

Draft Pavement Licensing Policy - September 2012

Pavement licences are granted by the Head of Environmental Health and Building Control Manager on behalf of the Council's Appeals Sub-Committee.

The general rule is that applications should be granted unless there are valid objections or reasons not to.

The standard hours for pavement licences should be between 8 am and 11 pm, with no alcohol being permitted to be drunk later than 30 minutes before the terminal hour of the pavement licence.

Applications outside of those hours will be considered on a case-by-case basis, and only granted in the absence of objections or once such objections have been resolved or withdrawn.

When considering applications, the following matters will be taken into account:

(1) Obstruction of the highway

An absolute minimum unobstructed width of 2.5 metres of the highway, measured from the boundary line of the premises, must be available before a pavement licence is granted. Additional widths may be required in certain locations.

(2) Public safety and equalities

Applications will not be granted if pedestrians are forced or encouraged to cross a footway in a dangerous manner.

Applications may be refused if there is insufficient space between tables and chairs to enable disabled people, particularly those in wheelchairs, to use the facilities, or if the proposed facility poses a risk to disabled people on the highway. Applications will not be granted where health and safety risks may arise that cannot otherwise be avoided.

(3) Public nuisance

Applications will be refused if they are likely to cause excessive amounts of litter, noise, disturbance, smell or other nuisance to users of the highway or adjacent properties, particularly residential properties.

(4) Crime and disorder

Representations from the police in relation to crime and disorder will be taken into account.

(5) Access to plant and equipment

Licences will not be granted where access to local authority or utility company plant and equipment will be severely restricted.

Applicants must submit details of the types of furniture that are to be used, and the types of barriers that will be erected to demarcate the licensed area, for approval by officers.

Applications in conservation areas will be referred to conservation officers for consultation. Furniture and barriers must be of high quality and be in keeping with the characteristics of the area in which it will be used.

If as a result of the notice required to be displayed as part of the original application on the premises for a minimum of 28 days, an objection is received, then the application will be dealt with at the next available Appeals Sub-Committee.

Permissions will be granted on an on-going basis, subject to payment of an annual maintenance fee for inspection and compliance work, and completion of a renewal application form a minimum of 28 days prior to the expiration of the current consent.

The Council can revoke the permission at any time if there is a breach in the conditions, if the land is required for other purposes, or for any other reasonable cause. In these circumstances the licence-holder will be given 28 days' notice of the Council's intention to revoke the licence, and to make representations as to why revocation should not take place.

The following enforcement regime will apply to pavement licences:

(1) On the first breach of a licence condition a warning will be issued and the licensee requested to comply with the conditions within one hour of the warning;

(2) A second written warning within a four week period will result in the suspension of the licence pending liaison with the licence-holder concerned and further investigation if needed. The licence will be restored once the licence-holder has agreed to comply with the relevant conditions;

(3) A third breach of condition within a six-week period will result in the licence being revoked.

Copies of the application must also be sent to

**Norfolk County Council Highways
County Hall
Martineau Lane
Norwich
Norfolk
NR1 2DH**

**Planning Department
Breckland Council
Elizabeth House
Walpole Loke
Dereham NR19 1EE**