

Licensing and Safety Committee

28 May 2026

Pavement Licensing Update

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Summary

The purpose of this report is to update the Licensing and Safety Committee of the work that has been undertaken in relation to pavement licensing and its enforcement in Medway.

1. Recommendations

- 1.1. That the Licensing and Safety Committee review the work that has been undertaken to create a clear procedure for enforcing the Pavement Licensing Policy.
- 1.2. That the Licensing and Safety Committee provide their views on the proposed enforcement strategy.

2. Budget and policy framework

- 2.1. The Committee's terms of reference state that the Licensing and Safety Committee will make recommendations to Council for approval of any licensing policies.

3. Background

- 3.1. Pavement licensing in England was introduced in 2020 through the Business and Planning Act 2020, as a temporary, emergency measure to support the hospitality sector during the COVID-19 pandemic by creating a faster, cheaper process for businesses to place removable tables, chairs and other furniture on certain highways adjacent to their premises.
- 3.2. This regime sits alongside the provisions of the Highways Act 1980. In 2023, the Levelling Up and Regeneration Act made the pavement licensing regime permanent, retaining its simplified processes and capping of fees, while giving

local authorities clearer powers—such as the ability to remove unlicensed street furniture—to ensure safe and accessible use of public highways.

- 3.3. The Medway Pavement Licensing Policy was approved in 2024 by Members and 10 licences are currently issued to businesses in the Medway towns.
- 3.4. At the meeting of the Licensing and Safety Committee held on 9 December 2025 the Committee were informed that work was ongoing to establish how enforcement of the Pavement Licensing Policy would work in practice with regards to the removal and storage of furniture from premises. Members acknowledged the importance of enforcement alongside the policy and requested a briefing on this at the next meeting.
- 3.5. At the meeting of the Licensing and Safety Committee on 25 March 2026 the Committee reviewed the work that had been undertaken to create a clear procedure for enforcing the Pavement Licensing Policy. The Committee deferred commenting on the proposed enforcement strategy until further clarification could be provided at the next meeting regarding the resources required to support the proposed enforcement strategy.

4. Review

- 4.1. Following the meeting on 9 December 2025 the Regulatory Services Manager carried out a review of the current arrangements for enforcing the pavement licensing policy.
- 4.2. Licensing Officer visits and verbal warnings were being issued but no arrangements were in place for confiscation of furniture or storage in the Medway area. No written notices were being issued and the lack of a clear procedure for enforcement and no means of removing furniture meant that businesses, particularly in busy high streets, were continuing to place furniture on the highway without a license.
- 4.3. The Regulatory Services Manager carried out a desktop study of the legislation and the guidance as well as considering how other local authorities carry out enforcement. Meetings were held with the Licensing Manager and Regulatory Services Manager to look at how changes could be implemented so that a clear enforcement process was in place for pavement licensing.
- 4.4. The Head of Community Protection initiated a conversation with the Head of Regulatory Services for Medway Council in relation to the collection of unlicensed street furniture by Medway's Street Scene Enforcement Team on a cost recovery basis. This was agreed in principle by the Head of Regulatory Services and a service level agreement has been drafted and agreed.

5. Enforcement Strategy

- 5.1. Our primary aims are to ensure that businesses have the correct licence and permissions before placing furniture on the highway so that this does not

obstruct vehicles or pedestrians using the area, and to ensure that businesses understand their responsibilities under the scheme.

- 5.2. A social media campaign was run in March 2026 highlighting the requirement to have a licence, how to apply and the penalties for not doing so and placing illegal furniture on the highway. We want to give businesses the best chance to get it right.
- 5.3. Following the Easter school holidays when tourist trade and the number of visitors to Medway towns increases, Licensing Officers carried out pre-planned days of action in relation to pavement licensing only. These were targeted at problem hot spots and areas where any intelligence had been received through complaints or other departments.
- 5.4. During these days of action any business found to be in breach of the pavement licensing scheme was served with a warning notice, this has been drafted by the Council and agreed by the Legal Team. A copy of the notice template is attached at **Appendix A**.
- 5.5. Once a notice has been served the business has 7 days to remove the furniture. Licensing Officers will provide a list of businesses that have been issued with warnings to the Medway Street Scene Enforcement Team as well as the deadline date for removal. The SSE Team will then carry out a follow up visit to the premises and remove any furniture that remains on the highway without permission. They will then update the Licensing Team as to what has been removed and from which business. The Licensing Team and Street Scene Enforcement Team will work closely together with a more joined up working approach in order to help maintain consistency and the work that Medway officers are already doing in the town centres.
- 5.6. Furniture will be stored by Medway and the Licensing Team will notify the business that they have 3 months to claim the furniture and the requisite fee. Furniture not collected within 3 months will be disposed of, sold or auctioned and the proceeds will be retained by the Council.

6. Climate change implications

- 6.1. There are no climate change implications.

7. Financial implications

- 7.1. The Council's licensing activities are met from existing revenue budgets and licence fees contribute to meeting the cost of the service.
- 7.2. For context, as a shared service we have already calculated and set fees for collection/storage in Gravesham (with its Waste Management Unit) at £353 for initial seizure (including the first 7 days of storage – to encourage early payment and collection before fees increase), £5 per day thereafter, and £150 if to drop the furniture back. However, no fees were approved as part of the 2026/27 budget agreed by Full Council and therefore, the Chief Operating

Officer will be asked to use his delegated authority, in consultation with the Leader of the Council and the Portfolio Holder for Community Safety, Highways and Enforcement to introduce these new fees.

8. Legal implications

8.1. There is no legal requirement for a policy.

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Appendices

Appendix A – Pavement Licensing Warning Notice

Background papers

None