



## **TEMPORARY PAVEMENT LICENCES**

### **GUIDANCE**

#### **Pavement Licence**

A temporary pavement licence is a licence granted by the local authority, or deemed to have been granted, which allows the licence-holder to place removable furniture over certain highways adjacent to the premises in relation to which the application was made, for certain purposes. Licences will remain in place until 30 September 2021. The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2022 now permits a licence to expire on 30 September 2023.

#### **The Process**

Once the application and all required documents have been received, the application will be sent out for consultation. Consultees will include Suffolk County Council Highways, the Police, Town and Parish Councils and the Council's Environmental Health department.

The consultation period is 7 days. This is followed by a further period of 7 days for determination.

If the local authority does not determine the application before the end of the determination period the licence is deemed to have been granted for a year (but not beyond 30 September 2022) and the business can place the proposed furniture such as tables and chairs within the area set out in the application for the purpose or purposes proposed.

#### **Eligible Businesses**

A business which uses (or proposes to use) premises for the sale of food or drink for consumption (on or off the premises) can apply for a licence. Businesses that are eligible include: public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours.

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 to consume food or drink supplied from, or in connection with the use of the premises.

## **Permitted Furniture**

The furniture which may be used is:

- counters or stalls for selling or serving food or drink;
- tables, counters or shelves on which food or drink can be placed;
- chairs, benches or other forms of seating; and
- umbrellas, barriers, heaters and other articles used in connection with the outdoor consumption of food or drink.

This furniture is required to be removable. Removeable means it is not a permanent fixed structure, and is able to be moved easily, and stored away of an evening.

## **Fees**

East Suffolk Council is not charging for a Temporary Pavement Licence.

## **Exclusions**

Licences can only be granted in respect of highways listed in section 115A(1) Highways Act 1980. Generally, these are footpaths restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited. Highways maintained by Network Rail or over the Crown land are exempt (so a licence cannot be granted).

## **Other Regulatory Requirements including Alcohol Licensing**

It is important to note the grant of a pavement licence only permits the placing of furniture on the highway. Other regulatory frameworks still apply such as the need for alcohol licenses and the need to comply with registration requirements for food businesses.

## **Planning Permission**

Once a licence is granted the applicant will also benefit from deemed planning permission to use the land for anything done pursuant to the licence while the licence is valid. Therefore there is no need to apply for planning permission.

## **Duration of Licence**

The Licence will expire on 30 September 2023 unless revoked by the Council.

This is a temporary measure to support businesses while owners and operators should continue to consider supporting the safe use and management of outdoor public places while the risk of COVID-19 transmission remains. The government has published the [COVID-19 Secure: safer public places guidance](#), which provides owners and operators of public spaces with information and examples of measures that may be undertaken to adapt and manage public spaces in order to help social distancing.

## Applications

In addition to the application form the following must be provided:

- A copy of Public Liability Insurance certificate (minimum cover £5,000,000).
- A plan showing the exact location and dimensions of the area to be licensed
- The location of the furniture within that area.
- A description of the furniture/barriers to be used.
- Photographs of the area to be covered by the tables and chairs licence and the surrounding highway.

The applicant is required to affix a notice to the premises, so it is easily visible and legible to the public on the day they submit the application to the local authority. The Council will provide a template notice. They must ensure the notice remains in place for the public consultation period which is the period of 7 days. Applicants are encouraged to keep evidence of this such as a photograph of the notice in situ.

## Determination

The Council must consider:

- public health and safety – for example, ensuring that uses conform with latest guidance on social distancing and any reasonable crowd management measures needed as a result of a licence being granted and businesses reopening;
- public amenity – will the proposed use create nuisance to neighbouring occupiers by generating anti-social behaviour and litter; and
- 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:
  - 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 structures in place on the footway that already reduce access;
  - the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1 of [Inclusive Mobility](#), and
  - other users of the space, for example if there are high levels of pedestrian or cycle movements.

Members of the public can make representations.

## 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 by encouraging users to breach government guidance on social distancing by placing tables and chairs too close together;
  - the highway is being obstructed (other than by anything permitted by the licence);
  - there is 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; or
  - 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.

Any questions or enquiries should be addressed to:

[Licensing@eastsoffolk.gov.uk](mailto:Licensing@eastsoffolk.gov.uk)

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