

Who can apply for a Pavement licence?

- You must be a business which uses (or intends to use) your premises for the sale of food or drink for customers to consume on the premises or to take away.
- The seating area can only be used for food or drink purchased at your premises.
- If your premises does not sell food or drink but you wish to place furniture outside your premises you will need to apply for a different permission under the Highways Act 1980.

What can I place on the highway?

- Counters or stalls for selling or serving food or drink.
- Tables, counters or shelves on which food or drink can be stored or displayed.
- Chairs, benches, or other forms of seating.
- Umbrellas, barriers, and other items used in connection with the outdoor consumption of food or drink.
- You can only place items which are fully removeable, not a fixed or permanent structure and which can be stored away at night or when the premises is closed.

Are there things I cannot place on the highway?

- Anything which is not connected with the outdoor selling or consumption of food and drink.
- Anything which can't be moved and stored.
- Advertising boards. You will need a separate permission under the Highways Act and may be subject to planning restrictions.

How much will it cost?

- The fees are set nationally as part of the legislation.
- £500 for the first application. This is for a 2 year permit.
- £350 for the renewal of a permit. This is for a 2 year permit.
- There are no fee reductions available for short term use.

Do I need planning permission for a pavement licence?

- No, once a pavement licence is granted the applicant will be seen as having planning permissions to use the land.
- If the licence lapses, is revoked or not renewed, the right to planning permission for the area is also removed.

What about smoking in the area?

- Smoking is not currently prohibited but every effort should be made to include non-smoking areas within the seating.
- No ashtrays or receptacles are to be supplied within smoke-free areas.
- At least 2m should be allowed between smoking and no smoking areas.

Can I use patio heaters?

- External LPG powered space heaters are not permitted.
- Space heaters which are not heated by gas *may* be considered on a case by case basis.

What information do I need to provide for my application?

- Details of the premises and the area which will be used for the pavement licence.
- A description of the items being proposed for the area and their use. Any serving tables, shelving units, counters etc should be detailed.
- The days and times in the week that the pavement licence will be used for.
- Details of the type of furniture (tables, chairs, umbrellas etc) which will be used in the area. You should include photographs or brochures of these.
- Proof of £5m public liability insurance which clearly shows that the area designated for the pavement licence is fully insured.
- Any other information requested by North Somerset Council to support your application.
- Details of how you will make sure the area is safe and accessible
 - clear of obstructions,
 - minimum clearance of 2m from any street furniture and between tables to allow for wheelchairs, pushchairs etc.
 - clear access to any fire exits
 - suitable barriers (with tap rail) to mark out the area and to assist the visually impaired.
 - Risk assessed for spills, trips and other hazards.

How do I make an application?

- You must use the application form provided.
- You must include a plan showing the location of the premises. The area should be outlined in red so the application site and premises can be clearly seen.
- Evidence should be included to show you have a right to occupy the premises.
- The fee will be required at the time of application.
- You will be required to place a notice at the proposed site advertising the application.

What happens once you have my application?

- North Somerset Council allows 14 days for public consultation.
- A further 14 days is allowed for looking at any responses and administering the licence issue.
- If there are no representations from anyone then the licence will be issued for a two year period.
- If there are objections then a licensing hearing will be arranged and the applicant and objectors will be invited to attend to discuss. The licensing councillors will then determine the application.
- The councillors can opt to grant, refuse or change elements of the application through this process.

If my application is refused can I appeal the decision?

- There is no right of appeal in this legislation against any decisions.

Can anyone help me with the application?

- The Licensing team offer a paid for pre-application service which ranges from “check and send” through to advice and guidance about the application content.
- Please note this is not a guarantee of acceptance or grant but helps ensure the best quality application is submitted.

For further information please contact:

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