

Pavement Licences 2021

FAQs

1. How do I apply?

If you have been allocated a space on a closed road, you may only apply for the designated area for your business.

If you are applying for any other area of the public highway, you may specify the area to be licensed in your application.

Apply at:

https://www.manchester.gov.uk/directory_record/381974/temporary_tables_and_chairs_licence/category/355/highways_and_pavements

It is important that you provide all of the information required when applying, and the plan of your area meets the requirements, or your application will not be accepted.

2. What is the difference between a pavement licence and a 'tables and chairs' licence

Both licences authorise the placing of furniture on the public highway. A pavement licence is a temporary permission, which has been introduced in new Coronavirus-related laws by the government. You do not require planning permission for a pavement licence.

A 'tables and chairs' licence is granted for a year under the pre-existing Highways Act 1980. You will likely require planning permission for any use of the highway under a tables and chairs licence.

3. Will there be a fee?

No, there is no charge.

4. How long will pavement licences be granted for?

Licences will be granted until the 30 September 2021, which is the expiry date for pavement licence legislation. There has been a suggestion that this deadline will be extended by 12 months. If this happens, a new licence can be applied for to carry on beyond the end of September.

5. What do I need to submit with my application?

You will be required to submit a scale plan of your proposed licensed area, which shows:

- The intended setup of the area including any proposed furniture, so the location of any heaters must be shown
- The distance from the boundary of the licensed area to the building boundary
- The width of the route left available on the highway for passage by pedestrians. You must also include and show any street furniture e.g. lampposts / bike racks, that are between the boundary of the licensed area and rather the kerb. In all cases, a minimum width of 1.8m

clear passageway must be left for pedestrians and applications providing less than 1.8m will be rejected.

- You must submit images of any temporary structures or coverings you propose to use.
- Your application must state all the furniture types that you intend to use as your licence will be limited to this.

Applications will not be accepted until all required information is provided. Where information is either repeatedly submitted incorrectly or not provided, the application will be rejected, and a new application and fee will need to be submitted.

6. *What can be placed in the licensed area?*

Only the following items can be applied for:

- counters or stalls for selling or serving food or drink;
- tables, counters or shelves on which food or drink can be placed;
- chairs, benches or other forms of seating, and
- umbrellas, barriers, heaters and other articles used in connection with the outdoor consumption of food or drink

7. *Can I serve alcohol from a bar in the licensed area?*

No – bars will not be permitted. In any case, there would need to be an authorisation under the Licensing Act 2003.

8. *Can I serve in glass? Will I need to use plastic glasses?*

See Section 5 of Guidance. No – if on road (carriageway) that gets re-opened to vehicles.

9. *Has the application process changed?*

There are the following changes from when you may have previously applied:

- You need to show the intended setup of the area on the plan.
- You may need consent of owner/occupier of adjacent property if applying to use space in front of their premises
- There have been some amendments to the council's local conditions to require public liability insurance is in place, to enable the removal of furniture where there is an increased risk of disorder, and to refine the requirement of the 'good neighbour policy' to avoid public nuisance.

10. *Is smoking allowed in pavement licence areas?*

No – smoking will remain prohibited in the licensed areas.

11. *I would like to request a road closure or a parklet in respect of my business*

Please email enquiries to gareth.worthington@cityco.com. We cannot give any assurances but will consider all requests to assess the viability of any proposal.

You may apply for a road closure at your own expense [here](#)

12. *How do I get a space outdoors to trade?*

You can apply at:

https://www.manchester.gov.uk/directory_record/381974/temporary_tables_and_chairs_licence/category/355/highways_and_pavements

It is important that you provide all of the information required when applying, and the plan of your area meets the requirements, or your application will not be accepted.

13. When should I apply? Is there a cost?

You can apply now and there is no cost.

14. I have no outdoor space, what are my options?

A minimum of 1.8m clear, unobstructed passageway is required. If this can be provided outside your premises, then we will be able to consider an application to use the public highway. If you have no space, then you will need to wait until Step 4 of the Government's roadmap out of lockdown, which enables indoor operating for hospitality venues.

15. I don't have an alcohol licence, do I still need a pavement licence?

You need a pavement licence to place furniture on the public highway. Your alcohol licence (premises licence under the Licensing Act 2003) does not give you the permission to do that. You do not require an alcohol licence to apply for a pavement licence but you must be a food or drink business and the use of the furniture must be used in connection with that service.

16. Can we use on-street car parking spaces or loading bays as well as the pavement? (if not, why not?)

These cannot be used without the necessary traffic order being in place. Please email enquiries to gareth.worthington@cityco.com. We cannot give any assurances but will consider all requests to assess the viability of any proposal.

You may apply at your own expense [here](#)

17. How will my current premises licence be impacted?

You will need to check your licence conditions to ensure that there are no conditions that might conflict with operating in outdoor areas e.g. any outdoor area will not be considered as part of your 'premises' and so if you wished to serve alcohol, you would need to be licensed of alcohol 'off sales'.

18. Is the curfew in place under these restrictions?

Pavement licences will only be granted to midnight at the latest, although earlier times may be required in individual circumstances. However, there is no national curfew on hours.

19. Is the substantial meal rule still in place?

No, this will not be a requirement unless it is a condition of your premises licence under the Licensing Act 2003.

20. Do I need extra insurance for table service?

You should check with your own insurer but It is a condition of the Pavement licence that you have public liability insurance for the use of the licensed area. You will not be required to provide evidence of this with your application but you must ensure it is in place before you operate, if licensed.

21. Can we play music or have any live entertainment in our outdoor spaces?

It should be noted that other items such as musical equipment / speakers do not fall under the definition of furniture and so are not permitted. However, some form of entertainment may be permitted in line provided it is done in line with [Stage 3 of the Government's performing arts roadmap](#) (note this is different to the national [re-opening roadmap](#)) but you should ensure that any entertainment is COVID-19 risk assessed and noise levels are kept to a minimum. Businesses will be required to take proactive steps to minimise the noise disruption from their operation and make sure that no noise coming from the premises could cause a nuisance.

22. Are there guidelines for umbrellas and heaters outside?

See Section 5 and Appendix 1 of the Pavement Licence Guidelines (March 2021)

23. Can we have extra litter bins?

You will need to ensure that you provide adequate bins in your licensed area to deal with your customers' waste.

24. Who do we report begging at tables to?

Report this to the Council's Licensing and Out of Hours team in the first instance

25. Can we have a "preopening" check from MCC?

Licensing and Out of Hours Compliance Officers will be carrying out proactive checks on businesses.

26. Can I retain outdoor spaces once indoor hospitality is permitted?

Yes

27. Who can use my toilets?

Who you will permit to use your facilities is a decision for you as the business owner. However, access to toilets in your premises should always be available to your customers when the pavement licence area is in operation.

28. Do my customer have to wear masks when using the facilities?

The use of face coverings will need to be in line with current Government Guidance:

<https://www.gov.uk/government/publications/face-coverings-when-to-wear-one-and-how-to-make-your-own/face-coverings-when-to-wear-one-and-how-to-make-your-own>

Guidance and further information

Government's Guidance for pavement licences

<https://www.gov.uk/government/publications/pavement-licences-draft-guidance/draft-guidance-pavement-licences-outdoor-seating-proposal>

Government's Guidance for re-opening businesses and venues

<https://www.gov.uk/government/publications/reopening-businesses-and-venues-in-england/reopening-businesses-and-venues>

Manchester Council's Pavement Licence Guidelines (updated March 2021)

https://www.manchester.gov.uk/directory_record/381974/pavement_licence/category/355/highways_and_pavements