



High Peak
Borough Council

Pavement Licensing Policy

2026 – 2031

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1. Introduction

High Peak Borough Council has produced this policy for Pavement licences in order that applicants and the public understand the issues involved in permitting what are legally temporary obstructions to the pavement or carriageway.

The policy aims to:

- Make businesses aware of the opportunities available to them to add an extra dimension to their food and drink offering.
- Ensure the safety of all users of the public highway, pavements, and carriageways.
- Ensure that Pavement licences are operated in a safe manner following clear guidelines which minimise interference and disruption for highway users.

2. What is a 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 removeable furniture over certain highways adjacent to the premises in relation to which the application was made, for certain purposes. This is a streamlined process to allow business to secure these licences quickly and, where they are deemed to have been granted, allow these licences to remain in place for such period that the local authority may specify in the licence, or no such limit may be placed on their duration.

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.

3. What is the purpose of the Levelling Up and Regeneration Act 2023 for pavement licences

This process provides a streamlined and cheaper route for businesses such as cafes, restaurants, and bars to secure a licence to place furniture on the highway. This will provide much needed income for businesses and protect as many hospitality jobs as possible, particularly during times of increasing living costs.

4. What businesses are eligible?

A business which uses (or proposes to use) premises for the sale of food or drink for consumption (on or off the premises) can apply for a licence. Business that are eligible include: public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours including where such uses form an ancillary aspect of another use, for example supermarkets or entertainment venues which sell food and drink.

A licence permits the business to use furniture placed on the highway to sell or serve food or drink and/or allow it to be used by people for consumption of food or drink supplied from, or in connection with the use of the premises.

5. What furniture can be permitted by a licence?

The furniture which may be used is:

- 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, heaters, and other articles used in connection with the outdoor consumption of food or drink.

This furniture is required to be removeable, this means it is not a permanent fixed structure and is able to be moved easily and stored away of an evening.

Advertising boards are not included in the definition of furniture.

6. Applications

Applications should be made online at www.highpeak.gov.uk (Pavement Licence Applications).

There is a 14 days consultation period (excluding public holidays) which starts the day after we receive the application, then we have a 14 days determination period, which starts on the first day after the end of the consultation (excluding public holidays). If your licence is not determined within this 14 day period, then the licence is deemed to be granted for a year.

Applications must be accompanied by a site plan showing the scale and the distance from the kerb. The kerb must be at least 1.5m away from the edge of the licensed area. The plan must also show the following:-

- Entry and exit points.
- Building lines
- Premises boundary
- Changes in level and kerbs
- Size and shape of seating area
- Number and arrangement of tables and chairs
- Any other furniture proposed.

Applications must be accompanied by evidence of a public liability insurance policy covering the business premises and activities with a cover amount of at least five million pounds.

Applications must include photos of the proposed furniture.

Applications must be accompanied by the relevant fee.

A notice advertising the application must be displayed on/or near the premises for the consultation period.

7. Determination of Applications

No tables or chairs should be placed upon the highway until the application is determined and the applicant has been advised of the outcome.

Incomplete applications will not be accepted.

Valid applications will also be referred to relevant departments within the council, Derbyshire Police, Derbyshire Fire and Rescue Services and Derbyshire County Council Highways

Department for comment. Applicants may negotiate with these parties, to resolve any issues raised during consultation, prior to a decision being made.

Any comments received, which remain unresolved, will be considered by a Licensing Officer and then granted or refused.

Renewals

It is the responsibility of the licensee to ensure that renewal applications are made prior to the expiry of an existing licence in order for permissions to continue uninterrupted.

Should a renewal application be received after the expiry of a previous licence, it may be treated as a new application.

All renewal applications will be subjected to the consultation process detailed above.

8. Criteria used to grant pavement licences

The council will, when considering applications, promote the following aims and objectives.

- Create a vibrant diverse street scene which encourages residents and visitors to the Borough to visit and linger in our towns and villages.
- Ensure ease of movement and access for all.
- Ensure safety for pedestrians and other highway users.

While no prescribed style, design or layout is dictated the council expects that the standard of Pavement Cafés and the furniture and fittings used should reflect and / or enhance the area in which it is situated. Where this is not achieved any future licences may be refused for this reason.

9. Further Information

The council may request at the time of application or later that additional information is provided to it as may be considered relevant for the purpose of considering and reviewing applications and licences. Failure to provide such information may result in an application being rejected or a renewal being refused.

The council is committed to ensuring that residents and visitors have access to affordable, nutritious, sustainably produced, and tasty food, prepared to high hygiene standards, regardless of income. In addition, encouraging a diverse range of independent enterprises that provide sustainable local food, and employment is of equal importance. Applicants for a pavement licence should consider how their proposals can support the council with these objectives.

10. Enforcement

It is recognised that well-directed enforcement activity by the council benefits not only the public but also responsible business operators.

If a condition imposed on a licence is breached, the local authority will be able to issue a notice requiring the breach to be remedied. If the licence-holder fails to do so, the local authority may revoke the licence or itself take steps to remedy the breach and can take action to recover any costs of so doing.

If the authority may revoke a licence in the following circumstances:

- For breach of condition, (whether or not a remediation notice has been issued)
- Where there are risks to public health or safety.
- Where this use of the highway is causing an unacceptable obstruction, breaching the non-obstruction condition.
- Where the use is causing, or risks causing, anti-social behaviour or public nuisance.
- Where it becomes known that the applicant provided false or misleading statements in their application.
- Where the applicant did not comply with the requirement to affix the notice to notify the public for the relevant period.

The local authority may also revoke the licence when 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 granted.

In cases where furniture would normally be permitted by a pavement or other licence has been placed on a relevant highway without the required licence, local authorities can give notice requiring the business to remove the furniture before a date specified and to refrain from putting furniture on the highway unless they gain a licence.

If furniture continues to be placed on the highway, in violation of the notice, the authority may remove and store the furniture, recover the costs from the business for the removal and storage of furniture and refuse to return the furniture until those costs have been paid. If within 3 months of the notice, the costs are not paid, the authority can dispose of the furniture by sale or other means and retain the proceeds.

11. Current consultees for pavement licence applications

- Derbyshire Police Licensing.
- Derbyshire County Council Highways.
- Derbyshire Fire and Rescue Service.
- Environmental Health, High Peak Borough Council.
- Food Safety, High Peak Borough Council.
- Planning Department, High Peak Borough Council.

APPENDIX 1

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SCHEDULE OF CONDITIONS FOR PAVEMENT LICENCES

1. The Pavement Licence should be displayed prominently on the premises in a window/door facing outwards towards the outdoor licensed area.
2. The Licence is personal to the Licensee and cannot be transferred to any other person, business, or organisation.
3. This Licence is granted under the Business and Planning Act 2020 ("the Act") and will be restricted to the opening hours of the premises specified in the application or such other hours as may be agreed by the Local Authority in writing.
4. The Licensee shall comply with and obtain all other necessary statutory consents and approvals required in connection with the exercise of a refreshment facility on the highway and comply with the provisions of all such consents and approvals and all statutes and other obligations imposed by law with regards to the provision, maintenance and operation of the refreshment facility.
5. The area upon which the proposed seating and other furniture may be sited ("the Licensed Area") will be defined on a plan attached to the licence and shall be used solely for the purpose of consuming refreshments. No unauthorised obstructions are to be placed in the Licensed Area or on the public highway.
6. The Licensed Area shall be protected by barriers of a sturdy design.
7. The tables, chairs, barriers, and other furniture ("the Equipment") shall be of an appropriate design and shall be kept in good repair and condition at the Licensee's expense. The layout shall be as shown on the plan attached to the Licence.
8. The Licensee shall remove all equipment from the highway outside the opening hours specified in the Pavement Licence and if required to do so to permit works in, or the use of the highway by the County, District, Borough or Town Council, the emergency services, any statutory undertaker, or to allow access for builders' vehicles, hearses and furniture removal vans. Except in the case of emergencies, the respective organisations will give at least 24 hours' notice of the need for such removal.
9. The Licensee shall make no claim or charge against the Local Authority in the event of the Equipment being lost, stolen or damaged in whatever way from whatever cause.
10. The Licensee shall indemnify the Local Authority against all actions, proceedings, claims, demands, and liability which may be taken, made, or incurred arising out of the Licensee's use of the highway. For this purpose, the Licensee shall insure against any damage, loss or injury which may occur to any person or property arising from the siting of the Equipment. Details of such public liability insurance, for the sum of at least £5 million in respect of any one event and the insurance shall take effect prior to the use of the highway for outdoor catering.
11. The Licence shall run for a period of 2-years by default, or until such time that the Local Authority specifies subject to a minimum duration of 3 months. The Licence shall remain in force only for such period as the Licensee remains the occupier of the Premises or until withdrawn by the Local Authority under the Act or surrendered to the Local Authority by the Licensee, subject to renewal.

12. The Licensee must –

(a) 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; and (b) Ensure that the notice remains in place until the end of the public consultation period. The Notice will be in the form as provided by the authority.

13. The Equipment must not obstruct pedestrian, emergency or delivery access to any premises or extend beyond the Licensed Area. A clear pedestrian route along the highway must be maintained at all times and be compliant with the current inclusive mobility requirements for pushchairs and wheelchair/mobility scooter users. This should be no less than 1.5m wide (up to a maximum length of 6m) in areas of high footfall this minimum should be increased. This distance shall be measured from the furthestmost edge of the barrier to the nearest kerbside. Normally the Equipment shall be placed against the building, however where additional space is available (such as a pedestrianised street) the Licence may allow for the Equipment to be sited away from (but adjacent to) the building. The Equipment shall not be positioned to discourage pedestrian usage. The proximity of existing obstructions e.g. planters, trees, etc. should be considered as should bus stops, taxi ranks and pedestrian crossings. Consideration should also be given to the placement of all Equipment, so they do not cause an obstruction or trip hazard or block forward visibility of any road sign or traffic signal. The pedestrian footway must not be enclosed in any way.

14. Activities shall be restricted to within the Licensed Area and controlled by the Licensee such that people do not congregate outside the Licensed Area.

15. The Licensee shall ensure that any persons within the Licensed Area do not cause any nuisance disturbance or annoyance to the public using the highway or the Owners or Occupiers of adjoining premises.

16. The Licensee is solely responsible for all the equipment and shall make no claim or charge against the Local Authority in the event of such items being lost, stolen or damaged.

17. The Licensed Area will be suitably managed by staff to ensure the orderly conduct of customers. Standards of cleanliness and tidiness must be maintained to the satisfaction of the Local Authority.

18. The Licensed Area must be kept clean and free from litter and other rubbish. At the end of each working day, or more frequently, if necessary, the Licensed Area and an additional area of highway bounded by a line 5m from the Licensed Area shall be thoroughly cleaned to remove food debris etc. No waste shall be deposited in the permanent litter bins provided by the Local Authority.

19. The licence holder must 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. Such provision must 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.
- No ash trays or similar receptacles to be provided or permitted to be left on furniture where smoke-free seating is identified.
- Provision for a minimum 2M distance between non-smoking and smoking areas, wherever possible

20. All equipment must be free standing and no fixtures to, or excavations of any kind shall be made in the surface of the highway which shall be left entirely undisturbed. The Local Authority reserves the right to report any highway damage no matter how caused and recharge the Licensee.

21. No alcohol shall be consumed within the Licensed Area unless a Premises Licence or Temporary Event Notice has been issued by the Licensing Authority under the Licensing Act 2003

22. No food shall be consumed within the Licensed Area unless the Licensee is registered with the Local Authority as a food business under the applicable food hygiene legislation.

23. Musical entertainment will not be permitted in the Licensed Area unless a licence has been issued by the relevant authority

24. The Licensee shall be responsible for any rates, taxes and other out-goings which may be charged in connection with the Licensee's use of the Licensed Area.

25. Non-compliance with any condition of the Licence will render the Licensee liable to a written Notice under the Act and failure to comply with such a Notice shall render the Licensee liable to a written Notice revoking the Licence with immediate effect.

26. A compliance inspection may be conducted at any time from the commencement of the Licence or the issue of a Notice under condition 25 requiring the Licensee to remedy a breach of the Licence.

27. This Licence may be revoked in writing by the Local Authority at any time and the Local Authority shall not in any circumstances whatsoever be liable to pay any compensation or refund any fees to the Licensee in respect of such revocation.

28. If the Licence is revoked all equipment must be removed with immediate effect and the Licensee shall leave the highway in a clean, tidy, and undamaged condition. If any action is required by the local authority to remove the Equipment or repair any damage to the highway, steps will be taken to recover all associated costs from the licensee.

ANY OBSTRUCTION OF THE HIGHWAY WHICH IS NOT SPECIFICALLY AUTHORISED BY THIS PERMISSION MAY RENDER THE LICENSEE LIABLE TO PROSECUTION.