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## Chelmsford City Council Regulatory Committee

20th November 2025

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### Pavement Licence Policy Review

Report by:

Director of Public Places

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Officer Contact:

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### Purpose

To consider the consultation responses on the revised Pavement Licence Policy and to make recommendations on the final reviewed policy

### Options

1. To agree the amended Pavement Licence Policy.
2. To make no changes to the current Pavement Licence Policy
3. To make and agree further changes to the amended Pavement Licence Policy.

### Recommendations

That the Regulatory Committee agree the revised Pavement Licence Policy as set out in Appendix 1.

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## 1. Background and Introduction

- 1.1. Chelmsford City Council issues Pavement Licences to premises that sell food and drink for consumption on the highway and incorporates removable furniture. A Pavement Licence Policy is in place and outlines the principles of the pavement licensing regime and explains where tables and chairs would normally be permitted to be placed. It provides clear guidance to businesses and officers on how licences are considered.
- 1.2. Regulatory Committee requested that The Pavement Licence Policy was reviewed following a decision to overturn a decision to refuse a Pavement Licence application.
- 1.3. The proposed revised Pavement Licence Policy was considered at Regulatory Committee on 12<sup>th</sup> June 2025 and members agreed that a consultation should take place to obtain views on the proposal. The consultation took place between 11<sup>th</sup> July 2025 and 22<sup>nd</sup> August 2025.
- 1.4. As part of the process the following were consulted: Essex Highways, Chelmsford for You (BID), Chelmsford Area Action Group, Chelmsford City Centre Manager, Chelmsford Market Manager, and Public Realm Planning Officer as well as all current Pavement Licence holders. In addition to this, consultations were also sent to all businesses within the City Centre area that sold food and drink.
- 1.5. The consultation was also published on the City Council website.

## 2. Consultation Response

- 2.1. A total of two consultation responses were received. One was from Tiptree Tearooms and the other from Planning Services at Chelmsford City Council. The two responses are attached as Appendix 2
- 2.2. The consultation from Tiptree Tearooms is broadly in favour of the Pavement Licence regime and Policy. The response from Planning Services covers a range of matters and includes clarifications and recommendations for amendments to the policy.
- 2.3. The response from Planning Services also requests an amendment to the policy taking away the requirement for Regulatory Committee to determine all pavement licence applications that use the area directly in front of Shire Hall. It is suggested in the consultation response that officers use discretion to refer determination to Regulatory Committee if necessary.

- 2.4. There is also reference made to matters that should be considered when determining applications. These are included in the published Guidance from Central Government on Pavement Licences so are considered fully and do not need to be replicated within the Policy.
- 2.5. Clarification has been provided that a 4.5m 'buffer' area is in place on the west side of the High Street south of Tindal Square (High Street Market area) to allow safe passage for an emergency vehicle route. The permitted area will be amended to take account of this and maintain this safe passage.
- 2.6. Suggestions are made in the response regarding specific city centre locations (High Street, Springfield Road and Market Square) and proposed amendments to indicative plan areas/boundaries.
- 2.7. It is requested that barriers are stated to include removable narrow planters, and this has been included. Other suggestions regarding Advertising Boards, Non-removable furniture, and information on 'place values' and pedestrian flow have also been included.
- 2.8. While not a statutory requirement to consult beyond Essex Highways the list of consultees will be extended to those suggested but caveated that these will only be consulted on City Centre pavement licence applications.

### 3. Policy Amendments

- 3.1. The revised policy has been further amended to take account of the relevant comments from Planning Services. This is attached as Appendix 1, with original changes highlighted in yellow and changes following the consultation highlighted in red.
- 3.2. A detailed and scaled plan will be produced once areas are agreed to clearly highlight the areas in the City Centre where tables and chairs will be permitted. The indicative plan used for the consultation can be amended to take account of comments from Planning Services if deemed appropriate by members. These plans are attached as Appendix 3 and 4.

### 4. Conclusion

- 4.1. The amended Pavement Licence Policy has been developed following consultation.

### List of appendices:

Appendix 1 – Pavement Licence Policy with highlighted changes

Appendix 2 – Consultation Responses

Appendix 3 & 4 – Indicative City Centre plans

### Background papers:

None

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### Corporate Implications

Legal/Constitutional: None

Financial: None

Potential impact on climate change and the environment: None

Contribution toward achieving a net zero carbon position by 2030: None

Personnel: None

Risk Management: None

Equality and Diversity: Some potential impact on people with visual impairments and mobility issues. This is mitigated by furniture being located in fixed and agreed locations with clear walkways/access being provided as part of the Policy. Health and Safety: None

Digital: None

Other: None

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### Consultees:

Essex Highways, Chelmsford for You (BID), Chelmsford Area Action Group, Chelmsford City Centre Manager, Chelmsford Market Manager, Public Realm Planning Officer, all Pavement Licence holders and any other business within the city centre that could potentially hold a pavement licence.

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### Relevant Policies and Strategies:

Pavement Licence Policy

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## **Pavement Licensing Policy**

### **1. Introduction**

- 1.1 The Business and Planning Act 2020 (as amended) was introduced as temporary legislation to assist businesses and remove existing bureaucracy around what were known as Tables and Chairs Licences under the Highways Act. The Business and Planning Act 2020 (The Act) has now been amended by the Levelling Up and Regeneration Act 2023 which makes the Pavement Licence regime permanent.
- 1.2 The Act allows Chelmsford City Council to permit specified furniture to be placed on the highway (mostly footpaths and pedestrianised areas) although where applicable, businesses may still need the activity to be licensed, for example, sale of alcohol.

### **2. Definition of 'pavement licence'**

- 2.1 A pavement licence is a licence granted by the local authority, or deemed to have been granted, which allows the licence holder to place removable furniture over certain highways adjacent to the premises in relation to which the application was made, and for certain purposes.

### **3. Eligible Businesses**

- 3.1 A person (which includes a body corporate) 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, ice cream parlours or similar.
- 3.2 A licence permits the business to use furniture placed on the highway in order 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.
- 3.3 A pavement licence does not licence the activity, only the placing of the furnishings.

- 3.4 The pavement licence is issued to a person or incorporated body. Where there is a change to that person or incorporated body then the licence will lapse, and a further application will need to be made by any new person.

#### **4. Eligible Locations**

- 4.1 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).

- 4.2 This Policy is intended to ensure that the locations where tables and chairs are permitted to be placed are such that they do not cause any safety concerns by way of obstructions (for emergency services vehicles) and that the areas remain accessible to all, including those with visual impairment or mobility requirements.

- 4.3 This policy is applicable throughout the Chelmsford City Council area, although its main impact is within the city centre as other areas with demand for tables and chairs tend to be on privately owned land.

- 4.4 Tables and chairs can only be placed in front of the façade the licence holder is responsible for, unless written permission has been obtained from the owner/operator of the premises whose façade the tables and chairs are proposed to be placed.

- 4.5 Tables and Chairs will not be permitted where they would restrict any pedestrianised public highway to less than 2.5 metres in width or impede any designated cycle route. There are certain city centre high footfall locations where 2.5 metres will be an insufficient minimum width, and more space will be required. These areas are shown at XX on plan X

#### **Chelmsford City Centre**

- 4.6 The Council has approved particular restrictions to the granting of pavement licences in the pedestrianised area of Chelmsford Town Centre. These restrictions reflect the particular aspects and design of the area which is intended for flexible use, the high pedestrian footfall and lines of pedestrian movement, risk of congestion and needs of residents with visual or physical impairment. They also result from the consideration of people using the area who are neuro-divergent. Therefore, only certain parts of the pedestrianised area of the Town Centre are considered suitable for a pavement licence, and particular criteria must be met.

- 4.7 From 11 High Street northwards to the top of the High Street tables and chairs are only permitted in the hatched areas of the plan at Appendix 1. There must be a minimum width of 3 metres between the business façade

and the tables and chairs, and a minimum 5 metre clear route along the centre of the street. The maximum depth of the area licensed for tables and chairs in this area is to be 2.5 metres. Following a decision by Regulatory Committee there is an area to the front of 90 High Street with a depth of 1.6m where tables and chairs will be permitted to abut the front of that premises.

- 4.8 To the south of 11 High Street, including the lower section of the High Street, Springfield Road and Moulsham Street, tables and chairs are to be placed abutting the façade. The maximum depth of the area licensed for tables and chairs is to be 2.5 metres, unless it can be demonstrated that there is sufficient space to allow greater depth without compromising safety. As the Act waives the need for any planning permission which is where consideration of amenity, access, and function would have been given when determining the application, considering the importance of the pedestrianised area of the city centre these considerations which could otherwise be summed up as 'place values' will also be taken into account in officers decision making. Maximum depth of 2.5 metres does not apply to Exchange Square, Market Square or Backnang Square.
- 4.9 Chelmsford High Street Market: There is an exception to the 2.5 metre depth between Half Moon Square and the Town Sign on the High Street. This area is used for the High Street Market on a number of days of the week and the market stalls are placed in the centre of the High Street. When the stalls are in place they leave a minimum of 3m access on the east side of the High Street and 4.5m along the west side of the High Street Market areas required for the emergency vehicle route and safe passage. Any pavement licence in this area must be in accordance with these criteria although the 2.5 metres maximum depth does not apply in this central area where it can be justified by the applicant the proposed alignment of the tables & chairs area takes into account existing street furniture and tree locations and does not obstruct continuous pedestrian flow. No Pavement Licence will permit tables and chairs to be placed where market stalls are authorised, on market days. Premises immediately adjacent to the ends of the High Street market area would not be permitted to place tables and chairs abutting their premises if this will obstruct the flow of pedestrians and the 3-metre access down the east side of the High Street and 4.5 metre access along the west side of the High Street.
- 4.10 Any application for tables and chairs in front of Shire Hall must be considered by the Council's Regulatory Committee.

The specific requirements for the pedestrianised City Centre, including designated areas where tables and chairs would be permitted to be placed in addition to Tindal Square, are shown in the attached plan at [Appendix 2](#).

## 5. **Type of furniture permitted**

- 5.1 Seating, tables and, if required, umbrellas and heaters (together with a secure base) as well as any proposed barriers to enclose the seating area are permitted.
- 5.2 The furniture must be fit for purpose and designed specifically for commercial outdoor use (and comply with all relevant BS standards). It must be kept in good order; damaged or faded items must be replaced.
- 5.3 This furniture is required to be removable, meaning that it is not a permanent fixed structure, and is able to be moved easily, and should be stored away when the premises are closed for activity.
- 5.4 There is an expectation that the type and style of furniture would be 'in keeping' with the local area.
- 5.5 Picnic benches and plastic tables and chairs designed for domestic use (e.g. white plastic furniture) are not permitted.
- 5.6 Any form of gazebo, or an enclosed shelter with one or more sides, is not permitted.
- 5.7 Advertising boards and structures are not included in the definition of furniture within the pavement licensing regime. In the City Centre there is a Public Spaces Protection Order that prohibits such advertising boards and structures.
- 5.8 Applicants that wish to place non-removable furniture onto the highway must apply for permission under the Highways Act 1980.

## 6. **Toilet Provision**

- 6.1 It is expected that toilets and associated handwashing facilities will be made available for customers. Both indoor and outdoor seating will need to be taken into account when calculating the number of toilets that may be required. In assessing the suitability and sufficiency of customer toilets, regard must be had to the Council's guidance on toilet provision, please contact [safe.support@chelmsford.gov.uk](mailto:safe.support@chelmsford.gov.uk) for further information.

## 7. **Barriers**

- 7.1 When tables and chairs are in place a standard barrier consisting of a fabric banner and associated post/rail system **should** be used **if appropriate**. **Removable narrow planters with real plants can form part of the barrier, this would help to green the street and would benefit people's wellbeing.** The function of the barriers is to demarcate and contain the tables and chairs but also to give a clear warning particularly to people with visual impairments.
- 7.2 The barriers shall be secured by a purpose designed post and rail system with weighted post bases to prevent being knocked or blown over and be of a height

range of 800mm to 1000mm, **including for planters**, so to not visually obstruct views down the street or be an obstructing hazard

- 7.3 Street café barriers should be of a design to complement the character of the surrounding area. Banners should be of one design, in a plain style and can incorporate the business name or brand logo. Posts and rails should be stainless steel, chrome plated or powder coated.

## 8. **Times of Operation**

- 8.1 The tables and chairs can be placed on the highway only when the premises are open for business and in any event not before 6.00 am and normally until the close of business.

Where nuisance is likely to be caused to residents e.g. late at night, businesses may be required to remove the tables and chairs before the close of business.

## 9. **Planning Permission**

- 9.1 Once a licence is granted the applicant will also benefit from deemed planning permission to use the land for anything done only pursuant to the licence while the licence is valid, but not for any other purpose.

## 10. **Consultation**

- 10.1 Applications are consulted upon for 14 days, starting with the day after that on which the application is made to the Council (an application will not be considered to have been properly made unless each requirement has been met).

- 10.2 The Council will publish details of the application on its website at <https://www.chelmsford.gov.uk/business/licensing/incoming-licensing-applications/>

- 10.3 The Council is required by law to consult with the Essex County Council Highways Authority. In addition, to ensure that there are no detrimental effects in granting such a licence the Council will also consult with:

- Chelmsford City Council **Public Health and Protection Services**
- Chelmsford City Council Planning Department
- Essex Police
- The appropriate Local Ward Councillor(s)
- The appropriate Parish or Town Council
- **Essex Fire and Rescue Service**
- **The Business Improvement District Chelmsford For You (for City centre applications)**
- **Chelmsford City Centre Management (for City centre applications)**

Members of the public and others listed above can contact the Council to make representations.

The Council must take into account representations received during the public consultation period and consider in their determination of the application.

## **11. Cost**

- 11.1 There is an application fee and a renewal fee payable every two years. Details can be found on the application form and the Chelmsford City Council website.

## **12. Insurance**

- 12.1 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 £10,000,000 in respect of any one event. A copy of this insurance must be produced to the Council before a licence will be issued.
- 12.2 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.

## **13. Litter**

- 13.1 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).
- 13.2 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.
- 13.3 All tables must be cleared as soon as practicable after being vacated by customers to avoid litter being deposited unnecessarily on the highway.

## **14. Cumulative impact**

- 14.1 The Council can take into account the cumulative impact of multiple pavement licences in close proximity to each other. In particular, specific evidence that this may create a build-up of furniture and cause potential obstruction on the footway, particularly for disabled people, may cause the application to be rejected.

## **15. Enforcement**

- 15.1 Notwithstanding the fact that a pavement licence has been granted under the legislation and the terms of this policy, if it appears that the permitted furniture or its use is causing obstruction, risks to public health or safety, anti-social behaviour or nuisance, the Council will consult with the licence holder to amend the licence or take the appropriate steps for its revocation.

15.2 If tables and chairs are being placed on the highway without the required licence the Council can remove these. This would be carried out following a Notice being issued to the premises operator to advise that they will be removed if not taken off the highway within a specified time period.

15.3 The Council reserves the right to charge reasonable removal and storage costs for the furniture if the owner wishes for it to be returned. The removal costs will be calculated using the officer time taken to arrange and carry out the removal. Any third-party storage costs will be charged back to the owner. The Council also reserves the right to dispose of unclaimed furniture as it sees fit and to invoice licence holders/owners for all costs associated with collection, storage and disposal of such furniture that has been removed in accordance with legislation.

## 16. **Miscellaneous Conditions**

16.1 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.

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

All licences are renewable every two years.

## APPENDIX 2

Consultation Response 1 (Wilkin & Sons):

*Dear [Chelmsford City Council / Licensing Team],*

*I am writing in support of the continuation of pavement licences in Chelmsford, as part of your current policy review. We operate a tea room and retail unit in the city centre at 80 Bond St, and the ability to offer outdoor seating has been vital to our business, especially in the years following the COVID-19 pandemic.*

*While many sectors have gradually recovered, the hospitality industry continues to face significant challenges. Outdoor seating has provided us with much-needed additional capacity and helped attract footfall from passers-by who may otherwise not have visited. It also offers a more inclusive and flexible experience for customers who prefer to dine outside.*

*Maintaining a flexible and supportive policy on pavement licences not only helps independent businesses like ours survive but also contributes to the vibrancy and appeal of the local area. It encourages people to spend more time in the city, which benefits the wider community and local economy.*

*We hope the council will recognise the ongoing importance of this policy and continue to support businesses through its renewal.*

Consultation Response 2 (Planning Services, CCC):

Dear PHPS

Pavement Licence Policy Review 2025 comments:

As part of the comments provided new / amended text is proposed as highlighted yellow below.

4.8 New text has been added in a sentence ending "...without compromising safety" - the case should be made it is also about **place**. This needs to be made clear in the policy, to ensure it is transparent ... **as the Act waives the need for any planning permission which is where consideration of amenity, access, and function would be taken, considering the importance of the pedestrianised area of the city centre these considerations which could otherwise be summed up as 'place values' will also be taken into account in officers decision making.**

4.9 The new text regarding the market stretch, 4<sup>th</sup> sentence "Any pavement licence in this area must be in accordance with these criteria although the 2.5 metres maximum depth does not apply in this central area as there can be sufficient space for a larger depth." Amend the end to " .... although the 2.5 metres maximum depth does not apply in this central area, **where it can be justified by the applicant the proposed alignment of the tables & chairs area takes into account existing street furniture and tree locations and to not obstruct continuous pedestrian flow.**"

On the west side of the High Street the gap needs to be more than 3m, this has been the case ever since the street market began in the pedestrianised high street. This west side acts as the emergency access route for fire appliance vehicles and other



emergency services, to allow for this and safe passage 4.5m has been considered the minimum width to be kept clear on the west side. Amend text to “3-metre down the east side of the High Street and 4.5m along the west side of the High Street market area as required for the emergency vehicle route and safe passage.”

4.10 “Any application for tables and chairs in front of Shire Hall must be considered by the Council’s Regulatory Committee”

The key message important to get across is for any future occupant (for any building) to think about outside tables and chairs and to check with the Council before they commit to the unit.

In Planning any developer/ applicant would be encouraged to think about outside tables and chairs as part of their proposal, however with the Business and Planning Act 2020 it’s found that developers are not showing tables & chairs as part of their development proposals, knowing it is dealt with much later under licensing. This is missing out a key component of addressing tables & chairs as part of the early design process. Planning strives for this to be taken into account during consideration of any planning application for Shire Hall.

Maybe if the Pavement Licence application is received for this location “in front of Shire Hall” discretion is given to the accepting officer in the Licensing team (in consultation with Planning Implementation) whether the application should go to the Regulatory Committee.

We’d welcome a process that enables the Council to insist on better applications showing more consideration and clear plans and clear understanding with the immediate street environment. Validation checking of applications would then become more important before they are validated and then consulted upon.

Add clarity into the policy that there is no right of appeal, if an applicant wishes to re-apply they are encouraged to seek discussion with the Licensing team and Planning Implementation team at CCC before doing so.

Add new paragraph, suggest as 5.7 :

Advertising boards are not included in the definition of furniture within the pavement licensing regime. In the City Centre there is a PSPO on the prohibition of A-boards. [[city-centre-pspo-map.pdf](#) ]

To help with the issue at The Exchange for example, add a new paragraph, suggest as 5.8 :

Applicants that wish to place non-removable furniture onto the highway must apply for permission under the Highways Act 1980.

Barriers:

At 7.1.after first sentence add “Removable narrow planters with real plants can form part of the barrier, this would help to green the street and for the benefit of peoples wellbeing.”

At 7.2 add after the text “... height range of 800mm to 1000mm the same for planters so to not visually ...”

10.3 add Chelmsford City Centre Management, The Business Improvement District Chelmsford for You, Essex Fire & Rescue

The policy doesn't say anything in terms of the submission of the application. Those being received in the majority do not include plans showing enough information. The following text could help the applicant in having their plans validated by the receiving officer:

A plan showing the proposed area covered by the licence in relation to the highway, this should be to scale, with measurements clearly shown. The plan should show the positions and number of the proposed tables and chairs, together with any other items that they wish to place on the highway. The plan should include clear measurements of, for example, pathway width/length, building width and any other fixed item in the proposed area such as trees, public benches, posts and distinguished features such as drains, gulleys and paving pattern.

The policy also doesn't say anything in terms of site assessment. The following text could help the applicant understand what the Authority will be taking into consideration:

The following matters will be used by the Council and consultees in considering the suitability of the proposed application:

- 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 this would cater for pocket parks, for example in parking bays outside Nags Head and neighbouring premises on Baddow Road ;
  - whether there are other permanent street furniture or structures in place on the footway that already reduce access;
  - the impact on any neighbouring premises;

- the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people; other users of the space, for example if there are high levels of pedestrian or cycle movements.

Applicants are encouraged to talk to neighbouring businesses and occupiers prior to applying to the local authority, and take any issues around noise and/or nuisance into consideration as part of the proposal.

The policy doesn't mention the Equality Act 2010, the Council has an obligation to show 'Due Regard' as to the act. The Access Officer asks whether an Equality Impact Assessment been made on the policy document.

Plan areas to amend:

- High Street market along street centre – a thick blue band is shown where the market stalls are situated. The stalls might well be present on market days suggesting other days could be available for tables & chairs. There is long-understanding of maintaining access across the high street, these cross street walkways are in-proximity to trees and the round structure acting as an informal seat opposite 35 High Street, this is for purposes of permeability and accessibility. Add gaps to break up the thick blue band to confirm this understanding.
- Springfield Road fronting Lakeland, The Entertainer (shown as No.16 on the plan) – continue the shallow area to the building edge of Kaspas. Don't take it around the corner but the building face of Kaspas facing the River Chelmer had a single row that aligned with the area for 1-2 Backnang Sq.
- Market Square – placing tables & chairs as continuous stretches in quite deep bands either side of the trees restricts people movement. On the west side there should be a 3m (minimum) clear gap as the walkway between the outdoor trading edge and the start of any tables & chairs. There should also be gaps across the space, so people have safe and convenient access west-east for benefits of permeability and accessibility. This would be the spaces between the trees to avoid people attempting to cross the unlevel surface of the tree pits.







