

## **Pavement licences – guidance and how to apply**

### **Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2023**

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.

## **Renewals**

If there are no proposed changes since the original licence was granted, they 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 (from October 2023.)

## **Fees**

Please note that from October 2023 West Suffolk Council will be charging a fee of £100 for a new application and £100 for a renewal to cover the cost of process and enforcing pavement licences. This will need to be paid before your licence application can be processed.

This charge has been agreed through the council's budgetary process and will be implemented from October this year.

## **Notice**

On the day the application is made, a notice 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 five working days beginning with the day after the day the application is submitted to the authority. When counting 'working days' public holidays are not included. Evidence of the site notice requirement must be supplied.

## **The process**

Once the information is submitted to the local authority the authority has 10 working days from the day after the application is made (excluding public holidays) to consult on and determine the application. This consists of five working days for public consultation, and then five working days to consider and determine the application after the consultation.

If the local authority does not determine the application within the 10 working day period, the application will be deemed to have been granted.

The application and all required documents will be sent out for consultation to Suffolk County Council Highways and the Police. Members of the public are able to make representations.

## **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 as a result 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, in particular 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

If you are unsatisfied with the decision, you may appeal in writing or email, and within 14 days of the decision to the Regulatory Services Manager

## **Enforcement**

If a condition imposed on a licence (either by the local authority) or nationally is breached, the local authority will be able to issue a notice requiring the breach to be remedied and the authority can take action to cover any costs.

The authority may revoke a licence in the following circumstances:

1. For breach of condition, (whether or not a remediation notice has been issued),  
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.