

Pavement Licences

Background

Ordinarily, the placing of street furniture (tables, chairs, umbrellas, barriers, etc.) on the highway (carriageway or footway) outside a premises for customers to use for the purpose of consuming food and drink purchased there would require a street café licence from [Hertfordshire County Council](#).

These can still be applied for however the Government have introduced a new temporary pavement licence that can be obtained from district and borough councils.

These measures will remain in place until 30 September 2021 to assist businesses with their recovery from the Covid-19 pandemic.

What is a pavement licence?

A pavement licence allows a business to place removable furniture on the highway adjacent to their premises for the purposes of their customers consuming food and drink purchased from the business.

How does the process work?

Once a completed application, including all required information and the application fee, is received by the Council there will be a public consultation period of five working days beginning with the first working day after the application is received electronically by the Council.

At the end of the public consultation period, the council has a further determination period of five working days beginning with the first day after the end of the public consultation period.

If the Council do not determine the application within the determination period it is deemed automatically granted, subject to the standard conditions, for a period of one year (but not beyond 30 September 2021).

What businesses are eligible?

A business which uses premises for the sale of food or drink for consumption on or off the premises can apply for a licence.

Businesses that are eligible include:

- Public houses
- Cafes
- Bars
- Restaurant
- Snack bars
- Coffee shops
- Ice cream parlours
- Businesses where the consumption of food or drink is ancillary to the normal business use e.g. supermarkets

What furniture can be permitted by a licence?

The furniture that may be used is:

- Counters or stalls for selling or serving food or drink
- Tables, counters or shelves on which food or drink can be placed
- Chairs, benches or other forms of seating
- Umbrellas, barriers, heaters and other articles used in connection with the outdoor consumption of food and drink

The furniture is required to be removable and must be removed from the highway outside of the hours permitted by the licence. No fixings into the highway are permitted that would disturb the existing surface.

What is a highway?

Licences can only be granted in respect of highways listed in [section 115A\(1\) of the Highways Act 1980](#). Generally these are footpaths restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited.

What about licensing and planning permission?

Once a pavement licence is granted the licence holder will also benefit from deemed planning permission to use the land for that purpose whilst the licence is valid.

The sale of alcohol for consumption off the premises would need to be authorised by the premises licence to allow alcohol to be consumed in the outdoor seating area.

How long are the licences valid for?

A licence granted by the Council will last until 30 September 2021 unless subsequently surrendered, suspended or revoked so there will be no renewal process. Permission for outdoor seating areas on the highway after 30 September 2021 will need to be made to [Hertfordshire County Council](#) and should be made in good time to ensure continuity after that date.

How much will the licence cost?

A pavement licence will cost a one-off fee of £100 that can be made using the Council's [online payment portal](#). The fee is an application fee and is non-refundable if the application is unsuccessful or the licence is subsequently surrendered, suspended or revoked.

How do I make an application?

Applicants must submit the application form provided below electronically to licensing@north-herts.gov.uk

The application must be accompanied by:

- A site plan
- Details of the proposed furniture
- Proof of public liability insurance
- Proof that the site notice has been displayed (a template for the site notice is attached below)
- Payment of the £100 fee using the Council's [online payment portal](#)

If any of the above requirements are not fulfilled the application will not be deemed as complete and the application process will not commence.

Once a completed application has been received, the consultation process will commence as detailed above.

Who does the Council consult?

The Council must consult with the Highways Authority and may also consult the local police.

Can the public object?

As part of the application process a public notice must be displayed at the premises and the application will be published on the [Council's licensing register](#). The public may make representations either by emailing licensing@north-herts.gov.uk or submitting an objection directly on the licensing register.

What conditions will be attached to a licence?

Published below is a list of standard conditions that will be attached to all pavement licences. In addition, the Council may impose additional site specific conditions where it would be proportionate and reasonable to address specific concerns.

Further information

Further information can be found on gov.uk