



Date.....

Licensing Office - 01283 508310

licensing@eaststaffsbc.gov.uk

Dear Sir / Madam

PAVEMENT LICENCE

I refer to your request for information on the above. A Licence has to be obtained from the Licensing Department of East Staffordshire Borough Council to permit the placing of tables, chairs and temporary street furniture on the highway.

I appreciate that businesses will have challenges complying with Government social distancing measures and outdoor tables and chairs will help ensure customers are kept safe. The new Guidelines for street furniture mean tables and chairs must allow for a 2m clearance with 2.5m in busy locations to ensure social distancing can be maintained. Businesses need to ensure they abide by the rules to keep people safe and Licences can be revoked if they are found to be breached. I draw your attention to the current COVID-19 Additions and Amendments to Conditions:

- No tables, chairs or temporary street furniture sited on a footway are to be placed within 2.00m of the edge of an adjacent carriageway. A minimum clear footway width of 2.00m must be obtained at all times and 2.5m in busy locations or at busy times. Where this is not achievable, a Licence most likely will not be granted.
- The Licence Holder is wholly responsible for ensuring compliance with current social distance measures as laid out by the Government
- See Government web page: <https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19>
- You must provide a detailed plan clearly showing the extent of the area you wish to use showing the location of the Premises with a **RED** line including the proposed Pavement Licence, include dimensions, and include the dimensions of the remaining footpath width. Please enclose a photograph of area as well.
- If Government guidelines are amended to reduce the current 2m requirement the minimum width will revert back to 1.5m and 2.00m respectively.
- East Staffordshire Borough Council reserve the right to request that temporary street furniture is removed if an emergency arises or increased social distancing space is required.
- If you cannot meet the current requirements you may consider re-applying when COVID government restrictions have been removed.

Where premises are unable to achieve the required distance East Staffordshire Borough Council recommend that you discuss measures of which we may be able to assist with measures to reallocate highway space

All other standard Terms and Conditions for tables and chairs apply as per the Application Form below.

Please find enclosed for your information:

- A Licence Application Form, to be completed and returned by email to the Licensing Department at East Staffordshire Borough Council
- A copy of the Conditions of Licence
- A copy of the Notice which needs to be displayed at the Premises

Charges for the Licence are £82 for a Licence until 30th September 2021. Applications should be submitted by email to licensing@eaststaffsbc.gov.uk and on receipt a Licensing Officer will call to take payment over the telephone by credit or debit card.

A Notice must be displayed on the form which East Staffordshire Borough Council will provide. The Notice will state that the Application has been made and the date it was made on. It will indicate that representations relating to the Application may be made to East Staffordshire Borough Council during the public consultation period and when that period comes to an end.

You must provide a detailed plan clearly showing the extent of the area you wish to use including dimensions.

Yours faithfully

Licensing Officer
licensing@eaststaffsbc.gov.uk

BUSINESS AND PLANNING ACT 2020

**APPLICATION FOR THE GRANT OF A
PAVEMENT LICENCE**

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

SECTION 1a – 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:		

SECTION 1b: APPLICANT DETAILS – OTHER APPLICANTS (e.g. companies)

Name:	
Registered Address:	
Post Code:	
Phone (daytime):	Phone (Mobile):
e-mail address:	
Company number (where applicable):	

SECTION 2 – BUSINESS PREMISES DETAILS

Trading Name:

Postal Address:

Post Code:

Premises Licence Number:

SECTION 3 – 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	<input type="checkbox"/>
Other use for the sale of food or drink for consumption on or off the Premises	<input type="checkbox"/>
Both of the above uses	<input type="checkbox"/>

SECTION 4 – 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)
Please also indicate the number of tables, chairs etc. required:

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SECTION 5 – 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 6: 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 7 – FURNITURE TO BE PLACED ON THE HIGHWAY

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

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SECTION 8 – DATE OF APPLICATION

Please state the date that this Application for a pavement licence is being submitted	
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SECTION 9 – 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.

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 up to £5million	<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"/>

SECTION 10 – 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 section 1a if you are applying for the Licence as an individual and section 1b if you applying in another capacity, for example as a Limited Company.
- Section 2** Provide details of the Business Premises that the Pavement Licence will be used in conjunction with.
- Section 3** Tick **one** of the options to indicate what purpose the Business Premises is used for.
- Section 4** 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 5** 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 6** 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). Please note the Council’s Standard Conditions for Pavement Licences prevent furniture being place on the Highway under the

Authority of a Pavement Licence before 09:00 or after 22:00 on any day.

- Section 7** 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 8** 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 of £82 has been received.
- Section 9** Use this checklist to make sure you have submitted all required documents with the Application.
- Section 10** The Applicant must complete this section to confirm they have read and understood the declarations listed.

SUBMITTING THE APPLICATION

Once the Application Form has been submitted and checked by a Licensing Officer they will then call and take payment of £82 by credit/debit card over the telephone. Once this has been taken the Application is deemed as served.

The Application Form must be accompanied by the following documents:

- 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 positions and number of the proposed tables and chairs, together with any other items of 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 fixed item in the proposed area.
- A copy of a current Certificate of Insurance that covers the activity for Third Party and Public Liability risks, to a minimum value of £5 million
- Photos or brochures showing the proposed type of furniture (including the means of enclosure such as barriers) and information on potential siting of it within the area applied.
- Evidence of consent from neighbouring frontager(s) to use footway space outside their property (if applicable).

Please return this form with all relevant documents to the following email address: licensing@eaststaffsbc.gov.uk

GIVING NOTICE OF THE APPLICATION AND THE PUBLIC CONSULTATION PERIOD

The Act requires an Applicant for a Pavement Licence to

- (a) 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, and
- (b) Secure that the Notice remains in place until the end of the public consultation period which means the period of 7 days beginning with the day after that on which the application is made.

A template notice can be downloaded from <http://www.eaststaffsbc.gov.uk/licence-and-permits>

WHAT HAPPENS NEXT?

The Local Authority will consult with various organisations on your Application during the public consultation period. These will include the Staffordshire County Council Highways Authority, Staffordshire Police Licensing Department, Staffordshire Fire and Rescue Service, Planning Department and Environmental Health at East Staffordshire Borough Council. Details of Applications of Applications will also be publicised online during the public consultation period at <http://www.eaststaffsbc.gov.uk/licence-and-permits>

Once the public consultation period has ended, the Local Authority will consider all responses received during that period

whether from those that it has consulted or anyone else.

After considering the responses the Local Authority will aim to determine the Application as quickly as possible and within 7 days of the end of the public consultation period.

The Local Authority may grant the Application and issue a Licence or it may refuse the Application. There is no statutory right of appeal against a decision to refuse an Application for a Pavement Licence.

Any Licence granted will be subject to the Local Authority's published standard conditions for Pavement Licences.

Additional Licence Conditions beyond the published standard Conditions may be imposed on a specific Licence. The need for additional Licence Conditions will be considered on a case by case basis following consideration of any comments received during the Public Consultation period.

Licences will be granted until **30 September 2021** and will then expire.

If the Local Authority does not determine the Application within 7 days of the end of the Public Consultation period, a Pavement Licence will be deemed to have been granted for 12 months.



Conditions

East Staffordshire Borough Council will not approve a Licence Application, unless it will meet the following Conditions:

NATIONAL CONDITIONS:

1. The no obstructions relate to - Preventing traffic, other than vehicular traffic from:
 - Entering the relevant highway at a place where traffic could otherwise enter it,
 - Passing along the relevant highway,
 - Having normal access to premises adjoining the relevant highway,

- Preventing any use of vehicles which is permitted by a pedestrian planning order or which is not prohibited by a traffic order,
 - Preventing statutory undertakers having access to any apparatus of theirs under, in, on or over the highway,
 - Preventing the operator of an electronic communications code network having access to installed apparatus.
2. A “smoke-free seating condition” is a condition that, where the furniture is to be put on the relevant highway, it consists of seating for use by persons for the purpose of consuming food or drink, the Licence-Holder must make reasonable provision for seating where smoking is not permitted.

STANDARD CONDITIONS:

1. A minimum of 2 metres clearance, unobstructed by any other street furniture, trees or supports of any boundary demarcation barrier, must be maintained between the boundary of the street furniture and any other obstruction including the edge of any trafficked carriageway or other highway facilities such as bus stops, taxi ranks or pedestrian crossings.
2. The location of the street furniture must not in any way hinder passage by the emergency services, or hinder access to or from the premises, or any adjacent premises. This includes, but is not limited to, fire evacuation routes, or cause a nuisance or hazard to persons using the highway or any adjacent land or premises.
3. The location of the furniture must be located adjacent to the licence holder’s premises and detailed when applying for the licence.
4. The method utilised to enclose the boundary limits of the Pavement Licence street furniture is to be solid in construction and agreed between the licence holder and East Staffordshire Borough Council. Advice can be given by the Council as to what is required.



5. The location of the street furniture must not obscure the visibility for vehicular road users of road signs, or obstruct their view at pedestrian crossing facilities, junctions, accesses or bends etc.
6. The location of the street furniture must not obscure the visibility for pedestrians of vehicular road users.
7. Excavations, or fixtures of any kind, are not permitted to the surface or other infrastructure of the highway without the prior written approval of the Local Highway Authority;
8. To protect public health and safety the licence holder must comply with Covid-19 guidance and legislation, including social distancing.
9. The licensed area is to be used for seated customers only, with no vertical drinking.

10. The type and style of the furniture to be used must be agreed between the licence holder and East Staffordshire Borough Council, this includes:
 - a. Counters or stalls for selling or serving food or drink
 - b. Tables, counters or shelves on which food or drink can be placed
 - c. Chairs, benches or other forms of seating, and
 - d. Umbrellas, barriers, heaters and other articles uses in connection with the outdoor consumption of food or drink
11. The furniture must be kept in good repair.
12. All furniture associated with the licence including parasols, should be securely fastened to ensure that they are not liable to be moved by external forces, such as the effects of the wind.
13. No barbecues, fire pits or naked flames.
14. No amplified music or sports commentary.
15. Use of plastic/polycarbonate glasses only and no glass bottles (at licensed premises).
16. Where a premises is licensed under the Licensing Act 2003, or any modification or re-enactment thereof, the licensee must comply with the terms of that licence so far as they relate to the Pavement Licence. Premises not licensed under the Licensing Act 2003 will not be permitted, under the terms of their Pavement Licence to place tables and chairs on the highway prior to 09:00 and they must be removed from the highway by 22:00. This is regardless of the operating hours of the premises.



17. The area occupied by the Pavement Licence must be washed down thoroughly at the end of every day, using a method sufficient to remove food debris and grease, including staining from food and drink spillages.
18. The area covered by the Pavement Licence and surrounding area, must be kept free of litter and rubbish caused by patrons using the area and arrangements made to regularly check for and remove litter and rubbish on pedestrian footways, for a distance of up to 10 metres from the boundary.
19. The licence holder is not to make, or cause to be made, any claim against East Staffordshire Borough Council or Staffordshire County Council in the event of any property associated with the Pavement Licence becoming lost or damaged in any way from whatever cause.
20. For the period of the licence, the licence holder must hold Third Party Public Liability Insurance to the sum of five million pounds to indemnify both East Staffordshire Borough Council and Staffordshire County Council against any and all claims that may arise from its establishment.

21. The street furniture must be removed at the instruction of East Staffordshire Borough Council or Staffordshire County Council for the purpose of:
 - a. Works in or under or over the highway or for using it in connection with works in, under or over land adjacent to or adjoining it as may be required by the Local Highway Authority, East Staffordshire Borough Council or any Statutory Undertaker.
 - b. Access required by emergency services.
 - c. Any other reasonable cause.
22. The street furniture must not be erected and the area must be kept clear at the end of, or any sooner revocation of the licence.
23. The Pavement Licence holder will, in the event of a breach of the terms of the licence, reinstate the highway, or street furniture, to the satisfaction of the Local Highway Authority, or reimburse the Local Highway Authority if, as a result of a breach, it is required to carry out any reinstatement works itself.
24. The Local Highway Authority and East Staffordshire Borough Council reserve the right to remove any Pavement Licence and clear the area of all obstructions if any of the above criterion are contravened.
25. Notwithstanding adherence to the conditions of use outlined above or to the terms issued by East Staffordshire Borough Council prior to the issue of a licence, if the street furniture associated with a Pavement Licence is considered to be causing a nuisance or danger then Staffordshire County Council, as the Highway Authority, reserve the right to utilise the provisions of the Highways Act 1980, to remove the items concerned.