

# City of London

## Alfresco eating and drinking under the Business and Planning Act 2020

July 2024



## Contents

Paragraph	Title	Page
	Foreword	3
1	Introduction	4
2	Legal Background	5
3	Scope for pavement licensing in the City of London	5
4	Definitions	8
5	Other regulatory consents	9
6	Application process	10
7	Application fee	12
8	Consultation	13
9	Determination	13
10	Duration of licence	15
11	Conditions	15
12	Enforcement/Revocation	15
13	Counter Terrorism Advice	16
14	Managing Outside Eating and Drinking	17
	Appendices	
Appendix A	City of London Standard Conditions	19
Appendix B	Default No Obstruction Conditions	20
Appendix C	Site Notice Template	22
Appendix D	Counter Terrorism Advice for Risk Assessment	23

Foreword

Wording TBC by Chairmen of P&T and Licensing committees

## 1. Introduction

- 1.1. The City of London Corporation (the City Corporation) is the governing body of the Square Mile, which has a global status as a financial powerhouse and is home to a world-leading business district. It also has a vibrant and thriving hospitality offer, with a range of outstanding restaurants, cafes, hotels, pubs, and bars, and an unrivalled history and heritage with a plethora of national cultural landmarks and icons.
- 1.2. Through its Corporate Plan 2024-2029, the City Corporation is dedicated to delivering its licensing service within the context of the '*Vibrant Thriving Destination*' and '*Flourishing Public Spaces*' outcomes, attracting businesses and people to safe, secure, and dynamic locations. It has committed to using its planning and licensing powers to create new, inclusive public spaces that are welcoming for all, and provide a leisure offer where everyone prospers.
- 1.3. The City Corporation's Destination City Programme sets out a vision for the Square Mile to become a world-leading leisure destination for UK and global visitors, workers, and residents to enjoy. The programme proposes radical changes to the Square Mile's streets, with wider pavements, al-fresco dining, and first-class infrastructure for pedestrians and cyclists.
- 1.4. The City Corporation's Transport Strategy sets out how the City's streets will be designed and managed to prioritise the needs of people walking and deliver a public realm that inspires and delights, ensuring streets are accessible to all and provide an attractive space for the City's diverse community to come together.
- 1.5. Outdoor dining is a key feature to the economic growth of the hospitality sector and the City of London has seen an increased demand for outside space by businesses wanting to place tables, chairs, and other furniture associated with the sale and consumption of food and drink, on the highway to attract customers and boost trade. The City Corporation recognises the positive contribution and vibrancy that outdoor hospitality brings to its streets, creating attractive and successful places for people to socialise in.
- 1.6. This policy statement sets out the framework within which the City Corporation will consider the grant of pavement licences under the provisions of the Business and Planning Act 2020.
- 1.7. Through this policy, which has regard to the Public Sector Equality Duty under the Equality Act 2010, the City Corporation seeks to balance the need to support businesses in optimising the use of external space with that of:
  - a) providing safe, accessible, inclusive, and comfortable spaces for pedestrians
  - b) addressing the needs of those with disabilities, or those, for example, with children in pushchairs
  - c) ensuring that no noise from use of external areas causes a public nuisance to persons living or working in the area.

## 2. Legal Background

- 2.1. Part 1 of the Business and Planning Act 2020 (the Act), sets out the provisions that enable businesses to obtain permission, in the form of a pavement licence, to place removable furniture such as tables and chairs on the pavement adjacent to their premises, for the purposes of selling, serving, and permitting the consumption of food or drink, supplied from, or in connection with the use of the premises.
- 2.2. In exercising its functions under Part 1 of the Act, the City Corporation must have regard to guidance issued by the Secretary of State, and this policy aligns with the Government's published guidance on pavement licences.

## 3. Scope for pavement licensing in the City of London

- 3.1. **City Streets:** With a unique street layout, often comprising of narrow lanes following their original medieval design, surrounded by large high-rise buildings and with high volumes of pedestrians, the Square Mile faces many challenges which are not present in other areas of London.
- 3.2. **Footfall:** The City of London has a high footfall level of circa 500,000 workers daily, so it is important to maintain an accessible and safe pedestrian comfort level for the public.
- 3.3. When considering whether to issue a pavement licence, the City Corporation will have regard to the following principles:
  - a) **Accessibility:**
    - the width of the highway and the needs of disabled people
    - suitable access to all members of the public using the highway, e.g. the visually impaired, or those using wheelchairs, mobility scooters, and pushchairs.
    - any need for barriers to separate furniture from the rest of the footway so that the visually impaired can navigate around furniture.
    - any conflict of street furniture with the principal lines of pedestrian movement particularly for disabled people, older people, and those with mobility needs.
    - the volume of pedestrian footfall especially at peak times
    - the presence of existing street furniture
  - b) **Public safety:**
    - the proximity and nature of any road junctions and pedestrian crossings
    - any counter terrorism mitigations
    - the potential for localised overcrowding of the highway
    - the risk of people stepping into the carriageway

- the number of other permissions issued for areas in or near the proposed permitted area.
- c) **Public amenity:**
- protecting the character of historic areas and buildings
  - the location of schools
  - the location of any new or existing public seating or spaces nearby.
- d) **Public nuisance**
- the potential to create nuisance to neighbouring occupiers through noise, anti-social behaviour, or litter.
- e) **Public Highway**
- any temporary or permanent changes to the existing street layout as a result of public realm / highways works.

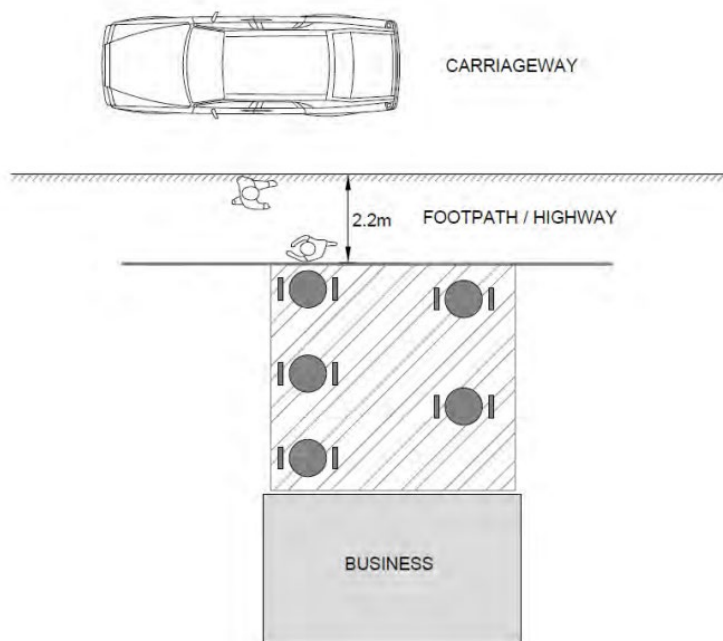
#### 3.4. **Pedestrian comfort level and unobstructed footway width:**

- a) As a guide, the City Corporation recommends that a minimum width of 2.2 metres should be maintained on all footways for pedestrian use. This means that where a business occupies pavement space with furniture, there must be a minimum of 2.2 metres of unobstructed space between the edge of the furniture and the edge of the pavement or to the edge of another obstruction (e.g. bike rack).
- b) In exceptional circumstances, a pavement licence may be considered where there is less than 2.2m of unobstructed highway but it will be for the applicant to justify why the City Corporation should depart from its policy, considering the standards set out in subparagraphs (c) and (d) below, to ensure sufficient space for the safe, accessible, and comfortable movement of people. Each application will be determined on its own merits.
- c) In determining accessibility, the City Corporation will apply the standards recommended in the [Department for Transport Inclusive Mobility guide](#).
- d) In determining comfort levels, the City Corporation will apply the minimum level of B+ as recommended in [Transport for London's Pedestrian Comfort Guidance](#) and incorporated in the City of London Transport Strategy. This provides enough space for people to feel comfortable when walking at a typical pace and for them to be able to choose where to walk. Below this level, conflicts between people walking become frequent, walking is increasingly uncomfortable and frustrating and can lead to people stepping into the carriageway.
- e) In some areas where footfall is generally higher, for example around London Underground and National Railway station entry/exit points, an unobstructed footway of more than 2.2 metres may be required, or licences might be time-limited to avoid busy times. This is to prevent

footways from becoming congested. Each application will be considered on its own merits.

- f) Where a pavement licence has been granted with a minimum 2.2 metre of unobstructed footway and there is evidence of congestion on that footway to the detriment of pedestrian safety or comfort, the City Corporation may require that some or all the furniture is removed from the pavement to facilitate the safe and comfortable flow of pedestrians.

3.5. Many City streets are too narrow to accommodate pavement licences whilst meeting the minimum restrictions set out in paragraph 3.4 above. Unless exceptional circumstances apply, applications should only be made in respect of City streets which are wide enough to accommodate furniture and maintain a minimum of 2.2 metre width for pedestrians passing in either direction. This illustration sets out the City Corporation's requirements:



- 3.6. **Licensing Hours:** The City Corporation will generally only consider applications for pavement licences between the hours of 07:00 and 23:00. This is to minimise the potential for crime and disorder and public nuisance.
- 3.7. Where the proposed site is in close proximity to residential or other sensitive receptors, a later start or earlier end hour may be specified by the licensing authority.
- 3.8. If a request is made for a pavement licence outside the hours of 07:00 and 23:00, the applicant must provide a statement with their application setting out reasons why the City Corporation should deviate from this policy.

## 4. Definitions

### 4.1. Pavement licence:

A pavement licence is a licence granted by the City Corporation, or deemed to have been granted, which allows the licence-holder to place removable furniture on part of a relevant highway adjacent to the premises in relation to which the application was made. A licence permits the holder to use furniture placed on the highway to sell or serve food or drink and/or allow it to be used by persons for consumption of food or drink supplied from, or in connection with the use of the premises.

### 4.2. Eligible persons / businesses:

- a) A person (includes a body corporate) who uses or proposes to use any premises (a) as a public house, wine bar or other drinking establishment, or (b) for the sale of food or drink for consumption on or off the premises can apply for a licence. Eligible businesses include public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours.
- b) Businesses that do not use their premises for the sale of food or drink, e.g. hair salons or opticians, are not eligible for a pavement licence.

### 4.3. Eligible locations:

- a) Licences can only be granted in respect of highways listed in Part 7A of the Highways Act 1980. Generally, these are footpaths restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited. In the City of London this includes the footpaths, certain carriageways, and city walkways<sup>1</sup>.

<sup>1</sup> City Walkway can sometimes refer to private land maintained by the City Corporation through legal agreement. In such cases the applicant will need to provide written consent from the landowner and/or occupier before a licence can be granted.

- b) Highways maintained by Network Rail or over the Crown land are exempt so a licence cannot be granted.
- c) A pavement licence will not be considered on a live road or carriageway to which vehicles have access. There may be potential to time restrict vehicular access and/or fully pedestrianise roads through a Traffic Management Order under the Road Traffic Regulations Act 1984, and such order would need to be sought and issued in advance of a pavement licence application.

### 4.4. Furniture: Furniture that may be used includes:

- a) counters or stalls for selling or serving food or drink;
- b) tables, counters or shelves on which food or drink can be placed;
- c) chairs, benches<sup>1</sup> or other forms of seating that meet accessibility standards;



- d) umbrellas, planters, barriers<sup>2</sup>, heaters<sup>3</sup> and other articles used in connection with the outdoor consumption of food or drink;

<sup>1</sup> **Benches** generally do not meet accessibility standards and permission for these will likely not be granted by the City Corporation.

<sup>2</sup> **Barriers** - it is the City Corporation's policy not to permit poles and barriers as they provide additional obstructions in our narrow streets. However, in exceptional circumstances, some barriers may be considered where they assist in containing customers within the authorised area or they provide visual or fully rated mitigation from vehicle attack.

**Barriers must not contain any advertising material.**

<sup>3</sup> **Heaters** - in order to support the hospitality sector during the winter months, the City Corporation will allow patio heaters. For environmental reasons, it is preferable to use zero / low carbon emitting electric heaters although gas heaters will be permitted if there is no easy electric supply to the pavement licensed area. Where it is proposed to use patio heaters, a risk assessment must be submitted with the application.

- 4.5. The furniture must be removable, which in principle means it is not a permanent fixed structure, is able to be moved easily and stored away at night.
- 4.6. Businesses that wish to place non-removable/fixed furniture on the highway must apply for permission under the Highways Act 1980.
- 4.7. Advertising boards or (A Boards) are not included in the definition of furniture within the pavement licence regime.

## 5. Other regulatory consents

- a) **Sale of alcohol:** Where a business has a premises licence to sell alcohol under the Licensing Act 2003, the sale of alcohol does not automatically extend to the external area covered by a pavement licence. If a business wants to sell alcohol in the pavement licence area, they must apply to vary their premises licence to permit this.
- b) **Food registration:** food businesses must have a food premises registration with the City Corporation.
- c) **Planning Permission:** A pavement licence when granted, or deemed to be granted, benefits the licence holder with deemed planning permission to use the land for anything done pursuant to the licence whilst the licence is valid.
- d) **Street Trading:** Anything done by the licence holder under the terms of a pavement licence will not be street trading for the purpose of the City of London (Various Powers) Act 1987 as amended by the City of London (Various Powers) Act 2013.
- e) **Public Sector Equality Duty:** Any business that applies for a pavement licence will also need to have regard to their duties under the Equality Act

2010, such as their duty under section 29 of the Act not to discriminate in providing their service and the duty to make reasonable adjustments.

## 6. Application process

### **First time licence grants and all applications made by existing licence holders (with the exception of renewals<sup>1</sup>)**

6.1. An application is considered to be a first-time licence grant if it is made by:

- a) a person or company who does not already hold a licence, or
- b) the application is in respect of premises for which the applicant does not hold an existing licence<sup>2</sup>.

6.2. An application is considered to be made by a person or company who already holds a pavement licence if:

- a) it is in respect of premises to which an existing licence relates, and
- b) the licence holder is seeking a separate/second licence for an area not already covered by the existing licence, or
- c) the licence holder is seeking to amend the terms and conditions<sup>3</sup> of the licence either at the point of renewal or at any time during the duration of the licence.

<sup>1</sup> there is a separate, streamlined renewals process for existing licence holders seeking to renew their pavement licence on the same terms and conditions as before (paragraphs 6.4 – 6.6 below)

<sup>2</sup> there is no power within the Act to transfer a pavement licence. If the business is sold, the new owner must apply for a new licence grant.

<sup>3</sup> there is no power within the Act to vary a pavement licence. If an existing licence holder wishes to amend the terms and conditions of their licence, this must be made as an application for a new licence but will be subject to the fee applicable to an existing licence holder.

6.3. The following information must be provided as part of the application:

- a) Applicant details including name and address.
- b) Business premises details including trading name, address, and purpose for which the furniture will be used.
- c) Details of the relevant highway area to be used by the business.
- d) Where the land is City Walkway, evidence that the applicant has permission of the owner.
- e) A location plan of the premises with the proposed area of highway to be used shown by a red line, so the application site can be clearly identified, together with:
  - The positions and number of proposed tables and chairs, together with any other furniture to be placed on the highway.

- The plan does not have to be to scale but it must include clear measurements of, for example, furniture, pathway width/length, building width and any other fixed item in the proposed area. **See illustration in paragraph 3.5 above.**
  - Fire exits of premises as well as those of neighbouring properties if affected by the area of highway to be used.
- f) Description of and photos or brochure images showing the proposed type of furniture and information on potential siting of it within the area applied. **Where possible furniture should be non-reflective and of reasonable substance such that it cannot easily be pushed or blown over by the wind, and thereby cause obstruction.**
- g) Proposed days and hours of highway use for the placing of furniture
- h) 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);
- i) A declaration that the applicant has a current certificate of public liability insurance against the insured's legal liability for death of or bodily injury to or disease contracted by a third party and/or loss of or damage to a third party properly arising out of or in the course of or in connection with the carrying out of the insured's business at the application premises and pavement licence site:
- Inclusion of an indemnity to Principals Clause operative at the request of the insured.
  - A minimum limited of indemnity for any one occurrence of £5,000,000.00

### **Renewal applications**

- 6.4. An application is considered to be a renewal application if:
- a) it is made by the existing licence holder, and
  - b) it is in respect of premises to which the existing licence relates, and
  - c) it is made before the expiration of the existing licence, and
  - d) it is for the licence to begin on the expiry of the existing licence and on the same terms.
- 6.5. The following information must be provided as part of the application:
- a) applicant details including name and address.
  - b) business premises details including trading name and address.
  - c) the licence number of their existing licence

- d) a declaration that they are applying to renew the licence on the terms as existing.
  - e) a declaration that their certificate of public liability insurance is still valid and provide the certification number.
- 6.6. There is no deemed continuation of a pavement licence beyond its expiry date. Licence holders should therefore apply to renew their licences at least 28 days in advance of the expiry of their existing licence to ensure there is no unlicensed period when furniture can't be placed on the highway.
- 6.7. If a licence holder fails to apply to renew their licence before the expiry date of the existing licence, they must apply for a new licence.

### **All applications**

- 6.8. All applications must be made to the City Corporation using our online platform at [www.cityoflondon.gov.uk](http://www.cityoflondon.gov.uk).
- 6.9. An application will only be deemed valid when submitted in the correct manner as set out above, with all sections of the form completed and it is submitted with all required documents and the statutory fee. If the supporting material is incomplete, the statutory timelines will not commence until the application is deemed valid by the licensing authority.

### **Change of circumstances**

- 6.10. If a licence holder's name or address changes, e.g. company change of registered office address, this does not require an application to be submitted, but it should be notified to the City Corporation by way of email at [licensing@cityoflondon.gov.uk](mailto:licensing@cityoflondon.gov.uk) so that the licence document can be updated.

## **7. Application Fees**

- 7.1. **First time licence grants** (as defined in paragraph 6.1 above):

The application fee is £500.

- 7.2. **Applications made by existing licence holders in respect of premises to which that licence relates** (as defined in paragraph 6.2 above):

The application fee is £350.

- 7.3. **Renewal applications** (as defined in paragraph 6.4 above):

The application fee is £350.

## 8. Consultation

- 8.1. The applicant is encouraged to talk to neighboring businesses and occupiers prior to applying to the local authority, and to take any issues around noise, and nuisance into consideration as part of the proposal.
- 8.2. A public consultation period of 14 days will commence the day after a **valid application** is made to the City Corporation. Bank holidays, Christmas day and Good Friday will not be counted as part of the 14 days.
- 8.3. The City Corporation will publish the application on its website during the 14-day consultation period. The last date for representations will be made clear and representations will not be accepted after this date.
- 8.4. The applicant must fix a notice of the application to the premises so that it is readily visible and can be read easily by members of the public for the duration of the 14-day consultation period. A template is attached as Appendix C. **The applicant must email the City Corporation evidence that the notice has been fixed.**
- 8.5. In addition to the statutory consultation with the Highways Authority (where the authority is not the City Corporation), the following will also be consulted:  
  
City of London Police  
City of London Counter Terrorism Security Advisors  
Pollution Control Team  
Commercial Environmental Health Team  
Access Team  
City Surveyors  
Street Environment Team  
Planning & Transportation Team  
Other agencies as required by the individual merits of an application.
- 8.6. Applications will also be added to the licensing application bulletin email for wider distribution.
- 8.7. During the consultation period, representations relating to the application may be made by any person or interested party. The City Corporation must consider any representations received during the public consultation period when determining the application.

## 9. Determining the application

- 9.1. A site assessment may be carried out by an authorised officer to ensure that no obstruction to the highway would be caused by licensing the proposed site. The site assessment will take into consideration some or all of the principles and criteria set out in paragraph 3, and the conditions set out in paragraph 11.

- 9.2. Any representations made during the consultation period will be taken into consideration. Representations that do not relate directly to the granting of a pavement licence may be given less weight when determining an application. Representations received outside the consultation period will be disregarded.
- 9.3. The City Corporation may
- a) grant the licence in respect of any or all of the purposes specified in the application,
  - b) grant the licence for some or all of the part of the highway specified in the application, or
  - c) reject the application.

Any licence granted will be subject to the City Corporation's published standard conditions.

- 9.4. The City Corporation must determine an application within a 14-day determination period. Decisions will be communicated to the applicant by way of email before the determination period ends. Where an application is partly granted or rejected, reasons will be set out in the decision letter.
- 9.5. If the City Corporation does not determine an application by the end of the 14-day determination period, the licence is deemed to be granted by the City Corporation.
- 9.6. A person may apply for further pavement licences in respect of the same premises, provided that the determination period for any previous application made has ended.
- 9.7. A licence holder may surrender a pavement licence at any time by email notification to the City Corporation at [licensing@cityoflondon.gov.uk](mailto:licensing@cityoflondon.gov.uk) . If a fee has been paid for the licence, there will be no refund of the fee where a licence is surrendered.
- 9.8. The City Corporation will reject a pavement licence where the site is deemed unsuitable or unsafe having applied the criteria set out in paragraph 3, the conditions in paragraph 11 cannot be met, or if representations are made which raise issues that cannot be mitigated by way of conditions. If a fee has been paid, it will not be refunded where an application is rejected.
- 9.9. There is no statutory right of appeal against a decision to partly grant or reject an application. If an applicant is aggrieved by the Licensing Service determination of their pavement licence application, or they consider there to be exceptional circumstances to justify a departure from this Policy, they can request an internal review before a sub-committee consisting of members drawn from the City Corporation's Planning and Transportation and Licensing Committee members. Such requests should be sent to the Licensing Service at [licensing@cityoflondon.gov.uk](mailto:licensing@cityoflondon.gov.uk) setting out clear reasons

for the review. The Licensing Service will arrange for sub-committee meeting to be convened within 20 working days of the request, which the applicant will be invited to attend and present their case.

## 10. Duration of licence

- 10.1. New pavement licences will usually be granted for a period of 12 months, commencing the day after the last date for determination, unless a shorter period is specified on the application.
- 10.2. Where there are plans for future changes in the use of road space, or other good reasons are identified during the consultation process, a licence may be granted for a shorter period of time. In such circumstances, the duration of licence will be determined on the individual merits of the application.
- 10.3. If the City Corporation fails to determine an application for a new licence before the last date for determination, the licence will be deemed granted for a period of 24 months, commencing the day after the last date for determination.
- 10.4. Renewal licences will be issued for a period of 12 months commencing the day after the expiry of their existing licence.

## 11. Conditions

- 11.1. All conditions set out in this section will apply to any pavement licence granted or deemed to have been granted by the City Corporation.
- 11.2. **City of London Standard Conditions:** The City Corporation's standard conditions applicable to all pavement licences granted or deemed granted are attached as Appendix A.
- 11.3. **Default Conditions as set out Section 5(4) and 5(6) of the Act:** The default 'no obstruction' and 'smoke-free seating' condition is set out in Appendix B.
- 11.4. **National Conditions as provided by the Secretary of State:** The Secretary of State, in exercise of his powers under [clause 5(8)] of the Act, may make provisions for national conditions by way of regulation.
- 11.5. The City Corporation may impose additional conditions to a pavement licence as it considers reasonable and appropriate to a particular case, with the exception of licences deemed to be granted which are subject only to conditions published before the application was made.

## 12. Enforcement/Revocation of licence

- 12.1. If the licence-holder breaches any condition of a pavement licence the City Corporation may serve a notice on the licence holder requiring measures to be taken to remedy the breach as specified within the notice and within a

specified time scale. If the licence holder fails to comply with the notice, the City Corporation may:

- a) amend the licence with the consent of the licence holder.
- b) take the steps itself to remedy the breach and recover the costs of doing so from the licence holder.
- c) revoke the licence (whether or not a remediation notice has been issued)

12.2. The City Corporation may revoke the licence, or amend it with the licence holder's consent where:

- a) some or all of the part of the relevant highway has become unsuitable for any purpose in relation to which the licence was granted or deemed to be granted;
- b) there are risks to public health and safety or accessibility – for example, a significant security risk has come to light or where increased footfall in an area gives rise to congestion on the highway and the furniture is considered to be an obstruction to the safe, comfortable and accessible movement of pedestrians;
- c) there is anti-social behaviour or public nuisance – for example, the use is increasing the amount of noise generated and litter is not being cleaned up;

12.3. The City Corporation may also revoke the licence if:

- a) the highway is being obstructed (other than by anything permitted by the licence);
- b) it comes to light that the applicant provided false or misleading statements in their application; or
- c) the licence holder did not comply with the requirement to affix the notice to notify the public for the relevant period.

12.4. If furniture is placed on the highway without the authorisation of a pavement licence, the City Corporation will give notice to the business requiring it to remove the furniture before a date specified and to refrain from putting furniture on the highway unless they gain a licence. If furniture continues to be placed on the highway, in violation of the notice, the City Corporation may remove and store the furniture, recover the costs from the business for the removal and storage of the furniture and refuse to return the furniture until those costs have been paid. If within 3 months of the notice, the costs are not paid, the authority can dispose of the furniture by sale or other means and retain the proceeds.

### **13. Counter Terrorism Advice**

13.1. Greater use of open spaces through alfresco eating and drinking increases the public's vulnerability to terrorist attacks. There is no specific information or intelligence to suggest that any particular premises in the City of London are under any immediate threat from a terrorist attack. The threat to the UK from terrorism is assessed and published by the Government and is taken into account in assessing applications.



- 13.2. Each application for a pavement licence will be referred to a City of London Police Counter Terrorism Security Advisor (CTSA). Each application will be considered on its own merits and the advice of the CTSA will be passed on to the licence holder for action. If a licence holder fails to comply with CTSA advice, a remediation notice may be served on the licence holder or the licence may be revoked if it is in the public interest to do so. Where an objection is raised by the CTSA the application will be refused.
- 13.3. Where a licence is granted, licence holders will need to carefully consider the increased vulnerabilities to their customers. The security of those customers must not be overlooked and must be covered in the licence holder's risk assessment. Details of what to include in a terrorist threat risk assessment are included in but not limited to those set out in Appendix D. In particular, licensees will be expected to comply with requirements 5 and 6 of the risk assessment (CCTV systems and ACT (Action Counters Terrorism) training) as set out in the new national guidance 'Counter Terrorism Protective Security Pavement Licence Conditions'. Failure to comply may result in a remedial notice being served on a licence holder or ultimately, revocation of the pavement licence.

#### **14. Managing outside eating and drinking**

- 14.1. Under the pavement licensing regime, more pubs, bars, restaurants and cafes in the City of London will take advantage of being able to serve customers outdoors. As a result, there is the potential for an increase in noise and anti-social behaviour. It is essential that licence holders have provisions in place to manage their outside drinking and eating areas to lessen the impact on neighbouring residents and other businesses.
- 14.2. Licence holders are responsible for managing their customers consuming food, alcohol or other beverages outside their premises. It is good practice to have a documented policy on managing outside eating and drinking to include but not limited to:
- a) **Noise from patrons:** Customers smoking, eating and drinking in outdoor areas including the public highway should be monitored by staff to prevent public nuisance. Licence holders should display prominent signs asking customer to be respectful of neighbouring property owners and to keep noise to a minimum.
  - b) **Obstruction:** Customers must not be allowed to obstruct the highway or the doorways of neighbouring residential, commercial or office premises. Customers queueing to enter premises must be managed to prevent any such obstruction. Customers must not be permitted to congregate on the carriageway causing obstruction to vehicular traffic. Pedestrians must have unobstructed access to the highway and should not be forced to step into the road to pass by.
  - c) **Customer safety:** Licence holders may wish to use toughened or polycarbonate glass in outside areas. Staff should monitor outside areas

and collect empty glassware regularly. Spillages and or broken glass must be swept away immediately.

- d) **Litter:** Outside areas should be monitored regularly by staff and any litter generated by customers including food wrappers and cigarette butts should be cleaned up regularly and at the end of each evening.
- e) **Theft of personal belongings:** With more customers using external areas, there is more potential for opportunist theft of personal belongings. Licence holders may wish to use chelsea hooks on external furniture, display external signage warning customers of the risk of bag thefts and pick-pocketing. Staff monitoring outside areas should be vigilant at all times and remind customers to look after their personal belongings.

## Appendix A

### City of London Pavement Licence Standard Conditions

These standard conditions are made pursuant to Section 5(2) of the Act. To the extent that these conditions do not prevent the obstructions specified in section 3(6) of the Act, a pavement licence is granted or deemed to be granted subject to the statutory no-obstruction and smoke-free seating condition.

The term 'furniture' used hereinafter means counters or stalls for selling or serving food or drink; tables, counters or shelves on which food or drink can be placed; chairs or other forms of seating; umbrellas, heaters and other articles such as parasols or planters used in connection with the outdoor consumption of food or drink.

1. This licence must be displayed in a prominent position during any period that furniture is placed on the highway.
2. This licence only permits the area of the highway (the authorised area) and the items of furniture specified on the licence to be used. All furniture is to remain within the authorised area whilst it is in use on the highway.
3. This licence does not imply an exclusive right to the designated area of public highway. The licence may be suspended where necessary to allow highway maintenance, any other necessary remedial work, and special events to take place. When given notice by an officer of the City Corporation or City of London Police, the licensee must remove all furniture from the authorised area during the dates/times specified in the notice. In addition, the licence holder must comply with any request to remove the furniture due to an emergency situation.
4. The furniture must be removed from the authorised area by the licence holder by 23:00 unless an earlier time is specified on the licence. The furniture must be stored off the highway every evening.
5. Furniture must not be placed in any position where it will obstruct a designated fire escape route from any building.
6. The authorised area must be supervised at all times whilst the licence is in use. The licence holder must ensure there are sufficient staff to supervise and control the authorised area to:
  - a. deter and prevent noise nuisance and/or antisocial behaviour
  - b. ensure that the area is kept clean, tidy and free of litter
  - c. ensure that the area is swept and/or gritted in order to prevent slipping in adverse weather conditions
  - d. ensure that food and drink is cleared from unoccupied tables as soon as possible

7. The licence holder must clean the authorised area regularly to prevent staining by anything done pursuant to the licence.
8. The licence holder shall be liable for any damage to the authorised area which the City Corporation considers reasonably attributable to anything done pursuant to the licence and shall reimburse the costs of the City Corporation or its Agents in repairing the same.
9. The licence holder shall be liable for and shall indemnify the City Corporation, their Servants and Agents against:-
  - a) any expense, liability, loss, claim or proceedings whatsoever arising under statute or at common law in respect of personal injury to or the death of any person whomsoever, and
  - b) any expense, liability, loss, claim or proceedings in respect of any injury, loss or damage whatsoever to any person whomsoever or to any property real or personal, arising from the use of the Public Footway for the permitted purpose.

Without limiting the obligation hereunder, the licensee will effect insurance against the matters referred to in this condition to the satisfaction of the Chamberlain of London and will produce to the Chamberlain the policies of insurance so effected and the current premium renewal receipts relative thereto at such times as the Chamberlain shall reasonably require.

10. No advertising material may be attached to, or form part of, any of the furniture.
11. No supplemental lighting may be used in connection with the furniture.

## **Appendix B**

### **Pavement Licence: Default No Obstruction Condition**

Anything done by the licence-holder pursuant to the licence, or any activity of other persons which is enabled by the licence, must not have one of the specified statutory effects debarring grant of the licence, namely the effect of:

- (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.

### **Pavement Licence: Default Smoke-free Seating condition**

Where the furniture 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. This might include, but is not limited to:

- (a) Clear 'smoking' and 'non-smoking' areas, with 'no smoking' signage displayed in designated 'smoke-free' zones in accordance with Smoke-free (Signs) Regulations 2012
- (b) No ash trays or similar receptacles to be provided or permitted to be left on furniture where smoke-free seating is identified.
- (c) Providing a minimum of 2m distance between non-smoking and smoking areas.

Appendix C

**PUBLIC NOTICE**

**Business and Planning Act 2020  
Application for a Pavement Licence**

I/We (*name of applicant*), \_\_\_\_\_

do hereby give notice that on (*date of application*) \_\_\_\_\_

have applied to the City Corporation for a 'Pavement Licence' at:

*(postal address of premises)*

known as *(trading name of premises)*

The application is for: *(brief description of application eg. outdoor seating to the front of the premises for serving food and drink)*

A copy of my application and associated documents including plan and details of furniture can be viewed on the City Corporation's website at [www.cityoflondon.gov.uk](http://www.cityoflondon.gov.uk). Any person wishing to make representations to this application may do so by email at: [licensing@cityoflondon.gov.uk](mailto:licensing@cityoflondon.gov.uk)

by: (*date*) \_\_\_\_\_

*(this must be 14 days from the date of the application not including bank holidays)*

Signed .....

Dated .....

## Appendix D

### Counter Terrorism Advice for Risk Assessment

As part of a terrorist threat risk assessment in relation to use of outdoor public space for eating and drinking a licensee should consider the following:

1. The safe access/egress of your customers and of those within nearby premises. Allowances should be made for the rapid dispersal of people in the event of an emergency/incident. Tables and chairs or other furniture should NOT impede this.
2. If the premises become busy creating a queue outside, this must not conflict with customers using the tables and chairs or the adjoining pedestrian footpath. There should be clear guidance provided by the staff to direct patrons accordingly, away from the road scene. The staff should be prepared for such an event.
3. Adequate street lighting should illuminate the deployment of tables and chairs.
4. The licensee should liaise with neighbouring properties so they can consider their evacuation procedures accordingly and avoid any conflict and capitalise on shared benefits.
5. The Pavement License holder will need to ensure that existing CCTV systems are correctly working, are compliant with the Data Protection Act 1998, Information Commissioners requirements and any other local CCTV Code of Conduct produced by the Police or Local Authority. Imagery must be retained for at least 28 days and images produced to a Police Officer or Local Authority Enforcement Officer upon reasonable request. Faults which render the CCTV system or parts of it inoperable should normally be rectified within 24 hours.
6. The pavement licence holder will need to ensure that the management team of the business to which the pavement licence is attached; register and successfully complete the nationally recognised counter terrorism training product referred to as ACT E Learning within 10 days of the notification of the grant of the Pavement License OR can demonstrate that the ACT E Learning product has successfully been completed within the preceding 12 months and that all staff employed by OR at the premises complete the ACT E Learning within a reasonable period not exceeding 3 months from the notification of the grant of the Pavement License. (Act E Learning certificates are provided on successful on-line completion. )ACT E-learning can be accessed at:

<https://www.gov.uk/government/news/act-awareness-elearning>.

And also at <https://ct.highfieldelearning.com/>

Further information on free training and awareness can be obtained via contact with the local Counter Terrorism Security Advisors who can be contacted on the following email: [CTSA@city-of-london.pnn.police.uk](mailto:CTSA@city-of-london.pnn.police.uk)