

Pavement Licences (Outdoor Seating Proposal) - 2021

The government has amended pavement licences for outdoor seating. The new process is **only to be used until the 30th of September 2022**. The cost is maximum £100 per licence. The following restrictions apply to the new licences:

- The separate licencing of alcohol licences, and food licences **will still apply**.
- That no other planning permission would apply.
- That all elements of the use of the area would be removable.
- That only highway listed in section 115A(1) of the Highway act 1980 can have such a licence.
- The accessibility standards would be maintained

Councils have 10 working days to approve or reject new applications after 10 days, unless rejected, the licence will be deemed to be granted. The first 5 working days are to enable public comment and the second 5 to make and issue the decision.

Only businesses selling food and drink for consumption on or off premises may apply for this licence this includes: public houses, cafe's, bars, restaurants, snack bars, coffee shops, and ice cream parlours. Businesses not in this category cannot have this licence.

In a departure from the current policy the use of counters for selling or serving food and drink will be allowed under the new government licence. This departure will end when these licences terminate.

It will be the responsibility of the licensee to have a correct and up to date licence.

The licences will last for 12 months.

In Stockport.

These licence will be issued only until 30th of September 2022 subject to Parliamentary approval after which the Councils original process will be reinstated.

No new licences applications under the government system will be accepted after 16th of September 2022 to enable applications under

the system to be processed before the 30th September 2022 deadline passes. After that date new applications would be under the old system of the Council.

The charging for the licence will be free until the 30th September 2021. After this date licences will cost £100.

Consultation

Applicants are required to display in their windows a poster advising the public but they have applied for a licence (Appendix 1) and to post to all neighbouring properties the notification in (Appendix 2)

The council MUST publish all applications on its website. The local authority is also required to publish the fact that representations may be made during the five day public consultation and when that will come to an end. Options must also be made for people with difficulty accessing online publications to ensure all parties can make appropriate representation.

Accessibility

The Council would continue to apply the following requirements in line with section 8.1 of the government guidance on pavement licences.

Highway cafes are not allowed where they result in a footway, which would otherwise meet the needs of a user, being impassable and are not allowed to cause hazards to the blind and visually impaired through the non-application of design guidance.

1.5 metres is the minimum acceptable space which needs to be left clear on the footway in low usage areas (with 2 meters being a more regularly expected minimum). Where pedestrian numbers are high then more space will be needed.

To protect the blind and visually impaired people from risks chairs and tables must be surrounded by a protective barrier like the one below.



Controls regarding placement of café furniture

Paragraph 4.3 of the government guidance maintains the Councils ability to set the following requirements. This will make it easier to continue using outside seating areas if desired beyond to 2022.

Furniture, Barriers, and Equipment Type

All café furniture on the pavement must be enclosed by barriers.

Barriers must be continuous, between 1000mm and 1200mm high and have a tapping rail no more than 50mm from the ground which is at least 150mm deep for use by long stick users. Ropes will not fulfil this purpose.

All furniture, barriers, and equipment must be of a quality construction and uniform style. Plastic garden furniture/ picnic tables will not be permitted.

All furniture, barriers, and equipment must contrast with the background to assist the visually impaired. For example: A black barrier will contrast on a light background.

All furniture, barriers, and equipment must fit in with the local area, in conservation areas the conservation officer must give approval of the proposed design.

All furniture, barriers, and equipment must have no protruding elements that could cause people to trip or fall, or that could cause other injury or damage, e.g. sharp edges, splinters

All furniture, barriers, and equipment must be stable and not represent a potential danger to people. In particular, the structure must be of sufficient weight or design to prevent it being blown over in the wind.

Parasols/umbrellas need to be high enough (minimum 2.1m) not to injure pedestrians and should not overhang the highway beyond the licenced area. They must be of a non-reflective fabric and logos on them must not exceed 450mm by 150mm in size. They must also not interfere with sight lines for the highway or the visibility of traffic signage.

Awnings will need to be a minimum of 2.6m high and 0.6m from the kerbline.

The council accepts no liability in regards to furniture, barriers, and equipment being lost, stolen or damaged in anyway.

Café Positioning

Café Furniture and Equipment must normally be placed at the back of the footway in line with the building line of the business it is related to. Where space does not allow this, if permission can be obtained from other relevant businesses, other locations could be allowed. These will be looked at on a case by case basis but will be required to meet further conditions because of the extra safety issues. Examples of this could include: the need for a member of staff in the seating area at all times or the need for staff to take drinks and food out to the area for customers. If such systems cannot be agreed in the 10 day period the licence application will be rejected.

Café Furniture and Equipment must be positioned on the pavement in the same place every day.

Café Furniture and Equipment must not be placed so as to obstruct visibility for instance at the corner of a building.

Café Furniture and Equipment must not reduce the usable width of the footway below 1.5 metres in a low usage area (with 2 metres being the more regularly expected minimum). Not reduce the usable width below 3.5 metres in pedestrianised areas; this is to allow access to emergency vehicles. In busy areas more space may be needed and the Council

may deny a licence on these grounds. Please consider social distancing needs in your application for your customers and passers-by.

Café area must not be within 1.8 metres of a piece of street furniture (Inc. bus stops, bins and cycle parking), or any tactile paving outside of the café area. The Council may increase this distance in areas with heavier usage for example bus stops on major bus routes. Please consider social distancing needs in your application for your customers and passers-by

Where appropriate cafes may be set up surrounding certain types of street furniture (such as trees, bollards or streetlights) where this will not conflict with their usage / benefits to the public at large. This will not be allowed where it would affect the usage of the street furniture (e.g. bins, seating, bike parking etc.).

Café Furniture and Equipment must be removed prior to and during events likely to result in a significant increase in people which would make them a potential danger to the public. (e.g. protest marches and similar public events).

Licensees must not allow queues or crowds to gather so to cause a nuisance, annoyance or danger to people using the road or footway.

No café furniture or equipment will be allowed on, shared use paths, roundabouts, road safety refuges and central reservations.

Café Furniture and Equipment must not block emergency exits.

Environmental Requirements

The licence holder must keep the licenced area clear of litter during the operating period and clean the area at the end of each period of use.

The licence holder must minimise and remove any litter created by their café in the area around their licenced area. For example litter blown out of the licenced area by the wind should be collected by the licence holder and steps to minimise this happening should also be taken.

Waste must be disposed via facilities provided by the café and not in Council provided highway litter bins.

All licence holders must meet all other relevant licencing requirements to the operation of their business.

All licence holders must meet relevant food safety standards.

All licence holders must meet relevant sanitary requirements in relation to their main premises.

Smoking is legally allowed in licenced café areas on the highway.

Licences holders retain the right to designate areas of the licenced area as no smoking and it is their responsibility to manage such designations.

The licenced area must be used solely for the purpose of consuming refreshments and not for any other purpose whatsoever.

The licence does not allow for any music playing, music reproduction or sound amplification apparatus or any musical instruments, radio or television receiving sets.

Other requirements

All furniture, equipment and barriers must be temporary and not fixed in nature. Chaining furniture, barriers and equipment to street furniture is prohibited.

Broken and damaged furniture, barriers and equipment must be removed from the road and footway.

Licence for furniture, barriers and equipment must be displayed clearly in the window of the premises to which the furniture, barriers and equipment belongs for inspection by highways inspectors.

Furniture, barriers and equipment must be removed from the road and footway when weather conditions may make them a danger to the public e.g. high winds, fog, or snow.

Furniture, barriers and equipment may only be on the highway during hours agreed on the licence these agreed times will never be beyond the trading times of the business and in the case of time limited pedestrian controls permission will start after the pedestrian controls come in to affect and end before the area is reopened to traffic to ensure that the way is clear for traffic.

Furniture, barriers and equipment must not contain any visual or written material that could be construed as being racist, sexist, homophobic or insulting.

Business must provide evidence of liability insurance to the value of 5 million pounds to indemnify the Council against all actions, proceedings, costs, claims or demands whatsoever in respect of any injury or damage arising from the siting of the furniture, barriers and equipment.

Furniture, barriers and equipment must not make emergency access difficult and must be easily removed in the event of an emergency.

Furniture, barriers and equipment must be removed if requested for maintenance of the road or footway, including cleansing, or utilities under the road or footway.

No cooking equipment may be used on the road or footway.

All changes to the operations of the licenced area, including named operator, must be agreed with the council in writing .

Licences, even if applied for via an agent, will only be granted to a named individual in respect of the main premises with which the pavement café area is associated.

Enforcement

The authority may revoke a licence due to the following circumstances:

A breach of condition or where:

- there is a risk to public health or safety - for example; encouraging users to breach government guidance on social distancing;
- the highway is being obstructed (other than by permitted licence);
- there is anti-social or public nuisance - for example, the use is increasing the amount of noise generation late at night and litter is not being cleaned up;
- It comes to light the applicant provided false or misleading statements in their application - for example they are operating a

stall selling hot food and applied for tables on chairs in which drinks could be consumed; or

- The applicant did not comply with the requirement to affix, to their property, the notice, to notify the public of the application, for the relevant period of time. That being the five working days following the application being submitted to the authority.

If permission is revoked no compensation from the Council will be given.

Appeals

Appeals should be made to the Head of Transport and Highways within 14 days of the decision. This will then be passed to the relevant Committee for review.

Contact for Further information Sue Stevenson 0161 474 4351

Appendix 1 – Notice for Applicant to display to the public

APPLICATION FOR PAVEMENT LICENCE under Business Planning Act 2020

I/We (1)

Do hereby give notice that on (2)

We have applied to Stockport MBC for a 'Pavement Licence' at (3)

Known as (4)

The application is for (5)

Any person wishing to make representations to this application may do so by writing to: (6)

By: (7)

The application and information submitted with it can be viewed on the Council website.

Signed

Dated(9)

Guidance Notes

Replace the numbers with the information below:

- (1)– Applicants Name
- (2) - Date that the application was submitted

- (3) Postal address for the premises
- (4)– Name of the premises
- (5) - Brief description of what has been applied for – for example tables and chairs to the front of the premises for the consumption of food and drink.
- (6)–
Street Works Section
Network Management
Highways and Transportation
Stockport Council
2nd Floor Fred Perry House
Edward Street
Stockport
SK1 3XE

- (7)– Last date for representations to be made. This is full 5 working days (not including weekends and bank holidays) after the application is submitted.
- (8)- www.stockport.gov.uk/pavementlicenceapplications
- (9)Date that the notice was placed for public view (must be same date as (2)

Appendix 2 – Notification to neighbours

_____ (1)
*have Applied for a PAVEMENT LICENCE under Business Planning Act
2020 on _____ (2) at*

_____ (3)
*Any person wishing to comment on this application may do so by writing
to;*

Street Works Section

Network Management

Highways and Transportation

Stockport Council

2nd Floor Fred Perry House

Edward Street

Stockport

SK1 3XE

*date for representations to be made is full 5 working days (not including
weekends and bank holidays) after the application is submitted.*

Signed

Dated

- (1)– Applicants Name and business name
- (2) - Date that the application was submitted
- (3) Postal address for the premises