as consulted on, that the Head of Regulatory Services in conjunction with the Chair of the Regulatory Services Committee makes minor changes to the Policy, if required, and then for the revised Policy to be formally adopted by a future Full Council.
- Members to offer comments on future pavement licence fees, effective April 2027.

Option 2: Authorise officers to make further changes on the Policy and return to a future Regulatory Services Committee.

Option 3: Decide not to adopt the amended Policy.

5 Policy/Budget Reference and Implications

- 5.1 The recommendations in this report are within the council's agreed policy and budgets.

6 Financial Implications

- 6.1 The fees relating to pavement licences are fixed until the budget fee setting process commences for the next financial year. However, as stated above members are invited to make comments on the current fees and whether these could be amended by the relevant processes.
- 6.2 The introduction of the Policy would not have financial implications. All fees would be based on cost recovery. Enforcement action costs regarding removal, storage and disposal would be incurred by the owner, although additional resource implications would arise, but these would be consumed by existing officers.
- 6.3 Notwithstanding, in terms of enforcement there is a potential risk that where furniture is removed and the contraveners decline to pay the costs for its return, the monies could only be recovered by legal action.

7 Legal Implications

- 7.1 No specific implications identified.
- 7.1.1 Section 7A of the Business and Planning Act 2020 allows the authority to require persons placing tables and chairs on the highway without proper authority to pay the

council's reasonable costs. To carry out enforcement a fee needs to be set to cover those reasonable costs.

8 Equal Opportunities Implications

- 8.1.1 The council has no reason to believe that any person with a protected characteristic is over-represented among those seeking to place removable furniture on the highway and thus there are no known grounds for believing that anyone with a protected characteristic will be disproportionately impacted by the proposed enforcement and associated fees.
- 8.1.2 Notwithstanding, an Equality Impact Assessment has been undertaken and is attached at **Appendix 2**.

9 Impact Assessment

- 9.1 The proposed changes would not result in any detrimental impacts towards any protected group.
- 9.2 One of the main purposes of the Pavement Licence regime is accessibility. By ensuring that only authorised tables and chairs are on the public highway, Officers can help ensure accessibility for all residents.

10 Staffing Implications

- 10.1 The administering of new enforcement requirements would be within existing staffing resource.

11 Environmental Implications

- 11.1 None specific.

12 Community Safety Implications

- 12.1 The Police would be consulted for all submitted applications for pavement licences.

13 Public Health implications

- 13.1 None specific.

14 Customer Services Centre Implications

- 14.1 The Customer Service Centre will be advised on any public consultation and to sign post customers to our website, 'Have your say' function.

15 Communications and Website Implications

- 15.1 If agreed the Policy will be displayed on the TRDC website and will be published via TRDC social media platforms.
- 15.2 The council's Digital Team will be made aware of any Policy consultation (if necessary) and will assist in utilising the 'Have your say' function on the website.

16 Risk and Health & Safety Implications

- 16.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the

report have also been assessed against the Council's duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

- 16.2 The subject of this report is covered by the Regulatory Services service plan(s). Any risks resulting from this report will be included in the risk register and, if necessary, managed within this/these plan(s).

Nature of Risk	Consequence	Suggested Control Measures	Response <i>(tolerate, treat, terminate, transfer)</i>	Risk Rating <i>(combination of likelihood and impact)</i>
Do not agree policy.	Officers would still be able to apply the legislation requirements; however, any enforcement action in respect of removing furniture would be difficult to achieve without a policy in force.	Members to be advised against this option and instead consider whether an amended Policy can be advanced.	Treat	3
Recovering costs from enforcement action i.e. removal of furniture.	There may be occasions whereby the council's costs are not paid and legal action would need to take place.	Consideration into lower fees may encourage licence applications. Money could be obtained from selling the furniture. Costs are unlikely to be significant.	Treat	2

- 16.3 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

Very Likely ----- Likelihood ----- Remote	Low 4	High 8	Very High 12	Very High 16
	Low 3	Medium 6	High 9	Very High 12
	Low 2	Low 4	Medium 6	High 8
	Low 1	Low 2	Low 3	Low 4
	Impact Low -----> Unacceptable			

Impact Score

- 4 (Catastrophic)
- 3 (Critical)
- 2 (Significant)
- 1 (Marginal)

Likelihood Score

- 4 (Very Likely (≥80%))
- 3 (Likely (21-79%))
- 2 (Unlikely (6-20%))
- 1 (Remote (≤5%))

- 16.4 In the officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

Background Papers

APPENDICES

Appendix 1: Draft Pavement Licence Policy 2026

Appendix 2: Equality Impact Assessment

