



Committee: LICENSING SUB-COMMITTEE
Date: THURSDAY, 30 SEPTEMBER 2021
Venue: MORECAMBE TOWN HALL
Time: 10.30 A.M.

A G E N D A

1. **BUSINESS AND PLANNING ACT 2020
APPLICATION FOR PAVEMENT LICENCE - ERIC BARTHOLOMEW, 10-18 EUSTON
ROAD, MORECAMBE, LA4 5DD - DETERMINATION OF APPLICATION FOLLOWING
REQUEST TO REMOVE A STANDARD CONDITION (Pages 2 - 50)**

ADMINISTRATIVE ARRANGEMENTS

- (i) **Membership**
Councillors Joan Jackson (Chair), Paul Anderton and Abi Mills

- (ii) **Queries regarding this Agenda**

Please contact Sarah Moorghen, Democratic Services - email
smoorghen@lancaster.gov.uk.

- (iii) **Changes to Membership, or apologies**

Please contact Democratic Support, telephone 582170, or alternatively email
democracy@lancaster.gov.uk.

KIERAN KEANE,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER, LA1 1PJ

Published on 27 September 2021.

LICENSING SUB COMMITTEE

**BUSINESS AND PLANNING ACT 2020
APPLICATION FOR PAVEMENT LICENCE**

**ERIC BARTHOLOMEW, 10-18 EUSTON ROAD,
MORECAMBE, LA4 5DD**

**DETERMINATION OF APPLICATION FOLLOWING
REQUEST TO REMOVE A STANDARD CONDITION**

30th SEPTEMBER 2021

Report of Licensing Enforcement Officer

PURPOSE OF REPORT

To enable members to determine an application for a Pavement Licence under Part 1 of the Business and Planning Act 2020. The application was submitted by J D Wetherspoon PLC in respect of Eric Bartholomew, 10 – 18 Euston Road, Morecambe. A request has been made by the applicant to remove a standard condition applicable to all the Pavement licences.

The report is public

RECOMMENDATIONS

The Sub Committee is requested to determine the application in the light of the request made, information presented at the hearing and having regard to the requirements of the Council’s Pavement Licence Policy and the Council’s Constitution.

In making the decision the committee have three options: whether to grant the application as requested, modify any conditions of the licence, or to reject the whole application. Members are reminded that they should state the reasons for their decision.

1.0 Introduction

On 22nd July 2020 The Business and Planning Act 2020 came into force. On 20th July 2021 amendments to the aforementioned Act came into force. The purpose of the amendment is to extend the current provision for Pavement Licences from the

existing statutory expiry date of 30th September 2021 for a further 12 months until 30th September 2022.

- 1.1 Part 1 of the Act deals with the consumption and sale of food and drink outdoors, and relates to two particular licensing issues:
 - The introduction of Pavement licences
 - The modification of premises licences to authorise off sales of alcohol for a limited period
- 1.2 Historically the Council has dealt with the Licensing of Street/ Pavement cafes utilising the provisions contained within the Highways Act 1980. The Business and Planning Act Pavement licence provisions provide for similar but detail a much quicker administrative process. The extended Pavement licence provisions facilitate the granting of licences up to and including 30 September 2022.
- 1.3 The Business and Planning Act 2020 (the “Act”) now introduces a “Pavement Licence” for the licence holder to put removeable furniture on part of the highway **adjacent** to the premises to sell / serve food and/or drink and also allows people to consume food and or drink supplied from or in connection with the premises. In effect this allows the area to be used as an extended seating area to the premises or to be a stall from which food/ drink is sold/ served. The licence can be applied to any premises which sells food and/or drink for consumption on or off the premises and is not restricted to those premises where alcohol is sold. For example, it can be used by a café to set up an ice cream stall outside,) or it can be used to facilitate what we traditionally regard as a street café.
- 1.4 The Act also introduces provisions for the automatic modification of premises licences (issued under Licensing Act 2003) to authorise the “off-sale” of alcohol for a limited period. Amendments to regulations now make provision for the continuation of the off sale of alcohol from 30 September 2021 up to and including 30 September 2022. The Act does include measures to exclude certain premises that are currently specifically excluded from selling “off sales” and also makes it clear that those off sales are only permitted during the hours that the premises is licensed for on sales. There are also provisions within the Act regarding proposals to review licences in respect of off sales that have proved problematic.
- 1.5 The above two provisions have been introduced as a temporary measure (up to and including 30 September 2022) in order to facilitate the operation of business within the restrictions / guidance currently in place regarding the covid19 pandemic. The pavement licence provision provides a fast track application procedure detailing a 7 days consultation period and a subsequent maximum 7 day period in which those applications must be determined, failure to do so results in licences being granted by default.

2.0 Pavement Licences

- 2.1 The implementation of relevant procedures and processes to deal with pavement licences was regarded as a matter of urgent business, due to COVID- 19 restrictions imposed on businesses. The matter was considered by the Chief Executives representative in consultation with the Chair of Licensing Committee and was approved on 31 July 2020. A further report was approved in August 2021 to extend pavement licences until 30 September 2022.

2.2 The Business and Planning Act details the following

- Applications must be made in writing to the Local Authority
- Applications must be accompanied by a fee of not more than £100 as the local authority may require
- Applications must contain specific information; these are not detailed in this briefing paper but replicate the information currently required by the Council in respect of Highways Act licence applications
- The local authority has to publish the application and publicise the 7 day consultation period
- The applicant must place a notice at the premises advising of the application, the details of the notice requirements are not provided in this report but largely replicate the Licensing Act public notice requirements. The notice must stay in place until the end of the consultation period
- The local authority must consult the highways authority and any other persons it considers appropriate regarding the application.
- The local authority must take into account any representations made during the consultation period
- The local authority has 7 days following the close of consultation to determine the application, failure to do so means that the licence is granted by default
- The local authority can grant, or refuse the licence in respect of any or all of the purposes and or in respect of some or all of the highway area
- The licence if granted, cannot be for a period of less than 3 months and can be up to and including 30 September 2022.
- The licence will be subject to default mandatory conditions in respect of provisions of no smoking areas and access for mobility impaired and can be subject to reasonable conditions imposed by the local authority
- Pavement licences do not repeal the provisions of the Highways Act Licences, as such existing highways licences remain in place and valid
- There are a number of provisions detailed in the Act in respect of enforcement powers, these include the facility to revoke the licence in respect of public health or safety concerns, anti-social behaviour, public nuisance or obstruction of the highway.
- The Act details that a pavement licence constitutes deemed planning permission.

2.3 A copy of the Councils Pavement Licence Policy approved on the 27 August 2021 is attached at **Appendix A**. The policy outlines provisions in place in respect of pavement licences and also details, standard licence conditions (Appendix 2 within the policy), National Licence Conditions (Appendix 3 within the policy) and constitutional decision making (Appendix 4 within the policy)

2.4 Attached at **Appendix B** is a copy of the Governments Statutory guidance issued in respect of Pavement Licences.

3.0 The Application

3.1 Attached at **Appendix C** is the application received from J D Wetherspoon PLC on 17th September 2021 in respect of, Eric Bartholomew, 10 - 18 Euston Road, Morecambe.

3.2 There are a set of standard conditions issued with each pavement licence. The applicant has requested to remove the standard condition that states:

“Where alcohol is permitted to be served or consumed in the licensed area glass receptacles including bottles cannot be used. Polycarbonate or similar material receptacles should be used”.

- 3.3 The application states that polycarbonates will be implemented on days of local football fixtures.
- 3.4 The required public notice has been provided by the applicant verifying that it had been prominently displayed at the premises and this was received by the Council on 17th September 2021.
- 3.5 The consultation period has been undertaken in accordance with the policy. The following relevant authorities have been consulted on the application;
- Lancashire Police
 - Local Authority Planning,
 - Environmental Health
 - Lancashire County Council Highways,
 - Morecambe BID
 - The City Councils Public Realm
 - Lancashire Fire and Rescue

There have been no adverse comments received from any of the relevant authorities.

- 3.6 The Council’s constitution states that “To determine applications for pavement licenses under the Business and Planning Act 2020 where adverse representations have been made and not withdrawn or other reasons why the Licensing Manager considers it relevant to refer the matter to the Licensing Sub-Committee.
- 3.7 The Licensing Manager considered the request to remove a standard condition a relevant matter to refer to the Licensing Sub-Committee.
- 3.8 For members information, within a previous application it is noted that JD Weatherspoon PLC did apply for a waiver of the standard condition in May 2021. Due to oversight the premises have been utilising glassware outdoors since May 2021.

4.0 The hearing

- 4.1 The applicant has been invited to the hearing and has been provided with a copy of the report and notified that they may be represented at the hearing.
- 4.2 In making the decision the Sub Committee has three options
- a) Grant the licence as applied with the removal of the standard condition and impose the National Licence Conditions and Lancaster City Councils Standard Licence Conditions as requested.
 - b) Grant the licence with modification as determined by the Committee and include the imposition of the National Licence Conditions and Lancaster City Council Standard Licence conditions with or without modification.
 - c) Refuse the application
- 4.3 In making the decision the committee should have regard to the following
- 1. Information provided in the application and by the applicant at the hearing
 - 2. The Councils Policy in respect of Pavement licences attached at Appendix A
 - 3. The Statutory guidance in respect of Pavement licences attached at Appendix B

4.5 Members are reminded that they must follow the rules of natural justice, and must also consider human rights implications. In particular, in accordance with Article 6, all parties are entitled to a fair hearing.

4.6 The Business and Planning Act does not provide for a right of appeal against a decision of the Council in respect of determining Pavement licence applications, however where a party considers that there has been maladministration, the complaints procedure and the Local Government Ombudsman can investigate. In addition, a judicial review process is available via the High Court.

5.0 Conclusion

5.1 Members are asked to determine the Pavement licence application. Set out in the application is a request to remove a standard condition relating to the use of glassware in the outdoor area. No responsible authorities have submitted a representation relating to the intended use. The removal of the condition may impact on Public Safety, although the applicant has expressed the intention to utilise polycarbonate glassware on football match days. Members may wish to add conditions to the licence to ensure this is actioned. Members should have regard to the pavement licence policy, information within the report and submissions made by the applicant. Members are reminded that they should state the reasons for their decision.

CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)	
None.	
FINANCIAL IMPLICATIONS	
Financial Services have not been consulted as there are no financial implications.	
LEGAL IMPLICATIONS	
The Business and Planning Act 2020 provides the statutory framework for Pavement Licences. The Council's constitution has been updated to detail the decision making process in respect of Pavement Licences and this report has been prepared in accordance with the legal framework	
BACKGROUND PAPERS	Contact Officer: Sarah Jones Telephone: 01524 582766 E-mail: sljones@lancaster.gov.uk Ref: SLJ
None	

Lancaster City Council
Pavement Licensing Policy
Business and Planning Act 2020

Effective: 27 August 2020
Version 3

Updated and reviewed 27th August 2021

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1. Introduction

The Covid-19 pandemic has affected businesses across all sectors of the economy causing many to cease trading for several months while others have had to significantly modify their operations.

On 25 June 2020 the Government announced an intention to relax planning and licensing laws to help the hospitality industry recover from the coronavirus lockdown by removing short term obstacles that could get in their way.

The Business and Planning Act 2020 received Royal assent on 22 July 2020 and provides a fast track process for premises selling food and drink such as bars, restaurants, cafes and pubs, to sell and provide seating for customers outdoors through temporary changes to legislation. The Act introduces a temporary permission, in the form of a "pavement licence", to be issued by Lancaster City Council for furniture such as tables and chairs to be placed on the pavement adjacent to their premises which will enable them to sell food and drink from that area and to maximise seating capacity whilst adhering to social distancing guidelines.

The measures included in the Act modify provisions in the Licensing Act 2003 to provide automatic extensions to the terms of on-sales alcohol licences to allow for off-sales. It is a temporary measure, with provisions lasting until the end of September 2022.

Currently, tables and chairs permissions are granted as Street café licences issued by Lancaster City Council, under Part 7A of the Highways Act 1980. The Street café licence fee is currently £158 for an annual licence and is subject to a statutory 28-day consultation period. Licence conditions are also attached to the grant of these licences

The new measures in the Business and Planning Act, places a cap on the application fee for businesses, specifies a 7 day consultation period with licences automatically granted if not determined by the Council within a further 7 day period

2. Scope

2.1 Definition of 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 sell food and or drink and place removable furniture over certain highways adjacent to the premises in relation to which the application was made.

2.2 Highways Act Street Café Licences

A holder of a Street Café licence may choose to apply for a Pavement Licence. A holder of a Street Café licence can apply free of charge for a Pavement Licence, to cover the same licensed area as the Street Café Licence, up to and including 30 September 2022. The application process is as outlined in this policy.

2.3 Eligible Businesses

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. Businesses that are eligible

include: public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours.

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.

2.4 Eligible Locations

Licences can only be granted in respect of highways listed in section 115A (1) Highways Act 1980.

Generally, these are footpaths restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited. Highways maintained by Network Rail or Crown land are exempt (so a licence cannot be granted).

2.5 Type of furniture permitted

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.
- Ancillary items such as hand sanitising stations required to ensure that the area is covid secure

The furniture is required to be removable, and must be capable of being easily moved, and stored away in a secure safe manner when not in use.

The Council would also expect the type of furniture to be 'in keeping' with the local area.

2.6 Planning Permission

Once a licence is granted, or deemed to be granted, the applicant will also benefit from deemed planning permission to use the land for anything done pursuant to the licence while the licence is valid.

3. Application and Determination of Pavement Licences

3.1 Submission of the Application

An application for a Pavement Licence must be made to the Council, and the following will be required to be submitted with the application:

- a completed Application Form
- the required fee of £100, (online payment)
- a plan showing the location of the existing premises and the area to which the application relates (ie pavement licensed area) shown by a red line, so the application site can be clearly identified
- a plan clearly showing the proposed area covered by the licence in relation to the highway, if not to scale, with measurements clearly shown. The plan must show the positions and number of the proposed tables and chairs, together with any other items

that they wish to place on the highway. The plan shall include clear measurements of, for example, pathway width/length, building width and any other fixed item in the proposed area.

- the proposed days of the week on which, and the times of day between which, it is proposed to put furniture on the highway,
- photos or brochures showing the proposed type of furniture ;
- Reference of any current street café licence (Highways Act 1980) issued by Lancaster City Council ;
- evidence that the applicant has met the requirement to give notice of the application (for example photographs of the notice outside the premises and of the notice itself);
- a copy of a current certificate of insurance that covers the activity for third party and public liability risks, to a minimum value of £2 million,

3.2 Fees

The Council has determined that the fee for applications will be £100. A pavement licence if granted will be issued from the date the application is granted until 30 September 2022. The £100 fee is payable irrespective of the duration of the licence, and is non-returnable.

3.3 Consultation

Applications are consulted upon for 7 days, starting with the day after a valid application was made to the Council.

The Council will publish details of the application on its website at www.lancaster.gov.uk.

The Council is required by law to consult with the Highways Authority ie Lancashire County Council. In addition, to ensure that there are not detrimental effects to the application the Council will consult with:

- Lancaster/ Morecambe Town Centre Management/ Business Improvement Manager, Carnforth Chamber of Commerce as appropriate
- Lancaster City Council Environmental Health Service (including Noise pollution and Food and Safety Teams)
- Lancaster City Council Planning Department
- Lancashire Fire & Rescue Service
- Lancashire Police
- Lancaster City Council Environmental Services (refuse/street cleaning)

Representations from the above parties or members of the public should be provided to Lancaster City Council's licensing team by emailing Licensing@Lancaster.gov.uk. The email should be headed Pavement licence representation followed by the name of the premises.

The Council will take into account representations received during the public consultation period and consider these when determining the application. The application will be determined in accordance with the relevant sections of the Council's scheme of delegation outlined at **Appendix 4**.

3.4 Site Notice

An applicant for a pavement licence must 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. The notice must be constructed and secured so that it remains in place until the end of the public consultation period.

Evidence of the site notice requirement must be supplied to the Council.

The Site Notice must: contain the information as detailed in **Appendix 1** and must be a minimum size of A4 and use Black type in a minimum font size 16

3.5 Site Assessment

The following matters will be used by the Council and consultees in considering the suitability of the proposed application:

- public health and safety – for example, ensuring that uses conform with latest guidance on social distancing and any reasonable crowd management measures needed as a result of a licence being granted and businesses re-opening;
- public amenity – will the proposed use create nuisance to neighbouring occupiers by generating anti-social behaviour and litter; and
- accessibility – taking a proportionate approach to considering the nature of the site in relation to which the application for a licence is made, its surroundings and its users, taking account of:
 - any other temporary measures in place that may be relevant to the proposal, for example, the reallocation of road space. This could include pedestrianised streets and any subsequent reallocation of this space to vehicles;
 - whether there are other permanent street furniture or structures in place on the footway that already reduce access;
 - the impact on any neighbouring premises
 - the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people
 - other users of the space, for example if there are high levels of pedestrian or cycle movements.

Applicants are strongly encouraged to talk to neighbouring businesses and occupiers prior to applying for a pavement licence, and so take any issues around noise, and nuisance into consideration as part of the proposal.

3.6 Determination

Once the application is submitted the Council has 14 days from the day after the application is made (excluding public holidays) to consult on and determine the application. This consists of 7 days for public consultation, and then 7 days to consider and determine the application after the consultation.

If the Council determines the application before the end of the determination period the local authority can:

- grant the licence in respect of any or all of the purposes specified in the application and impose conditions,
- grant the licence for some or all of the part of the highway specified in the application, and impose conditions, or

- refuse the application.

Where a valid application has been made and no objections received the application will be granted by licensing officers

Where a valid application has been made and relevant representations are received the application will be determined by The Licensing Sub Committee

If the Council does not determine the application within the 14 day period, the application will be deemed to have been granted.

A template for the notice required is provided at **Appendix 1**

3.7 Approval of Applications

On approving the application, the Council will issue a Pavement Licence to which conditions will be attached. The licence will also contain specific terms such as days and hours of operation and appearance and location of the furniture corresponding to the application.

The Council generally will only permit Pavement Licences between 09:00 and 22:00 hours

Applications outside these hours will be assessed in terms of the criteria detailed above. The Council however retains the right to specify permitted hours of trading that are less than those specified above in appropriate circumstances.

3.8 Licence Duration

The provisions regarding pavement Licences will remain in place until 30 September 2022. As such, the Council will normally grant applications to 30 September 2022.

A licence granted or deemed to be granted will not be valid beyond 30 September 2022.

3.9 Refusal of Applications

If the site is deemed unsuitable for a Pavement Licence, or if relevant representations are made which cannot be mitigated by conditions then the application may be refused.

There is no statutory right of appeal detailed in the Act.

4. Conditions

The Council's standard conditions are set out at **Appendix 2**. In some cases, extra measures may be required. This will be considered when determining any application which has been subject to representations, on a case by case basis.

However, this is not the case for the national licence conditions which are applied to all Pavement licences. These are detailed at **Appendix 3**.

5. Enforcement

The Council aims to work closely with other enforcement authorities to enforce the provisions of all appropriate legislation. The case remains that an obstruction of the Highway is an offence under The Highways Act 1980 and will be dealt with by the Highways Authority or the Police.

Obtaining a licence does not confer the holder immunity in regard to other legislation that may apply, e.g. Public Liability, Health & Safety at Work, Food Hygiene and Safety, Alcohol and Entertainment Licensing, Social distancing controls, Applicants must ensure all such permissions, etc. are in place prior to applying.

If a condition imposed on a licence either by the Council or via a National Condition is breached the Council will be able to issue a notice requiring the breach to be remedied and the Council can take action to cover any costs.

The Council may revoke a licence in the following circumstances:

1. For breach of condition, (whether or not a remediation notice has been issued) or
2. Where:
 - There are risks to public health or safety – for example by encouraging users to breach government guidance on social distancing by placing tables and chairs too close together.
 - the highway is being obstructed (other than by anything permitted by the licence);
 - there is anti-social behaviour, statutory nuisance or public nuisance – for example, the use is increasing the amount of noise generated late at night and litter is not being cleaned up.
 - it comes to light that the applicant 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
 - the applicant did not comply with the requirement to affix the notice to notify the public for the relevant period.
3. The Council may also revoke the licence where 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 to be granted. For example, the licensed area (or road adjacent) is no longer to be pedestrianised. The Council will give reasons where these powers are used.

6. Review Procedures

This Policy covers the Temporary Permission for Pavement Licences under the Business and Planning Act which are scheduled to expire on 30 September 2022.

This Policy will be reviewed from time to time should changes occur in relevant legislation, the nature of Pavement Licence's generally, relevant social distancing measures or as a result of local considerations within the Lancaster City Council area.

BUSINESS AND PLANNING ACT 2020
Notice of Application submitted to
LANCASTER CITY COUNCIL
In respect of a Pavement Licence for

NAME OF PREMISES]
[FULL ADDRESS OF PREMISES]

NOTICE IS HEREBY GIVEN that in accordance with Business and Planning Act 2020

(applicant name)

Has made an application to Lancaster City Council on *(Date)* for a Pavement Licence

The application is in respect of

(Description of the highway area to be utilised e.g area extending X meters from the frontage of the premises address)

And is seeking permission to utilise a Pavement Licence to facilitate *(description of the activities to be carried on)*

The proposed hours of operation are as follows

(please insert days and timings)

A copy of the proposal and accompanying plan are available for inspection on the Councils website at XXXXXXXXXX

Any person wishing to make representations to the Council regarding this application may do so by emailing licensing@lancaster.gov.uk. The email should be headed Pavement licence representation (insert premises name). Alternatively, in writing to the Licensing Manager, Morecambe Town Hall, Marine Road, Morecambe LA4 5AF **to be received no later than 7 days from the date of this notice.**

Signed Name in Print

Dated this th day of 2021

(The date of the notice must be stated as the day after the application was made)

Pavement Licences

Standard licence conditions

- 1.0 The Licence will have effect until 30 September 2022 unless surrendered or revoked.
- 2.0 The issue of a License does not give or imply any permission to sell intoxicating liquor in the street.
- 3.0 The Licence shall be displayed in the window of the premises to which it relates.
- 4.0 The use of the Licensed Area shall cease before 22.00 hours each day and shall not commence prior to 09.00.
- 5.0 The Licensed Area shall be vacated immediately if requested by the Council, Lancashire County Council as Highway Authority, Lancashire Constabulary or other emergency service, statutory undertaker etc. without any liability for compensation, refund of application fee, or damage arising.
- 6.0 The Council reserve the right to request the clearing of the licensed area if required for special one-off events for public safety
- 7.0 The Licence shall be rendered invalid, should the Licensee cease to own the premises or cease employment.
- 8.0 The Licensee shall indemnify the Council and shall produce to the Council's Licensing Manager for inspection a policy of insurance indemnifying himself and the Council against any injury or damage to any person or property and against any claim liability expense or damage arising by reason or in consequence of the permission granted. The policy shall provide cover of not less than £2,000,000 in respect of any one accident or series of accidents arising from one incident unlimited during the period of the insurance.
- 9.0 Upon expiry or revocation of the permission the Licensee shall remove any structures from the highway and reinstate the highway to its former state and condition and in default thereof, the Council will be empowered to carry out such work of reinstatement and recover the expense in so doing from the Licensee.
- 10.0 For streets with footways and carriageways, the maximum width of any licensed area shall not exceed one third of the usable width of the footpath. A minimum unobstructed footpath width of 1.8 metres must be provided for safe and convenient pedestrian movement. This distance being, measured from the edge of the licensed area to any significant amount of street furniture (such as lamp posts, bollards, parking meters etc). Where there is a heavy pedestrian flow additional footpath space may be required.

- 11.0 For pedestrianised streets a minimum width of 1.8 meters or two thirds of the total width of the public highway, whichever is the greater, must remain free and unobstructed to facilitate pedestrian movement. This figure may be increased where there is a heavy pedestrian flow. The unobstructed route shall fall equally either side of the centre line of the highway to ensure the space available for tables and chairs is shared equally between premises on each side of the street.
- 12.0 A clear direct pathway of at least 1.2 metres wide shall be maintained to allow entry and exit from building premises.
- 13.0 Only the Licensed Area shall be used for trading.
- 14.0 Where tables and chairs are proposed directly outside a shop front, a well designed and constructed physical barrier or roped area of approximately 0.8 metres in height is required to designate the area and to guide persons with sight disability around the use. Such barriers must not be permanently fixed to the ground and must be of a style, design and type to be agreed by the Council
- 15.0 Only furniture associated with the operation of the pavement licence shall be placed within the Licensed Area. .
- 16.0 Tables and chairs shall be durable and suitable for outside use. No damaged furniture should be used.
- 17.0 An area of 1 metre around the Licensed Area must be regularly cleansed and floor debris and other' waste immediately removed to the satisfaction of the Council's Head of Environmental Services.
- 18.0 Tables, chairs and umbrellas shall not be positioned so as to obstruct sight lines for drivers of vehicles at junctions.
- 19.0 No canopy or umbrella shall be lower than two metres in height and shall be adequately secured.
- 20.0 All street cafe furniture, including barriers shall be removed and safely securely and stored at the end of trading each day, or at the end of the approved trading hours as defined by the Licence, whichever is the earliest.
- 21.0 Suitable safe storage for street café furniture shall be identified by the applicant at the time of application for a license.
- 22.0 There must be adequate provision made for the collection and containment of litter and, the Licensee must provide suitable litter bins.
- 23.0 The Licensee will ensure that the designated area is maintained in a clean and tidy condition. The Licensee shall also take appropriate precautions to prevent the immediate highway from becoming littered as a result of trading activities.
- 24.0 The Licensee shall at all times when the pavement cafe is in operation make available for customers toilets and hand washing facilities, to wheelchair accessible standards where it is practicable and reasonable to do so.

- 25.0 The Licensee will be responsible for the conduct of customers. They must not be a nuisance or annoy users of the highway or other persons.
- 26.0 No speakers or playing of music shall be permitted.
- 27.0 No electrical cables shall be run along the ground in such a way that they create a trip hazard or are susceptible to mechanical damage.
- 28.0 No tables and chairs (street furniture) to be placed so as to cause an obstruction or nuisance to any Charter Market stall holder.
N.B. This may mean that a Pavement Licence cannot be used whilst the market is taking place.
- 29.0 Where alcohol is permitted to be served or consumed in the licensed area glass receptacles including bottles cannot be used. Polycarbonate or similar material receptacles should be used.
- 30.0 All patrons consuming intoxicating liquor must be seated at a table within the licensed area, there will be no vertical drinking

National Licence Conditions

Smoke-free seating condition

The licence holder must make reasonable provision for seating where smoking is not permitted.

No obstruction condition

The licence-holder must ensure that anything done in pursuant to the pavement licence, or any activity of other persons which is enabled by the pavement licence, must not have an effect on the following:

(a) preventing traffic, other than vehicular traffic, from:

(i) entering the relevant highway at a place where such traffic could otherwise enter it (ignoring any pedestrian planning order or traffic order made in relation to the highway),

(ii) passing along the relevant highway, or

(iii) having normal access to premises adjoining the relevant highway,

(b) preventing any use of vehicles which is permitted by a pedestrian planning order or which is not prohibited by a traffic order,

(c) preventing statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or

(d) preventing the operator of an electronic communications code network having access to any electronic communications apparatus kept installed for the purposes of that network under, in, on or over the highway.

Appendix 4

Function		Decision Delegated to
Determination of Pavement Licence	Where, during the public consultation period, no representations have been received.	Licensing Manager (ref part 2 Section 7)
	Where, during the public consultation period, representations have been received.	Licensing Sub Committee (ref part 2 Section 5)

Ref – Councils Constitution

Appendix B

Business and Planning Act 2020 Ministry of housing Communities and Local Government

Guidance: pavement licences (outdoor seating proposal)

Updated 22 July 2020

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1. Pavement licences

1.1 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 removable 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 businesses to secure these licences in time for the summer and, where they are deemed to have been granted, allow these licences to remain in place for a year but not beyond 30 September 2021. 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.

1.2 What is the purpose of the new process for pavement licences?

This new process introduces 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 support them to operate safely while social distancing measures remain in place. This will provide much needed income over the summer months and protect as many hospitality jobs as possible.

1.3 How does the new process for pavement licences work?

Pavement licences are presently granted primarily under Part 7A of the Highways Act 1980. The fee varies between local authorities. The new process provides a cheaper, easier and quicker way for businesses to obtain a licence. The fee for applying for a licence under the new process, is capped at £100 and the consultation period is 5 working days (excluding public holidays) starting the day after the application is sent electronically to the authority. It is currently a minimum of 28 calendar days under Part 7A.

If the local authority does not determine the application before the end of the determination period (which is 5 working days beginning with the first day after the end of the public consultation period, excluding public holidays), the licence is deemed to have been granted for a year (but not beyond 30 September 2021) and the business can place the proposed furniture such as tables and chairs within the area set out in the application for the purpose or purposes proposed.

1.4 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. Businesses 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.

1.5 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 removable. Local authorities should be pragmatic when determining what is 'removable' but in principle this means it is not a permanent fixed structure, and is able to be moved easily, and stored away of an evening.

1.6 How much do applications cost?

Fees will be set locally, but are capped at a maximum of £100.

1.7 Are there any exclusions from this provision?

Licences can only be granted in respect of highways listed in section 115A(1) Highways Act 1980. Generally, these are footpaths restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited. Highways maintained by Network Rail or over the Crown land are exempt (so a licence cannot be granted).

1.8 Where does this new process apply?

This process applies to England only, including London and other areas where statutory regimes other than the regime in the Highways Act 1980 may be relevant to the grant of licences for street furniture.

1.9 Which authority can exercise pavement licence functions?

Under Section 101 of the Local Government Act 1972, local authorities may arrange for the discharge of their functions by a committee, a sub-committee or an officer of the authority; or by any other local authority. This means that the executive of a local authority can delegate decisions to a committee, or officer of the authority. They may also wish to delegate the functions to another authority, for example to a County Council in a two-tier area.

1.10 How does this interact with other regulatory process, such as alcohol licensing?

It is important to note the grant of a pavement licence only permits the placing of furniture on the highway. Other regulatory frameworks still apply such as the need for alcohol licenses and the need to comply with registration requirements for food businesses.

If the applicant has a licence to serve alcohol on-premises temporary amendments to the Licensing Act 2003, through the Business and Planning Act 2020, will allow them to sell alcohol for consumption off the premises without needing to apply for a variation of their licence. More details can be found in the [guidance accompanying the Business and Planning Act 2020](#).

Local authorities will also need to have regard to the Public Sector Equality Duty, under the Equality Act 2010 when devising and implementing the new licensing regime, which includes the need to have due regard to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act. Any businesses which apply for a pavement licence will also need to have regard to their own duties under the Equality Act 2010, such as their duty under s.29 of the Act not to discriminate in providing their service.

1.11 Does the applicant need planning permission as well as the licence?

No. Once a licence is granted, or deemed to be granted, the applicant will also benefit from deemed planning permission to use the land for anything done pursuant to the licence while the licence is valid.

2. Duration

2.1 How long are pavement licenses valid for?

If a local authority determines an application before the end of the determination period (which is 5 working days, beginning with the first day after the end of the public consultation period, excluding public holidays) the authority can specify the duration of the licence, subject to a minimum duration of 3 months. The expectation is that local authorities will grant licences for 12 months or more unless there are good reasons for granting a licence for a shorter period such as plans for future changes in use of road space.

If a licence is 'deemed' granted because the authority does not make a decision on an application before the end of the determination period, then the licence will be valid for a year. However, if, when implemented, a licence that has been deemed granted does not meet the conditions set out in the legislation or any local conditions, it can be revoked at any time on the grounds that it has breached the conditions.

A licence granted or deemed to be granted will not be valid beyond 30 September 2021.

2.2 How long will the new process be in place?

This is a temporary measure to support businesses while social distancing measures may still be in place. As it is uncertain how long some form of social distancing measures will be in place for, the new process will remain in place until the end of September 2021 – giving certainty to businesses for the foreseeable future, supporting them to operate safely while social distancing measures are in place. It will also allow them enough time to apply for new licences under Part 7A of the Highways Act 1980 or equivalent provisions in any Local Act, if they want to extend their use of pavement furniture beyond the end of September 2021.

3. Applications

3.1 What information does an applicant need to provide?

An application to the local authority must:

- specify the premises and, the part of the relevant highway to which the application relates;
- specify the purpose (or purposes) for which the furniture will be used which must be 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 from, or in connection with relevant use of the premises;
- specify the days of the week on which and the hours between 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 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; and
- contain or be accompanied by such other information or material as the local authority may require, for example how national and local conditions have been satisfied.

Local authorities may require applications to be made on a standard application form.

3.2 What other information may the local authority require?

Local authorities may require the applicant to provide other information or material to help them make a swift determination. This could be included in their standard application form. Any requirements imposed should be reasonable and should be kept as minimal as possible. Examples of the information a local authority might require might include:

- a plan showing the location of the premises shown by a red line, so the application site can be clearly identified (some authorities may require this on an OS Base Map);
- a plan clearly showing the proposed area covered by the licence in relation to the highway, if not to scale, with measurements clearly shown;
- the proposed duration of the licence (for e.g. 3 months, 6 months, or a year);
- evidence of the right to occupy the premises e.g. the lease;
- contact details of the applicant;
- photos or brochures showing the proposed type of furniture and information on potential siting of it within the area applied;
- evidence that the applicant has met the requirement to give notice of the application (for example photograph);
- (if applicable) reference of existing pavement licence currently under consideration by the local authority; and
- any other evidence needed to demonstrate how any local and national conditions will be satisfied.

3.3 What happens if an applicant has already made an application under the current regime?

If an applicant has already applied for permission to place furniture on the highway under the existing regime and their application has not been determined, they may proceed with that application. However, that applicant may opt to make a fresh application for a pavement licence under the new process. In those circumstances the pending application will be deemed to have been withdrawn. If the fee for the pending application was paid the authority will not be permitted to charge a fee for the new application for a pavement licence.

4. National Conditions

The 2020 Act sets out two conditions which apply to pavement licences which are granted or deemed to be granted these are: a no-obstruction condition and a smoke-free seating condition. These apply only to licences granted under the Business and Planning Act 2020, not existing licences permitted under Part 7A of the Highways Act 1980, or other relevant legislation.

4.1 How can the local authority and applicant consider the needs of disabled people when considering whether the requirements of the no-obstruction condition are met?

The no-obstruction condition is a condition that the licence must not have the effects set out in section 3(6) of the 2020 Act. When determining whether furniture constitutes an unacceptable obstruction in light of the no-obstruction condition, the provisions require that local authorities consider the needs of disabled people. In order to do this, authorities should

consider the following matters when setting conditions, determining applications (in the absence of local conditions), and when considering whether enforcement action is required:

- Section 3.1 of Inclusive Mobility sets out a range of recommended widths which would be required, depending on the needs of particular pavement users, but is clear that in most circumstances 1500mm clear space should be regarded as the minimum acceptable distance between the obstacle and the edge of the footway,
- any need for a barrier to separate furniture from the rest of the footway so that the visually impaired can navigate around the furniture, such as colour contrast and a tap rail for long cane users. In some cases, it may be appropriate to use one or more rigid, removable objects to demarcate the area to which the licence applies, for example wooden tubs of flowers. However, this will need to be balanced to ensure any barriers do not inhibit other street users, such as the mobility impaired, as such barriers may create a further obstacle in the highway;
- any conflict of street furniture with the principal lines of pedestrian movement particularly for disabled people, older people and those with mobility needs. The positioning of furniture should not discourage pedestrians from using the footway. The available route must be entirely clear and not pass through an area with tables and chairs;
- so that where possible furniture is non-reflective and of reasonable substance such that it cannot easily be pushed or blown over by the wind, and thereby cause obstruction – for example, the local authority could refuse the use of plastic patio furniture, unless measures have been taken to ensure it is kept in place.

Section 149 of the Equality Act 2010 places duties on local authorities, to have due regard to: the need to eliminate unlawful discrimination, advance equality of opportunity between people who share a protected characteristic and those who don't, and foster or encourage good relations between people who share a protected characteristic and those who don't.

4.2 What is reasonable provision for seating where smoking is not permitted?

The national smoke-free seating condition seeks to ensure customers have greater choice, so that both smokers and non-smokers are able to sit outside, in order to protect public health by reducing risks of COVID transmission.

It is important that businesses can cater to their customers' preferences. The Business and Planning Act 2020 imposes a smoke-free seating condition in relation to licences where seating used for the purpose of consuming food or drink has been, (or is to be) placed on the relevant highway. The condition requires a licence-holder to 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. Ways of meeting this condition could 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 which can be viewed [here](#).
- No ash trays or similar receptacles to be provided or permitted to be left on furniture where smoke-free seating is identified.
- Licence holders should provide a minimum 2M distance between non-smoking and smoking areas, wherever possible.

Further, business must continue to have regard to smoke-free legislation under The Health Act 2006, and the subsequent Smoke-free (Premises and Enforcement) Regulations 2006.

Public Health England has published [guidance for smokers and vapers during the COVID pandemic](#).

4.3 Where an authority has set a local condition covering the same matter as a national condition, which take precedence?

Where a local authority sets a local condition that covers the same matter as set out in national conditions, then the locally set condition would take precedence over the national condition where there is reasonable justification to do so.

5. Determining the application

5.1 What happens once the information is submitted to the local authority?

Once the information is submitted to the local authority the authority has 10 working days from the day after the application is made (excluding public holidays) to consult on, and determine the application. This consists of 5 working days for public consultation, and then 5 working days to consider and determine the application after the consultation.

If the local authority does not determine the application within the 10 working day period, the application will be deemed to have been granted.

5.2 What will a local authority consider when deciding whether to grant a pavement licence?

The local authority will need to consider a number of factors, when determining whether to approve the application. These include whether local conditions might be needed to make it possible to approve an application which would otherwise be unacceptable.

The Secretary of State may specify conditions for pavement licences, in Regulations. This is in addition to the statutory ‘no obstruction’ condition referred to in sections 5(4) and 3(6) of the Business and Planning Act 2020 Act and ‘smoke-free’ seating condition.

Authorities are encouraged to publish local conditions subject to which they propose to grant pavement licences so that applicants and those making representations are aware of them. When considering their powers in relation to local conditions they should bear in mind the requirements of and seek to impose conditions which have the same effect as the no-obstruction condition and the smoke-free seating condition. They should also take into account any national conditions which may be specified in the future in Regulations.

When setting local conditions and determining applications, issues authorities will also want to consider include:

- public health and safety including security – for example, ensuring that uses conform with latest guidance on social distancing and any reasonable crowd management measures needed as a result of a licence being granted and businesses reopening;

- public amenity – will the proposed use create nuisance to neighbouring occupiers by generating anti-social behaviour and litter; and
- accessibility – taking a proportionate approach to considering the nature of the site in relation to which the application for a licence is made, its surroundings and its users, taking account of:
- considerations under the no-obstruction condition, in particular considering the needs of disabled people;
 - any other temporary measures in place that may be relevant to the proposal, for example, the reallocation of road space. This could include pedestrianised streets and any subsequent reallocation of this space to vehicles;
 - any other social distancing measures in place, for example any queuing systems that limit the space available on the pavement;
 - whether there are other permanent street furniture or fixed structures in place on the footway that already reduce access; and
 - other users of the space, for example if there are high levels of pedestrian or cycle movements.

5.3 How can local authorities consider Security?

When considering public health and safety, local authorities should seek to ensure a balanced consideration for security implications, particularly the risk to groups of people from interaction with hostile vehicles, and the creation of large crowds in new public spaces. Local authorities should consider consulting with Police Licensing Teams, Designing Out Crime Officers and Counter Terrorism Security Advisors for relevant advice.

See the [guidance for managing the most common security implications](#).

5.4 Can local authorities impose conditions which are not published?

Yes. When they grant a licence, local authorities may impose reasonable conditions whether or not they are published upfront. There is an expectation these will be supported by a clear justification for the need of a condition, such as evidence raised during the consultation, which is in addition to any published local conditions. Conditions might, for example, limit the maximum number of chairs and tables, or type of furniture, time and days of operation with justification for this.

5.5 Where can local authorities find out more about how to manage social distancing?

The government has published the [COVID-19 Secure: safer public places guidance](#), which provides owners and operators of public spaces with information and examples of measures that may be undertaken to adapt and manage public spaces in order to help social distancing.

See [more detailed information on considering security implications in light of new Covid-19 measures](#).

See [specific advice on protecting queues\(PDF\)](#).

When considering the minimum width needed for clear access, authorities and applicants will need to take into account any social distancing measures in place and ensure that these distancing measures are also applied to allow for safe passing of highway users and for the safety of any customers using the furniture, and any other likely users of the area.

5.6 What are the outcomes of an application?

If the local authority determines the application before the end of the determination period the local authority can:

- grant the licence in respect of any or all of the purposes specified in the application,
- grant the licence for some or all of the part of the highway specified in the application, and impose conditions, or
- refuse the application.

To the extent that conditions imposed on a licence by the local authority do not have the effects specified in the statutory conditions (see [paragraph 4.1](#) and [paragraph 4.2](#)) the licence is granted subject to those requirements .

5.7 Is there a route to appeal a decision?

There is no statutory appeal process for these decisions, however, councils may wish to consider the scope for an internal review process, for example permitting appeals to their Licencing committee.

6. Deemed licences and conditions

6.1 What is a deemed licence?

If the local authority does not determine the application before the end of the determination period, the application is deemed to have been granted subject to any local conditions published by the local authority before the application was submitted.

To the extent that local conditions deemed to be imposed on the licence do not have the effects specified the statutory conditions (see [paragraph 4.1](#) and [paragraph 4.2](#)). the licence is granted subject to those requirements.

7. Consultation

7.1 What steps should an applicant take to engage with their community?

The applicant is required to affix a notice to the premises, so it is easily visible and legible to the public on the day they submit the application to the local authority. They must ensure the notice remains in place for the public consultation period which is the period of 5 working days beginning with the day after the day the application is submitted to the authority. When counting 'working days' public holidays are not included. Applicants are encouraged to keep evidence of this. Applicants are encouraged to engage with any services operated in the

vicinity for vulnerable customers, for example, care home or disability organisations nearby where individuals may be at particular risk.

7.2 What must a notice contain?

The notice must:

- be in the form which the local authority prescribes, if it prescribes one;
- state that the application has been made and the date on which it was made;
- indicate that representations relating to the application may be made to that local authority during the public consultation period and when that period comes to an end; and
- contain such other information or material as that local authority may require.

The applicant is encouraged to talk to neighbouring businesses and occupiers prior to applying to the local authority, and so take any issues around noise, and nuisance into consideration as part of the proposal.

7.3 What information may local authorities require to be displayed on the site notice?

The local authority may require that other information is included in the notice such as:

- the statutory provisions under which the application is made;
- description of the proposed use of the furniture;
- address of the premises and name of the business;
- website for the council where the application and any accompanying material can be viewed during the consultation period;
- address (which might be an email address) to which representations should be sent during the consultation period; and
- the end date of the consultation (5 working days starting the day after the application is submitted to the authority).

A template site notice local authorities may wish to adapt is contained in Annex A.

7.4 Who must local authorities consult?

The local authority must consult the highways authority, if they are not the highways authority; this is usually the County Council in a two-tier area, or Transport for London in London. For security advice, local authorities should consult Police Licensing Teams, Designing Out Crime Officers or Counter Terrorism Security Advisors. The authority must also consult such other persons as the local authority considers appropriate.

7.5 How can members of the public make representations about the application?

Members of the public can contact the council to make representations. Local authorities must take into account representations received from members of the public during the public consultation period which is the period of 5 working days starting the day after the

application is submitted (excluding public holidays). In order to promote accessibility to those unable to access printed notices, Local Authorities are encouraged to consider using digital methods of publicity. They should also consider the needs of those who may find it more difficult to access online publications.

7.6 How must local authorities publicise the application and seek representations from local communities and other stakeholders?

The local authority is required to publish the application and any information or material which the applicant has submitted with it to meet the requirements of the authority, in such a manner as it considers appropriate, for example, on their website or via an online portal.

The local authority is also required to publicise the fact that representations may be made during the public consultation period and when that period comes to an end. Local authorities might consider using digital methods of publicity, such as automatic notices, which members of the public can opt in to receive. In deciding what steps to take authorities should consider the needs of those who may find it more difficult to access online publications.

When publishing applications and publicising the fact that representations can be made, authorities will need to have regard to their duties under the Equality Act 2010 and will need to meet the requirements in the Public Sector Bodies (Websites and Mobile Applications) (No 2) Accessibility Regulations 2018, and therefore ensure that these are made accessible.

8. Enforcement

8.1 In what circumstances can the local authority enforce or revoke a licence?

If a condition imposed on a licence (either by the local authority) or nationally is breached, the local authority will be able to issue a notice requiring the breach to be remedied and the authority can take action to cover any costs.

The authority may revoke a licence in the following circumstances:

1. For breach of condition, (whether or not a remediation notice has been issued) or
2. Where:
 - there are risks to public health or safety – for example by encouraging users to breach government guidance on social distancing by placing tables and chairs too close together or where it comes to light that there are significant security risks which have not been sufficiently considered, or addressed in a proportionate fashion (this should be reassessed as necessary, particularly in the event of changes to the terrorism threat level);
 - this use of the highway is causing an unacceptable obstruction, breaching the non-obstruction condition – for example, the arrangement of street furniture prevents disabled people, older people or a wheelchair users to pass along the highway or have normal access to the premises along side the highway.
 - the use is causing anti-social behaviour or public nuisance – for example, the use is increasing the amount of noise generated late at night and litter is not being cleaned up;

- it comes to light that the applicant 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
 - the applicant did not comply with the requirement to affix the notice to notify the public for the relevant period.
3. The local authority may also revoke the licence where 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 to be granted. For example, the licensed area (or road adjacent) is no longer to be pedestrianised. It is good practice for local authorities to give reasons where these powers are used.



LANCASTER CITY COUNCIL

FOR OFFICE USE

Application No.....

Date.....

Fee Paid.....

Receipt No.....

Application for a Pavement Licence Business and Planning Act 2020

Please read the notes and answer all the following questions

Question 1

Your Name and Address
Emma Fallon – J D Wetherspoon plc
Reeds Crescent, Watford,

Postcode WD24 4QL
Tel. No 01923 477948
Email address efallon@jdwetherspoon.co.uk

Question 2

Name and address of any person acting for you

Postcode
Tel. No
Email address

Question 3

Describe the proposed location for the Pavement Licence and address if different from the address in Q1 above.
Eric Bartholomew, 10-18 Euston Road, Morecambe, LA4 5DD

Question 4

Please state the activities you intend to undertake in the Pavement licence area (*e.g. sale of food and drink/consumption of food and drink*).
Consumption of food and drink

Question 5

Do you intend to alter any of the building and/or building frontage to accommodate the proposal?
 YES [If YES, please show details of the alterations on your plan]
 NO

Question 6

Are there any lighting columns, litter bins, road signs, public seating, trees etc. on the site within the boundary of the area proposed for the pavement licence?
 YES [If YES, please show details on your plan]
 NO

Question 7

Is proper sanitary accommodation available within the building to be used to service the Pavement Licence area?
 YES
 NO

Question 8

Please provide details of furniture to be placed within the pavement licence area. Please detail the type, style and colour of furniture, umbrellas, boundary markers, and show them on your detailed layout plan.

Immediately to front of premises : 9 mill top flip tables 0.7m x 0.7m with 36 tempered resin galaxy chairs 0.4m x 0.4m
 In front of vacant bank opposite : 4 mill top flip tables 0.7m x 0.7m and 8 tempered resin galaxy chairs 0.4m x 0.4m

Freestanding post and canvas banner barriers

Please note, this application is seeking removal of condition restricting the use of glassware should application submitted on 14th September be granted for Oct 2021 to Sept 2022. The application is advertised that polycarbonates will be implemented on days of local football fixtures.

Question 9

What range of food/drinks (hot/cold food, alcoholic/non-alcoholic drinks) is it intended will be sold/ served within the Pavement licence area? Give details below.

Full menu of hot and cold meals and snacks with teas, coffees, soft and alcoholic drinks

Declaration – Please read and sign the following statement.

I wish to apply for a Pavement Licence to use the highway as detailed in this application and the accompanying plans and enclose the required fee of £100.

I am aware of the standard licence conditions that will be applied to the grant of this licence and that in the event of representations being received the application will be determined by The Licensing Sub-Committee. In such circumstances I understand that the application may be granted as applied for with or without modifications, and may be subject to additional licence conditions being attached to the grant of the application. I understand that the application may also be refused.

Name in Print: ...Emma Fallon for J D Wetherspoon plc Date: ...17.09.21.....

Signed: ...*E. Fallon*.....

NOTES

Applications should be made electronically marked for the attention of the Licensing Manager, to Licensing@lancaster.gov.uk and include the following

1. A completed application form.
2. A location plan to Ordnance Survey quality to show the proposed area for the Pavement licence at 1:1250 scale.
3. A detailed plan (to show the proposed Pavement Licence and associated furniture) at a scale of 1:50 or 1:100
4. Full details of the furniture/equipment to be used.
5. An example of the menu of foods to be served.
6. Details of the management arrangements for the pavement café street café.
7. The standard fee.
8. Proof of indemnification against all claims, injuries or accidents, with cover up to £2 million.
9. Proof of notice displayed in premises window.

You will need two types of plans:

Location plan – to show where your proposal is situated in relationship to the surrounding area. You must clearly edge the site boundary in red. The plan should be of 1:1250, to Ordnance Survey quality.

Detailed plan (with elevations) – to show the proposed area and furniture and its relationship to existing buildings and features. The plan should be a metric scale of 1:50 or 1:100 and the main dimensions should be clearly stated. It should include all the information required by the questions above.

ADDITIONAL NOTES

Conservation Area Consent – If you propose the alteration of any building or part of a structure in a conservation area, you may need Conservation Area



DESSERTS

British Bramley apple crumble @ £3.60
Ice cream 69p kcal or 80p kcal

Warm cookie dough sandwich with ice cream @ £1.80 kcal
Salted caramel filling

Mini warm cookie dough sandwich with ice cream @ £1.80 kcal

Warm chocolate brownie with ice cream @ £1.80 kcal
Belgian chocolate sauce

Mini warm chocolate brownie with ice cream @ £1.80 kcal

American-style pancakes with ice cream @ £3.60 kcal
Add blueberries @ £1 kcal | 50p

NEW! Mini American-style pancakes with ice cream @ £2.05 kcal
Add blueberries @ £1 kcal | 50p

Two pancakes, maple-flavour syrup @ £3.35 kcal

Warm chocolate fudge cake with ice cream @ £3.35 kcal

Fresh fruit with ice cream @ £2.70 kcal
Apple, banana, blueberries, strawberries

TEA AND COFFEE FREE REFILLS

KAVAZA

Viennese fingers 200 kcal 40p
Stem ginger biscuits 292 kcal 65p
Chocolate wafers 305 kcal 75p

Flat white 92 kcal
Latte 113 kcal
Americano 21 kcal (50p milk available)

NEW! 14 kcal iced iced latte (50p milk available)

DECAFATED TEA BAGS AND COFFEE SAHMETS ARE AVAILABLE

Hot chocolate 295 kcal
Made with Belgian milk chocolate. (Fruit and nuts are available) 2.05

FREE REFILLS ON ANY TEA OR COFFEE £1.30 each

INCLUDES A DRINK * CHOOSE FROM:

BRUGHT BEER AND CIDER - PINT
Bevo Lager, Beck's, Blue Bird, Corona, Dry Dock, Estimote, Flat Top, High Life, Landshammer, Light, Lost, Millers, White Horse

SPIRITS - MIXER INCLUDED**
Absolut, Beefeater, Captain Morgan Rum, Cotton On, Cynar, DeKuyper, Jagermeister, J & J, Mezzacorona, Nolet, Tanquerini, Vodka

BOTTLES AND CRAFT DRAKS
Bevo Lager, Blue Bird, Corona, Dry Dock, Estimote, Flat Top, High Life, Landshammer, Light, Lost, Millers, White Horse

SFT DRINKS
Asahi Superdraft, Asahi Superdraft, Asahi Superdraft, Asahi Superdraft, Asahi Superdraft

TEA AND COFFEE - FREE REFILLS*
All teas and coffees available in hot or iced. (Fruit and nuts are available)

BREAKFAST SERVED UNTIL 12 NOON

Large breakfast 125 kcal 5.15
Two fried eggs, bacon, sausage, baked beans, baked tomato, three hash browns, mushroom, tomato, two slices of toast.

Traditional breakfast 148 kcal 3.60
Fried egg, bacon, sausage, baked beans, two hash browns, tomato, slice of toast.

Small breakfast 141 kcal 3.15
Fried egg, bacon, sausage, baked beans, hash brown.

Large vegetarian breakfast 176 kcal 5.15
Two fried eggs, three Queen veggie sausages, baked beans, three hash browns, mushroom, tomato, two slices of toast.

Vegetarian breakfast 95 kcal 3.60
Two fried eggs, two durum veggie sausages, baked beans, two hash browns, mushroom, tomato, slice of toast.

Small vegetarian breakfast 87 kcal 3.15
Fried egg, Queen veggie sausage, baked beans, hash brown, tomato.

Vegan breakfast 160 kcal 3.35
Two durum veggie sausages, two hash browns, mushroom, tomato, slice of wholewheat toast, veggie spread.

Gluten-free breakfast 378 kcal 3.35
Two fried eggs, tinned, baked beans, mushroom, tomato.

American breakfast 136 kcal 5.15
Two fried eggs, two hash browns, maple-caramel bacon, two sausages, four pancakes, maple-flavour syrup.

American-style pancakes 3.25
Four pancakes, maple-flavour syrup, maple-caramel bacon @ 65p kcal

NEW! Small American-style pancakes 2.75
Add blueberries @ £1 kcal | 50p

NEW! Mini American-style pancakes 1.90
Two pancakes, maple-flavour syrup @ 24p kcal

BREAKFAST DEALS without drink

Eggs Benedict 59 kcal 4.25
Two poached eggs, in an English muffin, with Wildshire corned ham, Hollandaise sauce, rocket.

NEW! Miner's Benedict 549 kcal 4.80
Two poached eggs, in an English muffin, with black pudding, Hollandaise sauce, rocket.

Mushroom Benedict 602 kcal 4.80
Two poached eggs, in an English muffin, with mushroom, Hollandaise sauce, rocket.

NEW! Eggs royale 529 kcal 4.95
Two poached eggs, in an English muffin, smoked salmon, Hollandaise sauce, rocket.

Smashed avocado 2.85
English muffin @ 34p kcal, Avocado, pico de gallo.

NEW! Shrek salad 170 kcal 3.40
Add NEW! Shred salmon 79p or pulled egg 79p or pulled egg 79p @ 67 kcal | 50p or grilled mulligan 68 kcal 79p

Scrambled egg on toast @ 2.60
With Country Life spreadable.

On whole wheat bread 549 kcal or white blander bread 537 kcal.

NEW! Beans on toast @ 3.05
Add NEW! Smoked salmon 110 kcal | 2.05

On whole wheat bread 437 kcal or white blander bread 409 kcal.

NEW! Small beans on toast @ 1.60
With Country Life spreadable.

On whole wheat bread 442 kcal or white blander bread 417 kcal.

Fresh fruit @ 3.75
Apple, banana, blueberries, strawberries.

NEW! MOMA Porridge @ 2.50
Fresh fruit, blueberries, strawberries.

NEW! Bear Alphabet @ 1.60
Multigrain cereal.

DRINKS INCLUDED IN BREAKFAST DEALS

Any soft drink, milk or water. (Fruit and nuts are available)

NEW! Fruit and nuts @ 1.60
Standard size (80ml glass) for 20p extra

NEW! Fruit and nuts @ 3.15
Large plus (160ml glass) for 40p extra

FOOD MENU

THE ERIC BARTHOLOMEW MORECAMBE

TRADITIONAL BREAKFAST SERVED UNTIL 12 NOON

£3.60

DELI DEALS

£4.59 with soft drink
£5.59 with soft drink with a side of fries
£6.69 with soft drink with a side of fries

PIZZA 11" FROM

£5.69 with soft drink
£6.20 with soft drink with a side of fries

BURGERS FROM

£5.20 with soft drink
£6.55 with soft drink with a side of fries

FISH & CHIPS DEAL

MON - THU 2PM UNTIL 5PM ALL DAY FRIDAY
£6.55 with soft drink
£7.55 with soft drink with a side of fries

How to order:

Please place your order using the Weatherspoon app or note your table number and order at the bar.

Food served until 11pm.
Children's menu available.

Full allergen/nutritional information and dietary menus can be found on our website or please ask at the bar, where staff can help, although cannot offer specific advice or recommendations beyond our published nutritional communications.

Table service?

Use the Weatherspoon app to order and pay from your table

Available to download from the App Store and Google Play

40 YEARS 1879 - 2019

goodfoodtalks opening menus for everybody

UNDER 500 CALORIES 9 D O D

FOOD FODDER RANGING FROM 100 TO 1000 CALORIES

WEATHERSPOON AVAILABLE ON THE WEATHERSPOON APP OR AT THE BAR



SMALL PLATES ANY 3 FOR £10.25

NEW! PIZZA INCLUDES A DRINK

Our pizzas are freshly topped and baked.

- Margherita @ 392 kcal, Mozzarella, fresh basil. £3.89
- Pepperoni @ 397 kcal, Mozzarella, pepperoni. £4.39
- Ham and mushroom @ 367 kcal, Mozzarella, ham, mushroom. £4.39
- Hawaiian @ 392 kcal, Mozzarella, ham, pineapple. £4.39
- BBQ chicken @ 397 kcal, Mozzarella, BBQ sauce, chicken breast, red onion. £4.39
- Roasted vegetable @ 358 kcal, Mozzarella, roasted pepper, courgette, onion. £4.39
- Vegan roasted vegetable @ 343 kcal, Mushroom, roasted pepper, courgette, onion. £4.39
- Spicy meat feast @ 777 kcal, Mozzarella, chicken breast, sliced chillies. £4.89

BURGERS INCLUDES A DRINK

Our beef burgers are made from 100% British beef.

- Served with chips (add 57¢ kcal).
- Classic 6oz beef burger 583 kcal £5.20 each
- Fried buttermilk chicken burger 59¢ kcal £6.20 each
- Grilled chicken breast burger 498 kcal £6.20 each
- Skinky chicken burger @ 449 kcal £6.20 each

ROBBIE'S BURGERS FOR ANOTHER 10 PAGES

Add any of the following:

- Cheddar cheese @ 1.75
- American-style cheese @ 1.75
- Roasted vegetables @ 1.45
- Swiss cheese @ 1.45
- Avocado @ 84 kcal
- Bacon @ 91 kcal
- BBQ sauce @ 83 kcal
- Fried egg @ 72 kcal

PIZZA INCLUDES A DRINK

Our pizzas are freshly topped and baked.

- Margherita @ 392 kcal, Mozzarella, fresh basil. £5.69
- Pepperoni @ 397 kcal, Mozzarella, pepperoni. £6.69
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- Vegan roasted vegetable @ 343 kcal, Mushroom, roasted pepper, courgette, onion. £8.69
- Spicy meat feast @ 777 kcal, Mozzarella, chicken breast, sliced chillies. £8.69

ISLAND CHIPS

- Freshly battered fish and chips @ 1235 kcal (with peas) £7.90
- Small fish and chips @ 841 kcal (with peas) £4.70
- Whitby breaded scampi @ 916 kcal, Chips, peas. £7.35
- Small Whitby breaded scampi @ 667 kcal, Chips, peas. £4.70

Add: Two slices of bread and Lipton spreadable @ 442 kcal) 95p
Add: Chip stop-style curry sauce @ 117 kcal) 95p

FISH & CHIPS DEAL

Mon - Thu, 2pm until 5pm
All day Friday

Freshly battered fish and chips @ 1235 kcal (with peas) £6.55
with salt drink

Freshly battered fish and chips @ 1235 kcal (with peas) £7.55
with alcoholic drink

DEALS INCLUDES A DRINK

- Jacket potato with salad and filling £4.59 each
- Choice of fillings:
 - Roasted vegetables @ 393 kcal
 - Barbecue beans @ 427 kcal, Tuna mayo @ 61¢ kcal
 - Chips @ 541 kcal
 - Coleslaw @ 501 kcal
 - Five-bean chili @ 77 416 kcal
- Extra fillings 75p each

The freshly made items below are all served with chips (add 57¢ kcal) or ask for a salad instead (add 72¢ kcal). Add a bowl of soup, instead of chips or salad, for 1.00 extra. Ask at the bar for today's soup of the day!

- NEW! Brie, bacon & smoky chili jam panini @ 677 687 kcal
- Cheese, mayo & tuna melt panini @ 719 kcal
- Whitshire cured ham & cheese panini @ 530 kcal
- Cheese & tomato panini @ 534 kcal
- BBQ pulled chicken, bacon & cheese panini @ 575 kcal

NEW! Pulled chicken & avocado wrap @ 577 kcal, Tomato, salad leaves, cold pulled chicken, avocado, mayonnaise.

- Hourmous & roasted vegetable wrap @ 577 kcal, Tomato, salad leaves. £5.59
- Chicken wrap @ 577 kcal, Tomato, salad leaves. £5.59
- Southern fried chicken and smoky shrimps wrap @ 777 595 kcal, or cold pulled chicken and sweet chili sauce @ 777 478 kcal.
- Grilled halloumi & sweet chili wrap @ 777 515 kcal, Tomato, cucumber. £5.59
- Add: In-house @ 94 kcal) 75p

GOURMET BURGERS

Served with chips (add 57¢ kcal), six onion rings (add 338 kcal).

- NEW! Chicken, Brie & smoky chili burger @ 777 687 kcal (with grilled chicken) £6.85 each
- Ultimate burger @ 777 687 kcal (with grilled chicken) £6.85 each
- Gourmet chicken burger @ 777 595 kcal (with grilled chicken) £7.85 each
- Gourmet burger @ 777 595 kcal (with grilled chicken) £7.85 each

Grilled chicken & fried buttermilk chicken - signature burger, Monterey Jack, cheese & pepper sauce.

Gourmet pulled chicken @ 777 595 kcal (with grilled chicken) £7.85 each

Grilled chicken & fried buttermilk chicken - signature burger, Monterey Jack, cheese & pepper sauce.

Gourmet pulled chicken @ 777 595 kcal (with grilled chicken) £7.85 each

DEALS INCLUDES A DRINK

- NEW! 12oz rump steak @ 793 kcal £11.05
- Mixed grill @ 12.15
- Large mixed grill @ 12.25
- 10oz gammon and eggs @ 8.85
- BBQ chicken melt @ 9.85
- Surf and turf Add: Whisky braised campfire @ 2.60
- Skinky 8oz sirloin steak @ 9.75
- Boz gammon and eggs 993 kcal £5.20
- Served only with chips.

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Skinky 8oz sirloin steak @ 9.75

Boz gammon and eggs 993 kcal £5.20

Served only with chips.

DEALS INCLUDES A DRINK

- NEW! Small vegetarian all-day brunch @ 709 kcal £4.15
- Bangers and mash @ 649 kcal £4.15
- Sausages, chips and beans @ 714 kcal £4.15
- Vegetarian all-day brunch @ 1055 kcal £4.15
- NEW! Small all-day brunch @ 674 kcal £4.15
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SALADS & PASTAS INCLUDES A DRINK

- Quinoa salad @ 439 kcal £9.10
- NEW! Smoked salmon @ 710 kcal £9.10
- Pulled chicken @ 712 kcal £8.10
- Grilled halloumi @ 615 kcal £8.10
- Roasted vegetables @ 689 kcal £8.10
- Pulled chicken, avocado & maple-cured bacon salad @ 437 kcal £9.10
- British beef lasagne 754 kcal (also contains pork) £9.10
- Stir fry @ 777 kcal £9.10
- Add: Chips @ 577 kcal £4.44 kcal) £2.60
- Mediteranean vegetable tagessone @ 480 kcal £9.10
- Italian egg pasta in a rich tomato, red pepper, courgette & slow-roasted tomato ragù sauce, with mature Cheddar cheese, creamed spinach, mozzarella, a nut-free root veggie, salt, olive oil, dressing. £9.10
- Add: Chips @ 577 kcal £4.44 kcal) £2.60

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SIDES

- Roasted vegetable @ 87 kcal £1.00
- Two-bean ragout with carrots-onion @ 180 kcal £1.20
- Bean chips @ 52 338 kcal £2.05
- Onion rings @ 52 338 kcal £2.05
- Beef & chips @ 655 kcal £2.85
- Side salad @ 72 kcal £1.40
- Peas @ 149 kcal £5.59
- Coleslaw @ 48 kcal £80p

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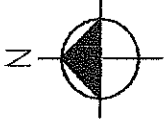
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NOTE - Responsibility is not accepted for errors made by others in scaling from this drawing. All construction information should be taken from figured dimensions only.





INDICATES SITE AREA



INDICATES EXISTING PAVEMENT CAFE



INDICATES PROPOSED PAVEMENT CAFE

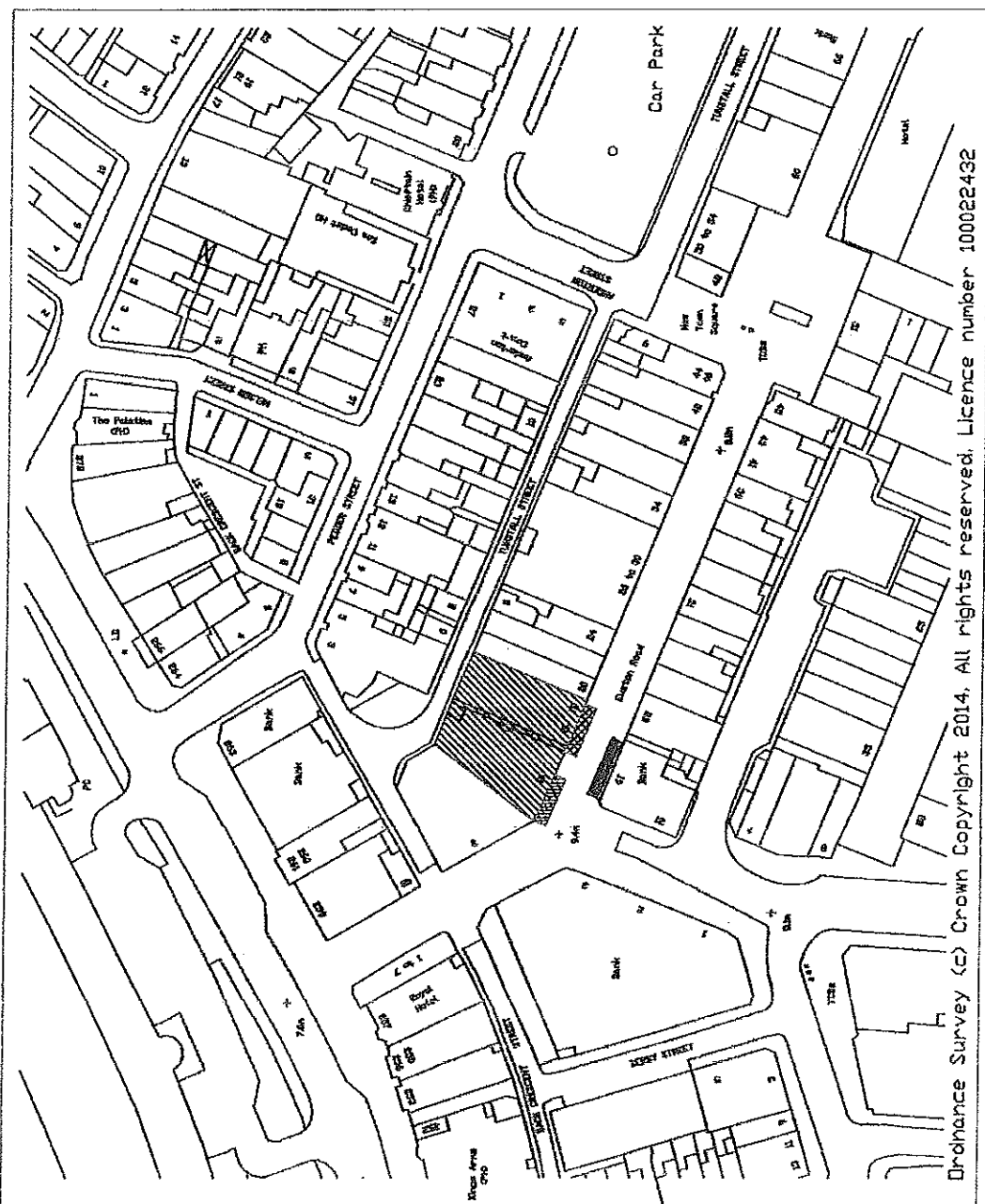



architectural & construction consultants
project managers interior designers

Adair Business Centre, Little High Street,
Stowmarket by Sea, West Suffolk, BNF3 5EG.
T: +44 (0) 1273 407518 F: +44 (0) 1273 467520
e: central_email@sdai.co.uk

JUNY JD WITHERSPOON PLC
 PUB NO: 4227
 THE ERIC BARTHOLOMEW
 INDICATIVE
 LOCATION PLAN

DATE	DATE	BY
14/11/2013	JUN 20	AKS
PROJECT NO	PLAN NO	REVISION
7076	PLC1	



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Covid 19
Eric Bartholomew, Morecambe

Ref:.....

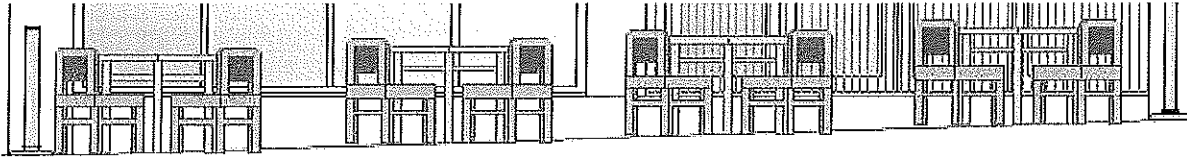
Residual Risk Rating:

Task/Activity	Who is at risk & who needs to know about the activity
Use of public highway to the front for tables and chairs - pavement cafe	Staff Customers General Public

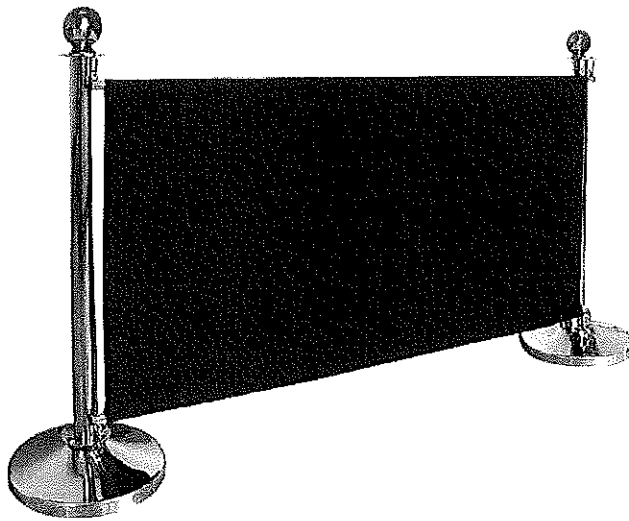
What are the risks?	How will they be managed
. Accumulation of persons to the front posing social distancing risk.	<ul style="list-style-type: none"> All persons using the area are to be seated. No vertical drinking. The layout of the furniture allows for a significant depth of pavement for passing to maintain social distancing between pedestrians and users of the area.
<ul style="list-style-type: none"> Customer traffic between the premises and the external area 	<ul style="list-style-type: none"> Customers will be strongly encouraged to use the company ordering App. All food and drink delivered to tables by staff.
<ul style="list-style-type: none"> Social distancing maintained within the external area 	<ul style="list-style-type: none"> All furniture will be set out in accordance with social distancing regulations and staff will ensure remains in correct positions. All customers using the external area must be seated.
<ul style="list-style-type: none"> Management 	<ul style="list-style-type: none"> Front of house staff allocated to the area to supervise at all times in use to include maintaining social distancing regulations and management of noise. Staff responsible for clearing tables promptly.
<ul style="list-style-type: none"> Risk to staff supervising and servicing the area 	<ul style="list-style-type: none"> Full PPE is provided and available for staff to use together with sanitizer.
<ul style="list-style-type: none"> Possible contamination 	<ul style="list-style-type: none"> Regular cleansing of all furniture throughout operation.

Details of reviews or amendments	
Dated : 11 th August 2020	

Eric Bartholomew, Morecambe
Elevation and Furniture Details



PROPOSED EXTERNAL ELEVATION



30 July 2021

Website www.willistowerswatson.com

Direct Line +44 (0) 1473 229015

E-mail Victoria.Dobson@willistowerswatson.com**TO WHOM IT MAY CONCERN**

Dear Sirs,

As Insurance Brokers to J D Wetherspoon PLC we are writing to confirm that our clients hold the following policies:

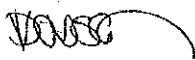
Cover	Public and Products Liability
Insurer	Chubb European Group SE
Policy Number	UKCAND26944
Period	31 July 2021 to 30 July 2022 both days inclusive
Limit of Liability	<p>Public Liability GBP 10,000,000 any one Occurrence</p> <p>Products Liability GBP 10,000,000 any one Occurrence and in the aggregate for the Period of Insurance</p>

This includes cover for external areas associated with the business.

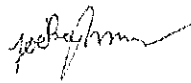
Subject otherwise to the terms, conditions, exceptions and exclusions of the policy.

This letter is provided as a courtesy to our client as a matter of information only and confers no rights on the holder. Our duties in relation to this insurance are to our client and we accept no duty of care or responsibility to you or any other third party and any liability to you or any third party is excluded. This letter does not amend, extend or alter the coverage afforded by the policies, nor does it purport to set out all of the policies' terms, conditions and exclusions. The policy terms, conditions, limits and exclusions may alter after the date of this document or the insurance may terminate or be cancelled, and the limits shown may be reduced by paid claims. We have no obligation to advise you of any changes which may be made to the policies or to advise you of their cancellation or termination.

Signed on behalf of WILLIS LIMITED

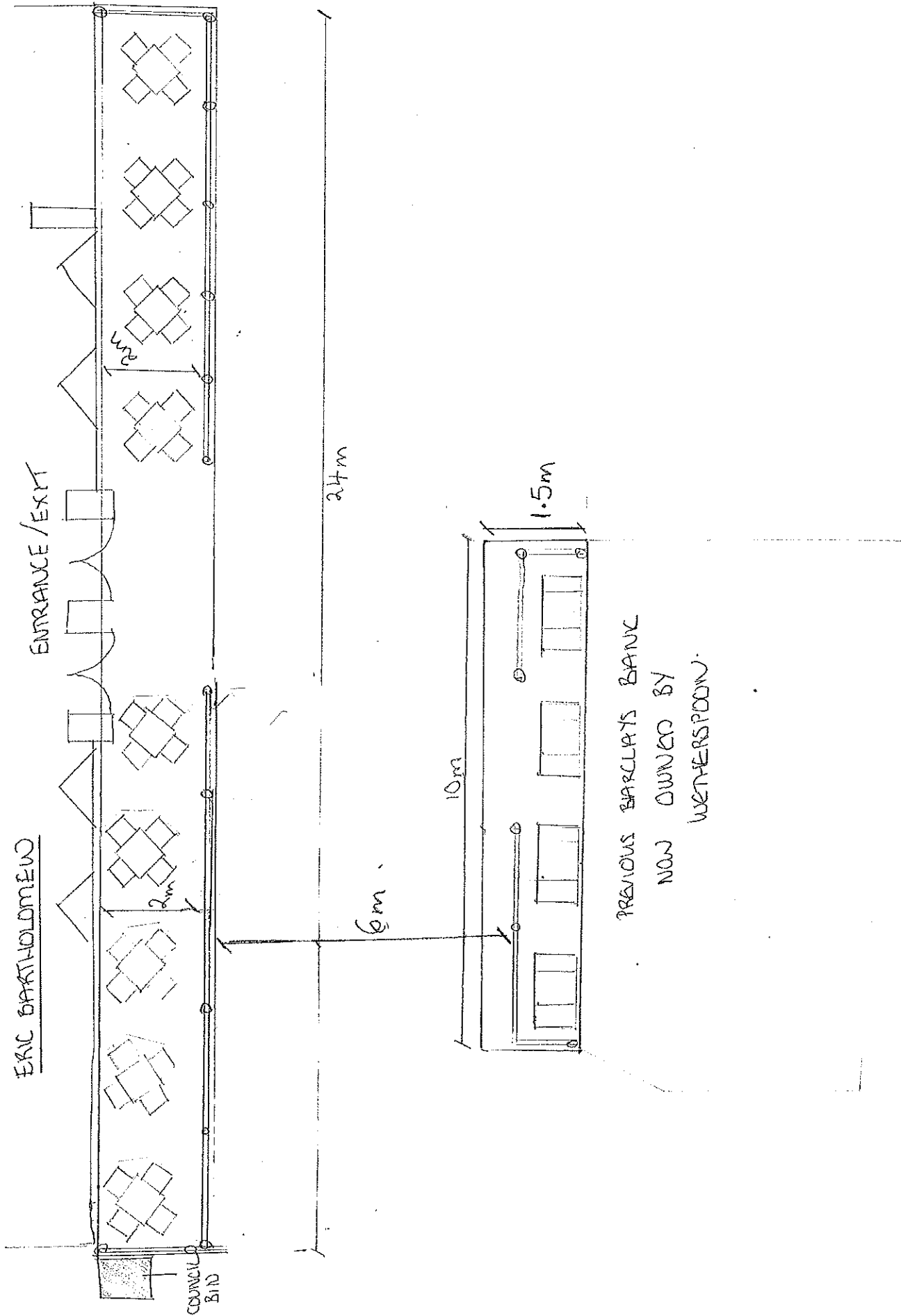


Authorised Signatory



Authorised Signatory

Willis Limited
51 Lime Street
London
EC3M 7DQ
A Lloyd's broker, authorised and regulated by the Financial Conduct Authority. Registered office 51 Lime St, London EC3M 7DQ. Registered number 181116 England and Wales.



SCALE: 1:100

10/18/2021

ERIC BARTHOLOMEW
70-18 EUSTON ROAD, NY 10021, LA4 5AF

NOTICE IS HEREBY GIVEN that in accordance with the Licensing and Planning Act 2020

J.D. Wetherhead
Has made an application to Lancaster City Council on 17th September 2021 for a Pavement Licence

The application is in respect of
Tables and Chairs immediately to the front of the pub

And is seeking permission to operate the area with glassware permitted with the exception of local football fixtures when polycarbonate glassware will be implemented

The proposed hours of operation are as follows
Monday to Sunday (0800hrs to 2200hrs)

A copy of the proposal and accompanying plan are available for inspection on the Council's website at <http://www.lancaster.gov.uk/what-we-do/business-and-permissions/leisure-and-entertainment/pavement-licences>

Any person wishing to make representations to the Council regarding this application may do so by emailing licensing@lancaster.gov.uk. The email should be headed Pavement licence representation (insert premises name). Alternatively, in writing to the Licensing Manager, Morecambe Town Hall, Marine Road, Morecambe LA4 5AF to be received no later than 7 days from the date of this notice.

Signed [Signature] Name in Print Emma Fallon for J.D. Wetherhead

Dated this 18th day of September 2021

(The date of the notice must not exceed 14 days after the application was made.)

