



Shropshire
Council

Shropshire Council
Trading Standards and Licensing

Pavement Licence
Guidelines
Business and Planning Act 2020

April 2024

V3

Record of Changes

Version	Date	Changes	Responsible Officer	Next Review Due
V1	July 2020	New temporary guidelines developed as a result of introduction on the Business and Planning Act 2020.	GT	As required
V2	September 2022	Updated temporary guidelines to reflect extension to Sept 2023.	GT	As required
V3	April 2024	Updated to reflect the permanent implementation and wider use of pavement licensing scheme for all food businesses and other minor amendments brought about by change in legislation.	GT	As required

1 Introduction

1.1 Local businesses, residents and visitors all want our town centres to be great places to visit. Our town centres provide a real opportunity for people to shop, have a meal, meet friends or visit the theatre or cinema. We want our town centres to be vibrant, busy, welcoming and safe places to visit; however, the safety of people using our towns is also important for everyone. It is not good for business if people trip or fall because our pavements are overly cluttered with chairs, tables and other objects or structures.

1.2 On the one hand local businesses want to expand the space they have by using part of the pavement area that spans their business premises. This helps to attract shoppers and visitors and boosts our local economy. On the other hand, residents and visitors alike want to be able to walk safely in our town centre streets without the risk of tripping or having to walk on busy roads to get around impediments placed on pavements by local traders. Similarly, businesses must consider the impact of their proposals on people with visual and mobility impairment, e.g. the elderly or wheelchair users.

1.3 The aim of this document is to strike the right balance between the needs of local businesses and residents by creating a simple, clear and cost-effective system for the administration and regulation of Pavement Licences for local businesses wishing to use part of the pavement. By adopting this approach, we believe we have developed guidelines which are fair and sensible, takes into account the reasonable needs and concerns of both residents and businesses, and which allows for effective regulation to ensure that everyone is complying with legal requirements.

1.4 This document will be made available for both businesses and residents to refer to and will provide clear guidance on what businesses and the public can expect. We believe the content strikes a sensible balance, helping to promote vibrant, safe and accessible town centres, which everyone can benefit from and enjoy. We will keep these guidelines under review to ensure they remain fit for purpose and will consider any comments received from residents, businesses and the community.

1.5 In July 2020 a new temporary pavement licensing scheme was introduced under Business and Planning Act 2020 in response to the Covid-19 virus outbreak. This temporary scheme was made permanent in April 2024 when at the same time it became compulsory for all businesses to obtain a pavement licence as opposed to a pavement permit where its premises use includes a 'relevant use'. A relevant use means either or both of the following –

- (a) use as a public house, wine bar or other drinking establishment;
- (b) other use for the sale of food or drink for consumption on or off the premises.

1.6 For the majority of businesses a pavement licence is therefore required where they wish to place removable furniture on the pavement/highway in order to sell food/drink or to allow their customers to consume food and drink bought from the premises. A pavement permit as opposed to a licence is available to a commercial premises where the business use of the premises does not cover a relevant use i.e. non-food related. For example, a Flower shop wishing to place flowers for sale on

the pavement outside their premises would require a pavement permit as opposed to a pavement licence.

1.7 This guidance relates solely to the application of the Business and Planning Act 2020 to the use by business of the pavement/highway, i.e. under a Pavement Licence. Separate guidance is available for the pavement permitting scheme including any associated forms on the Council's website.

2 Summary of Legislation

2.1 The Business and Planning Act 2020 (the 'Act') introduced a new licensing regime aimed at allowing hospitality style businesses and other businesses, whose use of premises is or includes a 'relevant use', to apply to the local authority for a licence to put removable furniture on part of a relevant highway adjacent to the premises for the following uses:

- (a) use of the furniture by the licence-holder to sell or serve food or drink supplied from, or in connection with relevant use of, the premises;
- (b) use of the furniture by other persons for the purpose of consuming food or drink supplied from, or in connection with relevant use of, the premises.

2.2 Under the Act 'relevant use', in relation to premises, means either or both of the following—

- (a) use as a public house, wine bar or other drinking establishment;
- (b) other use for the sale of food or drink for consumption on or off the premises.

2.3 Under the Act 'relevant highway' means a highway—

- (a) to which Part 7A of the Highways Act 1980 applies, and
- (b) which is not over Crown land or maintained by Network Rail.

2.4 Part 7A of the Highways Act 1980, S115A defines 'Highway' as:

- a highway in relation to which a pedestrian planning order is in force;
- a restricted byway;
- a bridleway;
- a footpath (including a walkway as defined in section 35(2) of the Highways Act 1980);
- a footway;
- a subway constructed under section 69 of the Highways Act 1980;
- a footbridge constructed under section 70 of the Highways Act 1980;
- a highway whose use by vehicular traffic is prohibited by a traffic order but whose use by other traffic is not prohibited or restricted or regulated by such an order; and
- a local Act walkway.

2.5 Section 2 of the Act states that an application for a pavement licence must be made to a local authority in writing in such form and sent using such electronic communications as required by the local Authority and accompanied by the relevant fee. An application form is available for any person wishing to make an application.

2.6 Section 2 also specifies that on receipt of a valid application the local authority must publish details of the application and undertake a 14-day public consultation inviting representations relating to the application. During the public consultation, a notice of the application must be affixed to the premises to which the application applies which can be easily read by members of the public.

2.7 Section 3 states that the local authority in determining a pavement licence application must take into account a number of factors including representations made to it, consult any other persons considered appropriate, have regard to the needs of disabled people (including recommended distances required for disabled access) and the effect on traffic and vehicular access. The application must be determined by the local Authority within 14 days beginning with the first day after the public consultation period. If the local authority does not make a determination by the end of the determination period, the licence for which the application was made is deemed to be granted by the authority to the applicant for a period of 2 years.

2.8 Section 4 and 5 states that a pavement licence may be granted for a period of up to 2 years as the local authority may specify and may attach such conditions as it considers reasonable in addition to the following deemed conditions: - a “no-obstruction condition” and a “smoke-free seating condition”.

2.9 Section 6 refers to the enforcement of the conditions of a licence and allows a local authority to revoke a licence or to serve a notice requiring corrective action including recovery of costs where the local authority takes such steps itself to remedy the breach. If this is not complied with, the local authority may undertake the steps themselves and recover their costs in so doing. Under this section the local authority may also revoke a licence where the highway becomes unsuitable for a licence; as a result of the licence there is Antisocial Behaviour or risk to public safety, or the highway is being obstructed; has provided false or misleading information in an application or has failed to display the site notice.

2.10 Section 7 sets out the effects of the pavement licence including:

- the restriction of the public from part of the highway used for the licence;
- the pavement licence is deemed planning permission for anything done by the licence holder pursuant to the licence;
- that anything done by the licence-holder pursuant to a pavement licence is not to be considered street trading.

2.11 Section 7A states that where a person is not authorised to put removable furniture on the highway for which a licence is required then the local authority may take enforcement action including serving a notice requiring its removal and where such notice is contravened the local authority may remove the furniture and require the payment of its reasonable costs.

3 Scope of the Guidelines

3.1 These guidelines cover applications to Shropshire Council ('the Council') for Pavement Licences made under the Business and Planning Act 2020 for the placement of removable furniture on the highway in an area of the highway for the sale and consumption of food/drink from related businesses, e.g. from cafes, public houses, licensed premises.

3.2 The guidelines require consideration to be given to any items being placed on the public highway and whether there is safe passage around such items for pedestrians and other highway users.

3.3 These guidelines do not concern any of the following:

- A request for a pavement permit for which separate guidance is available.
- The consideration and investigation of any breach of any condition under the licensing or planning regimes both of which are subject to enforcement under separate legislation.
- The use and positioning of 'A-boards' or any other advertising material placed on the highway.
- The placement of structures or other paraphernalia on the highway for short term events or other unrelated matters for which authority must be sought from the Council's Highways Team under separate consideration.

3.4 The area for which a pavement licence is sought must be part of the Highway as defined by Section 115A, Highways Act 1980, as detailed in paragraph 2.4 above.

3.5 Applications will be considered for non-permanent furniture or structures to be placed on the public highway. Permanent structures such as decking or smoking shelters will not be considered under these guidelines as such structures could be considered to be a change of use of the premises/highway and would, therefore, require the appropriate planning/highway permission to be obtained prior to being put in place.

3.6 Where a relevant highway/planning permission exists for the use of the pavement area in question, e.g. due to permanently installed features, then details of any such planning permission and conditions must be provided with any application.

3.6 Under the Business and Planning Act planning permission is not required from the Council for the placement of non-permanent furniture or structures on the pavement where a pavement licence has been granted.

3.7 It should be noted that the granting of a pavement licence does not alter any applicable premises licence. The granting of a pavement licence in no way confers that the premises licence has been or will be suitably varied.

3.8 Similarly, if there is no Premises Licence in place and the applicant wishes to serve or permit consumption of alcohol on the pavement, then the applicant must apply for a Premises Licence in accordance with the provisions of the Licensing Act 2003 before using the pavement licensed area for this particular use. The granting

of a pavement licence in no way confers that a premises licence has been, or will be, granted.

3.9 The premises licence or any planning permission associated with the premises may contain restrictions on the permissible hours of use of outside areas. Time restrictions may be applied to a pavement licence where necessary to reflex any such restriction to ensure the licensing objectives are not undermined.

3.10 The granting of a pavement licence does not override any conditions imposed on that premises by way of its premises licence, planning permission, or any other restriction or permit granted by any other Council department and where there are any variations in any of these conditions the most stringent will apply.

3.11 Each application will be considered on its merits. Pavement licences may not be able to be accommodated in certain locations due to factors such as visual impact, width restrictions, obstructions, very heavy pedestrian flows or other such reasonable considerations.

3.12 As part of the application process, businesses are expected to show how their application would make a positive contribution to the vibrancy and ambience of the town centre. We will only consider applications which have been well designed and thought through and are sensitive to the local surroundings and the impact on residents and visitors alike. Simple designs are to be preferred and are more likely to benefit everyone.

4 General conditions including size and layout

4.1 Applications should take account of the site characteristics, safety considerations and the overall impact of their application on pavement users. They will be expected to be in line with the criteria set by the Council to maintain adequate highway space for both pedestrian and vehicle movement taking particular account of people with disabilities including both mobility and visual impairments. Particular attention should be paid to the location of highway facilities in the immediate vicinity such as bus stops, pedestrian crossings, loading bays, etc.

4.2 Ideally, we will aim to maintain an absolute minimum width of 1.5 metres clear distance between the licensed area and the kerb; however, in many cases, we will require greater than 1.5 metres clear distance due to the requirement to maintain adequate clear passage for pedestrians. Therefore, each site will be considered on an individual basis in terms of its overall suitability. In considering a site's suitability, we will have regard to any relevant statutory guidance and codes of practice to inform decisions, such as the Public and Passenger Transport 'Mobility Guidance for Shropshire' document. If the width of the pavement does not safely allow for the requested use by the applicant, the application is likely to be refused.

4.3 The licensed area shall be clearly identifiable, preferably with the use of physical barriers or through the use of equipment or goods contained within the licensed area. If this is not feasible or practicable, an alternative method should be

proposed by the applicant that takes into account access along the pavement by disabled and visually impaired pedestrians and that defines the area and boundary of the licensed area which contains the equipment/goods and takes into account the health and safety of the public and employees.

4.4 If, on assessment, the application reveals any significant risk to pedestrians or road users the licence will not be granted. Particular regard will be given to the impact on those with a disability in informing any decision. If in doubt, third party assistance may be sought by the Council in determining suitability of any proposals.

4.5 The general conditions contained within Appendix 1 to these guidelines shall apply to all pavement licences.

4.6 Subject to Appendix 1, licensed areas should meet the following criteria where appropriate:

- a) The licensed area will, in the main, be sited adjacent to the premises to which it relates and within the limits of the front and/or side of the premises (along the premises building line) in question unless otherwise agreed and specified on the licence.
- b) The licensed area should be suitable for the use it is intended to be used for and this will include the area being flat and level to accommodate removable furniture so as not to pose any additional risks to users and pedestrians.
- c) Any equipment must be stable and should ideally not be more than 2 metres high unless there is a sound business need, and it can be demonstrated that the display poses a minimum risk to users and pedestrians.
- d) Any equipment/goods associated with the licence are only allowed on the highway/pavement during hours in which the business premises is open unless a time restriction is imposed via the licence or under the planning/licensing regimes. At all other times such equipment/goods shall be removed from use and taken from the highway/pavement. Only in exceptional circumstances and with express permission of the Council may removable furniture be left on the highway/pavement.
- e) In all circumstances, the licensed area is the sole responsibility of the individual business, and the Council insists that third party public liability insurance is taken out to indemnify the Council against any accidents or claims which may arise or be attributable to the presence of the equipment on the public highway. Evidence of this will need to be provided prior to a pavement licence being granted.
- f) Under no circumstances shall the proposal lead to excavations, fixture to or damage of any kind to the public highway.
- g) In no circumstances shall the proposal interfere with the visibility for traffic and pedestrians.

- h) Any equipment/goods associated with the pavement licence must be removed if the Council or other authorised organisations have need to carry out repairs or works to the public highway (including equipment beneath the highway).
- i) In all circumstances all equipment associated with a pavement licence must be of good quality and design. Details must be submitted to the Council with every application and will be considered during any on-site inspection. All equipment must be kept in good repair and condition.
- j) Where barriers form part of the licensed area these need to be clearly visible and strike a contrast with the surrounding environment taking into account the needs of disabled and visually impaired pedestrians.
- k) All equipment or goods associated with any licensed area should, wherever practicable, be secured, fastened, weighted, or balanced to prevent them from being easily moved by external forces, such as the effects of the weather, or to withstand being knocked by passing pedestrians.

4.7 The 2020 Act sets out two conditions which apply to pavement licences which are granted by the Council or deemed to be granted: a no-obstruction condition and a smoke-free seating condition.

4.8 In considering the no-obstruction condition the business and the local authority (in determining the licence) must have regard to the needs of visually and mobility impaired individuals. This will require a business to ensure they maintain at least 1.5 meters between any furniture and the edge of the pavement or other obstacle.

4.9 The national smoke-free seating condition seeks to ensure customers have greater choice, so that both smokers and non-smokers are able to sit outside. The condition requires a licence-holder to make reasonable provision for seating in an area where smoking is not permitted. This means that where businesses provide for smokers, customers will also have the option of sitting in a non-smoking area. Clear 'smoking' and 'non-smoking' areas should be identified with 'no smoking' signage displayed in designated 'smoke-free' zones and, where possible, a minimum 2-meter distance separating non-smoking and smoking areas.

5 Application Process (New Applications/Renewals)

5.1 There are some general rules for applicants:

- a) You can apply for a new licence at any time.
- b) Please follow these provisions so that we have all the necessary information to process your application within the statutory time frames. **Appendix 2** contains a checklist of documents that must be submitted when applying for a pavement licence.

- c) The relevant fees will be published on the website along with the application form and site notice.
- d) Application fees are not refundable. This includes circumstances where a licence cannot be granted.
- e) Applications may require a visit by a Council officer to view the location and discuss the application. It may also include a discussion how the applicant will meet these guidelines, assess the applicant's proposals and the equipment to be used and to undertake an assessment of the area's suitability for such use. Such a visit may be unannounced.

5.2 It is important to provide all the information we have requested to avoid delays in commencing the application process. On receipt of your application, we will review it and determine whether any other permissions are necessary – this will normally be clear from the checklist you will have completed as part of your application.

5.3 The new application will then progress as follows:

- a) If your application meets all the required criteria you will be required to display a notice, clearly visible and legible from the outside of your premises which outlines your proposals and invites representations from interested parties. This notice will be sent to the applicant on receipt of a satisfactory application and must be displayed for a period of 14 days (the consultation period). We will also outline the details of your application on the Council's website during this time. This provides an opportunity for residents, other businesses in the vicinity and other interested parties to make representations to the Council in respect of your application. Failure to put up this notice may result in the Council revoking any Licence issued or restarting the consultation process which may delay the application.
- b) If necessary, other agencies, for example the Police, Fire and Rescue or other internal Council services, may also be consulted directly during the application process.
- c) We will consider any comments received and may need to discuss any issues with you before we make our determination. In any case a determination will be made within 14 days beginning with the first day after the public consultation period. The determination may accept your application in full or with modifications we deem appropriate, or we may reject your application. . If the Council does not make a determination by the end of the determination period, the licence for which the application was made is deemed to be granted by the authority to the applicant.
- d) If your application is rejected we will let you know why and what you need to consider in any future application if it is felt a licence is possible in the location requested. Please note application fees are non-refundable.

- e) You will be required to display the valid pavement licence in a prominent place ensuring that the licence is visible from the outside of the premises so that members of the public and Council officers are able to view that you have the necessary authorisation to use the highway/pavement in this way.

5.4 Pavement Licences are not transferable. Where a valid pavement licence already exists for a premises, but the business ownership has changed, the new business owner cannot use the existing licence and if they propose to continue using the area a new application is required. If the new owner requires a pavement licence then they will be required to submit a new application in accordance with section 5.3, with all the necessary information required in particular confirmation of third party public liability insurance in accordance with condition 4.6(d) above and payment of the standard fee. A full consultation process will be undertaken. Only if a new licence is granted may the business place removable furniture on the highway in accordance with the newly issued licence.

5.5 In order to continue using a pavement licensed area applicants should ensure that they renew their licence every two years. Whilst the Council will endeavour to issue a reminder it remains the responsibility of each applicant to ensure they submit their renewal application to the Council in a timely fashion and ensuring the Council has at least 28 days in which to undertake the statutory public consultation and determination periods. Where a renewal has not been submitted in accordance with this section then a new application will be required to enable continued use of the pavement.

5.6 If a pavement licence is not in force at any given time the business should not place any furniture/equipment on the highway/pavement.

6 Regulation and Enforcement

6.1 We want to ensure that regulation and enforcement of the pavement licence process is fair and proportionate, but we expect businesses that are granted a licence to abide by the conditions set out in these guidelines and on the licence itself. However, we will periodically assess whether businesses are complying with the terms and conditions of the licence and may choose to provide advice/guidance to the business or undertake enforcement action to remedy any issues identified.

6.2 Any businesses found to be operating without the necessary licence will be required by notice to remove the furniture/obstructions from the highway but will be advised how they can apply for a licence if appropriate. If they fail to do so, then appropriate action may be taken to remove the obstruction to the highway and any expenses so incurred will be recovered from the business.

6.3 Any business with a pavement licence found to be in breach of the conditions of the licence may be served a written notice requiring them to take such steps to remedy the breach within such time as is considered reasonable. If they fail to do so, the Council may take the steps themselves and any expenses so incurred may be recovered from the person on whom the notice was served. In certain cases, the

Council may consider revoking a licence where conditions are not being followed or use information in respect of identified breaches in deciding whether or not to renew a licence.

6.4 It is the responsibility of the licence holder to ensure that their use of the pavement does not cause noise or nuisance to anybody and that they comply with any statutory controls. If complaints are received about activities as a result of the use of the highway/pavement by means of a pavement licence then these will be investigated and where appropriate a licence can be revoked.

7 Review of Guidance document

7.1 These guidelines will be reviewed as required to take into account any changes in legislation, to ensure that the content remains appropriate and to ensure that the issuing and enforcement of pavement licences is having the desired effect of regulating the use of the pavement to the benefit of all involved.

Appendix 1

General Licence Conditions

These general conditions are applicable to all pavement licences and are to be read in conjunction with the guidelines applicable at any time and any special conditions included on a pavement licence.

- 1.1 **Other Conditions:** The granting of a pavement licence does not override any conditions imposed on that premises by way of its premises licence, planning permission, or any other restriction or permit granted by any other Council department. Such conditions may relate to times of use of the pavement, area of pavement to use, noise controls and limits, etc.
- 1.2 **Transfer of Licence:** A pavement licence is not transferrable. A change of business/owner operating from a premises will require a new licence application to be made.
- 1.3 **Charges by Licence Holders:** No charge shall be made by the licence holder for the use of the table and chairs and other objects within the licensed area.
- 1.4 **Removal of Equipment:** The licence holder shall remove all equipment and goods from the highway at all times when the premises is closed to the public and during times not permitted under the pavement licence or any planning and/or licensing regime, unless granted a specific exemption by the Council. In the event that an exemption is granted then any condition/s imposed as a result of it must be adhered to at all times.
- 1.5. **Term of Pavement Licence:** The licence will be valid for a period of 2 years commencing on the date of issue unless surrendered earlier by the licence holder or revoked by the Council. An application to renew an existing licence, including the associated fee, must be submitted at least 28 days before the expiry date of the current licence to enable the statutory consultation and determination periods to be observed. Failure to renew the licence will require a new application to be submitted along with the applicable fee.
- 1.6. **Insurance:** The licence holder shall maintain, throughout the pavement licence term, insurance indemnifying the business and the Council against any injury or damage to any person or property and against any claim, liability, expense or demand arising by reason or in consequence of the permission granted. The cover shall be not less than £5,000,000 in respect of any one accident or series of accidents arising from one incident during the period of insurance. A copy of the insurance cover shall be submitted with any application.
- 1.7. **Revocation of Licence:** The Council may revoke the licence by giving notice in writing to the licence holder where:
 - (i) any failure to adhere to the pavement licence guidelines or conditions in force at the time or where any licence guideline or condition associated

- with the licence is contravened or if said contravention has not been rectified within agreed timescales; or
- (ii) as a result of the licence Antisocial Behaviour or public nuisance is being caused or there is a risk to public safety, or the highway is being obstructed; or
 - (iii) the applicant has provided false or misleading information in an application or has failed to display the site notice at the appropriate time; or
 - (iv) revocation is necessary to enable the Council to exercise any of its statutory functions; or
 - (v) there is a change in the ownership of the premises to which the licence relates and the Council has not received a new application; or
 - (vi) there are changes in circumstances that lead to the existing pavement licence creating an unacceptable risk to the public.
- 1.8. **Highway Works 1:** All furniture shall be removed from the licensed area if any statutory undertaker or licensed telecommunications operator requires access to plant on, over or beneath the licensed area and shall not be replaced until works on the apparatus are complete and any necessary re-instatement completed.
- 1.9. **Highway Works 2:** All furniture shall be removed from the licensed area if the Council as the Highway Authority requires access to the licensed area to carry out any works whatsoever and shall not be replaced until the works are completed. The Council will not be liable for any resulting loss of business or other disruption to the operator's business.
- 1.10. **Cleansing Works:** All furniture shall be removed from the licensed area if the Council requires access to the licensed area to carry out any cleansing related works and shall not be replaced until the works are completed. The Council will not be liable for any loss of business or other disruption caused by third parties.
- 1.11. **Expiry of Licence:** Upon expiry or revocation of the licence the licence Holder shall remove any equipment/removable furniture/goods from the highway and reinstate the highway to its former state and condition and in default thereof the Council will be empowered to carry out such work of reinstatement and recover its expenses in so doing from the licence holder.
- 1.12. **Other Permissions:** The granting of a licence does not obviate the need to gain any other relevant permissions, for example, it does not permit the sale of alcohol within the pavement café area for which separate licensing requirements apply.
- 1.13. **Duties:** Nothing in this licence shall fetter any of the statutory rights or duties for the time being vested in the Council as the local Highway Authority nor shall this licence absolve the holder from his/her legal responsibilities under the Highways Act 1980 or any other legislation.

- 1.14. **Licence applications:** All pavement licence applications (New and Renewal) must be submitted in accordance with the guidelines applicable at any given time, using the appropriate forms and including the applicable fees.
- 1.15. **Licence Fees:** No application for a pavement licence (new or renewal) will be considered unless the applicable fee has been paid. Pavement licence fees will be specified on the Council website. Pavement licence fees are non-refundable, and this includes circumstances where an application has been withdrawn or refused or where a licence has for whatever reason been revoked or cancelled.

Highway/Pedestrian Access

- 2.1. **Pedestrian Requirements:** At all times there shall be at least 1.5 metres clear distance to allow pedestrians, especially those with any visual or mobility impairment, to pass safely and at least 4 meters in pedestrianised areas. In certain busy streets a clear separation greater than 1.5 metres will normally be required between the licensed area and kerb. Where appropriate, the Council can require greater clearance distances than those specified above which will be imposed by way of an additional special condition/s or by reducing the size of the licensed area.
- 2.2. **Access to Premises:** Where the use directly fronts the premises there must be an unobstructed corridor to the shop entrance of 1.5 metres.
- 2.3. **Road Safety:** Normal road safety considerations will apply and in certain circumstances the Council may override the provisions of paragraph 2.1. Access for emergency vehicles must be maintained at all times.
- 2.4. **Demarcation of Licensed Area:** The licensed area shall be clearly identifiable, preferably by the use of a physical barrier or through using the equipment or goods contained within the licensed area. Where this is not feasible, an alternative method shall be used that takes into account access along the pavement by disabled and visually impaired pedestrians and which clearly defines the area and boundary to contain the equipment/goods (tables, chairs, etc.) and considers the health and safety of the public and employees.

Public Health and Amenity

- 3.1 **Public Health:** The licensed area together with associated outdoor and pavement areas including an area of 1 metre around the licensed area must be regularly cleansed and floor debris and other waste immediately removed.
- 3.2 **Smoke Free Seating Condition:** Under the Business and Planning Act 2020 smoke-free seating is a mandatory condition in relation to licences where seating used for the purpose of consuming food or drink has been placed on the relevant highway. A licence-holder must make reasonable provision for seating where smoking is not permitted. This means that where businesses provide for smokers, customers will also have the option of sitting in a non-smoking area. Clear 'smoking' and 'non-smoking' areas, with 'no smoking'

signage displayed in designated 'smoke-free' zones. 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 2 meter distance between non-smoking and smoking areas, wherever possible.

- 3.3 **Litter:** There must be adequate provision made for the collection and containment of litter including cigarettes and, where directed, the licence holder must provide suitable litterbins.
- 3.4 **Health & Safety 1:** Licensed areas must not obstruct any existing doorway or fire exit whether belonging to the premises or not.
- 3.5 **Health & Safety 2:** Furniture/goods stored within the premises should not at any time block a fire exit.
- 3.6. **Music:** Music (amplified or otherwise) shall not be permitted within the licensed area.
- 3.7. **Alcohol:** The terms of any Premises Licence issued under the Licensing Act 2003 setting out any restrictions in respect of any outside areas must be complied with at all times.
- 3.8. **Amenity:** All structures and equipment used by the licence holder in the licensed area must be kept clean and in good repair and condition.

Management

- 4.1. **Display of Pavement Licence:** The licence must be displayed so that it is visible from outside of the premises.
- 4.2. **Removal and Cleaning of Licensed Area:** All equipment and structures placed on a public highway must be removed from the highway upon the cessation of the day's trading and the area cleansed to the satisfaction of the Council and, in default, the Council may itself remove the equipment and structures and recover its expenses in so doing from the licence holder.
- 4.3. **Notice of Condition Breach:** Where any condition attached to a licence is not being adhered to the Council may serve a notice requiring the said breach to be rectified within a specific timescale. Failure to comply with such a notice may result in revocation in accordance with condition 1.7 above or the Council undertake the work required and recover its expenses in so doing from the licence holder.
- 4.4. **Consideration of Licence Renewal:** Failure to comply with any pavement licence conditions may be taken into account by the Council when it considers whether to grant any subsequent licence to the applicant.

Please contact Shropshire Council Trading Standards and Licensing for general advice on Pavement Licences or the application process.

Trading Standards and Licensing, Shropshire Council, Shirehall, Abbey Foregate,
Shrewsbury SY2 6ND.

Tel: 0345 678 9026

Email: licensing@shropshire.gov.uk

Appendix 2

Application Checklist

- Fully completed application form
- Copy of any existing premises licence and/or planning permissions you hold
- A site plan detailing your proposals, including barriers, etc
(please also show the area applied for including the measurements to show that there is sufficient area around the proposed area to enable proper consideration of the application. Please indicate on the plan the location of other street items such as bus stops, litter bins, pedestrian crossings etc. nearby)
- Details of the equipment/goods to be used
- Proof of £5 million Public Liability insurance cover
(ensure this information is added to the application form as required)
- The appropriate fee
(depending on whether the application is for a new licence or a renewal of an existing licence (cheques to be made payable to Shropshire Council))
- Details of how the boundary of the pavement licence is to be defined
(need to consider how visually impaired and disabled individuals will be able to identify the licensed area)