

# Pavement licence guidance document

Business and Planning Act 2020

All applications must be submitted electronically only by completing the online [Pavement licence application form](#).

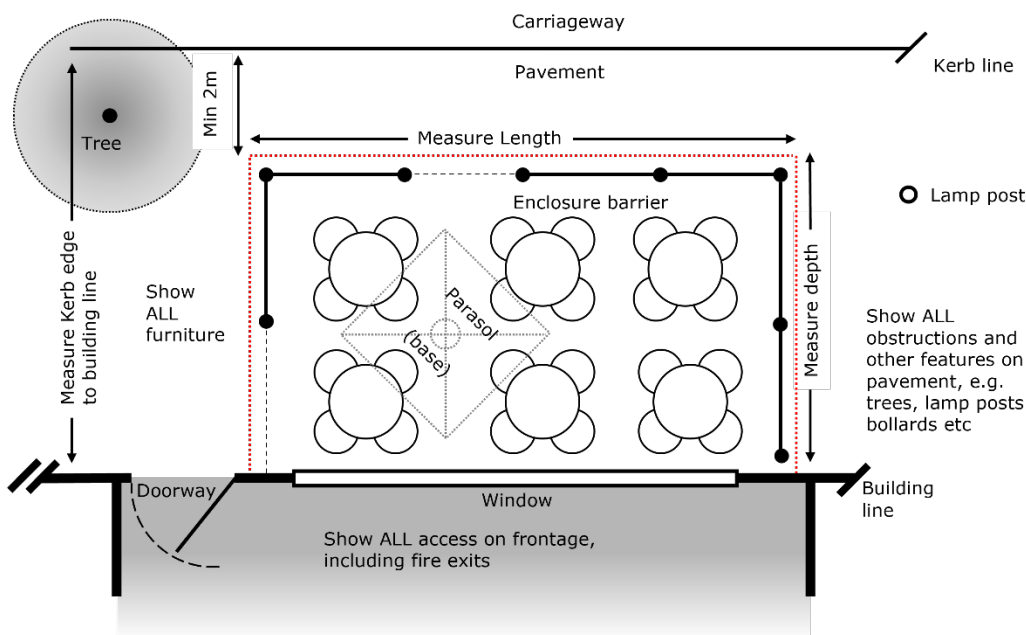
In addition to the application form being completed, the following must be provided:

- public liability insurance (minimum £5,000,000) to cover requested activities and location
- a plan showing the proposed area covered by the licence in line with the requirements set out below
- photograph of the intended area to be licensed
- photograph(s) or brochure(s) showing examples of intended furniture
- associated application fee (from October 2023)

The site plan must have measurements clearly shown if not to scale and must show:

- property boundary
- boundary of the area proposed to be licenced, marked with a red line, together with the dimensions of the proposed areas to be licenced
- position and number of proposed tables and chairs
- points of access and egress
- any existing or other relevant furniture and amenities such as road signs, or litter bins

Plan example:



## **Fees**

West Suffolk Council currently charge a non-refundable fee of £100 for a new application and £100 for a re-licence. This will need to be paid before your licence application can be processed. Select Pavement Licence via [West Suffolk - Adelante Smart pay](#)

## **Re-licences**

If there are no proposed changes since the original licence was granted, then you may wish to submit a re-licence application, rather than a new application.

If this is the case, then you will only need to submit:

- digital application form
- updated insurance documentation
- associated re-licence fee.

## **Notice**

On the day the application is accepted you will be sent a public notice which must be fixed to the premises, so it is easily visible and legible to the public. The notice must remain in place for the public consultation period which is the period of 14 calendar days beginning with the day after the day the application is accepted by the authority. When counting calendar days public holidays are not included. Evidence of the site notice requirement must be supplied (for example, photographs on the first and last day)

## **The process**

Once the information is submitted to the local authority it has 28 calendar days starting the day after the application is sent (excluding public holidays) to consult on and determine the application. This consists of 14 days for public consultation, and then 14 days (beginning with the first day after the end of the public consultation period, excluding public holidays) to consider and determine the application after the consultation.

If the local authority does not determine the application within that period, the application will be deemed to have been granted under the conditions published.

The application and all required documents will be sent out for consultation to Suffolk County Council Highways, the Police and other responsible authorities as applicable. Members of the public can make representations and a redacted application will be posted on the website.

## **Determination**

When determining an application the council will consider:

- public health and safety including security – for example, ensuring that any reasonable crowd management measures needed because of a licence being granted
- public amenity – will the proposed use create nuisance to neighbouring occupiers by generating anti-social behaviour and litter

- accessibility – taking a proportionate approach to considering the nature of the site in relation to which the application for a licence is made, its surroundings and its users, taking account of considerations under the no-obstruction condition, considering the needs of disabled people
- any other temporary measures in place that may be relevant to the proposal, for example, the reallocation of road space. This could include pedestrianised streets and any subsequent reallocation of this space to vehicles
- whether there are other permanent street furniture or fixed structures in place on the footway that already reduce access.
- and other users of the space, for example if there are high levels of pedestrian or cycle movements

The council may:

- 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

There is no right to appeal the decision.

## **Enforcement**

If a condition imposed on a licence is breached, the local authority will be able to issue a notice requiring the breach to be remedied, remove (and ultimately dispose of) the furniture, and take action to recover any costs.

The authority may suspend or revoke a licence in the following circumstances:

1. For breach of condition (whether a remediation notice has been issued or not), or
2. Where:
  - there are risks to public health or safety – for example where it comes to light that there are significant security risks which have not been sufficiently considered, or addressed in a proportionate fashion (this should be reassessed as necessary, particularly in the event of changes to the terrorism threat level)
  - this use of the highway is causing an unacceptable obstruction, breaching the non-obstruction condition – for example, the arrangement of street furniture prevents disabled people, older people, or wheelchair users to pass along the highway or have normal access to the premises alongside the highway
  - the use is causing anti-social behaviour or public nuisance – for example, the use is increasing the amount of noise generated late at night and litter is not being cleaned up
  - it comes to light that the applicant provided false or misleading statements in their application – for example they are operating a stall selling hot food and had applied for tables and chairs on which drinks could be consumed
  - the applicant did not comply with the requirement to affix the notice to notify the public for the relevant period.
3. The local authority may also revoke the licence where all or any part of the area of the relevant highway to which the licence relates has become unsuitable for any purpose for which the licence was granted or deemed to be granted. For example, the licensed area (or road adjacent) is no longer to be pedestrianised.

## **Pavement Licence conditions (West Suffolk Council June 2024)**

1. The Pavement Licence Summary must be displayed in the window of the premises to which this licence relates. This must be clear, in a prominent position facing the street and readable by the public.
2. The Pavement Licence is issued to the applicant only. The licensee shall not vary, omit, add to it or assign, lend, transfer or in any way part with the licence to another party or derive any benefit from such activity.
3. Associated furniture must be placed to be visible from the premises. It must be monitored regularly by staff to maintain compliance with the licence conditions and to ensure that the area operates in a safe and orderly manner reducing the risk of nuisance.
4. Alcohol is not permitted unless it is served under the authority of the associated premises licence.
5. No form of entertainment is permitted in the licensed area, such as background music or the placing or use of speakers or any other equipment for the amplification of sound.
6. The licence holder shall provide at least 28 clear days' notice prior to the date of the expiry of the licence to renew it or be treated as a new application.
7. The grant of a pavement licence will not convey with it any authority to trade in any place or in any manner which would breach the general law, traffic regulation order or street market requirement. Nothing in the pavement licence will override existing byelaws.
8. No part of the fee shall be refunded where a licence is revoked.
9. During hours of use, the licence holder or a nominated representative must be available to receive and respond to complaints.
10. This licence covers the use of amenities by customers for consuming food or refreshment which has been purchased from the licenced establishment only. This licence does not permit the use of the amenities for any other purposes at any time. No additional charge shall be made to customers for the use of the tables and chairs within the licensed area.
11. Permission applies only on the days and times defined by the licence. The licensee must remove all associated furniture from the highway outside of those hours, and store securely inside a premises and away from the highway.
12. During the hours of darkness, suitable and sufficient lighting must be provided to ensure safe use of the area. Any proposals to provide additional lighting to the licensed area must be approved in writing by the relevant highway's authority.
13. The holder will comply with all reasonable directions of the licensing authority, highways authority or Police, verbally or in writing.

14. Furniture placed on the pavements after the granting of a licence must be in accordance with the details and plans provided at the time of the application. No changes are permitted.
15. The licence will be suspended where necessary to allow statutory utility's highway maintenance, and any other necessary remedial work to be carried out at the location.
16. The pavement licence holder must ensure that all staff have satisfactorily completed the 'Action Counters Terrorism (ACT Awareness)' e-Learning, available via [GOV.UK - Getting training and advice on counter terrorism](#) and that up to date records are held and retained for all current staff.
17. The pavement licence holder should consider the risk to safety and security for customers and staff and mitigation, for example, the availability of a PACT first aid trauma kit.
18. The Pavement Licence holder must ensure that existing CCTV systems are correctly working, compliant with the Data Protection Act 1998 and registered with the Information Commissioners Office (ICO). Imagery should be retained for at least 31 days.
19. The pavement licence holder must at all times be covered by public liability insurance which has minimum cover of £5 million and indemnifies the council from and against all actions, proceedings, claims, losses, expenses and liabilities whatsoever in respect of loss of life or personal injury or damage to property, howsoever caused, arising out of or in any way attributable to the use of tables and chairs on the highway.
20. Nothing done by the licence-holder pursuant to the licence must:
  - a. prevent traffic, other than vehicular traffic, from
    - entering the relevant highway at a place where such traffic could otherwise enter it (ignoring any pedestrian planning order or traffic order made in relation to the highway)
    - passing along the relevant highway, or
    - having normal access to premises adjoining the relevant highway
  - b. prevent any use of vehicles which is permitted by a pedestrian planning order or which is not prohibited by a traffic order
  - c. prevent statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or
  - d. prevent the operator of an electronic communications code network having access to any electronic communications apparatus kept installed for the purposes of that network under, in, on or over the highway. ([Section 3\(5\) and 3\(6\) of the Business and Planning Act 2020](#))
21. Footways and footpaths should be as wide as practicable and with a minimum width of 2m, or 1.5m with prior agreement from the local authority.
22. Where the licensee makes provision for smoking, there must be clear 'smoking' and 'non-smoking' areas, with 'no smoking' signage displayed in designated 'smoke-free' zones in accordance with [Smoke-free \(Signs\) Regulations 2012](#). No ash trays or similar receptacles to be provided or permitted to be left on furniture where smoke-free seating is identified. Licence holders should provide a minimum 2m distance between non-smoking and smoking areas.