



Temporary Pavement Licences under Part 1 of the Business and Planning Act 2020

Consultation

Applicants are advised to discuss their application with the Council's licensing officers before submitting their application where necessary.

You are also advised to seek the views of neighbouring premises or businesses regarding your proposals before submitting the application to the Council.

Type of Permission

Under the legislation, the Council can only grant licence to a person, which includes to a company. This means that the licence cannot be transferred to anyone else. If you sell your business the new business owners will need to reapply.

Cost

The cost for the temporary pavement licence is capped at £100. The licence is limited to expire on 30th September 2020 at the latest, or a period as agreed with the applicant or determined by the council. There is therefore no renewal fee.

Times of Operation

You will need to inform the Council of your actual or proposed opening days and times. Tables, chairs and other items referred to in the legislation can be placed within the agreed area on the highway only and only when the premises are open for business and in any event not before 9.00 a.m. or beyond 11pm.

In order to allow a review ahead of the summer in 2021 we are likely to be restricting licences to only remain valid until 30th May 2021.

Area Permitted

As a temporary measure most areas at the front of relevant premises may be considered with permission only refused where it may cause obstruction to pedestrians, particularly wheelchair and pushchair users (usually ensuring at least 1.5m). Account will also be taken of whether the highway is shared space used by cyclists. Above all, any further concern would be in connection with public health such as difficulty maintaining social distancing in accordance with any current guidance.

A plan (which must include dimensions) of the area outside your premises where you intend to place the tables and chairs will need to be submitted to the Council if you proceed with an application.

The Licence holder must remove any furniture if required to do so to permit works in or

the use of the highway by the Council, the County Council, the emergency services any statutory undertaker or telecommunications code operator or where the Licence holder has been notified of a special event taking place.

Application and Duration of Licence

An application will be deemed as granted (Tacit Consent) if the application has not been determined during a period of 7 days (including 5 working days) following the 7 days (including 5 working days) required for the purpose of consultation. Where 'deemed granted' the licence will expire one year following the day on which the application should have been determined.

An application will not be considered as properly given until all required elements of the application have been received, including payment.

Standard Conditions

A list of standard conditions together with any mandatory ones added by the Secretary of State can be found on the application form. These standard conditions will be applied to all licences issued, including those 'deemed granted' (where not determined during the statutory timescales). Those determined within this period may also have further conditions added where considered reasonable by the Council to do so.

Structures Permitted

Seating, tables and, if required, a counter or shelf, umbrellas and heaters (together with a secure base) as well as any proposed barriers to enclose the seating area. The heaters must be to BS Standards (BSEN60529:1992 (Electric heaters) and BSEN 14543:2005 (Gas heaters)) Access to the controls/ pipe/ cylinder on the heaters must be restricted to authorised employees of the premises only. No fixtures to, or excavations of any kind, shall be made to the surface of the highway.

The structures are only for the use of customers who have been supplied with food and/or drink from within the particular premises having the benefit of the permission.

It is a requirement that all structures must be removed at the close of trading each day and only left outside whilst the premises are open and trading.

Barriers must be of a certain height and colour for health and safety reasons and will need to be approved by the Council. Consideration should be given to the use of 'tap rails' on barriers to assist those who are visually impaired.

If you forget to include items such as a cover or additional heaters then a further application will need to be made as there is no facility to vary the licence once issued. Consideration must be given to any environmental impact in the use of outside heaters and only used where necessary.

Furniture

The Council must approve the design and size of the proposed tables, chairs, umbrellas, heaters and barriers. The furniture must be maintained to a satisfactory condition.

No charge can be made by the Licence holder for the use of the furniture.

Insurance

Operators must indemnify both Chelmsford City Council and Essex County Council in respect of injury, damage or loss arising out of the grant of permission (unless such claims arise out of the Councils' negligence). All operators must have public liability insurance in the sum of £5,000,000 in respect of any one event. A copy of this insurance must be produced to the Council before a licence will be issued.

Expiry dates of insurance details will be monitored to ensure insurance cover is current.

The Licence holder shall make no claim or charge against the Council in the event of the furniture or other objects being lost, stolen or damaged in any way.

Music

No regulated entertainment within the licensed area unless authorised.

Litter

Refuse and litter deposited on the highway in the vicinity of the chairs and tables must be collected at not less than hourly intervals (or more frequent intervals if required under the Environmental Protection Act 1990).

Litter is not to be placed in the litter bins situated on the highway for use by the general public, but in the trade refuse bins.

All tables must be cleared as soon as practicable after being vacated by customers to avoid litter being deposited unnecessarily on the highway.

Glass

Any use of glass for the consumption of food or drink in the area covered by the permission must be made of toughened glass or of plastic.

Sanitary Appliances

The number and type of public sanitary accommodation provided by a business is based on the number of potential customers. The applicant should ensure that the sanitary provision remains appropriate for the increase in customer numbers resulting from additional seating and in compliance with any 'Covid secure' standards.

Extent of the permission

The pavement licence only permits the placing of furnishings on the highway. It does not provide permission for any other activity for which separate authority might be required e.g. sale of alcohol.

Unless the expiry date of the licences are extended, should you wish to use the

highway beyond that period you will need to provide at least 28 days in which to make application under the Highways Act 'Tables and Chairs' licence regime. You may also need to seek planning permission and street trading permission in order to carry on operating in this manner.

Planning

Under the temporary regulations planning permission is deemed as granted for the purposes only consistent with the permissions applied for and granted by the licence.

Enforcement

Ongoing enforcement of the licensed area will be carried out to make sure the conditions of the licence are not being broken. Breaches may result in the removal of the licence where compliance is difficult.

Termination

Failure to comply with the terms and conditions of the licence may result in the licence being suspended or revoked and any costs incurred in ensuring compliance may be recovered from the licence holder.