



City of
Stoke-on-Trent

Pavement Licences

Guidance notes for applications

2024 – 2027

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1. Introduction

Stoke-on-Trent City Council has produced this policy for Pavement licences in order that applicants and the public understand the issues involved in permitting what are legally temporary obstructions to the pavement or carriageway.

The policy aims to:

- Make businesses aware of the opportunities available to them to add an extra dimension to their food and drink offering.
- Ensure the safety of all users of the public highway, pavements and carriageways
- Ensure that Pavement licences are operated in a safe manner following clear guidelines which minimise interference and disruption for highway users.

2. What is a pavement licence?

A pavement licence is a licence granted by the local authority, or deemed to have been granted, which allows the licence-holder to place removeable furniture over certain highways adjacent to the premises in relation to which the application was made, for certain purposes. This is a streamlined process to allow business to secure these licences quickly and, where they are deemed to have been granted, allow these licences to remain in place for such period that the local authority may specify in the licence, or no such limit may be placed on their duration.

Where a pavement licence is granted, clear access routes on the highway will need to be maintained, taking into account the needs of all users, including disabled people.

3. What is the purpose of the Levelling Up and Regeneration Act 2023 for pavement licences

This process provides a streamlined and cheaper route for businesses such as cafes, restaurants and bars to secure a licence to place furniture on the highway. This will provide much needed income for businesses and protect as many hospitality jobs as possible, particularly during times of increasing living costs.

4. What businesses are eligible?

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. Business that are eligible include: public houses, cafes, bars, restaurants, snack bars, coffee shops and ice cream parlours including where such uses form an ancillary aspect of another use, for example supermarkets or entertainment venues which sell food and drink.

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.

5. What furniture can be permitted by a licence?

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 removeable, this means it is not a permanent fixed structure and is able to be moved easily, and stored away of an evening.

Advertising boards are not included in the definition of furniture.

6. Applications

Applications should be made online at stoke.gov.uk

There is a 14 days consultation period (excluding public holidays) which starts the day after we receive the application, then we have a 14 days determination period, which starts on the first day after the end of the consultation (excluding public holidays). If you licence is not determined within this 14 day period then the licence is deemed to be granted for a year.

Applications must be accompanied by a site plan showing the scale and the distance from the kerb. The kerb must be at least 1500mm away from the edge of the licensed area.

- Entry and exit points
- Building lines
- Premises boundary
- Changes in level and kerbs
- Size and shape of seating area
- Number and arrangement of tables and chairs
- Any other furniture proposed

Applications must be accompanied by evidence of a public liability insurance policy covering the business premises and activities with a cover amount of at least five million pounds.

Applications must include photos of the proposed furniture.

Applications must be accompanied by the relevant fee.

A notice advertising the application must be displayed on/or near the premises for the consultation period.

7. Determination of Applications

No tables or chairs should be placed upon the highway until the application is determined and the applicant has been advised of the outcome.

Incomplete applications will not be accepted.

Valid applications will also be referred to relevant departments within the council, Staffordshire Police and Staffordshire Fire and Rescue services for comment. Applicants may negotiate with these parties, to resolve any issues raised during consultation, prior to a decision being made.

Any comments received, which remain unresolved, will be considered by a licensing officer and then granted or refused.

8. Renewals

It is the responsibility of the licensee to ensure that renewal applications are made prior to the expiry of an existing licence in order for permissions to continue uninterrupted

Should a renewal application be received after the expiry of a previous licence, it may be treated as a new application.

All renewal applications will be subjected to the consultation process detailed above.

9. Criteria used to grant pavement licences

The council will, when considering applications, promote the following aims and objectives;

- Create a vibrant diverse street scene which encourages residents and visitors to the city to visit and linger in our towns and district centres
- Ensure ease of movement and access for all
- Ensure safety for pedestrians and other highway users.

While no prescribed style, design or layout is dictated the council expects that the standard of Street Cafés and the furniture and fittings used should reflect and / or enhance the area it is situated in. Where this is not achieved any future licences may be refused for this reason.

10. Further Information

The council may request at the time of application or later that additional information is provided to it as may be considered relevant for the purpose of considering and reviewing applications and licences. Failure to provide such information may result in an application being rejected or a renewal being refused.

The council is committed to ensuring that residents and visitors have access to affordable, nutritious, sustainably produced and tasty food, prepared to high hygiene standards, regardless of income. In addition, encouraging a diverse range of independent enterprises that provide sustainable local food and employment is of equal importance. Applicants for a pavement licence should consider how their proposals can support the council with these objectives.

11. Enforcement

It is recognised that well-directed enforcement activity by the council benefits not only the public but also responsible business operators.

If a condition imposed on a licence is breached, the local authority will be able to issue a notice requiring the breach to be remedied. If the licence-holder fails to do so, the local authority may revoke the licence or itself take steps to remedy the breach and can take action to recover any costs of so doing

If the authority may revoke a licence in the following circumstances:

- For breach of condition, (whether or not a remediation notice has been issued)
- Where there are risks to public health or safety.
- Where this use of the highway is causing an unacceptable obstruction, breaching the non-obstruction condition.

- Where the use is causing, or risks causing, anti-social behaviour or public nuisance.
- Where it comes to light that the applicant provided false or misleading statements in their application.
- Where the applicant did not comply with the requirement to affix the notice to notify the public for the relevant period.

The local authority may also revoke the licence when 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 granted.

In cases where furniture would normally be permitted by a pavement or other licence has been placed on a relevant highway without the required licence, local authorities can give notice requiring the business to remove the furniture before a date specified and to refrain from putting furniture on the highway unless they gain a licence.

If furniture continues to be placed on the highway, in violation of the notice, the authority may remove and store the furniture, recover the costs from the business for the removal and storage of furniture and refuse to return the furniture until those costs have been paid. If within 3 months of the notice, the costs are not paid, the authority can dispose of the furniture by sale or other means and retain the proceeds.

12. Current consultees for pavement licence applications

Staffordshire Police Licensing Section

Staffordshire Fire & Rescue Service

Public Protection – Stoke-on-Trent City Council

Markets Manager – Stoke-on-Trent City Council

Manager of Employment Skills, Enterprise Growth – Stoke-on-Trent City Council

Highways Services - Stoke-on-Trent City Council

Regeneration Development - Stoke-on-Trent City Council

Parking Services - Stoke-on-Trent City Council

BID management

CONDITIONS OF PAVEMENT LICENCES

1. The Licensee is not permitted to operate a pavement licence when the Licensed Premises are being used as a venue to show national or international sporting events on screen.
2. No alcohol shall be consumed within the Licensed Area unless a Premise Licence or Temporary Event Notice has been issued by the Licensing Authority under the Licensing Act 2003 for the Premises to which the Licensed Area relates.
3. No food shall be consumed within the Licensed Area unless the Licensee is registered with the Council as a food business under the applicable food hygiene legislation.
4. The Licensee shall ensure that the Licensed Area is at all times during the permitted hours enclosed by a fixed barrier, the type and design of which is to be approved by the Council prior to use and shall at all times thereafter be of the agreed type and design.
5. The Licensee shall remove the Street Furniture and the barrier from the Licensed Area outside the Permitted Hours and immediately if required to do so as to permit works in or the use of the highway by:-
 - (a) the Council, the Police Fire or Ambulance Services or any Statutory Undertakers, or
 - (b) builders vehicles and furniture removal vans, or
 - (c) vehicles accessing any adjoining premises for the purpose of loading/unloading goods.
6. The Licensee shall indemnify the Council from and against all actions costs proceedings claims demands and all other liability whatsoever which may at any time be taken made or incurred in consequence of the operation of this Licence and for this purpose must take out at the Licensee's expense a policy of public liability insurance with a reputable company in the sum of at least Five million pounds (£5,000,000) in respect of any one event and must provide to the Council a copy of the insurance certificate as part of the application.

7. If for whatever period or reason the public liability insurance policy, is not in force the Council shall be deemed to have withdrawn this Licence for the period during which the said policy is not in force.
8. The Licensee shall not at any time, interfere whatsoever with the surface of the highway.
9. The Licensee shall not obstruct any access ways to any adjoining premises or leave any rubbish thereon.
10. The Licensed Area must be used solely for the purpose of consuming refreshments and any persons within the Licensed Area consuming refreshments must be seated.
11. The Licensee is responsible during the permitted hours for the cleanliness of the Licensed Area and the health and safety of all users within the Licensed Area.
12. The Licensee shall provide within the Licensed Area suitable receptacles for the purpose of depositing litter and cigarette stubs which must be removed from the Licensed Area outside of the permitted hours.
13. Refuse, litter and spillages deposited on the highway in the vicinity of the Licensed Area and in addition that area of highway bounded by a line measured 5.0 metres from the perimeter of the Licensed Area must be removed each day by the Licensee at the Licensee's expense or at more frequent intervals as may be required by the Council or may be required under the Environmental Protection Act 1990 (or any amendment thereof).
14. The Licensee shall ensure that any portable heaters, umbrellas, gazebos and planters are at all times located within the Licensed Area.
15. The Licensee shall ensure that any music played within the Licensed Area shall not cause a nuisance and annoyance and if requested by any employee of the Council and/or a police officer the Licensee will reduce the volume and/or cease playing the music completely.
16. The Licensee shall ensure that any persons within the Licensed Area do not cause any nuisance disturbance or annoyance to the public using the highway or the Owners or Occupiers of adjoining premises.