CRAWLEY BOROUGH COUNCIL
Pavement Licence Policy

Effective: 5th August 2024
Fees Approved 22nd August 2024

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1. Introduction

Central Government introduced a range of measures to support businesses during the COVID19 Pandemic. The measures included in the Business and Planning Act 2020 and revisions since its introduction modify provisions in the Licensing Act 2003 to provide automatic extensions to the terms of on–sales alcohol licences to allow for off–sales to take place. Designed as a temporary measure to boost the economy until 30th September 2024, these provisions have been given permanence under the Levelling Up and Regeneration Act 2023.

The Business and Planning Act 2020 introduced a temporary fast–track process for these businesses to obtain permission, in the form of a "pavement licence", from Crawley Borough Council for the placement of furniture such as tables and chairs on the pavement outside their premises which will enable them to maximise their capacity during and post pandemic.

The Levelling Up and Regeneration Act 2023 makes permanent the provisions set out in the Business and Planning Act (BPA) 2020 that streamlined the process to allow businesses to secure these licences quickly. Licences should remain in place for such period as the local authority may specify in the licence, with a maximum limit of two years. Where a pavement licence is granted, clear access routes on the highway will need to be maintained, taking into account the needs of all users, including disabled people. The following is a helpful guide. Pavement licences: guidance – GOV.UK (www.gov.uk).

2. Scope

2.1 Definition of pavement licence

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

A person (whether an individual or a company) who 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. This will usually be the registered food business operator and/or the premises licence holder under the Licensing Act 2003. The types of businesses that are eligible include: public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours.

A pavement licence permits the licence–holder 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.

2.2 Eligible Locations and Exclusions from the regime

Generally, these are footpaths restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited. Highways maintained by Network Rail or over the Crown land are exempt (so a pavement licence cannot be granted).

2.3 Exclusions

Furniture that is not removable and used in connection with the outdoor selling or consumption of food or drink are not permitted by a pavement licence. Advertising boards are not included in the definition of furniture within the pavement licensing regime. As well as needing consent under the Highways Act 1980, advertising boards also require express advertising consent under the Town and Country Planning (Control of Advertisements) Regulations 2007.

Applicants that wish to place non–removable furniture onto the highway must apply for permission. Licences can only be granted in respect of highways listed in section 115A(1) Highways Act 1980. Generally, these are footways restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited. Highways maintained by Network Rail or over the Crown land are exempt (so a licence cannot be granted).

A pavement licence does not grant the right to permanently close a road. To do so, a pedestrian planning order made under section 249(2) or 249(2A) of the Town and Country Planning Act 1990, extinguishing the right to use vehicles on the highway, is required.

2.4 Types of furniture permitted

Furniture which will usually be considered acceptable:

- counters or stalls for selling or serving food or drink;
- tables, counters or shelves on which food or drink can be placed;
- chairs, benches or other forms of seating; and
- umbrellas, barriers, and other articles used in connection with the outdoor consumption of food or drink.

This furniture is required to be removable, which in principle this means it is not a permanent fixed structure, and is able to be moved easily, and stored away from the Highway and any associated area covered by a pavement licence at the end of each licence period and day.

The Council would also expect the type of furniture to be 'in keeping' with the local area, and Officers will provide advice to applicants on this matter in conservation areas, unless afforded "grandfather rights," the use of Gazebos, umbrellas spanning a large proportion of the licensed area, arbours and similar structures will not normally be permitted. However, this policy will generally be disapplied in respect of applications to renew licences in existence at the time this version of the policy is adopted and which currently permit such structures. If a new licence is subsequentially applied for in respect of any such premises, the application will be subject to the general policy (of not allowing such structures.

2.5 Planning Permission

Once a pavement licence is granted, or deemed to be granted, the applicant will also benefit from deemed planning permission to use the land for anything done pursuant to the pavement licence for the duration of that licence.

3. Application and Determination of Pavement Licences.

3.1 Submission of the Application

An application for a pavement licence must be made to the Council, and the following will be required to be submitted with the application:

- A completed Application Form
- A plan showing the location of the existing premises shown by a red line, so the application site can be clearly identified clearly showing the area of the highway proposed to be covered by the pavement licence (if granted), and, if not to scale, with measurements clearly shown. The plan must show the positions and number of the proposed tables and chairs, together with any other furniture that they wish to place on the highway. The plan shall include clear measurements of, for example, pathway width/length, building width and any other existing permanently fixed item in the proposed area such as a lamppost or bench.
- The proposed days of the week on which, and the times of day between which, it is proposed to put furniture on the highway.
- The proposed duration of the pavement licence. (Please note that the duration of a licence will be 2 years unless by exception a shorter term is required and fees are not refundable if used for a shorter period. Licences cannot be transferred.)
- Confirmation that the applicant is either the registered food business operator or the premises licence holder under the Licensing Act 2003 and that areas applied for are in line with the premises itself, does not cause an obstruction and can be directly managed by the applicant. (Applications made in locations which are not directly in front of the applicant's premises, where the application extends beyond the frontage of the property or where there is deemed to be an obstruction or could create a negative impact upon a neighbouring business will not be granted).
- Photos or brochures showing the proposed type of furniture and information on potential siting of it within the area applied.
- How the proposed area will be properly defined, such as formal barriers including the form, size and type of barrier and including (if applicable,) reference of existing pavement licence currently under consideration by the local authority.
- The way in which any structures will be affixed in a safe, suitable and secure manner (such as gazebos, umbrella, marquee (including the provision of risk assessments and compliance with the Health and Safety at Work Act 1974).
- The proposed procedures including a risk assessment specifying in what circumstances furniture will not be placed/erected or will be taken in/down if there is a potential public safety risk due to weather conditions or other activities in the locality.
- Evidence that the applicant has met the requirement to give notice of the application (for example photographs of the notice outside the premises and of the notice itself).
- A copy of a current certificate of public liability insurance that covers anything to be done by the applicant pursuant to the pavement licence (if granted) to a minimum value of £5 million.

- Any other evidence required to demonstrate how the Council's standard local conditions and any national conditions will be satisfied.

Any revisions to applications by an applicant will be treated as a new application (except in exceptional circumstances).

3.2 Fees and Licence Duration

The Council has decided that it will charge the following fees and licence duration.

Licences will usually be issued for a 2–year period.

Fees are non–refundable and licences cannot be transferred between individuals or businesses.

Renewal Pavement Licence

Smaller Premises with an outside area of up to 15 metres squared

£262.50 (25% discount on the maximum fee permitted of £350)

Larger Premises with an outside area of over 15 metres squared
£350

New Pavement Licence

Smaller Premises with an outside area of up to 15 metres squared
£375 (25% discount on the maximum fee permitted of £500)

Larger Premises with an outside area of over 15 metres squared
£500

3.3 Consultation

Applications are published by Crawley Borough Council for consultation for a period of 14 days. The consultation period starts the day after a valid application was made to the Council.

The Council will publish details of the application on its website at www.crawley.gov.uk/licensing/pavementlicence.

The Council is required to consult with the Highways Authority. In addition, to ensure that there are not detrimental effects to the application the Council will usually consult with:

- Crawley Borough Council Economic Development Team.
- Crawley Borough Council Councillors
- Crawley Borough Council Environmental Health Service (including Pollution Control and Food Teams)
- Crawley Borough Council Planning Department
- West Sussex Fire & Rescue Service
- Sussex Police

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

The Council must take into account representations received during the public consultation period and consider these when determining the application.

3.4 Site and Site Notice

An applicant for a pavement licence must on the day the application is made, fix a notice of the application to the premises so that the notice is readily visible to, and can be read easily by, members of the public who are not on the premises. The notice must be constructed and secured so that it remains in place until the end of the public consultation period of 14 days. Evidence of the Site Notice requirement must be supplied to the Council. A template Site Notice is included at Appendix 1.

The Site Notice must:

- state that the application has been made, and the date on which it was made;
- state the statutory provisions under which the application is made;
- state the name of the applicant, address of the premises and name of the business;
- describe the proposed use of the furniture and the area to which the application relates (sizing and location);
- indicate that representations relating to the application may be made to the Council during the public consultation period (14 days) and when that period comes to an end;
- state the Council's website where the application and any accompanying material can be viewed during the consultation period;
- state the address to which representations should be sent during the consultation period; and
- the end date of the consultation (14 days starting the day after the application is submitted to the Authority).
- Detail where the application i applies and it is intended to place furniture such as of the number of covers (tables/chairs or other furniture) for patrons consuming food or drink. This must include dimensions, where within the application site the applicant proposes to make reasonable provision for seating where smoking will not be permitted.

3.5 Site Assessment

The following matters will be taken into account by the Council when considering the site including:

- the matters set out in Part 1 of the Business and Planning Act 2020
- public health and safety;
- public amenity – will the proposed use create nuisance to neighbouring occupiers by generating anti–social behaviour and litter; and
- accessibility – taking a proportionate approach to considering the nature of the application site, its surroundings and its users, taking account of:

    - any other temporary measures in place that may be relevant to the proposal,

for example, the reallocation of road space. This could include pedestrianized streets and any subsequent reallocation of this space to vehicles;

- whether there are other permanent street furniture or structures in place on the footway that already reduce access;
- the impact on any neighbouring premises
- the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people so that it does not cause issue.
- other users of the space, for example if there are high levels of pedestrian or cycle movements.
- Whether there are covenants or conservation rules in place restricting or precluding the use of articles on the highway such as marquees, gazebos, umbrellas or other items not specifically listed here.
- Designated "smoke free" areas within the pavement licence

Applicants are strongly encouraged to talk to neighbouring businesses and occupiers prior to applying to the Council, and so take any issues around noise, and nuisance into consideration as part of the proposal.

3.6 Smoke Free Areas

The requirement for reasonable provision for seating where smoking is not permitted must be included within a pavement licence area.

The national smoke–free seating condition included as part of the Pavement Licence conditions seeks to ensure customers have greater choice, so that both smokers and non–smokers are able to sit outside, in order to protect public health.

It is important that businesses can cater to their customers' preferences. The Business and Planning Act 2020 imposes a smoke–free seating condition in relation to licences where seating used for the purpose of consuming food or drink has been, (or is to be) placed on the relevant highway. The condition requires the licence–holder to make reasonable provision for seating where smoking is not permitted. This means that where businesses provide for smokers, customers will also have the option of sitting in a non–smoking area. Ways of meeting this condition could include:

Clear 'smoking' and 'non–smoking' areas, with 'no smoking' signage displayed in designated 'smoke–free' zones in accordance with Smoke–free (Signs) Regulations 2012 which can be viewed here.

No ash trays or similar receptacles to be provided or permitted to be left on furniture where smoke–free seating is identified.

Licence holders should provide a minimum 2 metre distance between non–smoking and smoking areas, wherever possible.

Further, businesses must continue to have regard to smoke–free legislation under the Health Act 2006, and the subsequent Smoke–free (Premises and Enforcement) Regulations 2006. The Smoke–free (Premises and Enforcement) Regulations 2006

(legislation.gov.uk) This includes ensuring that areas where smoking is permitted are not substantially enclosed, and complies with the legislative requirements. Operators are advised to consider their smoking arrangements to ensure that any structures used comply with this Act and related legislation and that proper provision is made.

3.7 Determination

At the conclusion of the public consultation period of 14 days, the Council has a further 14 days with day 1 being the day after the last day of the consultation period) to determine the application.

If the Council determines the application before the end of the determination period the local authority can:

- grant the licence in respect of any or all of the purposes specified in the application,
- grant the licence for some or all of the part of the highway specified in the application, or
- refuse the application.

If the Council does not determine the application 14 days after the application is made, the application will be deemed to have been granted. Applications will usually be determined within 28 days, to include the 14–day consultation and determination period.

Any representations from those statutory organisations consulted and others providing feedback will be considered on its merits and the application determined accordingly. Determination may include refusal of the application entirely, granting of the licence in respect of a smaller area of the highway than applied for, conditions which restrict specific articles to be placed on the highway and inclusion of other conditions on the pavement licence. Where appropriate, reasons will be given for the decision. Any revisions to applications by an applicant will be treated as a new application (except in exceptional circumstances).

4. Conditions – National and Local as well as hours of operation

Conditions will be attached to the grant of a pavement licence. These will include specific terms such as days of the week and hours of the day when furniture is permitted, and the appearance and siting of furniture. There are some exceptions to this, detailed in Section 3.

A copy of the mandatory pavement licence conditions is in Appendix 4.

The Council's standard pavement licence conditions for all types of premises is shown in the listed Appendix 2. These will usually be attached to all pavement licences granted. Where there is a premises licence in effect under the Licensing Act 2003 for the premises which permits the sale of alcohol, the Council will usually also attach the conditions set out in Appendix 3.

In the event that a licence is deemed to be granted under Section 3(9) of the Business and

Planning Act 2020, the conditions in Appendix 2 (and Appendix 3 if the premises is subject to a premises licence under the Licensing Act 2003) will be attached to the licence in accordance with legislation, in addition to the mandatory national conditions in the Appendix.

The Council may attach additional conditions, or modify its standard conditions in Appendices 2 and 3, if the Council considers it appropriate in the circumstances of any particular case.

The Council will generally only grant pavement licences which permit furniture to be placed on the highway between 09:00 and 23:00 hours.

Applications seeking a pavement licence permitting furniture to be placed on the highway outside these hours will be assessed in terms of the criteria detailed above. The Council however retains the right to specify permitted hours which may be fewer than those requested in any application and may restrict the space permitted to be used for the purpose of pavement licensing and the type of article permitted to be placed on the highway and the hours of operation.

5. Impact

Regard will be had to the likely noise, nuisance and disturbance that may occur as a result of increased activity at a premises if a Pavement Licence is granted. The Council will consider attaching conditions to a licence as considered appropriate to assist in the control, supervision and management of premises to mitigate against this.

Where the Council sets a local condition that covers the same matter as set out in national published conditions, then the locally set condition takes precedence over the national condition where there is reasonable justification to do so. However, this is not the case for the statutory no–obstruction condition which is as applies to all Licences. The National 'no obstruction conditions are shown in Appendix 4.

6. Licence Duration

The Council may grant a Pavement Licence for a minimum of 1 year and up to a maximum period of 2 years. The Council has agreed to generally grant licences for the maximum 2 years permitted by the 2023 Act and has revised its fees to the maximum permitted. However, licences may be granted for a shorter term if considered appropriate local conditions require it, for example, when there are legal matters or other matters restricting the use of a proposed area for a limited time span and within specified hours.

If a licence is 'deemed' granted because the Authority does not make a decision on an application before the end of the determination period of 28 days, then the licence will be valid for 2 years.

7. Rejection of Applications

If the Council considers that, taking into account any potential conditions which might be attached to a pavement licence, anything done by the applicant (if the licence were granted) would have one or more of the effects specified in Section 3(6) of the Business and Planning

Act 2020 as amended and/or the Levelling Up and Regeneration Act 2023, the application will be rejected.

Applications must also be submitted in full, providing the relevant detailed earlier in this Policy and the relevant fee paid and the application property advertised on the premises otherwise the application will be deemed invalid, and resubmission will be required. A further fee will also be required unless there are exceptional reasons as to why this would not be charged.

If for any other reason the application site is considered unsuitable and concerns about suitability cannot be mitigated by conditions, then the application may be rejected. The Council may also refuse to permit the inclusion of certain articles on the highway, including marquees, gazebos and dispense counters where it is considered inappropriate at the location.

Failure to properly complete the application or make payment of the required fees will deem the application invalid.

8. Enforcement

The Council aims to work closely with other Enforcement Authorities to enforce the provisions of all appropriate legislation. The case remains that an obstruction of the Highway is an offence under The Highways Act 1980 and will be dealt with by the Highways Authority or the Police in conjunction with the relevant Council Officer(s).

Since the 31 March 2024, under the Levelling Up and Regeneration Act 2023, the Council has been given responsibility for taking enforcement action where a person puts removable furniture on a relevant Highway and is not authorised to do so. Where such a situation arises, the Council may by notice require the person to remove the furniture before a date specified in the notice, and to refrain from putting furniture on the Highway unless authorised to do so. If a person leaves or puts removable furniture on the relevant Highway in contravention of the notice, the Council may:

a) remove the furniture and store it,
b) require the person to pay the authority's reasonable costs in removing and storing the furniture, and
c) refuse to return the furniture until those reasonable costs are paid.

If within the period of three months beginning with the day on which the notice is given the person does not pay the reasonable costs, or does not recover the furniture, the Council may:

a) dispose of the furniture by sale or in any other way it thinks fit, and
b) retain any proceeds of sale for any purpose it thinks fit

The legislation also affords the Council with powers to cancel or amend licences in specific circumstances.

Obtaining a pavement licence does not confer the holder immunity in regard to other legislation that may apply, e.g. public liability, health and safety at work, food hygiene and safety, alcohol and entertainment licensing, safe working practices and consent to occupy

the land in question. Applicants must ensure all such permissions, etc. are in place prior to applying.

If a condition attached to a pavement licence is breached, the Council may will be able to issue a notice setting out steps which must be taken to remedy the breach. If the steps are not taken, the Council may take the steps it considers necessary and recover the costs of this from the licence–holder.

The Authority may revoke a licence in the following circumstances:

1. For breach of condition (whether or not a remediation notice has been issued).

2. Where the Council considers, as a result of the licence, that:

    - there is a risk to public heath
    - there is a risk to the health and safety of patrons, staff and/or the public
    - the highway is being obstructed (other than by anything permitted by the licence); or
    - anti–social behaviour or public nuisance is being caused or risks being caused.

3. It comes to light that anything material stated by the licence–holder in their application was false or misleading.

4. The applicant did not comply with the requirement to affix the notice to notify the public for the relevant period.

5. Where all or any part of the area of the relevant highway to which the licence relates has become unsuitable for any purpose for which the licence was granted or deemed to be granted

6. Where the area is deemed unsuitable due to conservation or covenants are in place precluding the installation of any structures (temporary or otherwise) and/or the placement of articles on the highway

9. Review Procedures

This Policy covers pavement licences under the Business and Planning Act 2020, the Levelling Up and Regeneration Act 2023, related legislation and any associated government guidance.

Business and Planning Act 2020 (legislation.gov.uk) Levelling–

up and Regeneration Act 2023 (legislation.gov.uk)

This Policy will be reviewed from time to time including when changes occur in relevant legislation, the nature of pavement licences generally, or as a result of local considerations within Crawley Borough. Minor revisions to this Policy may be made by the Head of Service for Community Services, or their delegated officer, after consulting the Portfolio Holder, Chair and Vice Chair of Licensing.

Appendix 1 – Site Notice Template

CRAWLEY BOROUGH COUNCIL
BUSINESS & PLANNING ACT 2020 &
LEVELLING UP AND REGENERATION
ACT 2023#

APPLICANT NAME

PREMISES NAME
PREMISES FULL ADDRESS

AN APPLICATION HAS BEEN SUBMITTED FOR A PAVEMENT
LICENCE IN RESPECT OF THE ABOVE PREMISES

NOTICE is hereby given that on XXXX, an application was made to Crawley Borough Council by XXXX (the Applicant) for a Pavement Licence in respect of the highway adjacent to the above address, to include:

- Siting of x number of tables, x number chairs x benches and x number of barriers/other furniture (describe)

- X size/area to delineate the area in front/to the side/at the rear of the premises where the a pavement licence will apply if granted (Metre x Metre)

- The application seeks a Pavement Licence to place furniture on the highway at these times on these days of the week::

Day(s) of the week:	Hours:

Any representation relating this application should be directed to the email below and received by Crawley Borough Council within the Public Consultation Period to licensing@crawley.gov.uk

The Public Consultation Period means 14 days beginning on the day after that on which the application is made to the Council. Representations should be received no later than XXXX.

A full copy of the application and supporting documents can be found on the Council's website via the Public Register www.crawley.gov.uk or to inspect the records in person, by prior appointment at the Council Offices, Crawley Town Hall, The Boulevard, RH10 1 UZ

Date of Application *(NOTE: The date the notice was placed must be the same date as the date the application was submitted to the Council)*

Appendix 2 – Standard Pavement Licence Conditions

1. The grant of this pavement licence does not grant the licence–holder an exclusive right to use the highway site covered by the licence ("Licence Site"). Upon request, the licence–holder must give Crawley Borough Council and other public authorities including the Police, Highways Authority and other statutory undertakers access to the Licence Site for emergencies, maintenance, installation, special events, improvements or any other reasonable cause. If the consequence of access is that the licence–holder is unable to use the Licence Site for any period, the licence–holder is not entitled to compensation from Crawley Borough Council or other public authority for any loss arising out of the access.

2. The licence–holder must have at all times during the currency of this pavement licence a valid Public Liability Insurance for the use of the Licence Site pursuant to this pavement licence. The insurance policy must indemnify Crawley Borough Council and West Sussex County Council against all actions, proceedings, demands, liability and claims for injury, damage or loss to users of the public highway, arising from the use of the Licence Site for the permitted purpose. The minimum level of indemnity must be £5 million respect of any one incident.

3. Furniture is only permitted to be placed on the Licence Site by this pavement licence within the permitted times as described in this licence. Outside these times the furniture must be removed from the highway.

4. Crawley Borough Council and West Sussex County Council may remove and store or dispose of furniture from the Licence Site if:

    a. furniture is on the Licence Site outside the permitted days and/or times;

    b. furniture is on the highway outside the Licence Site; or

    c. there is an emergency.

    Where furniture is removed by either council, the cost of the removal, storage and disposal must be paid by the licence–holder if the removal was pursuant to 4a or 4b above. The Council will not be responsible for its safekeeping.

5. The licence holder is not to make or cause to be made any claim against Crawley Borough Council in the event of any property of the licence holder becoming lost or damaged in any way from whatever cause.

6. An unimpeded pedestrian route of not less than 2 metres in width must be maintained at all times for people wishing to use the footway and to allow appropriate access for disabled people.

7. Anything done by the licence–holder pursuant to this Licence, or any activity of other persons which is enabled by the Licence, must not have any of the following effects:

    a. preventing 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, or

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.

8. Where the furniture to be put on the relevant highway consists of seating for use by persons for the purpose of consuming food or drink, the licence–holder must make reasonable provision for seating where smoking is not permitted to accord with local and national condition requirements.

9. The method of marking the boundary of the Licence Site must be agreed between the licence holder and Officers of Crawley Borough Council within 14 days of this licence being granted. Whatever method is agreed a 2 metre clear walkway must be maintained for the use of pedestrians.

10. Emergency routes to the premises and adjacent buildings must not be obstructed by furniture sited in accordance with this licence, which should not, in normal circumstances, extend beyond the width of the premises frontage.

11. The only furniture which may be placed on the Licence Site pursuant to this licence is that which was described as part of the application or subsequently approved in writing by an officer of Crawley Borough Council.

12. The licence–holder must keep any furniture placed on the Licence Site pursuant to this licence in a good state of repair.

13. Crawley Borough Council will have no liability for any damages in the event of any of the furniture permitted to be placed on the Licence Site by this Licence is lost, stolen or damaged in any way from whatsoever cause.

14. Furniture should be placed so as not to obstruct driver sightlines, or road traffic signs, nor emergency access routes.

15. Placement of furniture permitted to be placed on the Licence Site must allow pedestrians to use the footway parallel to the frontage of the premises. Alternative items may not be used without first seeking the written authority of the Authorised Officer of Licensing Team of Crawley Borough Council.

16. Any patio heaters permitted by this licence must be positioned in a safe and secure manner, with appropriate safety measures in place to minimize the risk of injury or fire and must be under the direct supervision of the licence holder or their nominated representative.

17. All furniture permitted to be placed on the Licence Site by this licence must be removed from the Public Highway when the premises are closed to prevent a safety hazard to pedestrians, particularly during the hours of darkness.

18. The licence–holder should ensure that they use the Licence Site in a safe and orderly manner, thereby ensuring that any safety risk or nuisance to customers, other users of the Public Highway or any adjacent land or premises, is minimised.

19. The licence–holder must ensure that their use of the Licence Site does not interfere with Highway drainage arrangements.

20. During the hours of darkness suitable and sufficient lighting must be provided to ensure safe use of the Licence Site.

21. All detritus (food and drink remnants, spillages, bottles, cans, wrappers etc) be regularly removed from the Licence Site and disposed of in the correct manner, including at the point of each day when furniture is being removed from the Licence Site in accordance with condition 3. The licence holder must also make arrangements to regularly check for and to remove litter and rubbish on pedestrian walkways, caused by persons using the premises, for a distance of up to 10 metres from the boundary of the Licence Site.

22. The licence holder must ensure that any tables placed on the Licence Site pursuant to this licence are cleared in an efficient manner during the hours of operation. The licence holder must ensure the Licence Site and surrounding highway is to be washed down at the completion of each day's usage using a method sufficient to remove food debris, grease and other spillages that may occur.

23. All furniture covered by the Licence shall be freestanding in the case of seating. The licence holder is not permitted to make any fixtures, or excavations of any kind, to the surface of the highway and it must remain undisturbed. The licence–holder must pay to West Sussex County Council any costs incurred as a result of damage to the highway from the positioning of furniture.

24. Any umbrellas, patio heaters and other structures which are permitted on the Licence Site by this licence such as temporary structures must be suitably secured in accordance with manufacturer's guidelines to ensure safe use. Such items must not be used if inclement weather is likely to affect their safe use (such as high winds, rain and other conditions that affect the integrity and safety)##.

25. The Licence Holder must not permit or allow the consumption of alcoholic liquor within the Licence Site unless there is a premises licence granted under the Licensing Act 2003 in respect of the premise adjacent to the Licence Site in respect of which this licence was granted.

26. The Premises Licence Holder of a premises licensed under the Licensing Act 2003, must not allow the consumption of alcoholic liquor outside of the hours in force for the premises itself.

27. The Pavement licence must be displayed on the premises with a plan of the agreed layout of the Licence Site.

28. The licence–holder is responsible for ensuring that the conditions of the licence and any other necessary permissions and regulations are adhered to.

29. The licence holder must remove any tables, chairs and other furniture immediately at the end of the licence period or on revocation of the licence.

30. This licence is for a limited period expiring on the date specified on the Pavement Licence, after which time if the Proprietor wishes to renew or continue the use, they will need to submit a further application.

31. On expiration of licence, the table and chairs become an illegal obstruction of the highway if not removed.

32. The Licence Holder is required to display the attached Licence in a prominent position in a front window, or door, of the premises so that it is visible to any person.

33. Crawley Borough Council reserves the right to revoke or amend this licence at any time if any of the above conditions are not fulfilled and maintained or where it has received complaints and impact can be evidenced

34. This licence is not transferrable and only applies to the specified premises and named person who holds this licence.

35. The licence–holder must surrender this Licence within 14 days of the selling or transferring their interest in the Premises, such that they no longer have control over the Premises.

Appendix 3 – Local Licence Conditions for premises subject to a premises licence under the Licensing Act 2003 which permits the sale of alcohol

1. The licence holder must prepare a documented risk assessment to address all aspects of the pavement licence, compliance with this licence and measures to ensure the effective control and supervision of the area to which the Pavement Licence applies. This must include but not be restricted to the consideration of the provision of Security Industry Authority (SIA) Door Staff to ensure control and supervision of the premises Body Worn Video cameras, staff training policy regarding contraventions of COVID19 regulations by patrons, managing a queuing system (in consultation with neighbouring premises), use of glass vessels, monitoring numbers on the premises and members of differing households, additional cleaning measures, access/ egress, managing anti–social behaviour and the impact of such upon local residents.
2. No glass vessels shall be allowed off the premises, other than within the Licence Site.
3. Staff must ensure that all empty glasses and bottles are promptly cleared away from public areas
4. Regular patrols are to be conducted, at least hourly, outside the premises where the licence applies.
5. A partition will be installed to clearly delineate the licensed area preventing passing pedestrians/children walking into furniture or onto the licensed area.
6. When the licensed area is no longer in use for licensable activity all items, to include chairs and associated furniture, shall be removed from the outside area and /or stacked and secured off the Highway.
7. Service of any items to the licensed area shall be by Waiter/waitress service only to seated members of the public.
8. Use of thee licensed area shall cease at the hour specified on the pavement licence.
9. There shall be a direct means of supervision within the external licensed area to which the licence applies.
10. No amplified entertainment of any sort, including the placement of speakers or other forms of amplification shall be permitted in the external area(s) covered by the licence.
11. No amplified entertainment of any sort from within the premises shall be audible in any external area(s) covered by the licence.
12. Where takeaway orders are prepared for collection, this must be managed so as not to impact upon members of the public passing the premises.

Appendix 4 – National Mandatory Conditions

The Secretary of State publishes this condition in exercise of his powers under [clause 5(6)] of the Business and Planning Act 2020:

Condition relating to clear routes of access:

It is a condition that clear routes of access along the highway must be maintained, taking into account the needs of disabled people, and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1 of Inclusive Mobility.

Guidance on the effect of this condition

1. To the extent that conditions imposed or deemed to be imposed on a pavement licence do not require the licence holder to require clear routes of access to be maintained, taking into account the needs of disabled people and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1 of Inclusive Mobility, the licence is granted subject to those requirements.

2. To the extent that a licence is granted subject to a condition which imposes requirements to maintain clear routes of access that are inconsistent with the requirements set out in this condition this condition is not imposed on the licence.

Appendix 5 – Summary of revisions July 2024

Revisions to Pavement Licensing Policy following review of operational practice, regulation, enforcement further to Government Guidance and the Levelling Up and Regeneration Act 2023 Please note that this is a high–level overview of the key Policy changes and is designed to highlight the key changes in th Policy for those impacted by it, including businesses, service users and vulnerable groups. Some wording has been revised to maximise understanding and accessibility.

Topic & Section	Page number	Revision
Introduction and Scope	Page 3	Updated background information and legislative framework revisions making the regime permanent
Eligible Locations – 2.2	Page 3	Eligible Locations and Exclusions from the regime Expansion on what is considered an eligible location, each case on its merits and exclusions from the pavement licensing regime
Furniture Permitted – 2.4	Page 4	Further explanation of types of furniture and expectations that such will be "in keeping" with the locality and removed from outside areas and the Highway at the end of the licence term/trading Certain structures not normally permitted and "grandfather rights" of some premises
Planning Permission – 2.5	Page 4	Deemed planning consent in place for the duration of the specified licence
Application and determination of pavement licences – 3	Page 5	Overview of the application process, supporting documentation required and fees, licence duration and other safety considerations
Fees and Licence Duration 3.2	Page 6	Fees and charges
Site and Site Notice 3.4	Page 7	Display extended to 14 days following the 2023 Act
Site Assessment 3.5	Page 7	Restrictions on areas impacting on the suitability for a pavement licence and associated structures
New – Smokefree Areas 3.6	Page 8	Additional information on smoke free areas and requirements as part of the national conditions, Smokefree regulations and suitable structures
Application and Determinaition Granting of Applications 3	Page 5	New title of Application and Determination of Pavement Licences as there are a range of outcomes not just grant. Overview of revised process and 14 day consultation and 14 day determination – 28 days from a previous 14 days and further information regarding representations and decision making

Determining of applications 3.7	Page 9	New title Conditions, Local and National as well as Hours of operation. Refers to "standard" local conditions but also the option to add bespoke conditions on a case by case basis. Also includes reference to steps which may give rise to a reduced licensed area, limits on furniture use and hours to limit impact or take account of issues that present
Licence Duration 3.2 and 6	Page 6 and 10	Revised information regarding licence duration from 1 year to 2 years except in exceptional circumstances and inclusion of local and national conditions and the outcome of non determination of a case within the 28 day period
Rejection of applications 7	Page 10	Further information regarding invalid or inappropriate applications leading to refusal of an application
Enforcement 8	Page 11	Overview of the new powers afforded to local authorities by the Levelling Up and Regeneration Act 2023 and associated options. Further details of relevant matters in determining whether to cancel, revoke or amend licences and/or prosecution
Review Procedure 9	Page12	Links to the 2020 and 2023 Acts as well as Government Guidance
Local and National Conditions	Pages 14 – 19	Revisions to conditions where appropriate