

## **Pavement Licences – FAQs**

We have put together the following FAQs document to provide guidance on the process of applying for a pavement licence.

### **Q: Who can apply?**

Any person who proposes to use an area of highway adjacent to their premises to sell food or drink for consumption on or off the premises. This could include restaurants, cafés, pubs and bars, and other food and drink retailers such as delicatessens, but potentially also other types of business with no food and beverage element previously (for example a museum or hairdresser).

### **Q: Does an applicant need a premises licence under the Licensing Act 2003?**

No, an applicant does not need a premises licence to apply for a pavement licence.

### **Q: What does a pavement licence authorise?**

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. It also temporarily grants planning permission to site the furniture for the duration of the pavement licence. The pavement licence will not alter the permitted hours on any planning permission or premises licence, or affect any existing covenant on the land.

### **Q: What does “furniture” mean?**

“Furniture” includes chairs, benches, seats, tables, counters and stalls for selling/serving food or drink, and umbrellas, barriers, heaters and other items used in connection with the consumption of food or drink. The furniture needs to be able to be moved and stored at the end of use for the day.

### **Q: Can we set up a bar and sell alcohol outside our premises if we get a pavement licence?**

Alcohol must still be appropriated within the licensed area as outlined on your plan attached to your premises licence. If you only have an on-sales licence, temporary amendments to the Licensing Act 2003 have been made which allow you to sell alcohol for consumption off the premises without needing to apply for a variation of your licence.

### **Q: In respect of what highways can pavement licences be granted?**

Licences can only be granted in respect of highways listed in s115A(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. Highways maintained by Network Rail or over the Crown land are exempt (so a licence cannot be granted).

### **Q: Can I set up furniture in my garden or car park?**

A pavement licence is not required for furniture sited on private land.

### **Q: How is an application made?**

An application must be made electronically using our application form and must be accompanied by supporting documents which include details of the furniture proposed, public liability insurance and a site plan. Please see the application form for more detail.

### **Q: Is there an application fee?**

The application fee is £100.

### **Q: How do I advertise my application?**

You must post a notice (using our template) on the premises on the same day that you submit the application to us and you must ensure the notice remains in place for the public consultation period (7 days starting the day after the day the application is submitted, excluding public holidays).

**Q: Who will the council consult?**

We must by law consult the highway authority, and will also consult other bodies such as Thames Valley Police, Environmental Health, Planning and any town/parish councils. We will also publish the application on our website so the public can view and make comments.

**Q: What will the council consider when determining the application?**

We will consider a number of factors, such as whether the site is safe for use under a pavement licence, whether the use might create nuisance such as noise or litter, and accessibility.

**Q: How long will it take to process the application?**

We aim to determine the application within 7 days beginning with the first day after the public consultation period (excluding public holidays).

**Q: What are the outcomes of an application?**

Any licences granted will have a set of standard conditions plus any specific conditions as required. If the proposal is deemed unsuitable, the application may be rejected.

**Q: How long will the licence last?**

We will grant licences until 30 September 2022 unless there are good reasons for granting a licence for a shorter period, such as plans for future changes to the highway in that area.

**Q: What if the council does not make a decision before the end of the determination period?**

In these cases, the application is deemed to have been granted subject to the standard conditions published on our website for one year (but not beyond 30 September 2022).

**Q: What if I already have a permit issued by OCC Highways under the Highways Act 1980?**

That permit will continue to be valid. Licensees may start to think next year about replacing their temporary pavement licence with a more permanent licence under the Highways Act 1980.

**Q: What if I have already applied to OCC Highways for a permit?**

If your application has not been determined, you may either proceed with that application or make a fresh application for a pavement licence under the new process - the fee will be transferred to the pavement licence application.

**Q: What enforcement powers are available?**

The highway authority (OCC Highways) has the power to remove items on the highway which are a nuisance, whether they are licensed or not. This power is exercisable immediately in cases where the furniture causes a danger. If there is a breach of a licence condition, we may either revoke the licence, or serve a notice on the licence holder requiring them to take steps to resolve the issue within a specified time.

**Q: Is there a right of appeal against a decision?**

There is no statutory appeal process for these decisions. If you do not believe due process has been followed, you are entitled to use the council's usual complaints procedure.

**Q: What if I sell my property? Can I transfer the licence to a new holder?**

Pavement licences are not transferable, therefore a new application will need to be made.

**Q: Where do I go for more information?**

The application form, template notice, our Applicant Guidance and standard conditions can be found on our website at the below link.

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