

Meeting Cabinet
Portfolio Area Environment, Transport and Planning
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BUSINESS & PLANNING ACT 2020 – NEW PAVEMENT LICENSING POLICY

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NON-KEY DECISION

1 PURPOSE

- 1.1 To consider the Council’s draft pavement licensing policy which sets out the Council’s approach in the granting, monitoring and enforcement of Pavement Licences within the Borough of Stevenage (excluding the Town Centre), in accordance with the Business and Planning Act 2020.
- 1.2 It ensures a consistent, fair and transparent approach in managing the use of public highways for commercial purposes while safeguarding public safety, accessibility and amenity. It also provides guidance to applicants, existing licence holders and authorised Officers of the Council, detailing how compliance will be regulated and what measures will be taken in cases of non-compliance or breaches of licence conditions.
- 1.3 To note that the draft Pavement Licence Policy was considered by the Council’s General Purposes Committee at their meeting on 14th April 2026.

2 RECOMMENDATIONS

- 2.1 That Cabinet notes the recommendations of the Councils General Purposes Committee to adopt the Policy at their meeting on 14th April 2026.

- 2.2 That Cabinet agrees the proposed Stevenage Borough Council Pavement Licensing Policy 2026 (attached at **appendix A**)
- 2.3 That Cabinet recommend the Policy to Council for adoption.
- 2.4 That Cabinet recommends to the Council that minor inconsequential amendments to the Policy, following its adoption be delegated to the Director of Planning and Regulation, in consultation with the relevant Cabinet Member/Portfolio Holder.

3 BACKGROUND

- 3.1 This policy sets out how Stevenage Borough Council will administer, monitor and enforce pavement licences (outside the Town Centre) under the Business and Planning Act 2020, ensuring outdoor trading supports local businesses while protecting public safety, accessibility and amenity.
- 3.2 The Pavement Licence regime introduced under the Business and Planning Act 2020 does not apply to businesses operating within Stevenage Town Centre. This is because businesses seeking to place tables, chairs or other furniture on areas outside of their premises in the Town Centre are subject to separate arrangements managed by Stevenage Borough Council. These existing arrangements provide an alternative mechanism for regulating and managing the use of the external areas within the Town Centre.
- 3.2 The Council recognises the important contribution that local cafés, restaurants, pubs and other hospitality businesses make to Stevenage's economy and the vitality of its neighbourhood centres. Supporting safe, well-managed outdoor dining can help businesses attract customers, extend capacity in a flexible way and respond to changing consumer preferences, while creating a more vibrant street scene that encourages people to spend time in the borough. This policy therefore seeks to enable 'café culture' where appropriate, balancing business growth with the need to keep public spaces safe, accessible and welcoming for everyone.
- 3.3 The policy has been written following the Levelling Up and Regeneration Act 2023 which made permanent the provisions set out in the Business and Planning Act 2020 which was originally enacted to help businesses, particularly in the hospitality sector, operate safely during the COVID-19 pandemic.
- 3.4 This policy sets out how Stevenage Borough Council will comply with the requirements of the Business and Planning Act 2020, in the provision of pavement licences for the following activities:
 - Use of furniture by the licence holder to sell or serve food or drink supplied from, or in connection with, the relevant use of the premises.
 - Use of the furniture by other persons for the purpose of consuming food or drink supplied from, or in connection with, the relevant use of the premises.

- 3.5 The policy applies to hospitality and other food-and-drink businesses seeking to place removable furniture (for example tables, chairs, barriers, umbrellas and heaters) on eligible parts of the public highway immediately adjacent to their premises, and sets clear standards to keep routes safe, accessible and unobstructed. Applications are assessed on their individual merits against the policy's objectives, including public safety, the prevention of nuisance and crime and disorder, sustainability and the suitability of proposed furniture, with particular emphasis on maintaining a clear pedestrian route (normally at least 2 metres, with limited discretion for constrained locations) and protecting disabled access.
- 3.6 The policy also explains how the Council will operate the statutory application process, including required plans, photographs and evidence of at least £5 million public liability insurance, along with public notice, consultation and decision-making timescales. Licences are generally granted for up to two years, subject to standard conditions (and, where necessary, additional case-specific conditions), with published fees for new and renewal applications and limited circumstances for refunds. It sets out the Council's proportionate approach to monitoring and enforcement, including how complaints will be investigated and the actions available where furniture is placed without a licence or licence conditions are breached, up to and including removal of items and revocation of the licence.
- 3.7 Hertfordshire County Council (HCC) has been consulted, and their endorsement of the policy is a strong indication that applicants are likely to get permission from them to use HCC land if their applications aligns with this policy.
- 3.8 Where possible, businesses will be encouraged to engage with the Council and Hertfordshire County Council (HCC) at an early stage so that they can better understand the likelihood of an application being successful before formally submitting an application and incurring any associated costs.
- 3.9 There will be a phased approach to implementation. Businesses operating prior to the implementation of this policy are being encouraged to become compliant in advance to reduce any impact upon businesses when needing to renew their licence

4 REASONS FOR RECOMMENDED COURSE OF ACTION AND OTHER OPTIONS

- 4.1 The Council recognises the importance of pavement licensing to businesses and value their contribution towards the local economy. 'Café Culture' is a growing trend, with an increasing demand for eating and drinking outdoors. Many pubs, restaurants and cafes want to provide facilities to meet this demand by using the pavement area outside of their premises.
- 4.2 The Pavement Licensing Policy will be used to create an alfresco dining environment which:

- Ensures fair trading between all licence holders in the Borough of Stevenage.
 - Protects the amenity of the residents by ensuring that licence holders do not cause nuisance, damage, disturbance or annoyance.
 - Ensures the safety of the people using the dining areas and the pavements.
- 4.3 Provides applicants and licence holders with advice and guidance on the Council's approach to the administration and enforcement in relation to pavement licences. The introduction of this policy is not expected to have any significant impact on businesses when compared to the current position. The Policy primarily provides greater transparency and consistency in the way applications are considered and managed. It does not introduce substantive changes to the existing legislative framework or place additional operational requirements on businesses beyond those already applicable under the pavement licensing regime. The Policy is therefore intended to provide a clear framework for applicants and decision making rather than create new burdens on businesses
- 4.4 Before determining its policy, the Licensing Authority has consulted informally by email with the following persons for comment:
- Hertfordshire County Council Highways
 - The Local Planning Authority
 - Hertfordshire Constabulary
 - Environmental Health
 - Stevenage Borough Council Engineering Services
 - Stevenage Borough Council Town Centre Management Team
 - Stevenage Borough Council Estates Team.
 - Stevenage Borough Council Street Scene and Amenities
 - All existing holders of a Stevenage Borough Council Pavement Licence.
- 4.5 The consultation was open for comment between 30th May and 13th June 2025. A copy of the consultation email is provided within the background documents attached to this report.
- 4.6 Consultation responses on the draft policy focused on improving clarity and operational detail, including the need to better distinguish between pavement licensing and outside seating arrangements, and to confirm that landowner permission is still required where a licence is not. Respondents also called for clearer definitions, particularly of "furniture," and for explicit confirmation that fixed structures fall outside the scope of the policy.
- 4.7 Stronger wording was recommended to emphasise licence holders' responsibilities, including the removal of items outside permitted hours and the maintenance of clean and tidy trading areas. Additional clarification was

also sought on the policy's application to privately owned retail areas, along with queries regarding fee arrangements, including the potential for partial refunds where businesses cease trading or cannot use licensed areas due to external works. Copies of the responses are attached in background documents

- 4.8 All consultation responses and comments have been carefully reviewed. All recommendations have been addressed and incorporated into version 2 of the policy attached at Appendix A, all amendments made are outlined in Section 12 (Version History) of the policy document.
- 4.9 A further informal consultation was undertaken on version 2 of the policy with all existing holders of a Stevenage Borough Council Pavement Licences. This consultation took place between 28 January and 25 February 2026.
- 4.10 No further comments were received.
- 4.11 The Council's General Purposes Committee considered the Policy at its meeting on 14th April 2026.
- 4.12 The Committee agreed to recommend the proposed Stevenage Borough Council Pavement Licensing Policy 2026 (attached at Appendix A) to Cabinet. No additional points or suggestions were made.

5 IMPLICATIONS

Financial Implications

- 5.1 Expenditure associated with the pavement licensing policy is likely to include:
 - Administration and processing of applications
 - Consultation and engagement activities
 - Enforcement and compliance monitoring
 - Initial policy development
- 5.2 There is also potential for reduced income if refunds or fee adjustments are applied.
- 5.3 There will be financial implications for businesses applying for a pavement licence through the introduction of an application fee for each new licence application or renewal. The charges are intended to contribute towards the administrative costs outlined in 5.1. Whilst this will introduce an additional cost for applicants, the fee is intended to ensure that the service operates on a cost-recovery basis and that the financial burden of administering the regime is not solely met by the Council.

- 5.4 Businesses may also benefit from the commercial opportunities provided through the use of outdoor space, including increased seating capacity and enhanced customer experience.

Legal Implications

- 5.5 The pavement licensing policy must comply with the statutory and regulatory requirements governed by the Business and Planning Act 2020 as amended, which sets out the framework for issuing, renewing and enforcing pavement licences. The legal framework ensures licences are issued fairly, safely and transparently, balancing business interests with public safety and amenity.
- 5.6 Inadequate implementation of the Act would result in lack of clarity and direction for businesses and residents. Licences must also align with existing planning regulations, highway regulations and local bylaws.

Equalities and Diversity Implications

- 5.7 Equalities Impact Assessment was carried out in May 2025. The policy promotes the importance of safety and accessibility of the public highway, particularly for those with disabilities and those who are visually impaired
- 5.8 A copy of the Equalities Impact Assessment can be found at **Appendix 4** of the policy document.

Community Safety Implications

- 5.9 The introduction of a pavement licensing policy can have several positive impacts on community safety. Licences ensure that outdoor trading areas are properly managed, keeping pavements clear and accessible for pedestrians, including those with disabilities or pushchairs. The policy also allows the Council to revoke or modify licences if safety standards are not met, ensuring ongoing compliance.

BACKGROUND DOCUMENTS

- BD1 [Business and Planning Act 2020](#)
- BD2 [Pavement licences: guidance - GOV.UK](#)
- BD3 Informal Consultation Emails
- BD4 SBC pavement licence fees calculation sheet.
- BD5 Informal Consultation Responses



Appendix B -
Informal Consultation

APPENDICES

- A Pavement Licensing Policy (Final -15.04.2026)