



Policy for Pavement Licensing

How to get permission to use the area
outside your premises as
a café area

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Definitions

<u>appeal</u>	a review of our decision. You appeal to the Licensing Committee. The committee may uphold our decision (they agree with us) or overturn it (they agree with you).
Charter Market	the markets operated under the 1553 Letters of Patent/Charter [Wednesday, Saturday and Christmas]
district	the area covered by St Albans District Council.
licensed area	the area that you can set out tables and chairs for use by your customers
Licensing Committee	Three councillors from the Licensing and Regulatory Committee for the Licensing Committee sitting to decide your appeal
Licensing and Regulatory Committee	The committee set up by the Council to determine licensing and regulatory matters including pavement licensing
Market Team	the officers at the Council who manage the markets
Occasional Markets	any market operated by, or under the permission of, St Albans District Council other than markets operated under the Charter
pavement licence	the permission given by us to allow you to use an area outside your premises as a café area for tables and chairs
public nuisance	noise disturbance or other nuisance caused to residents or neighbouring businesses
we	St Albans District Council, usually acting through its officers.
you	the licence holder granted the permission for the tables and chairs/ applicant

1. Introduction

- 1.1 "Cafe Culture" is a growing trend in our District, 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 outside their premises.
- 1.2 In St Albans District there are existing pavement licences that add to the ambience and vibrancy of the city. Many more pubs, restaurants and cafes may wish to make use of the pavement with tables and chairs for alfresco dining. However, if the use of pavement areas is not carefully controlled they can lead to pedestrians, in particular those with disabilities, being unable to use the pavement safely.
- 1.3 To regulate the number and location of pavement cafes, all premises must have a licence under section 115 of the Highways Act 1980 to place tables and chairs on the highway.

2. Aim of the Policy

- 2.1 Our policy explains the requirements and standards we expect of an applicant for a pavement licence.
- 2.2 We recognise the importance of pavement licensing to businesses and value their contribution towards to the local economy.
- 2.3 We will use the Pavement Licensing Policy (hereafter referred to as 'the Policy') to create an alfresco dining environment which:
 - ensures fair trading between all licence holders in the district;
 - 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 with advice and guidance on the Council's approach to the administration of applications for street trading consents.
- 2.4 We aim to avoid duplication with other statutory provisions and work in partnership with other enforcement agencies. You need to have regard to other legal requirements; we will tell you about any other relevant organisations you need to contact as part of the licensing process.
- 2.5 Central to our Policy are a number of objectives which are set out below:

2.5.1 Public Safety

The proposed licensed area of the street should not present a significant risk to the public in terms of highway safety or obstruction. You should consider the following which will help assess the suitability of your proposed site:

- interference with sight lines for road users,
- access to pedestrian crossings, and
- space for those with disabilities to pass by unhindered.

2.5.2 Prevention of Crime and Disorder

We expect all licence holders to operate in a way that promotes the prevention of crime and disorder. You will need to give more consideration to this if you intend to trade at later hours.

2.5.3 Prevention of Public Nuisance

You should consider what actions you need to take to reduce the risk of nuisance from noise, refuse, vermin, fumes and smells. There is also an obligation to ensure that a licensed area does not impede those with disabilities.

2.5.4 Sustainability

You should set out your proposed steps to reduce the environmental impact of the activity. Typically, you should consider the use of recyclable products and energy efficient processes.

2.5.5 Suitability of street furniture

You should ensure that the street furniture you will be using is of a high standard in terms of its aesthetic design and the quality of the build. We expect the furniture you use to add to the quality of the street scene. Your furniture will be inspected by an authorised officer of St Albans District Council prior to any consent being issued.

3. Guidance to applicants

3.1. Definition of pavement licensing

- 3.1.1. Our duty to regulate pavement licensing in the District comes from the Highways Act 1980 [section 115] under an agreement with Hertfordshire County Council.
- 3.1.2. Pavement licences are granted by officers under delegated authority set out in the Constitution. The Licensing and Regulatory Committee will determine the Policy and sit as a Licensing Committee to determine appeals.
- 3.1.3. To be suitable for a pavement licence the area you want to use must be public highway as defined by section 115 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 whose use by vehicular traffic is prohibited by a traffic order but whose use by other traffic is not prohibited or restricted or regulated by such an order
- 3.1.4. Seating areas that are located on privately owned land or land to the rear of buildings or other courtyard areas do not require a licence under this Policy. However you may need permission from the land owner if it is not you. If there are restrictive conditions regarding the use of outdoor seating areas, planning permission may be needed. Or if the use is not in association with an existing lawful use then planning permission may be needed.

3.2. How we use the Policy

- 3.2.1. The Policy provides guidelines on the factors we consider when making our decision to grant or refuse a pavement licence.

3.3. Creating a licensed area

- 3.3.1. Before applying for a pavement licence, you must first establish that the proposed licensed area is a suitable location. You must have regard to the requirements laid out in this Policy as well as your business needs.

3.3.2. This Policy will apply to both new pavement licence applications and renewal of current pavement licences. When you apply for, or renew, a licence your licensed area must meet all of the following criteria:

- Safe for public access by foot
- Is suitably lit (if operating after dark) to promote safe access and egress for customers and for visibility by other highway users
- Does not breach highway regulations or make hazardous the passage of the public, most importantly those with disabilities, over the highway or otherwise cause a hazard;
- 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 local residents or other businesses.
- A licensed area must allow for 2 metres of unimpeded access to the public highway. This means that the edge of the licensed area must be 2 metres away from the highways edge or nearest obstacle on the highway. "Obstacle" is an immovable object on the public highway, such as, but not limited to, trees, benches and bollards.

3.3.3. We will need to assess whether the licensed area is suitable. To help us do this, we will ask that you supply an A4 plan clearly outlining the premises and the location of the proposed licensed area for your outdoor seating. This should be an accurate plan outlining the licensed area in red and showing the proposed layout of the tables and chairs.

3.3.4. If we advise you that we consider your location is acceptable, you may still receive objections from others to the location during the consultation process. This may mean that your proposed location is considered unacceptable at the end of the application process.

3.4. Safety and Food Hygiene

3.4.1. You must ensure that members of the public using your licensed area, or walking past your licensed area, are adequately protected from coming into contact with hot surfaces (such as cooking appliances).

3.4.2. You must ensure that any wires or cabling to your licensed area do not pose a tripping hazard to members of the public.

3.4.3. If you sell products that require you to be food registered with a local authority you must maintain a food hygiene rating of 3 (satisfactory) or higher.

3.4.4. If you are a new applicant, we would encourage you to get a food registration completed before applying. We will require any pavement licence holders to provide us with evidence of their food hygiene rating within the first six months from the grant of a licence.

3.4.5. If you are renewing your licence, you need to provide evidence of your food hygiene rating with your application.

- 3.4.6. If you are a licence holder and your food hygiene rating falls below a 3, you will be required to notify us within 48 hours of receipt of the new score.
- 3.4.7. As a licence holder you must apply to be rescored within 3 months of receiving your below 3 food hygiene rating. You must provide us with evidence of the application for rescoring. You must be rescored within 6 months of receiving your below 3 food hygiene rating unless there is a reasonable excuse. If your new score is not 3 or above, we will revoke your licence.
- 3.4.8. If you fail to inform us of a food hygiene rating falling below a 3, we will revoke your pavement licence.

3.5. Sustainability

- 3.5.1. Part of our action plan to address the climate emergency, is to reduce single use plastics or polystyrene. We encourage all licence holders to stop using the following single use plastic items:
- a) Plastic and polystyrene Cups
 - b) Plastic Cutlery and coffee stirrers
 - c) Plastic Plates
 - d) Plastic Drinks Bottles
 - e) Plastic Bags
 - f) Plastic Straws
 - g) Plastic and Polystyrene Takeaway Packaging
- 3.5.2. If you have any questions about how to do this, please speak to the Sustainability Team at sustainability@stalbens.gov.uk.
- 3.5.3. The Licence Holder must ensure that any outdoor heaters are infrared, which can be controlled by the customer, a timer or motion sensors. Gas heaters are not permitted.

3.6. Umbrellas

- 3.6.1. You can include the number of umbrellas you propose to use as part of your application. You will need to provide details of the number and how they will be installed. You will need to explain how you will ensure that they do not become hazardous by getting loose in the wind. Failure to maintain umbrellas safely may see them removed from the licence.

3.7. Smoke free

- 3.7.1. All tables and chairs provided as part of a pavement licence must be smoke free. This means that a Licence Holder who places seating on the highway, for the purpose of the consumption of food or drink, must take reasonable steps to ensure smoking does not take place in the licensed area.

3.8. Variation of Conditions

- 3.8.1. We may, at any time, vary the conditions of a pavement licence, providing it is that any conditions imposed are reasonable. If we do vary the conditions, we will write to you at least 10 days before the new conditions come into effect.
- 3.8.2. Should the standard conditions be updated or changed, we will write to you at least 10 days before the new conditions come into effect.

3.9. Markets

- 3.9.1. St Albans and the surrounding areas have a number of markets taking place - these are broadly broken down into the Charter Market and Occasional Markets.
- 3.9.2. We cannot grant tables and chairs licences to operate at the same time as the Charter Market. You can apply to operate in your licensed pavement area once the Charter Market has finished for the day and been cleared, however, we will need to consult with the Markets Team to ensure that the licensed areas operating hours do not clash with the dismantling and clearing up after the Market.
- 3.9.3. We may temporarily suspend your consent if we think it is necessary because there is an Occasional Market in the area in which your licensed area is located. We will work with you and the Markets Team to accommodate the use of your licensed area outside of the operating hours of the market, but it will not always be possible to allow you to operate your licensed area in these circumstances.

3.10. Private land and planning permission

- 3.10.1. You do not require a pavement licence if you are placing tables and chairs on private land. This could be an area of pavement, rear area of the premises, car park or similar area. If it is not your land you will need to seek landowner permission.
- 3.10.2. If the land you are looking to use is owned by St Albans District Council you will need permission from the Council's Estates Team; they can be contacted on Estates@stalbans.gov.uk.
- 3.10.3. If the Land is owned by Harpenden Town Council you may need their permission to use the land. They can be contacted on harpenden.town.council@harpenden.gov.uk
- 3.10.4. If your existing premises was a café or restaurant or public house/wine bar, you may not require planning permission for a pavement licence. Planning permission will be necessary if any permanent fixtures proposed constitute 'development'. It is best to check with planning to see if permission is required, for further information please check the Council's website at www.stalbans.gov.uk/planning.

3.11. Public Liability Insurance

- 3.11.1. You must have public liability insurance certificate of at least £5 million. If your insurance is due for renewal during the time covered by your consent, it is your responsibility to provide an original public liability insurance certificate for the length of the consent. If you have any 'gaps' when you are not covered by insurance, we may revoke your Licence.

3.12. Business and planning Act 2020

- 3.12.1. Temporary pavement licences granted under the Business and Planning act 2020 will be considered under this policy. Currently all licences granted under this Act will remain in place until 30th September 2022, after this time if you wish to hold a pavement licence you will need to apply for a full pavement licence under the Highways Act 1980.

3.13. Licensed Premises – Licensing Act 2003

- 3.13.1. If you intend to carry out any licensable activity, i.e. the sale of alcohol, within the licensed area, you should contact the Specialist Officer (Business Compliance) to find out if you need to vary your current premises licence to include the licensed area. The Specialist Officer (Business Compliance) can be contacted by emailing: Licensing@stalbens.gov.uk
- 3.13.2. When using a pavement licence in conjunction with a premises licence under the Licensing Act 2003, you must pay extra attention to the prevention of crime and disorder objective as you have obligations to promote the licensing objectives under the Licensing Act 2003.

3.14. Public Spaces Protection Order (PSPO)

- 3.14.1. Public Spaces Protection Order (PSPO) can be used by the Council or the Police to deal with the problems of alcohol related anti-social behaviour in public places. Failure to comply with an order is an offence punishable by a Level 3 fine or a fixed penalty notice.
- 3.14.2. If a premises licence issued under the Licensing Act 2003 covers the area outside the premises, or the area of highway is covered by your pavement licence, then the PSPO will not apply to that area.

3.15. How we enforce the pavement licence policy

3.15.1. We monitor pavement licensing and enforce the provisions of the Act and the conditions that are set out in our Policy. We will do our best to enforce the conditions fairly and consistently and in accordance with our Corporate Enforcement Policy. We will be:

- **Open:** We will be open about how we enforce the law in relation to pavement licensing. We will talk to you about any problems before we take any action under the enforcement process.
- **Helpful:** We will help you to meet the requirements of the law. We will also strive to provide a courteous and efficient service to you.
- **Proportionate:** We will minimise the cost of compliance for you by ensuring that any action we take is proportionate to the problem and bear in mind the wider public benefit.
- **Consistent:** We will carry out our duties in a fair, equitable and consistent manner considering this policy and any national codes of practice and guidelines.

3.15.2. If we receive complaints about you, we will investigate them, ensuring that we work with the you to resolve any complaint. We will always give you an opportunity to discuss the complaint with us. We will consider the complaint, the evidence and our Policy when dealing with complaints. We will then determine what actions we need to take to resolve the issues.

3.15.3. Anyone who places tables and chairs on a public highway, without a Licence is committing an offence of obstructing the highway. If prosecuted they would be liable to receive a fine of up to £1,000.

3.15.4. Other agencies may take enforcement action where you fail to comply with law that they regulate e.g. trading standards or Highways.

3.15.5. You should co-operate with any reasonable request from an authorised officer of the Council or a Police officer.

4. How to make your application

4.1. New Pavement Licence

- 4.1.1. New applicants are advised to read this Policy before an application is made. We can provide advice on your application, as well as clarifying any areas of uncertainty, but completing your application form is your responsibility.
- 4.1.2. An application for pavement licence must be made to the Council in writing. You must submit the following documents for your application to be valid:
- a) A completed and signed pavement licence application form.
 - b) The full application fee as appropriate.
 - c) A plan in line with the policy (see section 4.3)
 - d) Colour photographs of the proposed street furniture that will be used (including barriers, planters or similar).
 - e) A certificate of Public Liability Insurance that covers the pavement licence activity for third party and public liability risks. The minimum insurance cover shall be £5,000,000.
 - f) Evidence of registration of the food business or evidence of a food hygiene rating if you have one.
- 4.1.3. When you make your application, you need to note that:
- a) We will not permit a licence in the St Albans city centre during the hours of the Charter Market.
 - b) The maximum hours for a pavement licence is between the hours of 08:00hrs and 23:00hrs.
- 4.1.4. Before we grant (i.e. give you a licence) we will consult with certain organisations and individuals called “consultees”. We consult with:
- a) Hertfordshire County Council Highways
 - b) Regulatory Services (Nuisance and Food Safety Team)
 - c) Planning
 - d) Community Services
 - e) Hertfordshire Constabulary
 - f) Ward Councillors
 - g) Parish or Town Council (if applicable)
 - h) Where appropriate the Markets Team.
- 4.1.5. You must complete the public notice at Appendix 2, and display it on or near the premises. It should be in a location that is easily visible from the street for a period of at least 28 days, from the date you in which your application is deemed valid.

- 4.1.6. When you make an application, you will be required to consult the property owners within 100 metres of the proposed site and provide proof of this consultation.
- 4.1.7. The consultation lasts for 28 days. We will normally process a pavement licence within 10 working days from the end of the consultation period. If objections are received it may take longer than 10 working days to determine the application, this is because we will need to speak to the consultees. When we decide whether or not to give you a licence we will consider any comments made by the consultees.
- 4.1.8. During the consultation period we will arrange an appointment to visit and inspect the area. For the appointment you will set up the area as applied for, we will then access the area and discuss any issues that have arisen.
- 4.1.9. We will make one of the following decisions when determining a pavement licence application:
- Grant as applied for.
 - Grant with conditions or a changed area, usually a smaller size or reduction in the number of tables and/or chairs. If we do this we will provide a reason for the decision.
 - Refuse the application. If we do this we will provide a reason for the decision.
- 4.1.10. If we grant you permission for a pavement licence, we can attach any conditions we deem appropriate to promote the licensing objectives. You can find a copy of our standard conditions that will apply to all licences at Appendix 3.
- 4.1.11. Once granted, the licence will remain in force for 12 months unless suspended, surrendered or revoked.
- 4.1.12. The consent will include:
- a) the unique licence number
 - b) the name of the licence holder
 - c) the number of tables, chairs and umbrellas.
 - d) the days and hours the licence permits
 - e) the plan
 - f) conditions
- 4.1.13. You must comply with the conditions attached to the licence whenever you are using your pavement licence. If you fail to do so we may revoke your licence, or refuse to renew it.

4.2. Renewal Applications for a pavement licence

- 4.2.1. An application to renew a pavement licence must be made to the Council in writing. All renewals are reviewed under this Policy, this includes all licences that existed before this Policy. You must submit the following:
- a) A completed and signed pavement licence application form
 - b) The full application fee as appropriate
 - c) A certificate of Public Liability Insurance that covers the pavement licence activity for third party and public liability risks. The minimum insurance cover shall be £5,000,000
 - d) Evidence of registration of the food business or evidence of a food hygiene rating if you have one.
- 4.2.2. A renewal is not normally subject to consultation; however, the Council may consult further to determine if the application is a cause for concern particularly if it has been the subject of complaints.
- 4.2.3. A renewal application must be received prior to the expiry date of an existing licence. If it is submitted before the previous licence expires, you will be permitted to continue to operate until it is determined. However, failure to submit the application for renewal before it has expired, means that you cannot operate during the determination. If the licence expires, all tables and chairs must be removed from the licensed area and your tables and chairs area cannot operate until a new licence is determined.
- 4.2.4. Where a renewal application has been made and there have been no justifiable complaints; no enforcement issues and all fees have been paid on time, the licence will be renewed.
- 4.2.5. A licence that existed prior to this Policy, which is renewed for the first time under this Policy, will be treated as a new application for the purposes of consultation, supporting documentation and determination. Once a valid application has been received (or where necessary consultation is completed), we will make one of the following determinations:
- Grant as applied for.
 - Grant with conditions or a changed area, usually a smaller size or reduction in the number of tables and/or chairs. If we do this we will provide a reason for the decision.
 - Refuse the application. If we do this we will provide a reason for the decision.

4.3. Plan

- 4.3.1. As part of the application process for a new application; a first time renewal under this Policy or a variation, you will need to provide an A4 plan clearly outlining the premises and the location of the proposed licensed area for your outdoor seating. This should be an accurate plan outlining the licensed area in red.
- 4.3.2. Please supply a site plan of at least a scale of 1:200, showing the precise location of the tables and chairs.
- 4.3.3. You should ensure that your plan has the following information on it:
- Access points
 - Building lines
 - Boundaries
 - Kerbs
 - Dimensions of seating area
 - Table and chair arrangement
 - Other furniture/items layout
 - Plan and elevation (1:50) of barriers/enclosure

4.4. Variation of the licence

- 4.4.1. If you wish to change the layout of your tables and chairs you will need to submit a variation application. You will need to provide a new plan as part of this variation showing the proposed revised location of tables and chairs.
- 4.4.2. If you wish to increase the size of the licensed area; the number of tables and chairs or the days or hours of trade, you will need to apply for a new licence. This is because we must consult on the new area.

4.5. Transferring

- 4.5.1. If the ownership of the premises is transferring, then the pavement licence will also need to be transferred to the new owner. It is your responsibility to make an application to transfer the licence when you take over a business.
- 4.5.2. The previous licence holder must sign a transfer consent form before the licence can be transferred to a new licence holder.

4.6. If we decide to refuse or revoke

- 4.6.1. If we refuse your application for an initial street trading consent or for a renewal, we will normally write to you within 10 days of our decision with the reasons for refusal.
- 4.6.2. If we revoke your street trading consent, we will normally write to you within 10 days of our decision with the reasons for revocation.
- 4.6.3. If you are not happy with our decision, you can request a review by the Licensing Committee. You will need to write to us within 21 days of the date on your refusal or revocation letter. You will then be able to attend a hearing and tell the Licensing Committee why you consider you should get your consent.

4.7. What happens at the Licensing Committee

- 4.7.1. When you request a hearing by the Licensing Committee, we will arrange it. We will write to tell you the date, time and place. We will prepare an agenda for the hearing and you will receive a copy of it at least 5 working days before the hearing. The agenda will contain the procedure and any officer reports. You can be represented by a solicitor, or supported by a friend or colleague, at the hearing.
- 4.7.2. The Licensing Committee, can, at an appeal, do the following:
 - Overturn our decision and grant as applied for.
 - Overturn our decision and grant with conditions, a change to the area usually a smaller size or reduction in the number of tables and/or chairs. (cannot grant a larger area than applied for)
 - Uphold our decision.
- 4.7.1. We will write to let you know the decision of the Licensing Committee within 5 working days of the hearing. The licence, if granted, will normally be issued in 10 working days.

4.8. Accessibility

- 4.8.1. Street and café furniture such as tables and chairs, hanging baskets, planters and barriers can be practical and desirable. If they are overused or poorly placed and managed, they can be obstacles to disabled people moving around our city.
- 4.8.2. All applicants must show awareness of the issues facing those with disabilities and how street furniture can impact them both positively and negatively.

4.8.3. A big part of ensuring that all persons are able to use the public highway safely is the free space available around the licensed area. A licensed area must allow for 2 metres of unimpeded access to the public highway. This means that the edge of the licensed area must be 2 metres away from the highway's edge or nearest obstacle on the highway. "Obstacle" is an immovable object on the public highway, such as, but not limited to, trees, benches and bollards.

4.8.4. All pavement licence holders must make sure the licensed area and the street furniture within is adequately guarded, it cannot cause a hazard to any path users especially those with sight impairments.

4.8.5. You must consider enclosing the area in the following:

- A barrier. It must be close to the floor, a rope barrier is not sufficient.
- Planters.
- Anything similar, if you would like to have something checked please send a photograph and details of it to licensing@stalbans.gov.uk

4.8.6. Below are some examples:



- 4.8.7. Any barriers installed must be temporary and removed from the public highway, this must be done by the terminal hours on the licence.
- 4.8.8. If you wish for us to depart from the policy with regards to barriers, you must provide in writing why you need us to do so. You will need to include what other steps you will take to ensure the licensed area will not impact on those with disabilities.
- 4.8.9. All barriers, planters or similar item used to create a barrier, will be subject to the suitability section of this Policy. Any of the above items used must be of a high standard in terms of its aesthetic design and the quality of the build. We expect the furniture you use to add to the quality of the street scene. Your furniture will be inspected by an authorised officer of St Albans District Council prior to any consent being issued.

4.9. Cost

- 4.9.1. The fee you have to pay for a licence will depend on the size of your café area:

Number of tables & chairs/seats	Grant	Renewal
2 tables and up to 8 seats	£120	£100
3-4 tables and up to 16 seats	£200	£180
5-10 tables and up to 40 seats	£285	£265
11 or more tables and over 40 seats	£345	£325
Variation	£37	
Transfer	£37	

4.10. Refunding Fees

- 4.10.1. If you stop operating your business or surrender your licence, we will not normally refund any fee, unless there are exceptional circumstances.
- 4.10.2. If we refuse an application for a licence or a renewal, we will return 80% of full fee paid.
- 4.10.3. If you ask the Committee to review your hearing, none of the fee will be returned. This is due to the additional administrative cost incurred by holding a hearing.

Appendix 1



Application Form for Pavement Licence

Section 115 of The Highways Act 1980

Please refer to Policy for Pavement Licensing on the Council website www.stalbans.gov.uk, prior to completing the application form.

APPLICATION TYPE (please tick the relevant box)	
Grant of a Pavement Licence	
Renewal of a Pavement Licence	
Variation of a Pavement Licence	
Transfer of a Pavement Licence	

Applicant's name:
Address and postcode:
Telephone:
E-mail:

Agent details (if applicable):
Address and postcode:
Telephone:
E-mail:

Name and Address of the premises where tables and chairs are being placed:

Telephone Number:

Please give the name of a **contact person** at these premises if different from applicant:

Please tick as appropriate:

Do you occupy these premises as

freeholder ☐

leaseholder ☐

tenant ☐

other ☐

Purpose of application (please tick one)

To sell or serve food or drink supplied from, or in connection with relevant use of, the premises.	<input type="checkbox"/>
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Use of the furniture by other persons for the purpose of consuming food or drink not in connection with relevant use of a premises. (i.e. tables and chairs not used directly by a premises)	<input type="checkbox"/>
--	--------------------------

Relevant use of the premises (please tick applicable)

Use as a public house, wine bar or other premises that supplies alcohol for consumption on the premises	<input type="checkbox"/>
---	--------------------------

Use for the sale of food or drink for consumption on or off the premises.	<input type="checkbox"/>
---	--------------------------

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

Location:

size of area (m), length: _____, width: _____

How many tables and chairs do you propose to have at the site?

Total number of tables: _____ Total number of chairs: _____

Total number of umbrellas: _____

Details of furniture (e.g. type, colour, material, size):

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

Day	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Start							
End							

Date of application	
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I enclose the following:	
A completed and signed Application Form. (supplied with a grant, renewal, variation and transfer)	
The full application fee as appropriate. (supplied with a grant, renewal, variation and transfer)	
A plan in line with the policy, see section 4.3 (supplied with a grant, variation and first renewal under the new policy)	
Colour photographs of the proposed street furniture that will be used. (supplied with a grant, variation if furniture is changed and first renewal under the new policy)	
A certificate of Public Liability Insurance that covers the activity for third party and public liability risks. The minimum insurance cover shall be £5,000,000. (supplied with a grant and renewal)	
Evidence of registration of the food business or evidence of a food hygiene rating if you have one. (supplied with a grant and first renewal under the new policy)	
A copy of your completed public notice (supplied with grant only)	
Transfer consent (supplied with transfer only)	
Signed privacy notice (supplied with a grant, renewal, variation and transfer)	

Fees

Number of tables & chairs/seats	Grant	Renewal
2 tables and up to 8 seats	£120	£100
3-4 tables and up to 16 seats	£200	£180
5-10 tables and up to 40 seats	£285	£265
11 or more tables and over 40 seats	£345	£325
Variation	£37	
Transfer	£37	

Consent of licence holder to transfer

I/we

.....
[full name of current licence holder]

the licence holder of licence number

.....
[insert licence number]

relating to

.....
[name and address of premises to which the application relates]

hereby give my consent for the transfer of pavement licence to

.....
[full name of transferee].

signed

name

(please print)

dated

By signing the box below you are confirming that you have:

- read the Privacy Notice information that tells you how we will process your personal data with regard to the pavement licence application:

Privacy Notice for pavement licensing applications including temporary pavement licences

This privacy notice explains how St Albans City & District Council (the Data Controller) will use any personal information we collect about you when you use our services.

What information do we collect about you?

The information that the Council will collect varies depending on how you use the Council's Services. We are using the information provided in this case because we have a legal obligation [Art. 6(1)(c) of the UK General Data Protection Regulation ("GDPR")]. This means we collect your personal information from you so that we can carry out a function we are required by law to carry out. In this case we are collecting personal information so that we can consider your application for a pavement licence.

How will we use the information about you?

We use the information to process your application for pavement licence and, if granted, to regulate your pavement licence. We may share the information with other departments at the Council to enable us to deal with your application but for no other purposes.

We will not share the personal information we hold with any external organisations except for consultees listed in the Pavement Licensing Policy or in respect to the Temporary Pavement Licence (Business and Planning Act 2020) applications. We will share the details of the application but not your personal details with the properties neighbouring your proposed site as set out in the Policy.

If the land on which you propose to operate the pavement licence is owned by the Council and is not highway, we will share your application with the Council's Estates Team to enable them to contact you about a sitting out licence.

We may be required to share your personal information with the Police, Internal Audit or similar agency, or another Council for the purposes of preventing and detecting fraud.

We will ensure that all personal information is kept securely.

How long will we keep this information?

We will destroy this personal information in accordance with our Disposal Schedules. To determine how long we should keep information, we consider what the legislation states and what is good practice. This means we will securely destroy the information once we no longer need it. If you would like to know the specific period of time that relates to your personal information please contact GDPR@stalbans.gov.uk

Individuals' Rights

You have a right to request a copy of the personal information that we hold about you. If you would like a copy of some or all of your information, please contact foi@stalbans.gov.uk and ask for a subject access request.

If you consider we hold inaccurate personal information about you, you can contact us to ask for this information to be corrected. We will consider your request and respond within one month. Please contact GDPR@stalbans.gov.uk.

You can find out more about [your rights](#) on our website:

Cookies

Cookies are text files placed on your computer to collect standard internet log information and visitor behaviour information. This information is used to make your use of the internet better. For further information on how we use these and how you can control it, please visit [the website](#).

Changes to our Data Protection Policy

We have a Data Protection Policy in place and this can be found [here](#).

Data Protection Officer

Our Data Protection Officer for the purposes of Articles 37 to 39 of the General Data Protection Regulation is Charles Turner, Solicitor to the Council. He can be contacted by emailing GDPR@stalbans.gov.uk or calling 01727 819209 for our Complaints Team.

How to contact us

Please contact us if you have any questions about our Data Protection Policy, or concerns about how we handle your information: by emailing foi@stalbans.gov.uk or write to us at: FOI Team, St Albans City & District Council, St Peter's Street, St Albans, AL1 3JE.

Complaints

You have a right to complain to the Information Commissioner if you are unhappy with how we process your personal information. You can do so through their website: <https://ico.org.uk/concerns/> or by emailing: casework@ico.org.uk or calling their helpline on 0303 123 1113.

Your signature:

Date:

Please return the **completed application form** to:

Licensing Team, Community Services, St Albans City and District Council, St Peters Street, St Albans AL1 3JE

Appendix 2



PUBLIC NOTICE

APPLICATION TO PLACE TABLES AND CHAIRS ON THE PUBLIC HIGHWAY

[Highways Act 1980 \[Section 115\]*](#)

An application has been made to St Albans City and District Council under Part 7A, Section 115E of the Highways Act 1980

Name of applicant:

Name and address of premises:

How many chairs and how many tables are to be placed:

Name of road on which the tables and chairs will be situated:

State proposed days and times:

Plans showing the proposed layout of the tables and chairs are available for inspection during normal office hours at the St Albans City and District Council Offices.

Any person wishing to make representations to the Council regarding the proposal should send them in writing to Licensing Section, St Albans City and District Council, St Peters Street, St Albans, Herts AL1 3JE or via e-mail licensing@stalbans.gov.uk

Last date for representations is (28 days following a valid application):

Signature of applicant/authorised representative:

Date of notice:

Appendix 3

Pavement Licence conditions

These conditions apply to all licences issued under the Highways Act 1980 and the Business and Planning Act 2021. Additional conditions applying solely to temporary licences.

“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 pay the reasonable charges of the Council in granting the licence.
2. The Licence Holder shall not cause any unnecessary obstruction of the highway or danger to persons using it. Having 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.
3. The Licence Holder shall not permit persons to cause a public nuisance or anti-social behaviour.
4. The Licence Holder shall not use or permit any public playing music reproduction or sound amplification apparatus or any musical instruments radio or television receiving sets whilst exercising privileges granted by this licence.
5. The Licence Holder shall not make any excavations or indentations of any description whatsoever in the surface of the highway or place or fix equipment of any description in the surface of the highway.
6. The Licence Holder shall not use the highway for any other purpose whatsoever nor for the licence purposes at any time other than during the hours permitted by this Licence unless it is to lawfully pass and re-pass over as a member of the public.
7. The Licence Holder shall not place on the highway any furniture or equipment or advertisement other than as specified in this Licence and shall maintain the same in a neat tidy and safe condition and shall not place them so as to obstruct the access to or exit from any premises.
8. The Licence Holder shall maintain the permitted area and the immediately adjacent area in a clean and tidy condition during the permitted hours and shall provide litterbins or similar receptacles for the disposal of rubbish.

9. The Licence Holder shall remove all furniture or equipment litterbins or other articles placed on the highway pursuant to this Licence at the expiry, surrender or revocation of the Licence and shall leave the highway in a neat and tidy condition.
10. Nothing herein contained shall be construed as the grant or purported grant by the Council or any tenancy protected by the Landlord and Tenant Act 1954 or any statutory modification or re-enactment thereof for the time being in force save as for those set out in the Business and Planning Act 2020 (the Act) or the Highways Act 1980 section 115E.
11. If so requested in an emergency, by an authorised officer of the Local Authority, Police Officer, Fire Brigade Officer, Paramedic or statutory undertaker, the Licence Holder shall remove the permitted structure from the highway.
12. If so requested by the Highway Authority, where use of the area is required for maintenance or other purpose, the Licence Holder shall remove the permitted obstructions from the highway.
13. The Council may remove and store or dispose of:
 - (i) Any structures placed by the Licence holder in the highway but not authorised by this Licence, and
 - (ii) Any structures authorised by this Licence but placed by the Licence holder in the highway outside the permitted hours or outside the permitted area and the Council shall not be responsible to the Licensee for the safe-keeping thereof.
14. The Licence Holder shall display a Notice of this Licence in a prominent position at the premises to which the Licence relates.
15. The Licence Holder shall observe and comply with any reasonable directions in relation to the use of the highway given from time to time by or on behalf of the Council.
16. The Licence Holder shall provide suitable barriers around the permitted area but only such as shall have been firstly approved by the Council
17. The Licence Holder shall comply with the “no-obstruction condition” set out in section 5(5) of the Act. This means that anything done by the Licence Holder pursuant to the licence, or any activity of other persons which is enabled by the licence must not have an effect specified in section 3(6) of the Act. Therefore, you must not:

(a) prevent traffic, other than vehicular traffic, from
(i) entering the relevant highway at a place where such traffic could otherwise enter it (ignoring any pedestrian planning order or traffic order made in relation to the highway), (ii) passing along the relevant highway, or
(iii) having normal access to premises adjoining the relevant highway

(b) preventing any use of vehicles which is permitted by a pedestrian planning order or which is not prohibited by a traffic order,
(c) preventing statutory undertakers having access to any apparatus of theirs under, in, on or over the highway
(d) preventing the operator of an electronic communications code network having access to any electronic communications apparatus kept installed for the purposes of that network under, in, on or over the highway.

18. The Licence holder shall comply with the “smoke-free seating condition set out in section 5(6) of the Act. This means that a Licence Holder who places seating on the highway for the purpose of the consumption of food or drink must make reasonable provision for seating where smoking is not permitted.
19. The Licence holder must ensure that any outdoor heaters are infrared, which can be controlled by the customer, a timer or motion sensors. Gas heaters are not permitted

Additional condition for St Albans Town Centre

20. The Licence Holder will ensure that no tables and chairs are placed out on Charter market days (Wednesday and Saturday).