

## HIGHWAYS ACT 1980 – SECTION 115E

**APPLICATION FOR A PAVEMENT PERMIT**

**IMPORTANT:** Please complete this form in full using block capitals – failure to complete all sections may result in unnecessary delays or refusal

Name of applicant:
Name of Business Owner (where different from above):
Trading Name of business and address of premises where permit required:
Telephone number:
Email:
Contact Address (if different from above):
Full description of equipment to be placed on public footway (please also provide a site plan showing the location of equipment and other relevant items:
Please confirm how you intend to enclose the permitted area taking into consideration the needs of disabled and partially sighted pedestrians that may wish to use the pavement area.):

Type of business:	
Do you intend to serve alcohol within the area subject to application? Y / N	
Do you have the appropriate premises licence to serve alcohol within the area subject to the application? Y / N	
If Yes please provide the premises Licence Number:	
Do you have any planning permission to use the footway? Y / N	
If yes, please provide Planning Ref Number:	
Length of frontage of the premises:	metres
Length of frontage to be taken up by the equipment:	metres
Width of public footway adjacent to premises:	metres
Width of public footway to be taken up by equipment:	metres
Dates for which permission is required:	
From: ..... To: .....	
<b>PUBLIC LIABILITY INSURANCE DETAILS:</b>	
Name of Insurer: .....	
Policy Number: .....	
Expiry Date: .....	
Cover (min £5million): .....	
<b>DECLARATION:</b>	
I declare that I have read, understood and agree to the pavement guidelines and general conditions:	
Signature of applicant:	Date:
Print Name:	
Position within Company (if applicable):	
<b>A fee of £135.00 is required and must accompany this application.</b>	
By BACS – Account details are Account Name: Shropshire Council Licensing A.C, Sort code: 55-50-05, Account Number: 55904440, Bank Address: Natwest, Mardol Head, Shrewsbury.	
On-line by debit/credit card at <a href="http://www.shropshire.gov.uk/Licensing">www.shropshire.gov.uk/Licensing</a>	
By telephone Tuesday to Friday on 0345 678 9026 between the hours of 9am and 5pm.	
By post to the Licensing Team at the address detailed overleaf (cheques made payable to Shropshire Council)	

## General Conditions and Regulations for Placing Items on the Highway

### Highways Act 1980 – Section 115 (E-K)

Shropshire Council, acting as the Highways Authority, permits tables, chairs and associated equipment ('the equipment') and goods to be placed on the public highway subject to the requirements of the current Pavement Permit guidelines including the permit conditions specified at **Appendix 1** and in particular:

1. The applicant understands that this permit is only relevant to equipment placed on the public footway and does not refer to or include planning or licensing permission which may also be necessary for the business.
2. The applicant (deemed to be the Designated Premises Holder in connection with a licensed premises) shall indemnify Shropshire Council and provide insurance for the sum of £5,000,000 against any accidents or claims which may arise or be attributable to the presence of the equipment on the public highway either during the time they are being erected, in position, or being removed.
3. The permitted area shall be clearly identifiable and shall be adjacent to the applicant's commercial premises. All associated equipment and goods may only be positioned within this defined area.
4. Equipment must not be erected or positioned in such a manner as to:
  - Impede the safe passage of vehicles, cyclists or pedestrians along the public highway;
  - Prevent access to bus stops, taxi ranks or other frontages;
  - Cover any signs or markings relevant to the highway;
  - Obscure any signs, especially on or near junctions;
  - Obscure the visibility of users of the highway on or near junctions;
  - Prevent access to any service covers or apparatus;
  - Be placed on or near to tactile paving and dropped kerbs;
  - Be permanent fixtures or involve the excavation of, or the fixing of anything to, the highway which must be left entirely undisturbed.
5. The Permit Holder shall remove all associated equipment and goods from the highway at all times the premises is closed to the public and during times not permitted under any planning and/or licensing regimes.
6. A minimum available width of at least 1.2m on footpaths and 4.0m on pedestrianized areas must be maintained for pedestrians at all times.
7. All equipment shall comply with any applicable planning permission or otherwise and shall be kept in good repair and condition at the applicant's expense.
8. The equipment must comply with health and safety requirements.
9. The Council reserve the right to remove from the public highway any unauthorised equipment which creates a danger, or in the case of an emergency, to permit highway works: in such cases, the applicant may be liable for any costs incurred to the Council in so removing the equipment.
10. Shropshire Council reserved the right to alter, amend or revoke the conditions applicable to pavement permits at any time.

**This form should be completed and returned to:**

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

[licensing@shropshire.gov.uk](mailto:licensing@shropshire.gov.uk)

## **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:  
(include the whether any furniture, chairs, tables, umbrellas etc, to be used).
- Proof of £5million 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 permit or a renewal of an existing permit (cheques to be made payable to Shropshire Council.)
- Details of how the boundary of the pavement permit is to be defined:  
(need to consider how visually impaired and disabled individuals will be able to identify the permitted area).

## Shropshire Council Pavement Permits- FAQs

### **Q. Do we need insurance cover?**

A. We do ask for public liability insurance cover for £5 million of Public Liability Insurance cover.

### **Q. My equipment is not next to the road do I still need to make an application?**

A. The pavement is part of the highway which extends from the centre of the road to your property boundary. Any equipment on this needs a permit. If you are in doubt where the highway is please contact the Highways Development Control team.

### **Q. Is there any limit to the amount of pavement I can use?**

A. The pavement used needs to be proportional to your premises and not to restrict the footway beyond our requirements; exact widths are given in the general conditions.

### **Q. Am I allowed to serve alcohol?**

A. Please check the restrictions on your premises licence. Please contact the Licensing Team for further details.

### **Q. Is planning permission required?**

A. Planning permission may be required for a change of use of a pavement for the siting of chairs and tables. Please contact the Customer Services Centre on 0345 678 9004 to confirm the position for your proposal for confirmation

### **Q. Can I use wooden benches to display my goods?**

A. Yes, any equipment on the pavement needs a permit; for example, tables, chairs, benches, gazebos, umbrellas, shelving, storage units or fencing. However, A-boards are not managed through the pavement permit process and will need to be addressed by Shropshire Council's Highways Team.

### **Q. What is defined as a pavement or footpath?**

A. A pavement (or footpath) is a through-fare for pedestrians, normally kerbed and separated from the carriageway. This also includes pedestrian zones. A minimum available width of at least 1.2 metres on footpaths and 4 metres on pedestrian areas must be maintained for pedestrians at all times.

### **Q. Do we need to clean up the pavement by our premises?**

A. Yes, you will need to clean up any litter which is as a direct result of your business. It's your pavement, so keep your local area clean and tidy. It may be best if you provide a litter bin for your customers which you empty regularly.

### **Q. I will only use the pavement for my business in the summer months do I still need to apply?**

A. Yes. The permit is applicable for a period of 1 year from date of issue so you can choose when you want to use the permitted area during hours in which the business premises are open either all year round or for just part of the year.

### **Q. Do I need to re-apply after the first year?**

A. Yes, to continue using the permitted area the permit must be renewed. Permits must be renewed annually and this can be undertaken within the renewal period which is any time in the period of 28 days before and after the expiry date of the permit. Whilst we will send you a renewal reminder prior to the expiry of your current permit it is the permit holder's responsibility to renew the permit.

### **Q What happens if I fail to renew my permit in the renewal period?**

A. If you wish to continue using the pavement then you will be required to submit a new application for a pavement permit including the applicable new application fee.

### **Q. How do I pay for the pavement permit?**

A. A fee of £135.00 is required for a new application and £50 to renew an existing permit.

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### **Q. Can I transfer my permit if I sell my business?**

A. The permit is not transferable to another party. The new owner will need to apply to renew the permit within 28 days provided they are going to continue to use the area in the same way or if they wish to make any changes then they would be required to submit a new application. In either case the applicable fees at the time will be required.

### **Q. Do I need to display my permit?**

A. Yes, this should be positioned so that it can be viewed from the outside.

### **Q. I have submitted my application can I use the pavement whilst my application is being considered?**

A. Yes, by using the area in the way intended it will provide the opportunity for the public and other interested parties to consider how your application may affect them. During this time you will be required to display a notice, clearly visible from the outside of your premises, outlining your proposals and inviting representations from interested parties. This notice will be supplied to you by Shropshire Council and must be displayed from the date of the notice until your application has been determined.