

CRAWLEY BOROUGH COUNCIL

Pavement Licence Policy



Effective: 5th August 2024
Fees Approved 22nd August
2024



2.3

Furniture that is not removable and used in connection with the outdoor selling or consumption of food or drink are not permitted by a pavement

3. Application and Determination of Pavement Licences.

3.1

An application for a pavement licence must be made to the Council, and the following will be required to be submitted with the application:

A completed Application Form

A plan showing the location of the existing premises shown by a red line, so the application site can be clearly identified clearly showing the area of the highway proposed to be covered by the pavement licence (if granted), and, if not to scale, with measurements clearly shown. The plan must show the positions and number of the proposed tables and chairs, together with any other furniture that they wish to place on the highway. The plan shall include clear measurements of, for example, pathway width/length, building width and any other existing permanently fixed item in the

Any other evidence required to demonstrate how the Council's standard local

Members of the public and others listed above can contact the Council to make representations.

The Council must take into account representations received during the public consultation period and consider these when determining the application.

3.4

An applicant for a pavement licence must on the day the application is made, fix a notice of the application to the premises so that the notice is readily visible to, and can be read easily by, members of the public who are not on the premises. The notice must be constructed and secured so that it remains in place until the end of the public consultation period of 14 days. Evidence of the Site Notice requirement must be supplied to the Council. A template Site Notice is included at Appendix 1.

The Site Notice must:

- state that the application has been made, and the date on which it was made;
- state the statutory provisions under which the application is made;
- state the name of the applicant, address of the premises and name of the business;
- describe the proposed use of the furniture and the area to which the application relates (sizing and location);
- indicate that representations relating to the application may be made to the Council during the public consultation period (14 days) and when that period comes to an end;
- state the Council's website where the application and any accompanying material can be viewed during the consultation period;
- state the address/

(legislation.gov.uk) This includes ensuring that areas where smoking is permitted are not substantially enclosed, and complies with the legislative requirements. Operators are advised to consider their smoking arrangements to ensure that any structures used comply with this Act and related legislation and that proper provision is made.

3.7

At the conclusion of the public consultation period of 14 days, the Council has a further 14 days with day 1 being the day after the last day of the consultation period) to determine the application.

If the Council determines the application before the end of the determination period the local authority can:

- grant the licence in respect of any or all of the purposes specified in the application,
- grant the licence for some or all of the part of the highway specified in the application,
- or
- refuse the application.

Planning Act 2020, the conditions in Appendix 2 (and Appendix 3 if the

the land in question.

Appendix 2

1. The grant of this pavement licence does not grant the licence-holder an exclusive right to use the highway site covered by the licence ("Licence Site"). Upon request, the licence-holder must give Crawley Borough Council and other public authorities including the Police, Highways Authority and other statutory undertakers access to the Licence Site for emergencies, maintenance, installation, special events, improvements or any other reasonable cause. If the consequence of access is that

29. The licence holder must remove any tables, chairs and other furniture immediately at the end of the licence period or on revocation of the licence.
30. This licence is for a limited period expiring on the date specified on the Pavement Licence, after which time if the Proprietor wishes to renew or continue the use, they will need to submit a further application.
31. On expiration of licence, the table and chairs become an illegal obstruction of the highway if not removed.
- 32.

Appendix 3

1. The licence holder must prepare a documented risk assessment to address all aspects of the pavement licence, compliance with this licence and measures to ensure the effective control and supervision of the area to which the Pavement Licence applies. This must include but not be restricted to the consideration of the provision of Security Industry Authority (SIA) Door Staff to ensure control and supervision of the premises Body Worn Video cameras, staff training policy regarding contraventions of COVID19 regulations by patrons, managing a queuing system (in consultation with neighbouring premises), use of glass vessels, monitoring numbers on the premises and members of differing households, additional cleaning measures, access/ egress, managing anti-social behaviour and the impact of such upon local residents.
2. No glass vessels shall be allowed off the premises, other than within the Licence Site.
3. Staff must ensure that all empty glasses and bottles are promptly cleared away from public areas
4. Regular patrols are to be conducted, at least hourly, outside the premises where the licence applies.
5. A partition will be installed to clearly delineate the licensed area preventing passing pedestrians/children walking into furniture or onto the licensed area.
6. When the licensed area is no longer in use for licensable activity all items, to include chairs and associated furniture, shall be removed from the outside area and /or stacked and secured off the Highway.
7. Service of any items to the licensed area shall be by Waiter/waitress service only to seated members of the public.
8. Use of the licensed area shall cease at the hour specified on the pavement licence.
9. There shall be a direct means of supervision within the external licensed area to which the licence applies.
10. No amplified entertainment of any sort, including the placement of speakers or other forms of amplification shall be permitted in the external area(s) covered by the licence.
11. No amplified entertainment of any sort from within the premises shall be audible in any external area(s) covered by the licence.
12. Where takeaway orders are prepared for collection, this must be managed so as not to impact upon members of the public passing the premises.

Appendix 4

The Secretary of State publishes this condition in exercise of his powers under [clause 5(6)] of the Business and Planning Act 2020:

Condition relating to clear routes of access:

It is a condition that clear routes of access along the highway must be maintained, taking into account the needs of disabled people, and 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](#).

Guidance on the effect of this condition

1. To the extent that conditions imposed or deemed to be imposed on a pavement licence do not require the licence holder to require clear routes of access to be maintained, taking into account the needs of disabled people and 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](#), the licence is granted subject to those requirements.
2. To the extent that 2 0 596.04 842.52 565217 0196.04 81c994142.552 reWñBT/F2 11417 0 0 1 159.80 g0 G[()] T

Appendix 5 Summary of revisions July 2024

Revisions to Pavement Licensing Policy following review of operational practice, regulation, enforcement further to Government Guidance and the Levelling Up and Regeneration Act 2023. Please note that this is a high-level overview of the key Policy changes and is designed to highlight the key changes in the Policy for those impacted by it, including businesses, service users and vulnerable groups. Some wording has been revised to maximise understanding and accessibility.

Determining of applications 3.7	Page 9	New title Conditions, Local and National as well as Hours of operation. Refers to "standard" local conditions but also the option to add bespoke conditions on a case by case basis. Also includes reference to steps which may give rise to a reduced licensed area, limits on furniture use and hours to limit impact or take account of issues that present
Licence Duration 3.2 and 6	Page 6 and 10	Revised information regarding licence duration from 1 year to 2 years except in exceptional circumstances and inclusion of local and national conditions and the outcome of non determination of a case within the 28 day period
Rejection of applications 7	Page 10	Further information regarding invalid or inappropriate applications leading to refusal of an application
Enforcement 8	Page 11	Overview of the new powers afforded to local authorities by the Levelling Up and Regeneration Act 2023 and associated options. Further details of relevant matters in determining whether to cancel, revoke or amend licences and/or prosecution
Review Procedure 9	Page 12	Links to the 2020 and 2023 Acts as well as Government Guidance
Local and National Conditions	Pages 14 – 19	Revisions to conditions where appropriate