



Pavement Café Licence Policy

Application Timescale

The prescribed application consultation period, of 5 working days excluding bank holidays, will commence on receipt of a complete application accompanied by payment of the appropriate fee.

Qualifying Businesses

All businesses that use, or propose to use, premises for the sale of food or drink, whether for consumption on or off the premises, may apply for a pavement café licence.

Eligible businesses include, but are not limited to: public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours.

The premises in effect must be adjacent to a relevant highway. If it is not, this does not debar the making of an application, but no effective licence may be granted as a result.

This is because the geographic limit of an authorisation under a premises licence is “part of a relevant highway adjacent to the premises.

Removable furniture that can be included with permission:

- 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.

To accommodate the provision of using outside areas, any premises already authorised to sell alcohol for consumption on the premises will receive an automatic authorisation to sell and serve alcohol for consumption off the premises.

No additional planning permission will be required for the use of pavement furniture under this provision.

The licensing authority may attach specific conditions to licences where it is reasonable, necessary and appropriate to do so (e.g. in protection of the health and safety of the public).

The licensing authority may grant a licence for a period between 3 – 12 months.

All licences granted under this provision will automatically expire by the 30th September 2021.

Application Criteria

Applications to the local authority for a pavement cafe licence must:

- clearly specify the premises and the part of the relevant highway to which the application relates;
- clearly specify the purpose, or purposes, for which the furniture will be used; either to sell or serve food or drink, and/or for use by other people for the consumption of food or drink. In both cases the food or drink must be supplied by, or in connection with, the relevant use of the premises;
- specify the days of the week and the hours on which it is proposed to have furniture on the highway;
- describe the type of furniture to which the application relates, for example: tables, chairs, and/or stalls;
- specify the proposed Number of tables and proposed number of chairs, stalls and/or barriers.
- specify the proposed number of staff on duty during opening hours.
- specify the date on which the application is made;
- contain, or be accompanied by, such evidence of public liability insurance in respect of anything to be done pursuant to the licence as the authority may require;
- provide a plan detailing the location of the premises, clearly marked by a red line, so the application site can be identified (note: this may include an OS map reference);
- a plan clearly showing the proposed area covered by the licence in relation to the highway, if not to scale, with measurements clearly shown;
- evidence of the right to occupy the premises e.g. the lease;
- photographs of the type of furniture, stalls and/or barriers to be used;
- demonstrate there is sufficient space for public access to the surrounding or adjacent road/pavement;
- demonstrate, by way of a written risk assessment, how the applicant/premises operator will maintain social distancing;
- provide written risk assessments demonstrating how the applicant/premises operator will manage or minimise the likelihood of anti-social behaviour and the prevention of public nuisance; and
- Contain, or be accompanied by, such other information or material as the local authority may require.

Where an application is made for the use of crockery or drinking vessels of a material otherwise than those permitted in the Walsall Council pavement café licence conditions, the Licensing Authority will consult whichever regulatory authorities or

agencies it considers appropriate (e.g. West Midlands Police, NHS Primary Care Trust).

Refusal to Grant & Revocations

The Licensing Authority is expected to refuse or revoke a licence if it can reasonably be presumed that the grant of such an application would cause:

- risks to public health or safety e.g. encouraging users to breach government guidance on social distancing by placing tables and chairs too close together;
- the highway to be obstructed - other than by anything permitted by the licence;
- a risk of anti-social behaviour or public nuisance, e.g. is likely to increase noise levels late at night and/or is the cause of an increase in litter.
- where all, or any part, of the relevant area of the highway to which the licence relates, has become unsuitable for the purpose for which the licence was granted or deemed to be granted. For example, the licensed area (or road adjacent) is no longer to be pedestrianised.

A licence may also be revoked if the applicant:

- is found to have provided false or misleading statements in their application – for example they are operating a stall selling hot food and had applied for tables and chairs on which drinks could be consumed; or
- fails to comply with the prescribed advertising requirement to affix the notice to notify the public for the relevant period;
- operates otherwise than in accordance with the licence and conditions.

Where, after careful consideration of the application or existing licence, the Licensing Authority decides it is appropriate to revoke or refuse the grant of a licence, full reasons will be provided to the applicant in writing.

The applicant may then wish to appeal to the Licensing Safety committee for any refusals.