



Pavement Licensing Policy 2024 -



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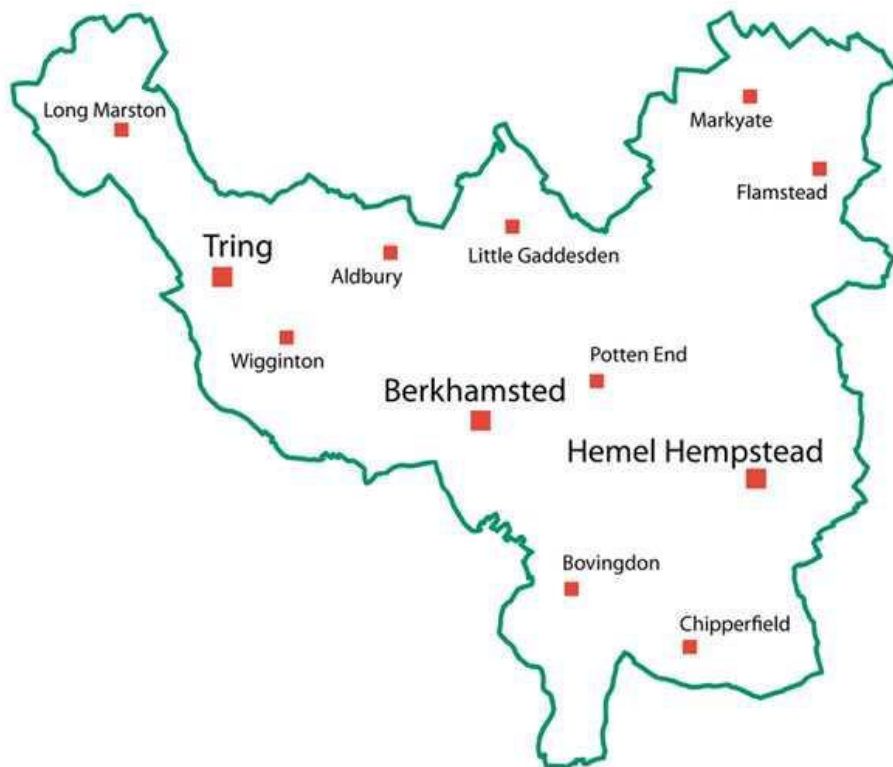
About Dacorum

The borough of Dacorum is situated in west Hertfordshire and has a mixture of strong urban and rural identities. It includes the towns of Hemel Hempstead, Berkhamsted and Tring as well as a number of villages from Long Marston in the west to Flaunden in the south-east. Over a third of the borough's 210 square kilometres have been designated as part of the Chilterns Area of Outstanding Natural Beauty, while most of the rest has high landscape quality and potential.

Hemel Hempstead was one of the first "New Towns" built after the Second World War. Its development reflects the original concept of the new town as a series of integrated communities with individual identity and neighbourhood focus. The rapid growth of Hemel Hempstead is reflected in the large number of buildings of similar age and appearance.

The remainder of the Borough is rural, surrounding two market towns, Berkhamsted and Tring. Although agriculture is no longer a major employment sector in Dacorum, outside towns the communities value their rural heritage as well as expecting good modern services. The conservation of buildings and landscape are important considerations in Dacorum, balanced with concerns to maintain thriving businesses in town centres. Dacorum Borough Council works closely with the 16 town and parish councils, which represent communities in rural areas of the Borough.

Dacorum has a population of 155,200¹, and is the largest of the Hertfordshire districts by headcount. Further information about Dacorum and the demographics of its populace can be found on the council's website via "Statistics about Dacorum".²



¹ [NOMIS](#)

² <http://www.dacorum.gov.uk/statistics-about-dacorum>

1. Introduction

- 1.1. Outside eating and drinking, be it coffee and cake, lunch, or evening meals is a growing trend in Dacorum, with an increasing demand in our high streets and town centres. Many pubs, restaurants and cafes want to provide facilities to meet this demand by using the pavement outside their premises.
- 1.2. Pavement Licences can only be granted in respect of highways listed in section [115A\(1\) Highways Act 1980](#). This is usually a pedestrian footway or is a place where vehicle access has been restricted or prohibited altogether.
- 1.3. Administration of pavement licensing was taken over by the borough Council from Hertfordshire County Council in 2020 under the regulations set out in the Business and Planning Act, which gave fast track provision for outside eating and drinking during the Covid pandemic. Now the pandemic is over, and the enactment of the Levelling up and Regeneration Act 2023 enables us to provide more flexibility in issuing pavement licences, and for longer duration than the one year licences previously allowed.
- 1.4. In the borough of Dacorum there are existing pavement licences that add to the ambience and vibrancy of the three main town centres and surrounding village high streets. Many more pubs, restaurants and cafes may wish to make use of the pavement with tables and chairs for alfresco dining. However, if the use of pavement areas is not carefully controlled it can lead to pedestrians, in particular those with disabilities, being unable to use the pavement safely.
- 1.5. Pavement licences are granted by officers under delegated authority set out in the Council's Constitution. A full consultation has been carried out in respect of the content of this policy between **7 August 2024** and **17 September 2024**. Responses to the consultation were considered and the final policy agreed by the Licensing, Health and Safety and Enforcement Committee on XXX

2. Aim of the Policy

- 2.1 Our policy explains the requirements and standards we expect of an applicant for a pavement licence.
- 2.2 We recognise the importance of pavement licensing to businesses and value their contribution towards to the local economy.
- 2.3 We will use the Pavement Licensing Policy (hereafter referred to as 'the Policy') to enable an outside eating and drinking environment that will:
 - protect the amenity of the residents by ensuring that licence holders do not cause nuisance, damage, disturbance or annoyance;
 - ensure the safety of the customers using the dining areas and the pavements;
 - make provision for safe and sufficient access for wheelchair users and pedestrians with any other disability that compromises their safety when negotiating busy high streets;

- provide applicants with advice and guidance on the Council’s approach to the administration of applications for pavement licences..

2.4 We aim to avoid duplication with other statutory provisions and work in partnership with other enforcement agencies. Consultation with a number of agencies will be carried out during the application process.

3. Applying for a licence

3.1. Things to consider before applying

3.1.1. Is the land part of the public highway? If the land is privately owned then we cannot issue a pavement licence and you need to discuss your potential plans with the owner of the land. The Licensing team is not responsible for identifying land owners.

3.1.2. Will your tables and chairs present a risk or obstruction to the public, in terms of both highway safety, or obstruction to pedestrians? The following should be considered when you are assessing suitability of the location you want to use:

- Will the tables and chairs interfere with visibility for road users (i.e. when pulling out of a junction);
- Could the positioning of the tables and chairs impede access to pedestrian crossings?
- Will the location of the tables and chairs provide at least 2000mm width access between the furniture and the kerb to enable wheelchair users to pass safely?
- If you intend to provide outside facilities later into the evening is there sufficient lighting both for customers using the tables and chairs and for pedestrians to safely see any obstructions on the pavement when passing? Is there CCTV should any anti-social behaviour occur?
- Are the outside activities going to cause nuisance to residents that live nearby, or passing pedestrians – for example, noise, litter and odours from cooking, food odours and cigarette smoke?
- Are any other permissions required? For example food business registration or, if alcohol is being sold, premises and personal licences.

3.1.3. Licensing and Planning permission – Planning permission will be deemed to be granted to use the land while the pavement licence is valid. Sale of alcohol for consumption off the premises would need the authorisation of a premises licence to allow alcohol to be consumed in the outdoor seating area.

3.2. Markets

3.2.1. Where a pavement licence is granted in close proximity to the location of a market, on market days the licence holder must ensure the minimum access agreed is maintained and no obstruction is caused by the placing of tables, chairs and other street furniture on the highway.

- 3.2.2. Some areas of Hemel Hempstead Town Centre are managed by Saunders Markets Ltd. If traders want to use the areas designated for market traders when they are available, no pavement licence is required from the Council, but agreement is required from the Market Manager and a fee is payable to them. Contact details for Saunders Markets can be found out on our website: [Pavement licences \(dacorum.gov.uk\)](http://Pavement%20licences%20(dacorum.gov.uk))

3.3. Use of Furniture

- 3.3.1. All furniture to be covered by the pavement licence must be removable for storage at the end of each day.
- 3.3.2. Tables and chairs placed on the highway should only be for customers of that premises to consume food or drink.
- 3.3.3. Umbrellas can be included in your application – they should be an appropriate size for the space you intend you use. You should specify how many you propose to use, providing details of how you intend to ensure they are safely installed and will not be at risk of becoming loose or blowing over in the wind.
- 3.3.4. Outdoor heaters will not be allowed for safety reasons.
- 3.3.5. Barriers or planters – can be used to enclose the licensed area. Barriers should be robust and stable to avoid the risk of them tipping over and causing potential injury to pedestrians/customers, or causing an obstruction. Rope barriers will not be acceptable.
- 3.3.6. Advertising boards, or ‘A Boards’ are not defined as street furniture, separate consent from [Hertfordshire County Council](http://Hertfordshire%20County%20Council) is required to place these on the highway.

3.4. Accessibility for pedestrians and people with disabilities

- 3.4.1. The area to be licensed must allow where possible for 2 metres of unimpeded access for pedestrians and people with disabilities – a wheelchair or motability scooter or pedestrian with a pram or pushchair should be able to pass each other comfortably between any furniture and the kerb. If the distance falls below 2 metres, we will measure the proposed area taking into account s.4.1 of Secretary of State Guidance for pavement licensing, and examine and consider each application on its own individual merits.

3.5. The Application process

- 3.5.1. Applications can be made via our website: [Pavement licences \(dacorum.gov.uk\)](http://Pavement%20licences%20(dacorum.gov.uk))
- 3.5.2. If you are applying for a new licence we will need the following information:
- Which part of the highway the application relates to (this should be directly adjacent to the business that is applying);
 - Which days of the week the furniture will be on the highway;

- What times of day the furniture will be on the highway; and
- What type of street furniture will be used and the dimensions of the furniture – including photographs or brochures of the proposed furniture where possible.

3.5.3. The application should be accompanied by a scale plan or drawing of the area setting out the layout of the seating, and the measurements of the area, with particular attention to dimensions of the furniture, and the measurements between the furniture and the kerb for pedestrian access.

3.5.4. Evidence of an insurance policy for at least £5,000,000 (five million pounds) for any one event arising from the use of the tables and chairs.

3.5.5. Applicants should not put furniture on the highway until the pavement licence has been granted.

3.6. Fees

3.6.1. Fees will be reviewed and set ahead of every financial year within a capped maximum level of £500 for new grants and £350 for renewals based on cost recovery, and fee levels will be made available from the Licensing team or via our website. In setting fees, we will have regard to the legislation and relevant guidance.

3.7. Exchange of Information – who we consult

3.7.1. Applicants are advised to ensure they have the correct permissions in place to carry on their business. Upon receipt of the application we will consult with Police Traffic Management, Highways, Environmental and Community Protection and Business Services at the Council. If applicable the Town/Parish Council and any ward councillors will also be notified.

3.7.2. Data may also be released in accordance with statutory provisions under the UK GDPR/Data Protection Act 2018, the Freedom of Information Act 2000, and associated legislation.

3.8. Advertising the application during the consultation period

3.8.1. Once a correct application has been submitted, together with the correct fee and all supporting documents required by the Council, a 14 (fourteen) day consultation period starts. This excludes public holidays, and starts the day after the application is submitted.

3.8.2. From the first day of this period you should display a white notice setting out the application details in a prominent position where passing members of the public can easily read its content. This notice must not be removed until the end of the 14th (fourteenth) day (excluding public holidays). At any time during this period the notice may be checked by a Licensing Officer.

3.8.3. A template of this notice is set out on the Dacorum Borough Council website [Pavement licences \(dacorum.gov.uk\)](https://www.dacorum.gov.uk/pavement-licences)

- 3.8.4. The Council will also display applications for pavement licences on its website at [Pavement licences \(dacorum.gov.uk\)](http://Pavement%20licences%20(dacorum.gov.uk))
- 3.8.5. During the consultation period objections may be received from the responsible authorities/agencies consulted, and the public. If objections are received a decision will be made under delegated authority by the Licensing Manager within a further 14 (fourteen) days following closure of the consultation period.

3.9. Length of licence

- 3.9.1. Licences shall be granted in normal circumstances for a period of 2 (two) years.
- 3.9.2. If you do not receive a decision within 14 (fourteen) days of the consultation closing date, the application will be deemed to be granted for a period of 2 (two) years.

3.10. Enforcement

3.10.1. The Council may revoke or amend a pavement licence in the following circumstances:

- There are breaches of licence conditions;
- There is a health and safety risk caused by the operation of the licence;
- The use of the licence causes public nuisance or anti-social behaviour;
- Obstruction is being caused;
- The applicant has provided false information in their application.

3.10.2. Notice will be given to the licence holder of any proposed enforcement action, with clear details of action to be taken and implications should the matter not be resolved.

3.10.3. In cases of unlicensed use of furniture, notice will be given to the business to remove it – if this notice is ignored the Council will remove and store the furniture until a pavement licence is in force, charging storage costs to the business. If these costs are not paid, the Council may dispose of the furniture and keep any proceeds of that disposal.

3.11. Appeals

3.11.1. There is no right of appeal within pavement licensing legislation.

4. Review of Policy

4.7. This policy will be kept under review and updated in light of any significant changes in legislation, case law or national guidance. We will also carry out periodic reviews of the policy to ensure that it remains appropriate to the current operating environment.

4.8. If you wish to comment on the policy please email licensing@dacorum.gov.uk and your comments will be considered during future policy reviews.

5. Complaints

- 5.7. If you wish to make a complaint about alleged unlicensed activity or breach of a licence then you can contact the Licensing team during normal office hours, using the contact details below. If you need to make a complaint outside of normal office hours then you can leave a message either by telephone or email which will be responded to when the office re-opens. Complaints made to the Licensing team will be investigated by a Licensing Enforcement Officer who will also inform you of any action taken as a result of your complaint.

Licensing
Dacorum Borough Council
The Forum
Marlowes
Hemel Hempstead
Herts
HP1 1DN

Telephone: 01442 228000, and at the prompt ask for Licensing
Email: licensing@dacorum.gov.uk

- 5.8. We understand that, from time to time, persons may not be completely satisfied with the service that they receive from the Licensing team, and we would encourage any person who feels this way to let us know, so that we can develop and improve our service. We will ensure that complaints about our service are investigated fairly and thoroughly using the Council's Complaint Procedure (details of which can be found on the Council's website at www.dacorum.gov.uk). Complaints can be made via our website, using the form at www.dacorum.gov.uk/CustomerComplaints, or by calling 01442 228000 and asking for the Complaints Service. In cases where disputes still cannot be resolved, we will ensure that any rights of complaint or appeal against the Council's actions are explained with an indication of the likely time-scales involved.

Annex A – National Conditions for Pavement Licences

Anything done by the licence-holder pursuant to this licence, or any activity of other persons which is enabled by the licence, must not have the effect of:

A1. Preventing traffic, other than vehicular traffic, from:

- 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),
- passing along the relevant highway, or
- having normal access to premises adjoining the relevant highway.

A2. Preventing any use of vehicles, which is permitted by a pedestrian planning order or which is not prohibited by a traffic order.

A3. Preventing statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or

A4. 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.

A5. Where the furniture to be put on the relevant highway consists of seating for use by persons for the purpose of consuming food or drink, the licence holder must make reasonable provision for seating where smoking is not permitted.

Annex B – Standard local conditions for Pavement Licenses

- B1. This licence is valid only for the dates given.
- B2. Only objects listed in the licence are permitted to be placed on the highway.
- B3. The authorised objects and structures shall only be permitted between the hours stated on the licence and outside of those hours the objects and structures shall be removed and placed on or within your business premise.
- B4. You must regularly clear the area of any potential litter, and leave the pavement in a neat and tidy condition at the end of each day.
- B5. Unless agreed in advance by a licence and enforcement officer, any conditions placed upon the licence must be complied with at all times. Failure to do so could be considered a breach and may result in the revocation or suspension of the licence.
- B6. You must not cause any unnecessary obstruction of the pavement/highway or danger to people using the pavement/highway.
- B7. You must not allow people to gather and cause a nuisance or annoyance or danger to any person lawfully using the pavement/highway.
- B8. You must not play music amplified or unamplified or any musical instruments, radio or television whilst your licence is in operation.
- B9. You must not allow any excavations or indentations of any description in the surface of the highway or place or fix equipment of any description to the surface of the highway.
- B10. You must not allow the use of the highway for any other purpose at any time other than during the hours permitted by your licence.
- B11. You must not place any furniture or equipment or advertisement on the highway that is not specified in your licence. You must not obstruct the access and exits to your premises.
- B12. You must remove all furniture, litterbins and other equipment placed on the highway at the expiry, surrender or revocation of the licence.
- B13. You must remove the permitted obstructions from the highway if instructed to do so by the Licensing Authority or Highway Authority.
- B14. During an emergency you must remove the permitted structures from the highway, if instructed to do so by:
 - (a) Police Officer
 - (b) Fire Officer
 - (c) Paramedic
 - (d) Undertaker
 - (e) Utility Companies

- (f) Any other authorised persons
- B15. You must display the Licence at the premises so it can be clearly seen from the highway.
- B16. You must comply with any reasonable requests in relation to the use of the highway by officers on behalf of the Council.
- B17. You must provide suitable barriers around the permitted area where required by the Licensing Authority.
- B18. You must indemnify the Council against all actions, proceedings, claims demands and liability which may be taken, made or incurred in the consequences of the use of the chairs and tables and other objects and for this purpose must take out at your expense a policy of insurance approved by the Local Authority in the sum of at least £5,000,0000 (FIVE MILLION POUNDS) in respect of any one event and must produce to the Local Authority on request the current receipts for premium payments.
- B19. You must not charge for the use of the chairs and table and other furniture.
- B20. No heaters of any kind are to be placed on or over the highway.
- B21. You must not obstruct access to any fire hydrant or defibrillator in the area.
- B22. You must not obstruct, obscure or hinder egress from any emergency escape route.

To make an application or for further guidance, please visit our website:
www.dacorum.gov.uk/licensing

For informal advice or queries, please email:
licensing@dacorum.gov.uk