

Pavement Licensing Policy

Stevenage Borough Council

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1. Purpose

- 1.1 This policy sets out the approach of Stevenage Borough Council to the granting of pavement licences in accordance with the Business and Planning Act 2020. The purpose of this policy is to set out the standards, expectations and application procedures associated with the granting, monitoring and enforcement of Pavement Licences within the Borough of Stevenage (excluding the Town Centre). It ensures a consistent, fair and transparent approach in managing the use of public highways for commercial purposes while safeguarding public safety, accessibility and amenity. It also provides guidance to applicants, existing licence holders and authorised Officers of the Council, detailing how compliance will be regulated and what measures will be taken in cases of non-compliance or breaches of licence conditions. Applicants and members of the public are advised to contact the Licensing Authority in the event of an enquiry for appropriate advice.
- 1.2 This policy is introduced following the Levelling Up and Regeneration Act 2023 which made permanent the provisions set out in the business and Planning Act 2020. This policy will be reviewed every 2 years or earlier if there are changes in legislation or guidance.

2. Scope

- 2.1 Stevenage Borough Council, as the Licensing Authority recognises the importance of pavement licensing to businesses and value their contribution towards the local economy. 'Café Culture' is a growing trend, with an increasing demand for eating and drinking outdoors. Many pubs, restaurants and cafes want to provide facilities to meet this demand by using the pavement area outside of their premises.
- 2.2 The Pavement Licensing Policy (hereafter referred to as 'The Policy') will be used to create an alfresco dining environment which:
- Ensures fair trading between all licence holders in the Borough of Stevenage;
 - Protects the amenity of the residents by ensuring that licence holders do not cause nuisance, damage, disturbance or annoyance;
 - Ensures the safety of the people using the dining areas and the pavements;
 - Provides applicants and licence holders with advice and guidance on the Council's approach to the administration and enforcement in relation to pavement licences.

2.3 In determining an application for a pavement licence, the principle adopted by the Licensing Authority, will be that each application will be determined on its own merits. All applications will be considered, under the terms of this policy, and regard will be given to the list of objectives outlined below:

2.3.1 **Public Safety**

The proposed licensed area of the street should not present a significant risk to the public in terms of an obstruction or safety on the highway. All applicants should consider the following which will help the Licensing Authority assess the suitability of the proposed site:

- Interference with the line of sight for road users
- Access to pedestrian crossings,
- Space for those with disabilities to pass by unhindered, and
- Proximity to roads or cycle paths

2.3.2 **Prevention of Crime and Disorder**

All applicants/licence holders are expected to operate in such a way as to promote the Prevention of Crime and Disorder, particularly those applicants/licence holders who intend to trade during later hours.

2.3.3 **Prevention of Public Nuisance**

All applicants/licence holders should consider measures to mitigate the risk of nuisance from noise, refuse, vermin, fumes and smells. Licence holders have an obligation to ensure that the licensed area does not impede those using the highway, particularly those with prams, wheelchairs or persons with disabilities.

2.3.4 **Sustainability**

All applicants/licence holders should consider steps which they intend to follow to reduce the environmental impact of the activity. i.e. the use of reusable/ recyclable products and energy efficient processes.

2.3.5 **Suitability of Street Furniture**

All applicants/licence holders must ensure that street furniture is able to be removed from the licensed pavement area at the end of the period for which it is licensed. Furniture should be strong, safe and well maintained.

3. Legal Framework

- 3.1 This policy sets out how Stevenage Borough Council will comply with the requirements of the Business and Planning Act 2020, in the provision of a pavement licences for the following activities:
- Use of furniture by the licence holder to sell or serve food or drink supplied from, or in connection with, the relevant use of the premises;
 - Use of the furniture by other persons for the purpose of consuming food or drink supplied from, or in connection with, the relevant use of the premises.
- 3.2 The Levelling Up and Regeneration Act 2023 came into effect on 31st March 2024 and made permanent the provisions set out in the Business and Planning Act (BPA) 2020 with a number of changes. The Levelling Up and Regeneration Act introduced a standard cap on fees for both new and renewals of licences as well as increased consultation and determination periods, the lengthening of the maximum duration of licences and provides Local Authorities with new powers to remove unlicensed furniture.
- 3.3 The Highways Act 1980 is no longer used to provide pavement licences for the activities specified in 3.1 and 3.2.
- 3.4 The Licensing Authority will exercise its functions with respect to pavement licensing in accordance with the provisions of the Business and Planning Act 2020, as amended. These functions will be carried out under the delegated authority granted by Stevenage Borough Council
- 3.5 All decisions made under this policy will be taken by Officers designated through the Council's approved scheme of delegations.
- 3.6 The Licensing Authority will only grant a pavement licence in respect of highways listed in section 115A (1) of the Highways Act 1980, these are generally footways restricted to pedestrians or are roads and places where vehicle access is restricted or prohibited. Highways maintained by Network Rail are exempt and a licence cannot be granted.

- 3.7 The granting of a pavement licence does not grant the right to permanently close a road. This would require a pedestrian planning order to be made under section 249 (2) or 249 (2A) of the Town and Country Planning Act 1990, to extinguish the right to use vehicles on the highway.
- 3.8 The granting of a pavement licence only permits the placing of furniture on the highway and does not negate the need for businesses to obtain approvals under other regulatory frameworks, such as the need for a licence to sell alcohol (Licensing Act 2003) and the need to comply with the registration requirements for food businesses.
- 3.9 The Local Authority has regard for the Public Sector Equality Duty, under the Equality Act 2010 in the implementation of this policy which includes the need to have due regard to eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the Act. Any businesses which apply for a pavement licence will also need to have regard to their own duties under the Equality Act 2010, such as their duty under section 29 of the Act not to discriminate in providing their service and the duty to make reasonable adjustments.
- 3.10 **Changes to this Policy**

Minor inconsequential amendments to this policy may be made by the Assistant Director of Planning and Regulation, in consultation with the Cabinet Member/Portfolio Holder for the relevant service area. These amendments are limited to updates that reflect changes in legislation or other insignificant adjustments that do not materially alter the original intent or impact of the policy. These amendments will help keep the policy up to date, while ensuring that its core objectives and effectiveness remain unchanged.

4. Equalities

- 4.1 Under the Equality Act (2010), the Council has a legal duty to fulfil the requirements of the Public Sector Equality Duty (PSED). Through this duty and in the application of this policy, the Council will carry out its functions in a way that:
- a. Removes discrimination, harassment, victimisation and any other conduct that is unlawful under the Equality Act (2010)
 - b. Promotes equal opportunities between people who have a protected characteristic(s) and those who don't
 - c. Encourages good relations between people who have a protected characteristic(s) and those who don't

Further information on the Council's fulfilment of the Equality Act (2010) is set out in the Equality, Diversity and Inclusion (EDI) Policy (2022) and Reasonable Adjustment Policy (2024).

5. Data Protection

5.1 The Council regards respect for the privacy of individuals and the lawful and careful treatment of personal information as very important to delivery of services.

5.2 The Council will ensure that it treats personal information lawfully and proportionately as set out in the General Data Protection Regulation (GDPR) and Data Protection Act (2018). For further information on the Councils approach to handling information please see [Data Protection Act \(stevenage.gov.uk\)](https://www.stevenage.gov.uk/data-protection-act)

6. Policy

6.1 A pavement licence is a licence which is granted by the Licensing Authority. It permits the licence holder to place removeable furniture on designated highways adjacent to the premises in relation to which the application was made. Typically, these licences support hospitality businesses such as cafes, restaurants and pubs, enabling them to utilise outdoor areas for customer seating and service.

6.1.1 To be suitable for a pavement licence, the area must be a public highway as defined by section 115 of the Highways Act 1980:

- A highway in relation to which a pedestrian planning order is in force;
- A restricted byway;
- A bridleway;
- A footpath (including a walkway as defined in section 35 (2) of the highways Act 1980);
- A footway
- A subway constructed under section 69 of the Highways Act 1980;
- A footbridge constructed under section 70 of the Highways Act 1980;
- A highway where the use of vehicular traffic is prohibited by a traffic order but the use by other traffic is not prohibited, restricted or regulated by such an order.

6.1.2 Seating areas that are located on privately owned land, land to the rear of buildings, or within the defined boundary of Stevenage Town Centre do not require a licence under this Policy. However, if you do not own the land, you will need to obtain permission from the landowner.

- 6.1.3 Those persons wishing to apply for outdoor seating within the area defined as Stevenage Town Centre, must contact the Town Centre Management team in the first instance at tcm@stevenage.gov.uk

6.2 Eligibility

- 6.2.1 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 including where such uses form an ancillary aspect of another use, for example supermarkets, or entertainment venues which sell food and drink.
- 6.2.2 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.
- 6.2.3 Businesses that do not use their premises for the sale of food or drink, for example hair or beauty salons, are ineligible, though they can apply for permission to place furniture on the pavement through Hertfordshire County Council under the Highways Act 1980.

6.3 A Suitable Location

- 6.3.1 Before applying for a new or renewal of a pavement licence, applicants must ensure that the proposed licensed area is in a suitable location, and must meet all of the following criteria:
- 6.3.2
- A minimum width of 2 meters of clear, unobstructed access to the footpath must be maintained for the movement of pedestrians. This means there must be at least 2 meters of space between the edge of the licensable area and either the Highway, or any fixed objects such as trees, benches, bollards, or lampposts. This is to ensure, safe and unimpeded pedestrian movement at all times. In certain constrained locations, a reduced clear width of no less than 1.5 metres may be considered at the discretion of the licensing authority, provided it can be demonstrated that pedestrian access and public safety will not be compromised. In such cases where the licensable area extends across the entire width of a footpath, abutting the highway, the above space criteria is still required, but can be achieved by the pedestrian access sub-dividing the licensable area.

- Must not present a significant risk to the public in terms of an obstruction or safety on the highway such as interference with the line of sight for road users, access to pedestrian crossings, and space for those with disabilities to pass by unhindered.
- Must be suitably lit (particularly after dark) to promote the safe access and egress of customers and to be visible to other users of the public highway.
- Does not impede the passage of emergency vehicles.
- Does not impede the use of underground apparatus such as water valves, stopcocks, Fire Hydrants, and meter chambers.
- Will not cause a disturbance, damage, interference, annoyance, inconvenience (e.g. noise nuisance, litter, odour etc) to residents or other businesses.

6.3.3 Licence holders must ensure that members of the public using the licensed areas, or walking past the licensed area, are adequately protected from encountering hot surfaces (such as cookware or appliances).

6.3.4 Licence holders must ensure that any wires or cabling to the licensed area does not pose a tripping hazard to members of the public.

6.4 Furniture permitted by a pavement licence

6.4.1 Furniture is required to be removeable and related to the serving, sale and consumption of food or drink.

Furniture which may be placed on the pavement includes:

- Counters or stalls 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

All furniture must be easily moveable and remain non-fixed at all times.

6.4.2 The licence holder must ensure that all furniture is removed from the highway and, securely stored away outside of the licensed operating hours and each night

Umbrellas

- 6.4.3 Applicants wishing to include umbrellas as part of the furniture in their pavement licence application must clearly state the number of umbrellas to be used. In addition, the application must provide full details of the method by which each umbrella will be safely secured to prevent movement or detachment in adverse weather conditions, particularly high winds. This is to ensure public safety and to avoid any hazard to pedestrians or other users of the highway. Failure to maintain umbrellas safely may result in them being removed from the licence.
- 6.4.4 **Permanent fixed structures and furniture which is not removable and used in connection with the outdoor selling or consumption of food or drink are not permitted by a pavement licence.**
- 6.4.5 Advertising boards are not included under the definition of furniture within the pavement licensing regime. Consent for Advertising boards will be required under the Highways Act 1980 and will also require express advertising consent under the Town and Country Planning Regulations 2007.
- 6.4.6 **Applicants wishing to place Advertising boards or non-removeable furniture onto the highway must apply for permission from Hertfordshire County Council, under the Highways Act 1980.**

6.5 Licensed Premises – Licensing Act 2003

- 6.5.1 If an applicant/licence holder intends to carry out a licensable activity, i.e. the sale of alcohol, within the pavement license area, they should contact licensing@stevenage.gov.uk to find out if they need to vary their current premises licence to include the pavement licence area.
- 6.5.2 If using a pavement licence in conjunction with a premises licence under the Licensing Act 2003, licence holders should be aware of their obligations to promote the four licensing objectives;
- The prevention of crime and disorder
 - The prevention of public nuisance
 - The promotion of public safety, and
 - The protection of children from harm

6.6 Public Spaces Protection Order (PSPO)

- 6.6.1 A Public Spaces Protection Order (PSPO) can be used by the Council or the Police to deal with problems with alcohol related anti-social behaviour in public places. Failure to comply with an order is a criminal offence punishable by way of a fine or fixed penalty notice.
- 6.6.2 A PSPO will not apply to an area operating under a premises licence issued under the Licensing Act 2003, or if the area of highway is covered by a pavement licence.

6.7 Planning Permission

- 6.7.1 Once a pavement licence is granted, or deemed to be granted, applicants will also benefit from deemed planning permission to use the land for activities pursuant to the licence, for the duration of that licence.
- 6.7.2 Applicants are strongly encouraged to consult with the Stevenage Planning Authority prior to applying for a pavement licence. This is to determine whether any existing planning restrictions are in place for the premises, such as conditions relating to operating hours, permitted activities or land use that may impact the eligibility for a pavement licence. Failure to consider such restrictions may result in the refusal of the application.

6.8 Smoke Free

- 6.8.1 A proportion of tables and chairs authorised under a pavement licence must be designated as smoke-free. Where seating is placed on the highway for the consumption of food and drink, the licence holder must take reasonable steps to ensure that adequate smoke-free seating is provided and that smoking does not take place within those designated seating areas.

6.9 Public Liability Insurance

- 6.9.1 All applicants/licence holders must hold a valid public liability insurance policy with a minimum cover of £5 million.

6.9.2 It is the sole responsibility of the licence holder to ensure that the Public Liability Insurance remains valid and in force for the entire duration of the pavement licence.

6.9.3 Licence holders must provide copies of the current insurance certificate upon request of an officer of the Licensing Authority.

6.9.4 Any lapse or gap in the Public Liability Insurance coverage may result in enforcement action, including the immediate revocation of the pavement licence.

6.10 Accessibility

6.10.1 The Local Authority recognises that street and café furniture, such as tables, chairs planters, hanging baskets and barriers can contribute positively to the vibrancy and appeal of public spaces, however if these items are overused, poorly positioned or inadequately managed, they can become significant obstacles, particularly for disabled people and others with limited mobility.

6.10.2 A clear, unobstructed footway must be maintained at all times, with particular consideration given to wheelchair users and those with visual impairments.

6.10.3 Furniture must not block tactile paving, dropped kerbs or crossings.

6.10.4 Temporary or seasonal installations must be regularly monitored to ensure continued compliance.

6.10.5 Applicants must ensure the safety and accessibility of the public highway, particularly for those who are visually impaired. The use of tap barriers (also known as tapping rails or detectable barriers) is recommended to meet this requirement.

6.10.6 Businesses and individuals are responsible for maintaining their installations and responding promptly to any concerns raised.

6.10.7 The Council will work collaboratively with stakeholders to support outdoor activity and business growth while safeguarding public access and inclusivity.

6.11 Sustainability

6.11.1 Stevenage Borough Council are committed to battling climate change by setting a target for Stevenage to be net-zero emissions by 2030. Tackling climate change and improving sustainability must be a key foundation for all activities by the Council, local businesses, and residents. The Council encourages licence holders to recycle where possible and reduce the use of single use plastics and polystyrene which includes the following:

- Plastic and polystyrene cups
- Plastic cutlery and coffee stirrers

- Plastic plates
- Plastic drinks bottles
- Plastic bags
- Plastic straws
- Plastic and polystyrene takeaway packaging

6.11.2 For further information regarding Climate Change and Sustainability please click on the following link [Climate Change and Sustainability](#). If you have any questions, please direct them via email to the Climate Change team at climatechange@stevenage.gov.uk.

6.11.3 The licence holder must ensure that outdoor heaters used in the pavement area are infrared and are controlled by the customer, by timer or motion sensors. Gas heaters are not permitted.

6.12 Enforcement

6.12.1 The Legislative and Regulatory Reform Act 2006, Part 2, requires Stevenage Borough Council to have regard to the principles of good regulation when exercising its regulatory functions.

6.12.2 The Licensing Authority is committed to monitoring pavement licences issued under the provisions of the Business and Planning Act 2020. It will ensure that licence holders comply with the terms and conditions of their licence, as well as relevant statutory requirements.

6.12.3 Enforcement action will be undertaken where necessary to protect public safety, maintain accessibility, and uphold the amenity of public spaces.

6.12.4 The Licensing Authority will exercise its enforcement powers fairly, consistently and proportionately, taking into account the individual circumstances of each case.

6.12.5 The Licensing Authority aims to resolve issues through engagement and advice where appropriate but will not hesitate to take formal action where conditions are breached or if it is in the public interest to do so.

Dealing with complaints

6.12.6 All complaints received by the Council in relation to pavement licensing will be fully investigated and in carrying out investigations, the Council will consider the nature of the complaint, the evidence available and the relevant provisions of this policy.

6.12.7 Each case will be assessed on its own merits to determine the most appropriate course of action. The Council will take proportionate steps to resolve any issues

identified, which may include providing advice, issuing a warning, or taking formal enforcement action where necessary.

- 6.12.8 The Council is committed to ensuring transparency, fairness and consistency in how complaints are handled and resolved.

Placing furniture on the highway without a licence

- 6.12.9 Any individual or business that places tables, chairs or any other items of furniture, as defined in section 6.4 of this policy, on the public highway without appropriate authorisation is considered to be in breach of the Business and Planning Act 2020.
- 6.12.10 Where such a breach occurs, the Council will serve a notice to the licence holder under Section 7A of the Business and Planning Act 2020. This notice will require the removal of the unauthorised furniture by a specified date.
- 6.12.11 Upon receipt of the notice, the licence holder must remove the furniture in accordance with the terms of the notice and must refrain from placing any such furniture on the highway unless duly authorised by a valid pavement licence.
- 6.12.12 Failure to comply with the notice may result in further enforcement action, including the removal of the furniture by the Council and the recovery of costs associated with the removal and storage of the furniture.
- 6.12.13 Furniture which has been removed as a result of enforcement action will not be returned to the licence holder until associated costs have been paid.
- 6.12.14 If, within a period of three months, beginning on the day the notice is served, the individual does not pay the associated costs and recover the furniture, the Council may dispose of the furniture by sale or by any other means it considers appropriate.
- 6.12.15 The Council reserves the right to retain the proceeds of any sale and apply them for any purpose it deems appropriate, including but not limited to covering enforcement and administrative costs.

Breaching pavement licence conditions

- 6.12.16 Should a pavement licence holder breach any of the conditions set out in their licence, the Licensing Authority may take enforcement action in accordance with the Business and Planning Act 2020. In response to a breach, the Licensing Authority may:
- Revoke the licence, where the breach is serious, repeated or where the licence holder fails to comply with remedial action; or

- Serve a notice on the licence holder requiring them to take specific steps to remedy the breach. The notice will detail the actions required and the time within which those actions must be completed.

6.12.17 Failure to comply with a notice may result in further enforcement action, including the removal of any unauthorised furniture from the highway.

Revocation of a Pavement Licence

6.12.18 The Licensing Authority reserves the right to revoke a pavement licence in accordance with relevant legislation. A licence may be revoked where the Licensing Authority considers that:

a) Some or all of the part of the relevant highway to which the licence relates has become unsuitable for any purpose in relation to which the licence was granted.

b) The granting of a licence has resulted in:

- i. A risk to public health or safety;
- ii. Anti-social behaviour or public nuisance; or
- iii. Obstruction of the highway i.e. the arrangement of street furniture prevents disabled people, older people or wheelchair users to pass along the highway unimpeded.

c) The licence holder has provided information in their application which was materially false or misleading.

d) The licence-holder has failed to comply with the requirement to display the notice of application as prescribed by the relevant regulations.

6.12.19 Where the Council makes the decision to revoke a pavement licence, the licence holder will be informed of the Council's decision and the reason for that decision within 5 working days.

Enforcement by other agencies

6.12.20 In addition to any action taken by the Licensing Authority, licence-holders are reminded that they are required to comply with all relevant legislation and regulatory requirements enforced by other statutory bodies.

6.12.21 Where a licence holder fails to comply with legislation outside the scope of the Licensing Authority's remit, other enforcement agencies may take appropriate action. This may include, but is not limited to:

- **Trading Standards:** for breaches relating to fair trading, counterfeit goods, pricing, or unsafe products.

- **Highway Authority:** for unlawful obstruction, damage, or unauthorised use of the public highway.
- **Environmental Health:** for public health and safety concerns, including noise nuisance or food hygiene breaches.
- **Police and Community Safety Teams:** for anti-social behaviour, disorder, or breaches of public order.
- **Planning Authority:** for issues relating to unauthorised development or change of use.

6.12.22 Licence holders are expected to ensure full compliance with all relevant legal and regulatory frameworks. Failure to do so may result in enforcement action by the appropriate authority, which may also inform the Licensing Authority's decision on the continued suitability of the licence holder.

6.13 Making an application

6.13.1 A New Pavement Licence

6.13.2 New applicants are advised to read this Pavement Licence Policy before submitting an application to ensure they meet the criteria for the granting of a pavement licence.

6.13.3 Applicants must complete the application form attached at **Appendix 1** and must submit a complete application which includes the following:

- a) A completed application form, which is signed and dated
- b) A plan which must be in line with this policy (see section 6.23)
- c) Colour photographs of the proposed street furniture to be used (including barriers, planters or similar)
- d) A certificate of Public Liability Insurance, which covers the pavement licence activity. The insurance policy must provide cover for third-party and public liability risks arising from the use of the licensed area. The minimum amount of insurance cover shall be £5,000,000.

6.14 Consultation

6.14.1 Once a complete application for a pavement licence has been validated and deemed complete, and before a consent is granted, the Council will consult with the following:

- a) Hertfordshire County Council Highways
- b) The Local Planning Authority
- c) Hertfordshire Constabulary
- d) Environmental Health
- e) Stevenage Borough Council Engineering Services

6.14.2 During the consultation period the Licensing Authority and/or consultees may visit the premises to inspect the proposed licence area.

6.15 Public Notice

6.15.1 In accordance with statutory requirements and to ensure transparency in the decision-making process, applicants are required to notify the public of their pavement licence application.

6.15.2 Applicants must complete the public notice template provided at **Appendix 2** and display it prominently on or near the premises to which the application relates. The notice must:

- Be placed in a clearly visible and accessible location, such as a window or external wall facing the street.
- Be displayed for a continuous period of 14 days, starting from the date the applicant receives written confirmation from the Council that the application has been deemed complete.
- Remain legible and intact throughout the full 14-day consultation period.

6.16. Determination of an application for pavement licence

6.16.1 The Council is committed to ensuring a timely determination of pavement licence applications. Following the completion of the 14-day public consultation period the Council have a further 14-day decision period where it must decide whether to:

- Grant the application as it was applied for.
- Grant the application with conditions or amendments to the proposed area (reduce the size of the area or the number of tables and/or chairs)
- Refuse the application.

6.16.2 If the applicant has not received formal notification of the Council's decision by the end of the 14-day decision period, the licence will be automatically deemed granted, subject to the terms, conditions and layout specified in the original application.

- 6.16.3 This 'deemed grant' will be valid as if the licence had been formally issued by the Council, and the applicant may operate in accordance with its terms.

6.17 Pavement Licence conditions

- 6.17.1 All pavement licences granted by the Council will include standard conditions as set out in **Appendix 3** of this policy document. These conditions apply uniformly to all licences and are designed to uphold the Council's responsibilities with respect to public health, safety and the protection of the local amenity.

- 6.17.2 In addition to the standard conditions, the Council may impose further specific conditions on a case-by-case basis. These may be considered necessary and proportionate for the promotion of one or more of the licensing objective:

- Prevention of Crime and Disorder
- The Prevention of Public Nuisance and
- The promotion of Public Safety

- 6.17.3 Licence holders are required to comply with all conditions attached to their licence. Failure to do so may result in enforcement action, including modification, suspension or revocation of the licence.

6.18 Variation of conditions

- 6.18.1 The Council may, at any time with the permission of the licence holder, vary the conditions of a pavement licence. This will happen if some or all of the relevant highway, to which the licence relates, has become unsuitable for any purpose in relation to which the licence was granted or deemed to be granted.

6.19. The Licence

- 6.19.1 Details on the licence will include:

- a) A unique licence number
- b) The name of the licence holder
- c) The number of tables, chairs, umbrellas etc. permitted by the licence
- d) The days and times permitted by the licence
- e) The plan
- f) The conditions of licence

- 6.19.2. All licences will remain in force for a period of **2 years**, unless there is good reason for granting a licence for a shorter period i.e. there are plans in place for future changes in the use of the proposed space, or the licence is surrendered or revoked.

6.20 Renewal of a pavement licence

- 6.20.1 All renewal applications for a pavement licence will be reviewed in accordance with the provision of this policy. This requirement applies to all licences including those granted prior to the adoption of this policy.
- 6.20.2. Applicants wishing to renew a pavement licence must complete the application form attached at Appendix 1 and must submit a complete application which includes the following:
- a) A completed application form, which is signed and dated
 - b) A plan which must be in line with this policy (see section 6.23)
 - c) Colour photographs of the proposed street furniture to be used (including barriers, planters or similar)
 - d) A certificate of Public Liability Insurance, which covers the pavement licence activity. The insurance policy must provide cover for third- party and public liability risks arising from the use of the licensed area. The minimum amount of insurance cover shall be £5,000,000.
- 6.20.3. Applications to renew a pavement licence must be submitted two (2) full calendar months before the expiry date of an existing licence. If a valid renewal application is received prior to the licence's expiration, the licence holder will be permitted to continue operating under the existing terms until the application is determined.
- 6.20.4 If a renewal application is not submitted before the expiry date, the licence will lapse, and the licence holder must cease all related operations. In such cases, all tables, chairs and any other associated furniture must be removed from the licensed area until a new licence is granted.

Consultation

- 6.20.5 Applications for the renewal of a pavement licence are subject to the same consultation process as a new application, as explained in section 6.13 of this policy.

Public notice

- 6.20.6. Applications for the renewal of a pavement licence must include the completion and display of a public notice following the same process as a new application, as explained section 6.14.

Determination of an application to renew a pavement licence

6.20.6 Applications for the renewal of a pavement licence will be determined using the same decision-making process as a new application, as explained in section 6.16.

6.21. Applications previously granted under the Highways Act 1980

6.21.1 All pavement licences previously granted under the Highways Act 1980 for activities licensable under the pavement licensing legislation in the Business and Planning Act 2020 must be granted under the Business and Planning Act 2020 (as amended by section 229 and schedule 22 of the levelling Up and Regeneration Act) and should not be granted under the Highways Act 1980.

6.22 Existing Pavement Licences

6.22.1 Existing pavement licences granted after 31 March 2024 and prior to the adoption of this policy, will remain valid until the expiration date on the licence issued by the Licensing Authority. Once this has expired, businesses will be required to submit an application for a new licence and all applications will be assessed in accordance with the criteria set out in this policy and the legislative framework.

6.23 The Plan

6.23.1 All applications for a new or renewal of a pavement licence must be accompanied by an A4 plan clearly showing:

- The location of the premises to which the application relates.
- The precise area of the public highway that is proposed to be used for the placing of furniture. This must be clearly outlined in red to ensure it is easily identifiable.
- Access points, building lines and boundaries.
- The measurements of the area of the public highway that is proposed to be used for the placing of furniture, including measurements from the edge of the proposed seating area to obstacles or roads.
- The precise location/layout of the tables, chairs and any other furniture (including barriers) as defined in section 6.4 of this policy.

6.24. Appealing a decision

6.24.1 There is no statutory right of appeal against decisions made under the Business and Planning Act 2020 in relation to pavement licensing. As such decisions made under this Act and this policy are final.

- 6.24.2 Persons aggrieved by any decision made under this policy should follow the Council's formal complaints procedure, details of which can be found using this link [Compliments and Complaints](#).

6.25 Licence fees

- 6.25.1 The fees payable for the grant or renewal of a pavement licence are:

	Grant	Renewal
Pavement Licence under the BPA 2020	£500	£350

6.26 Refunding of fees

- 6.26.1 Fees and charges for pavement licences are set on a cost recovery basis, in accordance with the provisions of the Business and Planning Act 2020 and do not exceed the maximum amount set by government. As such, the Licensing Authority is limited in the circumstances under which it can offer refunds. Refunds **will only** be considered in the following situations:

- Where an application has been withdrawn before the application is determined and before any substantive processing has taken place.
- Where a duplicate payment has been made in error.

- 6.26.2 Refunds **will not** normally be issued in the following cases:

- Where an application has been processed and has been subsequently refused.
- Where a licence is granted for a shorter period than requested. (see section 6.19.2 of this policy).
- Where a licence is surrendered or revoked before the expiry date.

- Where the applicant no longer wishes to proceed after processing has commenced.

6.26.3 All requests for refunds must be made in writing to licensing@stevenage.gov.uk. Refund requests will be assessed on a case-by-case basis, taking into account the circumstances of each application. The Licensing Authority reserves the right to determine eligibility for a refund, and its decision will be final. Any approved refund will be subject to the deduction of administration fees.

7 Consultation

7.1 The Licensing Authority has consulted informally with the following persons for comment in relation to this policy which includes persons listed in section 6.14 of this policy, these include:

- a) Hertfordshire County Council Highways
- b) The Local Planning Authority
- c) Hertfordshire Constabulary
- d) Environmental Health
- e) Stevenage Borough Council Engineering Services
- f) Stevenage borough Council Town Centre Management Team
- g) Stevenage Borough Council Estates team
- h) Stevenage Borough Council Street Scene and Amenities
- i) All existing holders of a Stevenage Borough Council Pavement Licence

8 Monitoring and Review

8.1 This policy will be reviewed by the relevant Business Unit's Head of Service or Service Manager every 2 years (see page 1 for details of Business Unit) or earlier if there is a change in legislation. Where more than 10% of the policy content is

changed the Assistant Director and appropriate Portfolio Holder will be required to decide if the policy needs to be formally reconsidered by the Executive or appropriate decision-making body.

- 8.2** Where there is a request for the content of the policy to be reviewed in response to a complaint, the relevant Business Unit's Assistant Director will be notified. If the Assistant Director agrees that a review of policy is required, this will be discussed with the appropriate Portfolio Holder. The Head of Service or Service Manager will be responsible for implementing a subsequent policy review.

9 References and Resources

[Pavement licences: guidance - GOV.UK](#)
[Business and Planning Act 2020](#)
[Licensing Act 2003](#)
[Highways Act 1980](#)
[Climate Change and Sustainability](#)
[Stevenage Climate Action Plan](#)
[Climate Change Strategy - September 2020](#)
[Equality Act 2010](#)
[Home | Stevenage Town Centre](#)
[Health Act 2006](#)

10 Abbreviations and Definitions

EDI	Equality, Diversity and Inclusion
GDPR	General Data Protection Regulation
PSED	Public Sector Equality Duty
SBC	Stevenage Borough Council
BPA2020	Business and Planning Act 2020

Licensed area	the area where tables, chairs and other authorised removeable furniture can be placed.
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Furniture	For the purpose of this policy, furniture refers to moveable items placed on the highway for the purpose of a pavement licence, this may include, tables and chairs, barriers (used for demarcating licensed area), umbrellas or parasols, planters, heaters, waste bins associated with the licensed use) other items intended to be used by customers, such as benches or serving stands.
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District	the area covered by Stevenage Borough Council.
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Pavement licence	a licence which permits a business to place removeable furniture on the highway adjacent to their premises for the purpose of selling/consuming food and drink.
Public Highway	refers to public areas such as footpaths or pedestrianised streets, carriage ways excluding trunk roads and motorways.
Licensing Authority	the Local Authority responsible for carrying out licensing functions under various legislative frameworks including the Business and Planning Act 2020.
Public Nuisance	An act that affects the reasonable comfort and convenience of the public or section of the community. i.e. excessive noise, obstruction of the highway or rights of way, littering, odours, or antisocial behaviour.
Appeals	a formal process to review the decision made by the Licensing Authority under the grounds of unfairness, or a disagreement with the outcome.

11 Appendices

Appendix 1 – Application form

Application for the Grant/Renewal of a Pavement Licence

(Section 2 of the Business and Planning Act 2020)

All Applicants are advised to read the Council's [Pavement Licence](#) policy before completing/submitting an application to ensure they meet the criteria for the granting of a pavement licence.

APPLICATION TYPE (please tick the relevant box)	
Grant of a Pavement Licence	
Renewal of pavement licence	

Applicant's name:

Address & Postcode:	
Telephone:	
E-mail:	

Agent Details (if applicable):	
Address & Postcode:	
Telephone:	
E-mail:	

Name & Address of the premises to which this application relates:	
Telephone Number:	
Name of contact at the premises (if this differs from the applicant)	

Do you, the applicant occupy these premises as:

Freeholder ☐ Leaseholder ☐ Tenant ☐ Other (please specify) ☐

Purpose of the application (please tick one or both)	
To sell or serve food or drink supplied from, or in connection with relevant use of, the premises.	☐
Use of the furniture by other persons for the purpose of consuming food or drink supplied from, or in connection with relevant use of, the premises	☐

Relevant use of the premises (please tick one or both)

Use as a public house, wine bar or other drinking establishment	
Use for the sale of food or drink for consumption on or off the premises	

What is the nature of the business at these premises? (please be specific)

Location (include photographs if possible):
Size of area (m), Length: <table border="1" style="display: inline-table; width: 150px; height: 20px;"></table> Width <table border="1" style="display: inline-table; width: 150px; height: 20px;"></table>

Number of tables, chairs and other items of removeable furniture proposed for use in the licensed area:	
Number of Tables	
Number of Chairs	
Number of Umbrellas	
Number of Heaters	
Other (please specify)	

Details of furniture and barriers e.g. type, colour, material, size (include photographs/images/brochures where possible)

Please indicate below the proposed days and times of operation for tables and chairs
(please use 24-hour clock):

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Start							
End							

Checklist:

- Completed Application form.
- A valid Public Liability Insurance Certificate to the sum of at least £5 million
- A scale plan of the area (showing the location of all items to be placed in the licensed area)
- A location plan (showing both the area to be licensed and the premises relating to the application outlined in **RED**)
- A copy of your completed public notice (must be displayed on the premises for 14 days)
- Once your application has been received a member of the licensing team will contact you to make payment.

Your Signature

Date

Please return the completed application form to: licensing@stevenage.gov.uk or post to: Licensing Team, Stevenage Borough Council, Daneshill House, Danestrete, Stevenage, Hertfordshire, SG1 1HN.

Our Privacy Policy has been updated to reflect changes to data protection legislation and can be viewed at the following link <http://www.stevenage.gov.uk/privacy-policy>

Appendix 2 – Public Notice



NOTICE for display by an applicant for a Pavement Licence. (Section 2 Business and Planning Act 2020).

I/We (1), give notice that on (2) I/we applied to Stevenage Borough Council for a ‘Pavement Licence’ at: (3)

known as (4)

The application is for: (5)

Proposed days and times of operation:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Start							
End							

Any person wishing to make representations regarding this application may do so by writing to:

Stevenage Borough Council, Daneshill House, Danestrete, Stevenage, SG1 1HN or by Email to: licensing@stevenage.gov.uk

by: (6)

The application and information submitted can be viewed at www.stevenage.gov.uk

Signed

Dated (10)

Appendix 3 – Pavement Licence Standard Conditions

These conditions apply to all licences issued under the Business and Planning Act 2020

“Licence Holder” – for the purposes of these conditions a licence holder is the person named on the licence or anyone managing or employed at the premises in any capacity that allows them to carry out the benefits of the licence.

1. The Licence Holder shall not cause any unnecessary obstruction of the highway or danger to persons using it. The Licence holder must have particular regard to the needs of disabled people, and the recommended distances required for access by disabled people as set out in guidance issued by the Secretary of State.
2. The Licence Holder shall not permit persons to cause a public nuisance or anti-social behaviour.
3. The Licence Holder shall not use, or permit to be used, any apparatus for the reproduction of sound, including but not limited to musical instruments, radios, televisions, or public address systems, while exercising any of the privileges granted by this licence.

4. The Licence Holder shall not make, or cause to be made, any excavation, indentation, or other alteration of any kind to the surface of the highway. Furthermore, the Licence Holder shall not place, install, or fix any equipment or apparatus of any description into or onto the surface of the highway without the prior written consent of the Highway Authority.
5. The Licence Holder shall not use the highway for any purpose other than that expressly permitted by this Licence, and only during the permitted hours specified herein. At all other times, the Licence Holder shall not make any use of the highway under the terms of this Licence, except for the lawful purpose of passing and repassing over it as a member of the public.
6. The Licence Holder shall ensure that any advertisement is placed strictly within the licensed area as indicated on the approved plan. Any such advertisement must not, under any circumstances, cause obstruction to the highway or interfere with the safe and convenient passage of pedestrians.
7. The Licence Holder shall keep the licensed area, together with the immediately adjacent area, in a clean and tidy condition at all times during the permitted hours. The Licence Holder shall also provide and maintain suitable litter bins or similar receptacles for the proper disposal of waste arising from the licensed activity.
8. The Licence Holder shall ensure the prompt removal of litter, spillages, food waste, cigarette ends, and any other debris arising from the use of the licensed area.
9. The Licence Holder shall also ensure that any accumulation of weeds, dirt, or debris around or within the licensed pavement area is regularly removed and that the area is kept clean and properly maintained at all times
10. Upon the expiry, surrender, or revocation of this Licence, the Licence Holder shall remove all furniture, equipment, litter bins, and any other articles placed on the highway under the authority of this Licence. The Licence Holder shall ensure that the highway is left in a clean, neat, and tidy condition to the satisfaction of the Council.
11. Nothing in this Licence shall be construed as granting, or purporting to grant, any tenancy or right of occupation to the Licence Holder under the Landlord and Tenant Act 1954, or any statutory modification or re-enactment thereof for the time being in force, except as may be expressly provided for under the provisions of the Business and Planning Act 2020
12. In the event of an emergency, and upon request by an authorised officer of the Local Authority, a Police Officer, Fire Officer, Paramedic, or a representative of a statutory undertaker, the Licence Holder shall immediately remove the permitted furniture from the highway to facilitate access or ensure public safety.
13. If requested to do so by the Highway Authority, where the licensed area is required for maintenance, repair, or any other operational purpose, the Licence Holder shall promptly remove all permitted obstructions from the highway as directed.

14. The Council reserves the right to remove, store, or dispose of:

(i) any structures or items placed on the highway by the Licence Holder that are not authorised under the terms of this Licence; and

(ii) any structures or items authorised by this Licence but placed on the highway by the Licence Holder outside the permitted hours or outside the designated licensed area. The Council shall not be liable to the Licence Holder for the condition, loss, or safe keeping of any such structures or items so removed.

15. The Licence Holder shall display a copy of this Licence, or a Notice of its grant as approved by the Council, in a clear and prominent position at the premises to which the Licence relates, so as to be visible to members of the public at all times during the permitted hours.

16. The Licence Holder shall observe and comply with any reasonable directions relating to the use of the highway given by or on behalf of the Council.

17. The Licence Holder shall provide suitable barriers around the permitted area, subject to prior approval by the Council. Only barriers approved in writing by the Council shall be used.

18. The Licence Holder shall comply with the “no-obstruction condition” as set out in section 5(5) of the Business and Planning Act 2020. This means that any activity carried out by the Licence Holder pursuant to this Licence, or any activity of other persons enabled by this Licence, must not cause any of the effects specified in section 3(6) of this Act. In particular, the Licence Holder must not:

(a) prevent traffic, other than vehicular traffic, from:

(i) entering the relevant highway at any point where such traffic could otherwise enter it (Disregarding any pedestrian planning order or traffic order applicable to the Highway);

(ii) passing along the relevant highway; or

(iii) having normal access to premises adjoining the relevant highway.

(b) prevent any use of vehicles permitted by a pedestrian planning order or not prohibited by a traffic order.

(c) prevent statutory undertakers from having access to any apparatus belonging to them under, in, on, or over the highway; or

(d) prevent operators of electronic communications code networks from having access to any electronic communications apparatus installed for the purposes of their network under, in, on, or over the highway.

19. The Licence Holder shall comply with the “smoke-free seating condition” as set out in section 5(6) of the Business and Planning Act 2020. This requires that where seating is placed on the highway for the purpose of the consumption of food or drink, the Licence Holder must make reasonable provision for seating areas where smoking is not permitted.

20. The Licence Holder must ensure that any outdoor heaters used within the licensed area are infrared heaters that can be controlled by the customer, a timer, or motion sensors. The use of gas heaters is strictly prohibited.

12 Version History

Date	Outlined Amendments	Author
14/04/2026	Draft Approved by GP Committee	Julie Dwan
10/06/2026	Draft Approved by Cabinet	Julie Dwan
22/07/2026	Final Draft approved by Council	Julie Dwan

