# Pavement Licensing Policy

|  |  |
| --- | --- |
| **Document aspect** | **Details** |
| Document Number | 01 |
| Version Number | 1.00 |
| Date approved | 24/07/2020 |
| Effective | 24/07/2020 |
| Contact Officer | Licensing Manager |

## Change history

|  |  |  |
| --- | --- | --- |
| **Version No** | **Date** | **Change Details** |
| 1.00 | 01/07/2020 | Initial Draft |
| 2.00 | 24/07/2020 | Final policy approved |

## Related Documents

|  |  |
| --- | --- |
| **Document Title**  | **Location** |
| Business and Planning Act 2020 | Gov.uk |
| Business and Planning Bill – Explanatory Notes | Gov.uk |

If you have any further questions about this Policy or for further information, including applications forms, please contact:

Licensing Manager,

Slough Borough Council,

Observatory House

25 Windsor Road

Slough

Berkshire

SL1 2EL

## Contents

|  |  |  |
| --- | --- | --- |
| Section | Title | Page |
| **1** | **Introduction** | **3** |
| **2** | **Scope** | **3** |
| **3** | **Application and Determination of Pavement Licences** | **4** |
| **4** | **Conditions** | **8** |
| **5** | **Enforcement** | **8** |
| **6** | **Review Procedures** | **9** |
| **Appendix 1** | **Site Notice Template** | **10** |
| **Appendix 2** | **Standard Pavement Licence Conditions** | **11** |
| **Appendix 3** | **National Conditions** | **13** |

## Introduction

The Covid-19 pandemic has affected businesses across the economy causing many to cease trading for several months while others have had to significantly modify their operations.

As the economy starts to re-open, on 25 June 2020 the Government announced a further and urgent relaxation to planning and licensing laws to help the hospitality industry recover from the coronavirus lockdown by removing short term obstacles that could get in their way

The Business and Planning Act 2020 took effect on 22nd July 2020, and makes it easier for premises serving food and drink such as bars, restaurants and pubs, as lockdown restrictions are lifted but social distancing guidelines remain in place, to seat and serve customers outdoors through temporary changes to planning procedures and alcohol licensing.

The measures included in the Act modify provisions in the Licensing Act 2003 to provide automatic extensions to the terms of on-sales alcohol licences to allow for off-sales. It will be a temporary measure to boost the economy, with provisions lasting until the end of September 2021.

The Act also introduces a temporary fast-track process for these businesses to obtain permission, in the form of a “pavement licence”, from Slough Borough Council for the placement of furniture such as tables and chairs on the pavement outside their premises which will enable them to maximise their capacity whilst adhering to social distancing guidelines.

Currently, tables and chairs permissions are granted as Pavement licences by Slough Borough Council, the Highways Authority, under Part 7A of the Highways Act 1980. The fee varies between local authorities and there is a time consuming 28 day consultation period.

The new temporary measure places a cap on the application fee for businesses, and introduces a new 14-day determination period, ensuring that businesses can obtain licences in a timely and cost effective manner aiding to their financial recovery.

## Scope

2.1 Definition of pavement café

A 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.

2.2 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 for consumption of food or drink supplied from, or in connection with the use of the premises.

2.3 Eligible Locations

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).

2.3 Type of furniture permitted

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, which in principle means it is not a permanent fixed structure, and is able to be moved easily, and stored away of an evening.

The Council would also expect the type of furniture to be ‘in keeping’ with the local area.

2.4 Planning Permission

Once a licence is granted, or deemed to be 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.

## 3. Application and Determination of Pavement Licences

3. Application and Determination of Pavement Licences

a completed Application Form • the required fee of £100, paid by credit or debit card • proof of the applicants identity and right to work • a plan showing the location of the premises shown by a red line, so the application site can be clearly identified • a plan clearly showing the proposed area covered by the licence in relation to the highway, if not to scale, with measurements clearly shown. The plan must show the Slough Council Pavement Licensing Policy P a g e | 5 positions and number of the proposed tables and chairs, together with any other items that the applicant wishes to place on the highway. The plan shall include clear measurements of, for example, pathway width/length, building width and any other fixed item in the proposed area. • a risk assessment demonstrating how the applicant will manage social distancing and the conflict between pedestrians using the footway, those using the tables and those queuing to access the premises, • the proposed days of the week on which, and the times of day between which, it is proposed to put furniture on the highway, • the proposed duration of the licence (for e.g. 3 months, 6 months, or a year); • evidence of the right to occupy the premises (e.g. copy of the lease); • photos or brochures showing the proposed type of furniture and information on potential siting of it within the area applied for; • (if applicable) reference of existing pavement licence currently under consideration by the local authority; • evidence that the applicant has met the requirement to give notice of the application (for example photographs of the notice outside the premises and of the notice itself); • a copy of a current certificate of insurance that covers the activity for third party and public liability risks, to a minimum value of £10 million, and • any other evidence needed to demonstrate how the Council’s local conditions, and any national conditions will be satisfied.