

# Pavement Licensing Guidance and Application Form

Community Directorate  
Harrow Council  
Civic Centre  
Station Road  
Harrow  
HA1 2XA

Tel: 020 8863 5611

# Contents

<b>1. Introduction</b> .....	<b>4</b>
1.1 Pavement Licensing Process.....	4
1.2 Eligible Businesses and Furniture.....	4
1.3 Exclusions.....	5
1.4 Sale of Alcohol and Planning Permission Requirements.....	5
<b>2. Duration</b> .....	<b>5</b>
2.1 Valid Pavement Licence Period.....	5
2.2 Pavement Licensing Scheme Duration.....	5
<b>3. New applications</b> .....	<b>6</b>
3.1 Information to be provided.....	6
3.2 Existing Applications.....	6
<b>4. Consultation</b> .....	<b>6</b>
4.1 Consultation Notice.....	7
4.2 Consultation by the Local Authority.....	7
4.3 Public Representations.....	7
<b>5. Determination of Applications</b> .....	<b>7</b>
5.1 Relevant Factors to Determine Application.....	8
5.2 Licence Conditions.....	8
5.2.1 National Conditions.....	8
Condition relating to clear routes of access:.....	8
5.2.2 Local Conditions.....	9
5.3 Application Outcome.....	9
<b>6. Deemed Conditions and Licence</b> .....	<b>10</b>
<b>7. Enforcement</b> .....	<b>10</b>
<b>APPENDIX A - Application Form</b> .....	<b>11</b>
<b>APPENDIX B - Public Notice</b> .....	<b>20</b>
<b>APPENDIX C - Example Plan</b> .....	<b>21</b>
<b>APPENDIX C - Conditions applicable to all Pavement Licences</b> .....	<b>23</b>

# 1. Introduction

Harrow Council is committed to maintaining a vibrant economy for the benefit of those who live, work and conduct business in the borough. Local authorities may regulate street trading in their area if they adopt the Part III provisions of the London Local Authorities Act 1990 (the Act). If they adopt these provisions they can apply street trading licensing controls within their borough, including tables and chairs on or near the highway. From July 2020, a new pavement licensing scheme under the Business and Planning Act has been introduced to simplify the system up to September 30<sup>th</sup> 2021 in response to restarting the economy following the covid-19 pandemic, providing a simplified streamlined process,

The policy sets out the council's approach to the licensing of the use of the pavement. It informs applicants of the parameters in which the council will make decisions and how their needs will be addressed. It also highlights the council's intention to avoid duplication with other statutory provisions and its commitment to work in partnership with other enforcement agencies. The council aims to provide a clear, consistent service for users. At the same time, it aims to protect the safety of highway users, to prevent nuisance and to regulate the location and number of businesses using pavements.

The application of this guidance will be in line with legislative requirements. It will be reviewed in light of developing practice, guidance and changing legislation as necessary. Attached to this guidance is the application form for pavement licensing.

## 1.1 Pavement Licensing Process

The new process provides a cheaper, easier and quicker way for businesses to obtain a licence. The fee for applying for a licence under the new process, is capped at £100 and the consultation period is 5 working days (excluding public holidays) compared to other schemes where it is 28 days. The Council has set the fee at **£50**

If the local authority does not determine the application before the end of the determination period (which is 5 working days beginning with the first day after the public consultation period (excluding public holidays), the licence is deemed to have been granted for a year (but not beyond 30 September 2021) and the business can place the proposed furniture such as tables and chairs within the area set out in the application for the purpose or purposes proposed.

## 1.2 Eligible Businesses and Furniture

A business which uses (or proposes to use) 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, restaurants, snack bars, coffee shops, and ice cream parlours.

A licence permits the business to use furniture placed on the highway to sell or serve food or drink and/or allow it to be used by people for consumption of food or drink supplied from, or in connection with the use of the premises. The furniture which 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; and
- umbrellas, barriers, heaters and other articles used in connection with the outdoor consumption of food or drink.

This furniture is required to be removable, with the Local Authority using the principle that 'removable' means it is not a permanent fixed structure, and is able to be moved easily, and stored away of an evening. The Local Authority will be pragmatic in approach around this.

## **1.3 Exclusions**

Licences can only be granted in respect of highways listed in section 115A(1) Highways Act 1980. Generally, these are footpaths restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited. Highways maintained by Network Rail or over the Crown land are exempt (so a licence cannot be granted).

## **1.4 Sale of Alcohol and Planning Permission Requirements**

If the applicant has a licence to serve alcohol on-premises temporary amendments to the Licensing Act 2003 will allow them to sell alcohol for consumption off the premises without needing to apply for a variation of their licence.

Once a licence is granted, or deemed to be granted, the applicant will also benefit from deemed planning permission to use the land for anything done pursuant to the licence while the licence is valid.

## **2. Duration**

Please note that these temporary exemptions do not give you permanent permitted rights in terms of alcohol licensing, planning permissions or use of the pavement / highway. Therefore Premise Licensing is restricted in terms of length allowed to be granted, and when such a scheme ends

### **2.1 Valid Pavement Licence Period**

If a local authority determines an application before the end of the determination period (which is 5 working days, beginning with the first day after the public consultation period, excluding public holidays) the authority can specify the duration of the licence, subject to a minimum duration of 3 months. The expectation is that the Local Authority will grant licences for 12 months or more unless there are good reasons for granting a licence for a shorter period such as plans for future changes in use of road space.

If a licence is 'deemed' granted because the authority does not make a decision on an application before the end of the determination period, then the licence will be valid for a year.

A licence granted or deemed to be granted will not be valid beyond 30 September 2021

### **2.2 Pavement Licensing Scheme Duration**

This is a temporary measure to support businesses while social distancing measures may still be in place. As it is uncertain how long some form of social distancing measures will be in place for, the new process will remain in place until the end of September 2021 – giving certainty to businesses for the foreseeable future, supporting them to operate safely while social distancing measures are in place. It will also allow them enough time to apply for new licences under the existing process (e.g. London Local Authorities Act) if they want to extend beyond the end of September 2021.

### 3. New applications

The application form is attached to this guidance and is also available from the public protection team and the council's website – [www.harrow.gov.uk](http://www.harrow.gov.uk).

#### 3.1 Information to be provided

Applications must:-

- specify the premises and, the part of the relevant highway to which the application relates;
- specify the purpose (or purposes) for which the furniture will be used which must be to sell or serve food or drink, and/or for use by other people for the consumption of food or drink. In both cases the food or drink must be supplied from, or in connection with relevant use of the premises;
- specify the days of the week on which and the hours between which it is proposed to have furniture on the highway;
- describe the type of furniture to which the application relates, for example: tables, chairs, and/or stalls;
- the date on which the application is made;
- contain or be accompanied by such evidence of public liability insurance in respect of anything to be done pursuant to the licence of a minimum £2million;
- a plan showing the location of the premises shown by a red line, so the application site can be clearly identified (must clearly show location in conjunction with businesses and streets around them);
- a plan clearly showing the proposed area covered by the licence in relation to the highway, if not to scale, with measurements clearly shown (see **Appendix C** for example);
- the proposed duration of the licence (for e.g. 3 months, 6 months, or a year);
- evidence of the right to occupy the premises e.g. the lease;
- contact details of the applicant;
- photos or brochures showing the proposed type of furniture and information on potential siting of it within the area applied;
- evidence that the applicant has met the requirement to give notice of the application (for example photograph);
- (if applicable) reference of existing pavement licence currently under consideration by the local authority; and
- any other evidence needed to demonstrate how any local and national conditions will be satisfied.

Any application must be accompanied by the relevant **application fee of £50**. An application is not deemed valid until accompanied by the fee.

The Application form can be found in **Appendix A**

#### 3.2 Existing Applications

If an applicant has already applied for permission to place furniture on the highway under the London Local Authorities Act requirements and your application has not been determined you may proceed with that application. However, you may opt to make a fresh application for a pavement licence under the new process. In those circumstances the pending application will be deemed to have been withdrawn. If the fee for the pending application was paid the authority will not charge a fee for the new application for a pavement licence.

### 4. Consultation

Any application must be subject to consultation with the community as well as relevant Departments (e.g. Highways Department). The form of consultation is set out below and must run for a period of 5 working days.

The applicant is required to affix a notice to the premises, so it is easily visible and legible to the public on the day they submit the application to the local authority. They must ensure the notice remains in place for the public consultation period which is the period of 5 working days beginning with the day after the day the application is submitted to the authority. When counting 'working days' public holidays are not included. Applicants are encouraged to keep evidence of this.

## 4.1 Consultation Notice

The notice must:

- be in the form as set out in **Appendix B**;
- state that the application has been made and the date on which it was made;
- indicate that representations relating to the application may be made to that local authority during the public consultation period and when that period comes to an end; and
- contain such other information or material as that local authority may require.

The applicant is encouraged to talk to neighbouring businesses and occupiers prior to applying to the local authority, and so take any issues around noise, and nuisance into consideration as part of the proposal.

## 4.2 Consultation by the Local Authority

The local authority must consult the highways authority, if they are not the highways authority then the relevant body (e.g. Transport for London). The authority must also consult such other persons as the local authority considers appropriate (e.g. Estates Department if they feel there is an interest).but will ensure that Ward Councilors for the area the application applies to receive a copy.

The local authority is required to publish the application and any information or material which the applicant has submitted with it to meet the requirements of the authority, in such a manner as it considers appropriate, for example, on their website or via an online portal.

The local authority is also required to publicise the fact that representations may be made during the public consultation period and when that period comes to an end. Local authorities might consider using digital methods of publicity, such as automatic notices, which members of the public can opt in to receive. In deciding what steps to take authorities should consider the needs of those who may find it more difficult to access online publications

## 4.3 Public Representations

Members of the public and, can contact the council to make representations. Local authorities must take into account representations received from members of the public during the public consultation period which is the period of 5 working days starting the day after the application is submitted (excluding public holidays).

In taking into account any representations, the Council will give reference to areas set out under Section 5 below

## 5. Determination of Applications

Once the information is submitted to the local authority the authority has 10 working days from the day after the application is made (excluding public holidays) to consult on, and determine the application. This consists of 5 working days for public consultation, and then 5 working days to consider and determine the application after the consultation.

If the local authority does not determine the application within the 10 working day period, the application will be deemed to have been granted.

The Council generally will only permit Pavement Café's between 09:00 and 21:00. Applications outside these hours will be assessed in terms of the criteria detailed below. The Council however retains the right to specify permitted hours of trading that are less than those specified above in appropriate circumstances.

## 5.1 Relevant Factors to Determine Application

The local authority will need to consider a number of factors, when determining whether to approve the application. These include the scope for national or local conditions to make it possible to approve an application which would otherwise be unacceptable.

When setting local conditions and determining applications, the Local Authority has taken into consideration in line with Government guidance:

- public health and safety – for example, ensuring that uses conform with latest guidance on social distancing and any reasonable crowd management measures needed as a result of a licence being granted and businesses reopening;
- public amenity – will the proposed use create nuisance to neighbouring occupiers by generating anti-social behaviour and litter; and
- accessibility – taking a proportionate approach to considering the nature of the site in relation to which the application for a licence is made, its surroundings and its users, taking account of:
  - any other temporary measures in place that may be relevant to the proposal, for example, the reallocation of road space. This could include pedestrianised streets and any subsequent reallocation of this space to vehicles;
  - whether there are other permanent street furniture or structures in place on the footway that already reduce access;
  - 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](#), and
  - other users of the space, for example if there are high levels of pedestrian or cycle movements.

## 5.2 Licence Conditions

### 5.2.1 National Conditions

The Secretary of State may publish conditions for pavement licences. For example, the Secretary of State has published the following 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 a licence is granted subject to a condition which imposes requirements to maintain clear routes of access that are inconsistent with the requirements set out in this condition this condition is not imposed on the licence.

This is in addition to the statutory ‘no obstruction’ condition referred to in 5(4) and 3(6) of the Business and Planning Act 2020.



## 5.2.2 Local Conditions

For the purposes of consistency, the Local Authority has set out local conditions that will be attached to any pavement licence that also tie in with those already in place with the London Local Authorities Act scheme in the Borough around tables and chairs licensing. These can be found in **Appendix C**.

When considering their powers in relation to local conditions the Local Authority has borne in mind the requirements of the Business and Planning Act 2020 and any national published conditions such as that above.

It should be noted that the Local Authority can add conditions to a licence that are not set out in Appendix A if it determines the need to meet the requirements of determining factors set out under Section 4.1 above. There is an expectation these will be supported by a clear justification for the need of a condition which is in addition to any published local conditions.

Conditions might, for example, limit the maximum number of chairs and tables, or type of furniture, time and days of operation with justification for this.

The Local Authority will also take into account any Government guidance relevant to pavement licensing, for instance government has published the [COVID-19 Secure: safer public places guidance](#), which provides owners and operators of public spaces with information and examples of measures that may be undertaken to adapt and manage public spaces in order to help social distancing.

## 5.3 Application Outcome

If the local authority 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, and impose conditions, or
- refuse the application.

A local authority may grant a pavement licence only if the authority considers that, taking into account any conditions subject to which it proposes to grant the licence, nothing done by the licence-holder pursuant to the licence would have an effect specified in Clause 3(6) of the Business and Planning Act 2020 being:

- a) preventing traffic, other than vehicular traffic, from—
  - i. entering the relevant highway at a place where such traffic could otherwise enter it (ignoring any pedestrian planning order or traffic order made in relation to the highway),
  - ii. passing along the relevant highway, or
  - iii. having normal access to premises adjoining the relevant highway,
- b) preventing any use of vehicles which is permitted by a pedestrian planning order or which is not prohibited by a traffic order,
- c) preventing statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or
- d) preventing the operator of an electronic communications code network having access to any electronic communications apparatus kept installed for the purposes of that network under, in, on or over the highway.

In line with legislation, the Authority will seek to communicate about, and issue any resulting licence by, electronic means using the email address specified on the application

## 5.4 Appeal

There is no statutory appeal process for these decisions. However, appeals can be made to the Director of Environment to determine in line with this document and those set out under legislation and relevant guidance. Any appeal must be submitted within 14 days of the premise being informed of the decision and details placed on the rejection letter. A decision shall be made within 5 working days of the appeal being received, and a written decision then provided giving reasons for the decision. Where the application / proposal would cause the effects detailed under Section 3(6) of the Act, the appeal will be rejected automatically.

## 6. Deemed Conditions and Licence

If the local authority does not determine the application before the end of the determination period, the application is deemed to have been granted subject to any local conditions published by the local authority before the application was submitted.

To the extent that local conditions deemed to be imposed on the licence do not have the effects specified in [clause 3(6)] (non-obstruction clause) the licence is granted subject to those restrictions.

## 7. Enforcement

If a condition imposed on a licence, either by the local authority or nationally, is breached the local authority will be able to issue a notice requiring the breach to be remedied and the authority can take action to cover any costs.

The authority may revoke a licence in the following circumstances:

1. For breach of condition, (whether or not a remediation notice has been issued) or
2. Where:
  - There are risks to public health or safety – for example by encouraging users to breach government guidance on social distancing by placing tables and chairs too close together;
  - the highway is being obstructed (other than by anything permitted by the licence);
  - there is anti-social behaviour or public nuisance – for example, the use is increasing the amount of noise generated late at night and litter is not being cleaned up;
  - it comes to light that the applicant provided false or misleading statements in their application – for example they are operating a stall selling hot food and had applied for tables and chairs on which drinks could be consumed; or
  - the applicant did not comply with the requirement to affix the notice to notify the public for the relevant period.
3. The local authority may also revoke the licence where all or any part of the area of the relevant highway to which the licence relates has become unsuitable for any purpose for which the licence was granted or deemed to be granted. For example, the licensed area (or road adjacent) is no longer to be pedestrianised. The Local Authority will seek to set out the reasons when such a decision is made.

It is down to the licence holder to ensure that no condition is breached or any aspect that could lead to revocation under point 2 is met. Failure to do so will lead to revocation and no appeal. Future application for a pavement licence is likely to be refused based on this failure and therefore failure to meet the requirements of Section 5.1 above

## **APPENDIX A - Application Form**

A copy of the application form is found on the next page. All sections need to be completed, and the signed form with payment and enclosures must be sent in. Failure to complete any element, make payment or sign the disclosure will result in the form being rejected.

# PAVEMENT LICENCE – LONDON BOROUGH OF HARROW BUSINESS AND PLANNING ACT 2020

<p><b>Please complete all sections of this form in BLACK ink and return it (with all necessary enclosures) to:</b>  <b>Commercial Licensing, Civic Centre, PO Box 18, Station Road, Harrow HA1 2UT</b></p> <p>Or <a href="mailto:licensing@harrow.gov.uk">licensing@harrow.gov.uk</a></p>	<b>For office use only</b>	
	<b>Fee Received:</b>	
	<b>Receipt Number:</b>	
	<b>Licence Number:</b>	

**Important Notes:**

1. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. Gridded paper is provided at the back of the application for a plan if required
2. You may wish to keep a copy of the completed form for your records
3. Incomplete applications will not be processed and returned to the applicant

## Section 1: Premises Details

**1A Address / Location of Premises:**

Trading Name of Premises .....

Address .....

.....Post Code .....

Contact Number of Premises .....

**1B Highway Area to be licensed:**

Description .....

.....

## Section 2: Applicant Details

**2A Applicants Details (correspondence about the licence shall be sent to this person(s)):**

Title ..... First Name/s .....

Surname/s .....

Address .....

.....Post Code .....

Contact Number ..... Email .....

Are you:      The Owner of the Premises      Yes / No

                  The Occupier of the Premises      Yes / No

If you are the Occupier, please complete part 2B below, otherwise go to 2C

**2B Owner / Leaseholder Details:**

Title ..... First Name/s .....

Surname/s .....

Address .....

.....

.....Post Code .....

Contact Number ..... Email .....

**A COPY OF THE RELEVANT PART OF THE LEASE SHOWING THE ABOVE AND RIGHT TO OCCUPY THE PREMISE MUST BE SUBMITTED WITH THIS APPLICATION**

**2C Permission**

If the area where furniture is to be placed goes in front of any other premise, please confirm you have their permission and who they are

I can confirm that ..... Has given permission for the area outside their premise to be used as part of my application7

**Section 3: Trading Details**

**3A Date and Hours of Trade:**

Please state the days and times during which the pavement licence will be operational

.....

Monday ..... to ..... Friday ..... to .....

Tuesday ..... to ..... Saturday ..... to .....

Wednesday ..... to ..... Sunday ..... to .....

Thursday ..... to .....

**3B Length of Licence being applied for:**

Please tick the relevant one.

3 months .....

6 months .....

1 year .....

**Note – no licence can go beyond 21<sup>st</sup> September 2021**

## Section 4: Furniture Type

### 4A Size and Location of Proposed Area to be covered by Pavement Licence

.....

.....

.....

### 4B Type being applied for (give numbers)

How many tables / counters / shelves are you applying for? .....

How many chairs / benches are you applying for? .....

How many picnic table style furniture are you applying for? .....

How many umbrellas are you applying for? .....

How many heaters are you applying for? .....

How many barriers are you applying for? .....

**Please provide photos / brochures / information about the proposed type of furniture.**

**Note – you must show on the plan attached to this application where this furniture is to be sited**

### 4C Purpose of the Furniture Proposed

Sell or serve food or drink .....

For use by other people for consumption of food or drink .....

**Note – the food and / or drink must be supplied from, or in connection with, the premise stated in Section 1A. Any other use will not be covered by the pavement licence and be subject to enforcement.**

## Section 5: Enclosures and Disclosure

**For all licence types:**

- A** A completed and signed application form.
- B** Proof of right to occupy the premise, such as a lease, where relevant
- C** Information / photographs / Brochures of furniture being proposed.
- D** Where the proposed activity will take place at a fixed position a map to show all streets in the proximity of the proposed site within at least a radius of 500m of the proposed site should be submitted clearly identifying the proposed location by marking the site boundary with a red line with measurements.
- E** A copy of a valid certificate of insurance covering third party and public liability risks (no less £2million)
- F** The application fee of £50 (please use the green 'Pay' button on our web page)

**G** A plan showing:

- i. The extent of the perimeter of the premises to which the proposed trading area will be sited. This should include the location of any entry / exit points to/from the premises
- ii. The extent of the trading area, clearly defined and showing the measurements in centimetres
- iii. The location of the proposed furniture and distance / location of any street furniture and edge of pedestrian area
- iv. Plans must be to a scale of either 1:100 or 1:50

**General**

Have you ever been refused a licence in the past? Yes / No

Is yes, please provide details:

.....  
.....

Have you ever had a licence revoked? Yes / No

Is yes, please provide details:

.....  
.....

Have you ever applied for a tables and chairs licence previously / currently? Yes / No

Is yes, please provide details:

.....

**You must complete and display a public notice (see end of application form) for a period of 5 days 24 hours after submitting the application to the Council. Failure to display will result in an additional 5 day display. Please state end date of consultation stated on your Notice**

Declaration

I duly declare that I have checked the information given on this application form and to the best of my knowledge and belief it is correct, and giving false information is an offence. I declare that I have read, understood and agree to all of the terms and conditions outlined in the Pavement Licence and relevant guidance.

Signed:  Date:

Print Name

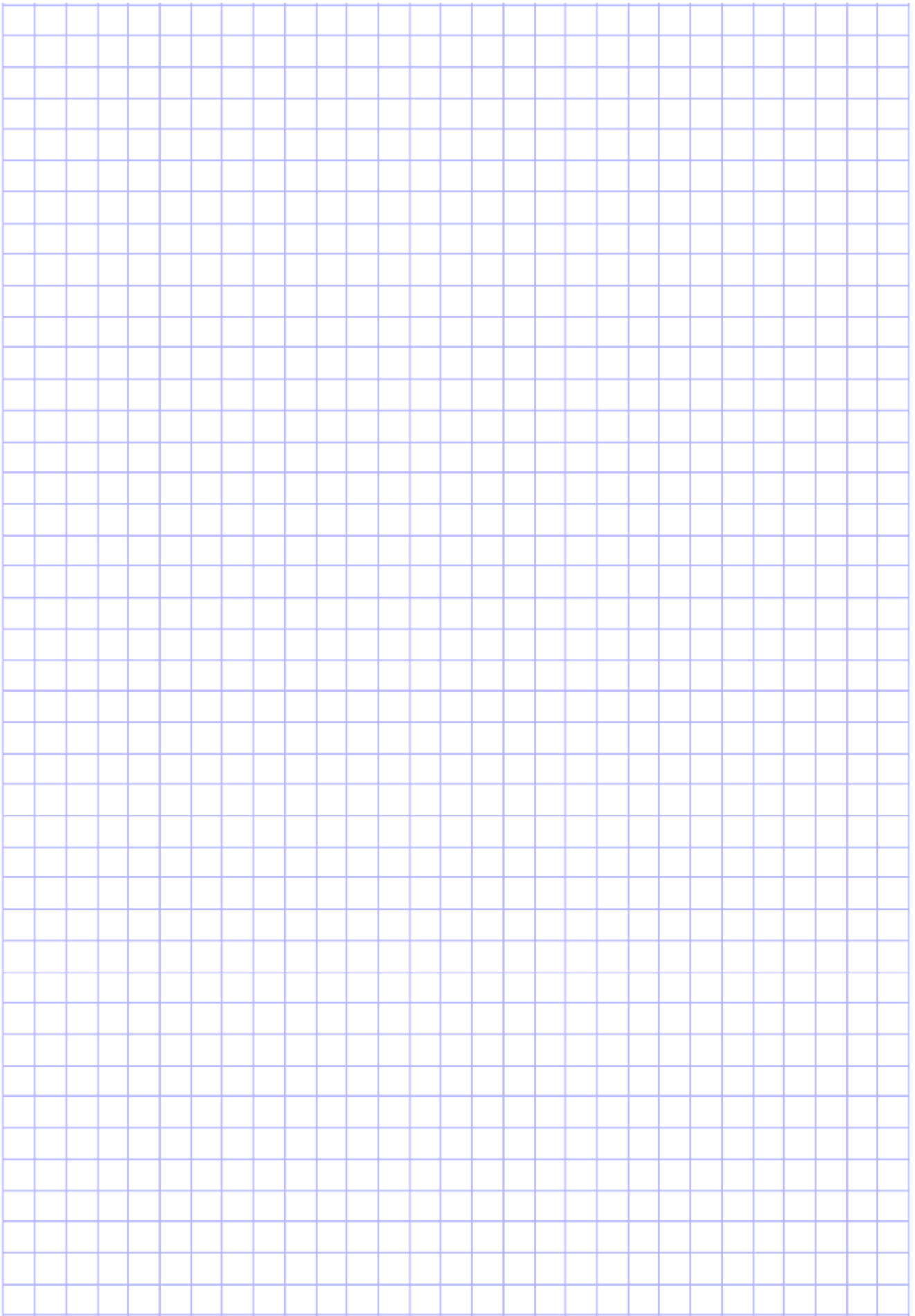
Applications cannot be accepted unless the correct fee has been paid. Licence fees are not subject to VAT Fees and must be paid for on line at [www.harrow.gov.uk](http://www.harrow.gov.uk) You **MUST** enter the address of the premise the licence is being applied for as the reference. Failure to do this can result in delays.

By signing the application form you are declaring you have all necessary permissions to allow a licence to be issued to you, and accept that if this is later found not to be the case then the licence will be invalid and no fee / refund given.

**Fees are not refundable and the Council cannot be held liable for any costs incurred and lost as a result of a revoking a licence. Rejection of a licence application will still incur the £50 cost as this solely covers the administration fee.**

The information given may be held in manual or electronic form and will be subject to the provisions of the Data Protection Act 1998. The authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.





## **NOTES (see full policy for all details, conditions and requirements)**

### **Designate Trading Area**

The designated trading area is the highway immediately outside the premises involved and will be as the plan, which has been agreed by the Council. All furniture under the terms of the licence shall be kept within the area. Any items outside of this area would not be covered by the licence and subject to enforcement for not being licenced.

### **Footway / Access**

At all times, a minimum clear footways of 2 metres must be aimed for. You must take into consideration of the inclusive mobility guidance issued by Government, especially Section 3, that can be found at <https://www.gov.uk/government/publications/inclusive-mobility/inclusive-mobility>

### **Unforeseen Circumstances**

The licensee must remove all furniture upon direction of a Council Officer, Police Officer or Public Utilities Company when circumstances make this necessary.

### **Change of Licensee Details**

If the address or particulars of the licensee permanently changes, this must be notified to the Council in writing at once.

### **Access to Premise**

The access through the trading area to the permanent premise shall be no less than the full width of the usable width of the entrance to the premises.

### **Obstruction to Street Furniture and Apparatus**

There shall be no obstruction to sight lines, fire hydrants, manholes or other street furniture, etc. by goods or equipment within the trading area. The Public Utilities Companies, without compensation or refund, will be provided with access for inspection, repair etc.

### **Cleansing of the Trading Area**

The licensee is responsible for keeping the trading area clean during and at the end of trade. All items associated with the trading area must be removed from the highway to the trader's premises or storage area within one hour from the end of trading.

### **Items affixed to the highway or dangerous protrusions**

No items may be affixed by any means to the surface of the highway within or adjacent to the trading area. No dangerous protrusions will be permitted within the trading area, either from the display or the shop premises.

### **Display of the Licence and Other Documents**

The Licence and Third Party Liability Insurance Cover must be displayed in a position which is clearly visible to any person any time the licence is in force, and must be protected from the elements.

## **Applications**

Once a valid application is received, a 5 day consultation period will begin.

The Council will maintain a register of applications on its website

## **Making a Decision**

The Council may determine all applications for a pavement licence under delegated power, except where it is proposed to refuse the application. In cases of refusal, the applicant can make representations to the Director of Environment within 5 days of refusal being made and being informed of the representation process. Where no representations are forthcoming, or not made within 5 days, the Head of Service (Public Protection) or equivalent could proceed to make a decision under full delegated powers.

## **APPENDIX B - Public Notice**

A copy of the public notice is found on the next page. All sections need to be completed, and displayed within 24 hours of submitting the application to the Council. Failure to display, display for the correct period or not complete correctly will result in the licence being rejected / revoked

# LONDON BOROUGH OF HARROW

## BUSINESS AND PLANNING ACT 2020

### NOTICE OF APPLICATION FOR A PAVEMENT LICENCE UNDER BUSINESS AND PLANNING ACT 2020, PART 1, SECTION 1

DATE: <<CURRENTDATE>>

Notice is hereby given that

I/We (1),

have applied for a pavement licence under Part 1 of the Business and Planning Act 2020 on  
Date (2) to the London Borough of Harrow for the premise at: (3)

The premise is known as (4)

The application is for: (5)

Anyone wishing to make objections in respect of the application must do so in writing to:  
Commercial Licensing, Harrow Council, Unit 1, Central Depot, Forward Drive, Harrow, HA3  
8NT or email to [licensing@harrow.gov.uk](mailto:licensing@harrow.gov.uk) by (6)

The application and information submitted with it can be viewed on the Council website at  
[www.harrow.gov.uk](http://www.harrow.gov.uk)

Signed .....

Dated (7) .....

#### GUIDANCE NOTES

(1) *name of applicant*

(2) *date the application is made (ie submitted)*

(3) *postal address of premises*

(4) *name premises is known by*

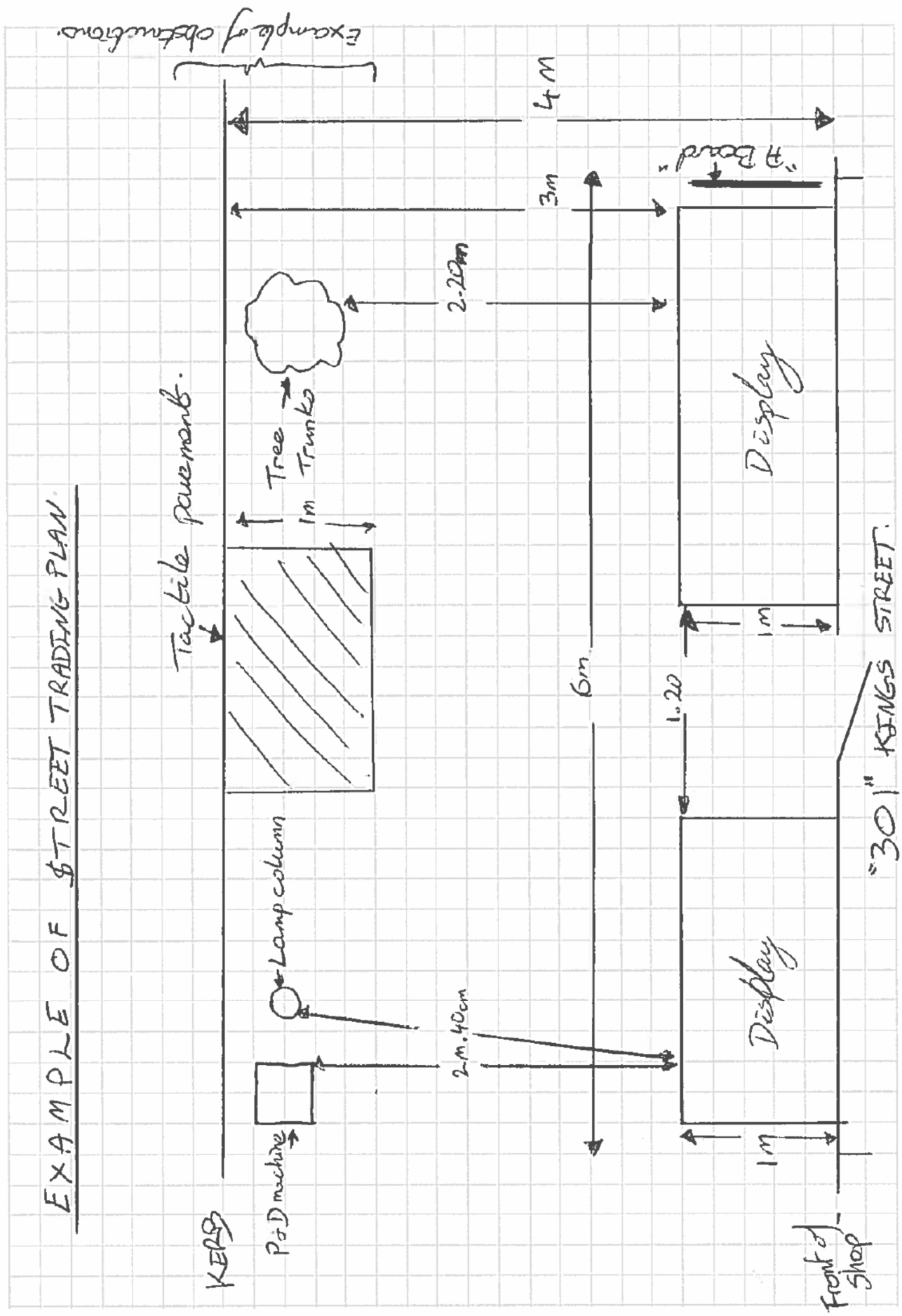
(5) *brief description of application (e.g outdoor seating to the front of the premises for serving of food and drink)].*

(6) *last date for representations being the date 5 working days after the date the application is submitted to the local authority (excluding public holidays)(2)*

(7) *date the notice was placed (must be the same date as (2))*

**A PHOTO OF THIS NOTICE ONCE PLACED MUST BE SENT TO LICENSING@HARROW.GOV.UK**

# APPENDIX C - Example Plan



## **APPENDIX C - Conditions applicable to all Pavement Licences**

Note, other conditions may be added at the discretion of the Local Authority on an individual licence basis if it is felt necessary to fulfil the purpose of meeting the requirements of the licence. Additionally, conditions may be varied

### **National Conditions**

#### **1. Clear Route of Access**

Note, other conditions may be added at the discretion of the Local Authority on an individual licence basis if it is felt necessary to fulfil the purpose of meeting the requirements of the licence. Additionally, conditions may be varied

### **National Conditions**

#### **1. Clear Route 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](#).

#### **2. No Obstruction Clause**

In line with Clause 3(6) of the Business and Planning Act 2020, Nothing must be done by the licence-holder to:

- a) preventing traffic, other than vehicular traffic, from—
  - iv. entering the relevant highway at a place where such traffic could otherwise enter it (ignoring any pedestrian planning order or traffic order made in relation to the highway),
  - v. passing along the relevant highway, or
  - vi. having normal access to premises adjoining the relevant highway,
- b) preventing any use of vehicles which is permitted by a pedestrian planning order or which is not prohibited by a traffic order,
- c) preventing statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or
- d) preventing the operator of an electronic communications code network having access to any electronic communications apparatus kept installed for the purposes of that network under, in, on or over the highway.

#### **3. Smoke Free Seating**

It is a condition that, where the furniture to be put on the relevant highway 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.

Guidance on meeting this condition can be found at <https://www.gov.uk/government/publications/pavement-licences-draft-guidance/draft-guidance-pavement-licences-outdoor-seating-proposal>

### **Local Conditions**

4. The licence holder shall only trade on the days and between the times stated on the licence.
5. The licence holder shall only use furniture stated on the licence.
6. The licence holder shall not carry on business from any vehicle or erect or place any stall or other structure in any street except in the area mentioned in the licence.

7. The licence holder shall on all occasions, when carrying on business, be strictly sober, and conduct him/herself in a proper, civil and courteous manner, and he/she shall not carry on his/her business in such a way as to cause annoyance to the occupier or person in charge of any shop, business, resident, or any person using the street.
8. The licence holder shall at all times conduct his/her business in a clean and tidy manner.
9. The licence holder shall make no fixtures to or excavations of any kind in the surface of the highway, which shall be left entirely undisturbed.
10. The licence holder shall ensure that a copy of the licence is clearly visible to the public and made available upon request to an authorised officer of the council or the police.
11. If, during the life of a licence any change occur in the facts of that were supplied with the original application the holder of the licence shall report such changes to the Council within 72 hours of that change.
12. The licence does not permit the playing of music, singing or performance of entertainments, or the use of an external public address system or speakers, on the highway, including within the licensed area. The licensee is to ensure that any noise disturbance to the neighbourhood, including noise from patrons, is kept to a minimum and does not cause offence.
13. The licence holder shall make no claim or charge against the Council in the event of any item being displayed or used being lost, stolen or damaged in any way from whatever cause.
14. Advertisements or other notices shall not be placed in the immediate area of the premises without approval of the council. No displays will be affixed to the highway or to the street furniture.
15. The licence holder shall not place any furniture or equipment in the immediate area of the premises other than as permitted by the licence. All furniture under the terms of the licence shall be kept within the area specified in the licence. All displays, stands, etc. are to be removed from the highway outside of licensed hours.
16. Waste from the licence holders operations must not be disposed of in the permanent litter bins provided by the Council. Any commercial premise must have a trade waste agreement in place and waste receptacles kept within the boundaries of the premises apart from on the day of collection.
17. The council reserves the right to alter or amend these conditions at any time.
18. Licenses are not transferable and the subletting of any licence is prohibited. The Licensee shall be responsible for any rates, taxes and other outgoings which may be charged
19. The licence holder shall be responsible for the temporary storage of refuse, liquid and other material accumulated or created whilst trading and its subsequent removal from the site. The removal and disposal must be to the satisfaction of the council.
20. The Licensee shall indemnify the Council against all actions, proceedings, claims, demands and liability which may at any time be taken, made or incurred in consequence of the use of the chairs and tables and other objects and for this purpose must take out at the Licensee's expense a policy of insurance approved by the Council in the sum of at least £2,000,000 in respect of any one event and produce to the Council on request the current receipts for premium payments and confirmation of the annual renewals of the policy. A valid Third Party Public liability Insurance certificate shall be held by the licence holder at all times to the satisfaction of the council.



21. The licence holder must comply with any reasonable request of an authorised officer of the Council or a police officer, providing such request does not require excessive additional expenditure
22. The granting of a licence by the Council does not give any approval other than the permission which the Council is authorised to give under the Business and Planning Act 2020.
23. Licenses are not transferable
24. The licence holder shall ensure that sufficient sanitary accommodation is available for any customer using any chairs or seating provided by the business
25. A licence holder selling food shall at all times comply with any food hygiene regulations in force at that time, and when required by the Licensing Authority, shall produce appropriate food handling certificates for relevant food handlers.
26. Only food or drink sold in the relevant premises can be served, and the area so permitted is to be used solely for the purpose of consuming refreshments.
27. Any furniture used in the licensed area must be of sufficient high quality and appearance as not to be detrimental to the area. The use of garden furniture (e.g. plastic patio type chairs and tables) will not be suitable. Any furniture or associated item must be in a good state of cleanliness and repair at all times, and uniform in appearance for the premise.
28. The licensed holder must ensure that the trading area is kept clean and tidy by periodic litter picking.
29. The licensee will be responsible for the cleansing of the trading area. Any food debris, packaging, wrapping or similar material must be removed at once from the trading area and placed in a suitable bin. If a licensee damages or fails to cleanse the highway or remove refuse from within the trading area, the Council will take remedial action and the cost charged to the licensee.
30. The licensee shall take measures to discourage the feeding of vermin by patrons and put in place appropriate measures. More specific advice can be obtained from Environmental Health.
31. Any furniture or equipment must not overhang the designated tables and chairs areas, and be stable enough (e.g. weighted down) to withstand wind or accidental contact. No advertising should be on them apart from that related directly to the name of the company / premise, and this must be pre-approved as part of the application.
32. If heaters are proposed the heaters must meet BS Standards BS EN 60529:1992 (electric heaters) and BS EN 14543:2005 (gas heaters). Any non-furniture item ((e.g. menu boards, heaters etc.) must be approved as part of the enclosed permitted area, and any that cause unacceptable clutter or intrusion of sight lines will need to be removed if deemed to be causing an issue or hazard.
33. The licence holder shall remove tables and chairs from the highway outside trading hours (unless permitted not to) and immediately if required to do so to permit works in or the use of the highway by the Council, the Police, fire and ambulance services, any statutory undertaker or telecommunications code operator.
34. No alcohol shall be consumed on the highway unless a licence has been issued by the Local Authority Licensing Team (Existing premises will have this exemption under the Business and Planning Act 2020, but no premise without an existing alcohol licence is permitted to sell alcohol or conduct a licensable activity except the provision of furniture under a pavement licence)

35. At all times, a minimum clear footways of 2 metres must be aimed for. You must take into consideration of the inclusive mobility guidance issued by Government, especially Section 3, that can be found at <https://www.gov.uk/government/publications/inclusive-mobility/inclusive-mobility>
36. An unimpeded pedestrian route must be maintained at all times for people wishing to use the footway as per the National Licence Conditions
37. The area designated under the licence must be inspected by the licence holder every morning to ensure the highway area is in good repair. Any cracks, damage or areas of risk must be reported to [nrswa@harrow.gov.uk](mailto:nrswa@harrow.gov.uk) the same day of discovery
38. The operation of the area must not interfere with highway drainage arrangements.
39. During the hours of darkness suitable and sufficient lighting must be provided to ensure safe use of the area. Any proposals to provide additional lighting to the licensed areas must be agreed with the Highway Authority.
40. Any furniture used must be arranged to comply with any Government Guidance including around covid-19 and social distancing.
41. Any furniture used that has not been approved or licensed by the Council can be subject to removal by the Council, who will charge for any storage and dispose of it after 14 days if not claimed
42. Harrow Council reserves the right to revoke this licence at any time if any of the above conditions are not fulfilled and maintained.