

Pavement Licence Policy 2026

Business and Planning Act 2020

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1 Scope and purpose of the Pavement Licence Policy

- 1.1 This Pavement Licence Policy ('the Policy') explains Three Rivers District Council's ('the council') approach to considering applications for pavement licences. It reflects the enactment of the relevant provisions of the [Levelling Up and Regeneration Act 2023](#), which made permanent, from 31 March 2024, the temporary measures introduced during the pandemic under the [Business and Planning Act 2020](#). As a result, district councils, rather than county councils, are the pavement licensing authorities in two-tier areas.
- 1.2 The Policy provides a clear and streamlined application route for eligible businesses, including cafés, restaurants and coffee shops, that wish to place furniture on the highway.
- 1.3 Licences may be granted only for highways listed in section 115A(1) of the [Highways Act 1980](#). These are generally footpaths restricted to pedestrians, or roads and places where vehicle access is restricted or prohibited.
- 1.4 A pavement licence permits the holder to place and use furniture on the highway to sell or serve food or drink, or to enable people to consume food or drink supplied from, or in connection with, the holder's premises. Section 2 explains who is eligible to apply.
- 1.5 A pavement licence does not authorise the permanent closure of a road. Permanent closure requires a pedestrian planning order under section 249(2) or 249(2A) of the [Town and Country Planning Act 1990](#), extinguishing the right to use vehicles on the highway.
- 1.6 In this Policy, references to a "pavement licence" or "licence" mean a licence granted under the Policy. The part of the highway on which furniture may be placed under a pavement licence is referred to as the "pavement".
- 1.7 The Policy shall be in force from **TBC**.

2 Eligibility for a pavement licence

- 2.1 A business may apply for a licence if it uses, or proposes to use, premises to sell food or drink for consumption on or off the premises. Eligible businesses include public houses, cafés, bars, restaurants, snack bars, coffee shops and ice cream parlours. Eligibility also extends to premises where the sale of food or drink is ancillary to another use, such as supermarkets or entertainment venues.
- 2.2 Businesses that do not use their premises to sell food or drink, such as salons, are not eligible for a pavement licence. They may instead apply for permission to place furniture on the pavement under the [Highways Act 1980](#).
- 2.3 Applications from premises that do not sell food or drink will not be granted a pavement licence.

3 Furniture permitted under a pavement licence

- 3.1 A licence permits the holder to place and use furniture on the highway to sell or serve food or drink, or to enable people to consume food or drink supplied from, or in connection with, the premises.
- 3.2 Permitted furniture includes:
- 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

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

3.3 Furniture must be removable and connected with the sale, service or consumption of food or drink. The council will take a pragmatic approach when deciding whether furniture is removable. In principle, it must not be a permanent fixed structure and must be capable of being moved easily and stored away at night.

4 Furniture not permitted under a pavement licence

4.1 Furniture that does not meet the criteria in paragraph 3.2, subject to paragraph 3.3, is not permitted under a pavement licence. Applicants wishing to place non-removable furniture on the highway must seek permission under the [Highways Act 1980](#).

4.2 For the avoidance of doubt, advertising boards are not treated as furniture under the pavement licensing regime. They require consent under the [Highways Act 1980](#) and express advertising consent under the [Town and Country Planning Regulations 2007](#).

5 How to apply

5.1 Applications must be submitted using the council's online pavement licence application form. Applications cannot be made in person or by telephone.

5.2 The application must include the following information and documents:

- Specify the premises and the part of the relevant highway to which the application relates
- Provide a location plan showing both the area to be licensed and the premises relating to the application outlined in RED
- Provide a scale plan of the area, showing the location of all items to be placed in the licensed area
- Specify the purpose (or purposes) for which the furniture will be used which must be for use by the licence holder to sell or serve food or drink and/or for use by other people for the consumption of food or drink supplied from, or in connection with, relevant use of the premises
- Specify the days of the week on which and the hours (in 24hr clock format) 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, of at least £5 million, in respect of anything to be done pursuant to the licence
- A copy of a completed public notice – see paragraph 5.8 – and
- The application fee which is paid by calling the customer services team on 01923 776611

5.3 The applicable fee, details of which are available on the council's [website](#), must be paid when the application is submitted. If an application is withdrawn or refused, the fee will not be refunded because it covers the cost of administering the application.

5.4 Applicants must ensure that the proposed outside area complies with the maximum capacity permitted by the premises' fire risk assessment and any other relevant business risk assessments, including those relating to infection control. The council may seek evidence of compliance during the application and determination process.

5.5 There must be a separate application relating to each individual premises for which a pavement licence is sought.

- 5.6 Applicants must display a notice at the premises on the day the application is submitted. The notice must then remain on display for 14 consecutive days, beginning on the day after submission. For example, if an application is submitted on the first day of a month, the notice must be displayed that day and remain in place from the second to the fifteenth day; it may be removed on the sixteenth day.
- 5.7 The notice must be clearly visible and easy to read from outside the premises throughout the display period. It must not be obscured by shutters, advertisements or other external displays. If the notice is damaged or misplaced, it or a fresh copy must be restored as soon as possible. If officers consider that the application has not been advertised satisfactorily, they may require the notice to be displayed for a further 14 consecutive days.
- 5.8 A specimen public notice for applicants to use is available from the council's [website](#).
- 5.9 In addition to the notice at the premises, the council is required to place a similar notice on Three Rivers District Council [website](#). The council will include the plans supplied with the application to allow interested parties to fully understand what the application is seeking to permit. Current notices for pavement licence applications subject to consultation can be found on the council's website on the [Licensing Consultation page](#).

6 Public consultation

- 6.1 Each application is subject to a public consultation lasting 14 calendar days, excluding public holidays. Any person may submit representations during this period.
- 6.2 The council shall directly consult the following parties on applications made under the Policy:
- Hertfordshire County Council acting as the Highway's Authority
 - Hertfordshire Constabulary
 - Three Rivers District Council Environmental Health
 - Parish Council covering the location of the premises to which the application relates
 - Three Rivers Council ward member(s) covering the location of the premises to which the application relates
 - Any groups specifically convened to consider the economic viability/recovery of town centres in Three Rivers if and when there is such a group covering the location of the premises to which the application relates.
- 6.3 Representations must be submitted in writing during the statutory consultation period. They may be sent by post to the Licensing Team, Three Rivers District Council, Three Rivers House, Northway, Rickmansworth WD3 1RL, or by email to licensing.team@threerivers.gov.uk.

7 Determination of applications

- 7.1 The council must determine a pavement licence application within 14 calendar days after the consultation period ends. A pavement licence may be granted for up to two years.
- 7.2 If the council does not determine an application within that period, the application is deemed granted for 24 months. Tacit consent therefore applies. An applicant who has not received a decision within 14 calendar days of submitting a valid application may assume that the application has been granted.
- 7.3 The Council's Head of Regulatory Services has authority to delegate decisions made by officers when determining applications for pavement licences in line with the Policy.
- 7.4 All applications shall be determined under the terms of the Policy, including any appendices or attachments to the Policy.
- 7.5 The matters that will be considered when determining an application include:

- Health and safety of the public and anyone working within the area for which a licence is requested
 - Public amenity, that is, the impact of what has been applied for on the comfort, convenience or enjoyment of the public
 - Accessibility within the proposed licensed area and in any other area that would be affected if the licence were granted
 - Whether there is already permanent street furniture or structures that impact access to, from or around the area for which a licence is being sought
 - Any other temporary measures that are in place that may be relevant
 - The maintenance of minimum footway widths.
- 7.6 When assessing minimum footway widths, the council will normally require an unobstructed width of at least two metres. This will be measured from the boundary of the proposed pavement licence area to the nearest kerb or item of street furniture, such as an electrical cabinet, tree, cycle rack or bus stop. This minimum is intended to maintain safe, unobstructed pedestrian movement. The council may vary the requirement to reflect the characteristics of a location or representations received during consultation. Decisions will also take account of the recommended highway widths in the government's 'Inclusive Mobility'¹ guidance, particularly section 3.
- 7.7 The safety of pavement users is paramount. Applications are therefore unlikely to be granted where they would result in:
- (a) pedestrians being forced or encouraged to cross a footway in a dangerous manner and/or
 (b) a risk to disabled people on the highway are unlikely to be granted.
- 7.8 The council shall grant a licence only where it considers that to do so would not pose or exacerbate one or more of the following risks:
- Unnecessary obstruction of the highway
 - Unnecessary obstruction of the premises or any nearby premises
 - Prevention of statutory undertakers or communication network operators, or their contractors, from having access to appropriate plant or equipment either in, on, or over the highway.
- 7.9 The legislation allows the council to attach bespoke conditions that it considers reasonable to address or mitigate concerns raised in representations. Such conditions may include granting a licence for a smaller area, shorter hours, fewer tables, chairs or other items of furniture, or a limited duration.
- 7.10 Furniture must be capable of being removed from the highway once the terminal hour of the licence has been reached, therefore, the legislation does not give the council the power to grant permission for any furniture that is fixed to the highway.
- 7.11 It shall be implicit in any licence granted that the holder accepts that any damage to the highway by the licence holder in pursuance of the licence must be repaired by the licence holder at their own expense.
- 7.12 All licences will be granted subject 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 and any conditions specified by the Secretary of State in Regulations (although to date there has not been a need to do so).
- 7.13 Every licence, whether or not it includes bespoke conditions, will also be subject to the council's standard pavement licence conditions in Schedule 1 of this Policy.

7.14 Should a condition published by the Secretary of State conflict with a condition attached by the council, regardless of whether it is a standard condition or bespoke condition, the more restrictive condition shall take precedence.

7.15 In summary, the council's options when determining an application are:

- Grant the licence as requested in the application
- Grant some but not all elements of the application, making clear which elements are not granted and the reasons for this
- Grant a licence with all or some of the elements requested while at the same time imposing conditions, making clear what those conditions are and the reasons for them or
- Refuse the application.

8 Enforcement and revocation

8.1 The council takes the safe implementation of pavement licences seriously. If a condition imposed by the council or nationally is breached, the council may issue a Remediation Notice requiring the breach to be remedied. If the licence holder fails to comply, the council may:

- Amend the licence, with the consent of the licence holder
- Revoke the licence or
- Take steps to remedy the breach and recover the associated costs.

8.2 The council has the power to revoke a licence, or amend it with the consent of the licence holder, in the following circumstances:

- If the council considers that the highway is no longer suitable for the use as granted by or deemed to be granted by the licence. For example, the licenced area (or road adjacent) is no longer to be pedestrianised or
- If there is evidence that:
 - There are risks to public health or safety, for example 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 no-obstruction condition, for example, the arrangement of street furniture prevents disabled people, older people or wheelchair users to pass along the highway or have normal access to the premises alongside the highway or
 - The use of the licence is causing, or risks causing, anti-social behaviour or public nuisance, for example, the use is increasing the amount of noise generated late at night and litter that is not being cleaned up.

8.3 The council has the power to revoke a licence in the following circumstances:

- For a breach of condition, whether a remediation notice has been issued or not, or
- It comes to light that the applicant provided false or misleading statements in their application, for example the applicant is 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 of the application or secure that the notice remains in place until the end of the public consultation period.

8.4 If the council revokes a licence, it will give its reasons, making clear where its powers have been used.

- 8.5 If a licence is revoked, the holder has no right to a refund of the original application fee.
- 8.6 Once a licence has been revoked, any re-application will only be considered if the premises has changed ownership or management, or a period of three (3) months has elapsed from the date of revocation.

9 Removal of unauthorised furniture

- 9.1 Where furniture that would normally require a pavement licence has been placed on a relevant highway without one, the council will issue a warning giving the business seven days to apply for the required licence.

- 9.2 If the business does not comply, the council may serve a notice requiring the furniture to be removed by a specified date and prohibiting further placement on the highway unless a licence is obtained.

9.3 Disposal

- 9.3.1 If furniture continues to be placed on the highway in breach of the notice, the council may remove and store it, recover the costs of removal and storage from the business, and retain the furniture until those costs have been paid.

- 9.3.2 After three months, the furniture will be deemed to be legally owned by the council, which may dispose of it as it considers appropriate.

- 9.3.3 Where an item is destroyed, its previous owner is responsible for the destruction costs.

- 9.3.4 If the furniture is not collected within three months, the council will invoice the business for the total amount due. The invoice must be paid within 28 days. If it remains unpaid after that period, the council will charge interest at 5% of the outstanding sum for each day it remains unpaid.

- 9.3.5 The council will take all reasonable steps to recover the costs and may, where necessary, instruct its appointed debt recovery agent.

- 9.3.6 Where a business has an unpaid debt under this section, the council may take that debt into account when considering the business's suitability to hold any existing or future licence.

9.4 Settlement and payment plans

- 9.4.1 The council may agree an appropriate payment plan at any time with a business that owes money under the provisions above.

- 9.4.2 Where a business seeks to recover its furniture and apply for the appropriate licence, the council may consider a suitable reduction in the amount payable, provided its costs are covered.

10 Departure from the Policy

- 10.1 This Policy is the starting point for decision-making. The council will have regard to it when determining pavement licence applications and considering revocation, but each case will be decided on its individual merits. Applications that fall outside the Policy's requirements will receive full consideration. However, departures will normally be limited to exceptional circumstances where the council is satisfied that granting the licence would not cause unnecessary obstruction and that the recommended pavement widths in part 3 of the ['Inclusive Mobility'2 guidance](#) can be maintained.

- 10.2 Where the council departs from this Policy, it will provide clear and compelling reasons. The Head of Regulatory Services, or another officer with delegated authority to determine applications or revocations, may authorise a departure where appropriate in the circumstances of the case.

11 Renewal and variation

- 11.1 Legislation and guidance do not provide a separate process for varying a pavement licence. A licence holder wishing to vary a licence while it is in force must therefore follow the full application process set out in this Policy, including submitting the application form and supporting documents and paying the application fee.
- 11.2 To avoid interruption to the use of the pavement, an application to renew a licence must be submitted sufficiently before the existing licence expires, taking account of the timetable in sections 5, 6 and 7. If a licence expires, the premises must obtain a new licence before tables, chairs or other furniture may again be placed outside.
- 11.3 Any premises wishing to vary the terms of their existing pavement licence will be required to apply for a new licence and the full application process shall apply.

12 Right of appeal

- 12.1 There is no statutory right of appeal.
- 12.2 If an application is refused, including an application for renewal or variation, the council will explain the reasons and give the applicant an opportunity to address them and submit a revised application. A new fee will ordinarily be required unless the council exercises its discretion to waive it. To reduce the risk of refusal, applicants should engage with consultees and neighbouring residents or businesses as early as possible.
- 12.3 If a licence is revoked under section 8, the council will clearly explain the reasons. The business may apply for a new licence if ownership or management has changed, or three months have elapsed since revocation. Any new application should address the reasons for revocation and involve consultees and neighbouring residents or businesses at the earliest opportunity.

13 Transfer or surrender of a pavement licence

- 13.1 A pavement licence granted under this Policy cannot be transferred. If a new operator takes over the premises, they must apply for and obtain a new pavement licence. Tables, chairs or other furniture must not be placed outside the premises until the new licence has been granted or deemed granted.
- 13.2 A licence holder may surrender a pavement licence at any time by notifying the council in writing. Notice may be sent by email to licensing.team@threerivers.gov.uk. No refund of the original application fee will be made when a licence is surrendered.

14 Complaints

- 14.1 Complaints about a pavement licence or business may be submitted to the Licensing Authority at licensing.team@threerivers.gov.uk. The council will record each complaint and investigate it as appropriate.

Schedule 1: Pavement Licence Standard Conditions

1. A summary of this licence, as provided by the licensing authority, must be displayed on the premises where it can be seen from outside of the premises at all times that the premises are open to the public. Should the licence summary be lost or damaged, a replacement licence summary must be requested from the council as soon as possible.
2. This permission shall run for [2 years or a shorter period specified by the council] from date of grant.
3. The licence holder shall not place on the highway any furniture or equipment or advertisement other than as specified in this licence and shall maintain the same in a neat tidy and safe condition and shall not place them so as to obstruct the access to or exit from any premises.
4. All furniture shall be removed from the highway within 30 minutes of the end of the licensed hours and shall not be placed on the highway until a maximum of 30 minutes before permitted hours start.
5. All furniture shall be removed from the licensed area whenever the premises are not open to the public.
6. All furniture must be stored on private property and cannot be kept on the highway when not in use.
7. The licence holder shall leave the highway in a neat and tidy condition after removing all furniture from the highway at the end of permitted hours.
8. The licence holder shall not cause any unnecessary obstruction of the highway or danger to persons using it.
9. The licence holder shall not permit persons benefitting from the licence to cause a public nuisance or anti-social behaviour. Where the licence holder employs any person to ensure the safety and security of the premises and its customers, such persons must be licensed by the Security Industry Authority.
10. The licence holder shall not permit persons to gather in any way that is in contravention of any legislation or regulations in force temporarily or permanently with the purpose of minimising the spread of disease and/or safety related to terrorism or crime.
11. The licence holder shall not use or permit any public playing of music, reproduction or sound amplification apparatus or any musical instruments radio or television receiving sets in the area covered by this licence and must not provide such for persons within the licensed area from outside the licensed area.
12. The licence holder shall not make any excavations or indentations of any description whatsoever in the surface of the highway or place or fix equipment of any description within the surface of the highway.
13. The licence holder shall maintain the permitted area and the immediately adjacent area in a clean and tidy condition during the permitted hours. Litterbins or similar flame-retardant receptacles for litter and ash shall be provided within the licensed area and removed at the end of permitted hours.
14. Nothing herein contained shall be construed as the grant or purported grant by the council of any tenancy protected by the [Landlord and Tenant Act 1954](#) or any statutory modification or re-enactment thereof for the time being in force save as for those set out in the [Business and Planning Act 2020](#) or other relevant legislation.

15. If so requested in an emergency by an authorised officer of the council, Police officer, Fire Brigade officer, paramedic, statutory undertaker, or communications network operator, the licence holder shall remove the furniture permitted under this licence from the highway.
16. If so requested by the highway authority where use of the area is required for maintenance or other purpose the licence holder shall remove the furniture permitted under this licence from the highway.
17. If so requested by the council the licence holder shall remove the furniture permitted under this licence from the highway or refrain from putting the furniture on the highway on any particular given dates. Such notice shall be given to the licence holder in writing a minimum of 7 calendar days in advance.
18. The council may remove, store, dispose of and charge to the licence holder any associated charges for:
 - (i) any structures placed by the licence holder on the highway but not authorised by this licence and
 - (ii) any structures authorised by this licence but placed by the licence holder on the highway outside the permitted hours or outside the permitted area and the council shall not be responsible to the licence holder for the safe keeping thereof.
19. The licence holder shall observe and comply with any reasonable directions in relation to the use of the highway given from time to time by or on behalf of the council.
20. The licence holder shall provide suitable barriers around the licensed area but only such as shall have been firstly approved by the council unless it has previously been determined by the council that they are not needed.
21. The licence holder shall comply with the 'no-obstruction' condition and 'smoke-free seating' condition set out in the [Business and Planning Act 2020](#) and all conditions specified by the Secretary of State under the Business and Planning Act 2020.
22. The licence holder shall comply with the standard conditions of the Three Rivers Pavement Policy and requirements of the Business and Planning Act 2022.
23. The licence holder shall indemnify and keep indemnified the council against all actions proceeding claims demand and liability in respect of personal injury, damage to goods or property, or any loss arising out of the grant of this licence and the licence holder's use of the land and for this purpose must take out at the licence holder's expense a policy of insurance approved by the council in the sum of at least £5 million in respect of any one event.
24. No disposable sachets or disposable containers shall be provided within the licensed area.
25. All menus shall be enclosed in weighted folders/holders.
26. If paper serviettes are to be provided, they must be enclosed within a dispenser and be specifically identifiable to the premises.
27. No leaflets or other forms of advertisement or other printed material shall be left or distributed within the licensed area.

