

# Pavement Licence Application Form under Business and Planning Act 2020

**Please ensure that you read all of the information for applicants below and the general conditions on pages 6-8 (Appendix A), before completing and submitting the application form.**

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.

**South Staffordshire Council** will consider your application for a Pavement Licence in accordance with the conditions attached at Appendix A to this application form. It may also add further conditions if felt appropriate.

Prior to completing the application form, please note the following **important information**

- The licence can operate between the hours of **8.00am** and **11.00pm**. Further restrictions on operating hours may be applicable at some locations and you will be advised if these restrictions apply at your location.
- The applicant shall have public liability insurance in the sum of at least **£5 million**.
- The licence shall run for **the period specified** (minimum 3 months) or until **30 September 2023**.
- The Local Authority has **14 days** from the day after the receipt of a valid application to consult on and determine the application.
- You must provide a no smoking area within the overall area licensed.

**(Please read the guidance notes at the end of this form when completing it)**

\*These details will be included in a public notice on the premises and the local authority website

SECTION 1: APPLICANT DETAILS (INDIVIDUAL APPLICANTS)		
Title:*	First name(s):*	Surname:*
Postal Address:		
Post Town:		Post Code:
Phone (Home):		Phone (Mobile):
E-mail address:		
Date of Birth:		NI number:

**SECTION 2: APPLICANT DETAILS – OTHER APPLICANTS (eg companies)**

Name:\*

Registered Address:\*

Post Code:\*

Phone (daytime):

Phone (Mobile):

e-mail address:

Registered number (where applicable):

**SECTION 3 – BUSINESS PREMISES DETAILS\***

Trading Name:

Postal Address:

Post Code:

**SECTION 4 – USE OF THE BUSINESS PREMISES**Which of the following is the above business premises used for? (please select **ONE** of the following options)

Use as a public house, wine bar or other drinking establishment

Other use for the sale of food or drink for consumption on or off the premises

Both of the above uses

**SECTION 5 – AREA OF HIGHWAY PROPOSED TO BE USED**

Please provide a description of the area of the highway to which this application relates:  
(Please note you are also required to submit a **scale plan** of this area with your application)

**SECTION 6 – RELEVANT PURPOSE THE APPLICATION RELATES TO:**

Which of the following relevant purposes do you wish to put furniture on the highway for?  
(please select **ONE** of the following options)

To sell or serve food or drink supplied from, or in connection with relevant use of, the premises	<input type="checkbox"/>
For the purpose of consuming food or drink supplied from, or in connection with relevant use of, the premises	<input type="checkbox"/>
Both of the above purposes	<input type="checkbox"/>

**SECTION 7: DAYS AND TIMES\***

During what times do you propose to place furniture on the highway on each of the following days:  
Please use the 24hr clock, e.g. 10:00 to 20:00.

	Mon	Tues	Wed	Thu	Fri	Sat	Sun
From	:	:	:	:	:	:	:
To	:	:	:	:	:	:	:

**SECTION 8 – FURNITURE TO BE PLACED ON THE HIGHWAY**

Please provide a description of all the items you propose to place on the highway  
(Please note you are required to provide photographs or brochures of the proposed furniture with your application)

**SECTION 9 – DATE OF APPLICATION**

Please state the date that this application for a pavement licence is being submitted

**SECTION 10 – CHECKLIST FOR DOCUMENTS TO INCLUDE WITH APPLICATION**

**Please note that your application will not be considered complete and the public consultation period of 7 days will not begin unless all of the following documents have been submitted with your application together with the fee.**

A plan showing the location of the premises shown by a red line, so the application site can be clearly identified	<input type="checkbox"/>
A plan clearly showing the proposed area covered by the licence in relation to the highway	<input type="checkbox"/>
Copy of current public liability insurance certificate	<input type="checkbox"/>
Photos or brochures showing the proposed type of furniture	<input type="checkbox"/>
Evidence of consent from neighbouring frontager(s) to use footway space outside their property (if applicable)	<input type="checkbox"/>
I have paid the required fee	<input type="checkbox"/>

**SECTION 11 – DECLARATIONS BY APPLICANT**

**I understand that I am required to give notice of my application in accordance with the requirements of the Business and Planning Act 2020 and that failing to do so will lead to the revocation of any licence granted.**

I understand I must hold and maintain public liability insurance up to a value of £5million.

I understand my application will not be considered to be complete until all the required documents and information have been provided and the application fee has been paid.

I understand that the application fee paid is non-refundable if my application is refused or if any licence granted is subsequently surrendered or revoked.

I understand that the Authority is under a duty to protect the public funds it administers, and to this end may use the information I have provided on this form for the prevention and detection of fraud. I understand that it may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

I declare that the information given above is true to the best of my knowledge and that I have not wilfully omitted any necessary material. I understand that if there are any wilful omissions, or incorrect statements made, my application may be refused without further consideration or, if a licence has been issued, it may be liable to revocation.

**I understand that the Authority is collecting my data for the purposes described on this form and will not be used for any other purpose, or passed on to any other body, except as required by law, without my consent.**

Signature:

Print Name:

Date:

# Guidance notes

## Completing the form

- Section 1** Complete this section if you are applying for the licence as an individual
- Section 2** Complete this section if you applying in another capacity, for example as a limited company.
- Section 3** Provide details of the business premises that the pavement licence will be used in conjunction with.
- Section 4** Tick **one** of the options to indicate what purpose the business premises is used for.
- Section 5** Describe the area of highway that you want to place the removable furniture on. The description should indicate the proximity of the area of highway to the business premises and give details of the dimension of the area.
- Section 6** A pavement licence can only be used to authorise the placing of removable furniture on the highway for certain “relevant purposes.” Please tick **one** option to indicate what purpose(s) the removable furniture placed on the highway will be used for if a licence is granted.
- Section 7** Please indicate the times you would like to place removable furniture on the highway for on each day of the week. Use the 24 hr clock (so for example you should put 19:00 rather than 7.00pm).
- Section 8** Use this section to describe the removable furniture you wish to place on the highway. You should provide full details including the nature of the furniture, the size of the furniture and the number of items of furniture you wish to place on the highway.
- Section 9** Please specify the date on which the application is being made. Please note that the application will not be considered complete until all required documents and the application fee have been received.
- Section 10** Use this checklist to make sure you have submitted all required documents with the application.
- Section 11** The applicant must complete this section to confirm they have read and understood the declarations listed.

**SCHEDULE OF CONDITIONS FOR PAVEMENT LICENCE  
BUSINESS AND PLANNING ACT 2020**

1. The application form and the notes attached to it, along with these Conditions form the licence.
2. The Licence is personal to the Licensee and cannot be transferred to any other person, business or organisation.
3. This Licence is granted under the Business and Planning Act 2020 (“the Act”) and will be restricted to the opening hours of the premises specified in the application or such other hours as may be agreed by the Local Authority in writing.
4. The Licensee shall comply with and obtain all other necessary statutory consents and approvals required in connection with the exercise of a refreshment facility on the highway and comply with the provisions of all such consents and approvals and all statutes and other obligations imposed by law with regards to the provision, maintenance and operation of the refreshment facility.
5. The area upon which the proposed seating and other furniture may be sited (“the Licensed Area”) will be defined on a plan attached to the licence and shall be used solely for the purpose of consuming refreshments. No unauthorised obstructions are to be placed in the Licensed Area or on the public highway.
6. No changes must be made to the licensed area and locations of any furniture, including barriers, without written permission from the Council.
7. The Licensed Area shall either end or at each corner be protected by barriers of a sturdy design which has been approved by the council.
8. The tables, chairs, barriers and other furniture (“the Equipment”) shall be approved by the Council and be of an appropriate design and shall be kept in good repair and condition at the Licensee’s expense. The layout shall be as shown on the plan attached to the Licence.
9. The Licensee shall remove all Equipment from the highway outside the opening hours specified in the Licence and if required to do so to permit works in, or the use of the highway by the Council, the emergency services, any statutory undertaker, or to allow access for builders’ vehicles, hearses and furniture removal vans. Except in the case of emergencies, the respective organisations will give at least 24 hours’ notice of the need for such removal.
10. The Licensee shall make no claim or charge against the Local Authority in the event of the Equipment being lost, stolen or damaged in whatever way from whatever cause.
11. The Licensee shall indemnify the Local Authority against all actions, proceedings, claims, demands and liability which may be taken or made or incurred arising out of the Licensee’s use of the highway. For this purpose the Licensee shall insure against any damage, loss or injury which may occur to any person or property arising from the siting of the Equipment. Details of such public liability insurance, for the sum of at least £5 million in respect of any one event and the insurance shall take effect prior to the use of the highway for pavement licence purposes.

12. The Licence if granted shall run until 30 September 2023 and shall remain in force only for such period of time as the Licensee remains the occupier of the Premises or until withdrawn by the Local Authority under the Act or surrendered to the Local Authority by the Licensee, subject to annual renewal.
13. The Equipment must not obstruct pedestrian, emergency or delivery access to any premises or extend beyond the Licensed Area. A clear pedestrian route along the highway must be maintained at all times compliant with the current social distancing requirements/guidance, which must be no less than 2.2m wide and where there is high pedestrian footfall must be no less than 2.5m. Normally the Equipment shall be placed against the building, however where additional space is available (such as a pedestrianised street) the Licence may allow for the Equipment to be sited away from the building. The Equipment shall not be positioned to discourage pedestrian usage. The proximity of existing obstructions e.g. planters, trees, etc. should be considered as should bus stops, taxi ranks and pedestrian crossings. Consideration should also be given to the placement of all Equipment so they do not cause an obstruction or trip hazard or block forward visibility of any road sign or traffic signal. The pedestrian footway must not be enclosed in any way.
14. Should the licensed area not immediately adjoin the relevant premises, customers must not be permitted to carry food and drink which has been sold or supplied to be consumed within the licensed area, from within the relevant premises themselves. Instead, customers must be waited on by staff from the premises. If any accidents e.g. spillages should occur, they must be immediately cleaned up by staff.
15. Activities shall be restricted to within the Licensed Area and controlled by the Licensee such that people do not congregate outside the Licensed Area.
16. It is also the Licensee's responsibility to manage and control customers' activities that affect other highway users outside of the licensed area.
17. The Licensee is solely responsible for all the Equipment and shall make no claim or charge against the Local Authority in the event of such items being lost, stolen or damaged.
18. The Licensed Area will be suitably managed by staff to ensure the orderly conduct of customers and adherence to current social distancing guidelines. Standards of cleanliness and tidiness must be maintained to the satisfaction of the Local Authority.
19. All customers must be seated, with no standing drinking permitted.
20. No barbecues, fire pits or naked flames
21. Where the premises are used after 8pm then there shall be in place a risk assessment in relation to the requirement for SIA Staff. Such risk assessment must be produced to an officer of the Local Authority or the police on demand,
22. The Licensed Area must be kept clean and free from litter and other rubbish. At the end of each working day, or more frequently if necessary, the Licensed Area and an additional area of highway bounded by a line 5m from the Licensed Area shall be thoroughly cleaned to remove food debris etc. No waste shall be deposited in the permanent litter bins provided by the Local Authority.
23. All Equipment must be free standing and no fixtures to, or excavations of any kind shall be made in the surface of the highway which shall be left entirely undisturbed.

The Local Authority reserves the right to report any highway damage no matter how caused and recharge the Licensee.

24. Advertisements and signs are not allowed within the Licensed Area (other than on parasols or on barriers) without the prior consent of the Local Authority.
25. Alcohol shall only be consumed in the area covered by the licence and supplied from the premises which holds the licence.
26. Musical entertainment will not be permitted in the Licensed Area unless a licence has been issued by the relevant authority
27. Television screens (including projectors) must not be provided in or adjacent to the licensed area.
28. The Licensee shall be responsible for any rates, taxes and other out-goings which may be charged in connection with the Licensee's use of the Licensed Area.
29. Non-compliance with any condition of the Licence will render the Licensee liable to a written Notice under the Act and failure to comply with such a Notice shall render the Licensee liable to a written Notice revoking the Licence with immediate effect.
30. A compliance inspection may be conducted at any time from the commencement of the Licence or the issue of a Notice under condition 24 requiring the Licensee to remedy a breach of the Licence.
31. Nothing contained in this licence gives the holder to make excavations of any kind in the highway surface which shall be left entirely undisturbed.
32. This Licence may be revoked in writing by the Local Authority at any time and the Local Authority shall not in any circumstances whatsoever be liable to pay any compensation or refund any fees to the Licensee in respect of such revocation.
33. If the Licence is revoked all Equipment must be removed with immediate effect and the Licensee shall leave the highway in a clean, tidy and undamaged condition. If any action is required by the Local Authority to remove the Equipment or repair any damage to the highway, steps will be taken to recover all associated costs from the licensee.
34. The licence holder must;
  - a. Must publicly display this licence, or a copy of it, at the premises so that it can easily be seen from the street to allow inspection by an authorised officer of the police or authorised officer of the Council
  - b. Comply with any instruction given in relation to the use of the street or public place by an authorised officer of the Council or Police (including the requirement to close the licenced area at short notice).

**ANY OBSTRUCTION OF THE HIGHWAY WHICH IS NOT SPECIFICALLY AUTHORISED BY THIS PERMISSION MAY RENDER THE LICENSEE LIABLE TO PROSECUTION.**



**NOTICE for display by an applicant for a  
Pavement Licence.**

**[Section 2] of the Business and Planning Act 2020**

I/We (*insert Name of applicant*), do hereby give notice that on (*insert date of application submitted*) [I/we] have applied to (*insert name of Local Authority*) for a 'Pavement Licence' at: (*insert Postal address of premises*) known as (*insert name premises is known by*)

To be operative during the following times:

The application is for: (*insert brief description of application – e.g. outdoor seating to the front of the premises for serving food and drink*)

Any person wishing to make representations to this application may do so by writing or emailing to: [licensing@sstaffs.gov.uk](mailto:licensing@sstaffs.gov.uk) by: (*insert last date for representations being the 7 days after a valid application was submitted to the local authority (excluding public holidays)*)

The application and information submitted with it can be viewed on the Council's website: [www.sstaffs.gov.uk](http://www.sstaffs.gov.uk) (search for pavement licence)

Dated (*insert date the notice was placed (must be the same as date of application submitted above)*) .....

## General Considerations/other information in relation to Pavement Café facilities on the highway

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### Size and Layout

The following factors are some of those that you should take into account when considering a seating area on the highway:

- Available space
- Type of premises
- Street width
- Street character
- Number of passers by
- Existing street furniture e.g. bins, benches, planters etc.
- Proximity to residential properties

If an area is pedestrianised, there is potentially more scope to site a pavement café. Each application for such areas will be taken on individual merits based on the specifics of the application/site in question.

If the proposed location is adjacent to a vehicle carriageway then there are inevitably more limitations applicable, namely:

- People walking past the premises must have sufficient clear footway (the footway must be no less than 2.2m wide and where there is high pedestrian footfall the footway must be no less than 2.5m) between the edge of a vehicle carriageway and the boundary of the café or between the premises frontage and the pavement café. This is to ensure the safety of pedestrians, but particularly the visually impaired.
- The layout of furniture and means of enclosure will only be approved if adequate provision has been made for customers with disabilities. Emergency vehicle access will also need to be maintained at all times.
- In certain areas of the city and town centre's the quality of air from traffic fumes may make it inappropriate to site pavement café operations. Please consider proximity to bus stops and taxi ranks from the customer's point of view and avoid locating near to known traffic congestion hotspots.

## **Means of Enclosure**

When in use the pavement café area will normally need to be at least partially enclosed, to demarcate the licensed area and to contain the tables and chairs, thus making it distinguishable to other pavement users, and particularly to assist visually impaired pedestrians.

The enclosure shall be removed outside the licensed period or when the pavement café is not intending to operate within the licensed period. The materials should therefore be relatively lightweight in construction and portable, but stable enough to prevent collapse if accidentally walked/stumbled into.

The design of the barrier should complement the character of the surrounding area and in any event ideally have solid bars/elements at around 100mm and 1000mm above ground level. Rope barriers are not usually considered suitable.

## **Furniture**

The furniture should be of a high quality and uniform style within the licensed area and to the satisfaction of the Council. Plastic patio type furniture will not be permitted.

Where parasols are used these must be fabric type (i.e. non-reflective) and display only limited pre-approved advertising/logos. Parasols are to be sufficiently weighted and are to be positioned so as to avoid overhanging outside the enclosure or impairing vehicle sight lines.

Non furniture items, e.g. menu boards, signs and portable gas heaters also need to be approved as part of the enclosed licensed area, and any unacceptable clutter or intrusion into sight lines will need to be removed if it is deemed to be causing a problem in the opinion of the Council.

For all new Pavement Licence applications, consultation will also be carried out the following organisations:

1. Staffordshire Police
2. Highways
3. Ward member

These organisations may also be informed in advance of any proposed changes to existing licences that could affect users of the street. Principally, this will be a potential change to the size or layout of an existing pavement café.