

Permission to use the highway for street pavement cafés

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## Policy, Information Pack and Guidelines

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DRAFT

General Enquiries:

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Email: [licensing@reading.gov.uk](mailto:licensing@reading.gov.uk)

Please keep this booklet for your reference

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## **1. Introduction: Street Pavement Cafés**

1.1 Pavement cafes are pedestrianised areas/footways where, weather permitting, the addition of good quality furniture contributes to a relaxed and sociable style of eating and drinking indicative of any continental city or town.

1.2 Permission is required for a pavement café on public highway. This is to ensure that it is properly set up and operated so that it benefits the business, enhances the area, and does not cause a problem for other users of the highway.

1.3 Any licence that is granted, or deemed to be granted, will benefit from deemed planning permission to use the land for anything done pursuant to the licence while the licence is valid.

1.4 All furniture and any other objects proposed in a street trading licence application must be able to be removed outside of the times authorised on the licence, therefore, no permanent structures will be allowed on the public highway. If you have any questions about your proposal please contact [licensing@reading.gov.uk](mailto:licensing@reading.gov.uk)

1.5 There is a minimum 14 day consultation period and 14 day determination period (excluding public holidays) before a permission can be granted, subject to no objections being received. Please allow this period before making further enquiries.

### **Information and Guidance**

1.6 The following information is intended to assist applicants in considering whether the proposed use of the highway for a pavement café is likely to be acceptable.

Please consider and include in application the criteria below – details for each follow overleaf:

- Size and layout.
- Means of enclosure.
- Furniture type.
- Environmental and Other Requirements.

Please note that applications which do not meet the Policy criteria are likely to be refused unless the applicant can clearly demonstrate that there are particular circumstances which might support an exception being made. Each application is carefully considered on its own merits.

### **Who to Contact**

1.7 For free general advice and information on conditions, fees and charges please email [licensing@reading.gov.uk](mailto:licensing@reading.gov.uk)

## **2. Policy**

2.1 Permission will be granted for use of the highway for a pavement café only where it is ancillary to premises immediately adjacent to the area of highway concerned.

2.2 Permission will be granted for a maximum of 2 years.

2.3 An eligible business is one which uses (or proposes to use) premises for the sale of food or drink for consumption (on or off the premises). Examples include; public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours including where such uses form an ancillary aspect of another use, for example supermarkets, or entertainment venues which sell food and drink.

2.4 Businesses that do not use their premises for the sale of food or drink, for example salons, are ineligible under the current legislation and will require permission from the Highways Team under the Highways Act 1980. Please contact [Highways@reading.gov.uk](mailto:Highways@reading.gov.uk)

2.5 There must be a minimum clear footway width in accordance with Appendix 1 as detailed on page 14.

2.6 The pavement café furniture must not interfere with vision lines for traffic and/or pedestrians.

2.7 The applicant must hold public liability insurance of not less than £5,000,000; evidence of this will be required before a licence is granted.

2.8 The area must be clearly defined and used solely for the purpose of consumption of refreshments.

2.9 All food, drink, crockery, glasses, packaging and cutlery etc. left on tables must be cleared as soon as possible after customers have left to avoid any litter on the highway.

2.10 All items of furniture associated with any pavement café, including parasols, must be securely fastened to ensure that they are not liable to be moved by external forces, such as the effects of wind or from being lightly knocked.

2.11 All furniture must be of a type which will not cause damage to the highway surface.

## **3. General Considerations**

### **Size and Layout**

3.1 The following factors are some of those that should be taken into account:

- Available Space
- Type of Premises
- Street Width
- Street Character
- Number of passers-by

- Existing Street Furniture e.g. bins, benches, planters etc.
- Proximity to residential properties

3.2 If an area is pedestrianised, there is potentially more scope to site a pavement café and each application for such areas will be considered on its individual merits.

3.3 If the proposed location is adjacent to a vehicle carriageway then there are inevitably more limitations applicable, namely:

- Pedestrians must have sufficient clear footway width between the edge of the carriageway and the boundary of the café or between the premises frontage and the pavement café. This is to ensure pedestrians, including, but not limited to; those with disabilities, are not obstructed. Clear footway width must be in accordance with the requirements detailed in Appendix 1, and is measured between the boundary of the café and the edge of the footway or any adjacent street furniture (e.g. street light, pole, bollard) whichever is the lesser.
- Reading Borough Council reserves the right to vary the terms of the permission for the pavement café or require its relocation on renewal of the permission if pedestrian or vehicle flows have changed.
- Reading Borough Council may withdraw permission for a pavement café or require its relocation on any given day if unusual circumstances make this necessary, although every endeavour will be made to give notice. Applicants should also note that utility providers may need access to any area under the New Roads and Street Works Act.

3.4 The layout of furniture and means of enclosure will only be approved if adequate provision has been made for customers with disabilities. Emergency vehicle access will also need to be maintained at all times.

3.5 Prior consent of the owners/occupiers of premises in the near vicinity will be required and the application is therefore subject to a standard consultation process.

3.6 It will normally be necessary to arrange a site meeting to determine the exact layout of the Street Furniture and assist applicants in developing a site plan. Applicants will be contacted on receipt of the application to arrange the site meeting, but should contact the Transport Development Control Team via email [Transport.DevelopmentControl@Reading.gov.uk](mailto:Transport.DevelopmentControl@Reading.gov.uk) if any assistance or guidance is required at an earlier stage.

### **Means of Enclosure**

3.7 When in use the pavement café area will normally need to be at least partially enclosed, to demarcate the permitted area and to contain the tables and chairs, thus making it distinguishable to other pavement

users, and particularly to assist blind and visually impaired pedestrians.

3.8 The means of enclosure must be removed outside the permitted period or when it is not intended to operate the pavement café within the permitted period. The materials should therefore be relatively lightweight in construction and portable, but stable enough to prevent collapse if accidentally walked/stumbled into.

3.9 The design of the barrier should complement the character of the surrounding area and in any event ideally have solid bars/elements at around 100mm and 1000mm above ground level. Rope barriers are not usually considered suitable.

3.10 Planters can be particularly attractive and can be used as part of the means of enclosure, but must be removed from the highway outside of the permitted period.

3.11 Proposed means of permanent enclosure may need planning permission, in addition to other approvals; please seek guidance from the planning department who can be contacted on 0118 937 3787. Highways Act permission for permanent structures will not be issued until planning permission has been obtained, if required.

### **Furniture**

3.12 The furniture should be of a high quality and uniform style within the permitted area and to the satisfaction of the Council. Plastic patio type furniture will not be permitted. Details of furniture should be submitted to us with every application.

3.13 Where umbrellas are used these must be fabric type (i.e. non-reflective) and display only limited pre-approved advertising/logos. Umbrellas are to be positioned so as to avoid overhanging outside the enclosure or impairing vehicle sight lines.

3.14 Non furniture items, e.g. menu boards, signs and portable gas heaters also need to be approved as part of the enclosed permitted area, and any unacceptable clutter or intrusion into sight lines will need to be removed if it is deemed to be causing a problem or creating a hazard.

3.15 It is the responsibility of the operator of the café to ensure:

- that all chairs and tables are in good repair and are stable.
- that any parasols and umbrellas are weighted to prevent them being dislodged by the wind.
- all equipment is stable and positioned to the satisfaction of the Council.

### **Environmental and Other Requirements**

3.16 In certain areas of the borough the quality of air from traffic fumes makes it inappropriate to site pavement café operations. Applicants should consider proximity to bus stops and taxi ranks from the customer's point of view and avoid locating near to known traffic congestion hotspots.

3.17 It will be the responsibility of the pavement café operator to keep the area clean and free of litter, during permitted/operational hours. Tables must be cleaned as soon as possible after customers have left to avoid any litter on the highway.

3.18 The holder of the permission must as soon as possible wash down or remove any stains from spills of food or liquid.

3.19 All food premises are to be registered with Reading Borough Council, Environmental Health Food & Safety Team. All pavement café operations must comply with the relevant food safety requirements. (see useful contacts page 14).

3.20 Additional/adequate toilet provision relating to occupancy numbers may also need to be borne in mind.

3.21 Table service should be available if required and the use of unbreakable glasses and crockery is recommended where appropriate.

3.22 The permissions granted in the licence will normally operate between the hours of 0800hrs to 2300hrs pm. Times of use will vary from permission to permission depending on individual circumstances and location. Each case will be judged on its merits.

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

#### **4. Enforcement**

4.1 The Council reserves the right to remove from the highway any items for which permission has not been granted.

4.2 Where any conditions within the pavement café licence are breached we will write to the licence holder requiring the breach to be remedied. If the licence holder fails to do so, the local authority may amend the pavement licence with the consent of the licence-holder, revoke the licence or itself take steps to remedy the breach and can take action to recover the costs of so doing.

4.3 We may revoke a licence, or amend it with the consent of the licence holder, in the following circumstances:

- a. If we consider that the highway is no longer suitable for the use as granted by or deemed to be granted by the licence. For example, the licensed area (or road adjacent) is no longer to be pedestrianised.
- b. 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 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 is not being cleaned up.

c. If there are changes in legislation, Government guidance, best practice or similar.

We may revoke a licence in the following circumstances:

a. For a breach of condition, (whether a remediation notice has been issued or not) or

b. It comes to light that the applicant provided false or misleading statements in their application – for example they are operating a stall selling hot food and had applied for tables and chairs on which drinks could be consumed; or

c. 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.

4.4 Any tables and chairs which are removed from the highway by the Council will be stored at the cost of the licensee. Removed items will be held by the Council for a limited period not exceeding 3 months. A daily storage rate will apply. Furniture will be returned to the owner only after payment of the expenses incurred by the Council in removing and storing the furniture. Any items not reclaimed after 3 months will be disposed at the cost of the licensee. Costs are subject to change and shall be clearly stated in writing on the enforcement notice given to the person(s) providing the furniture before any given date of removal by Reading Borough Council.

### **Pre Application Procedure**

4.5 All applicants should in the first instance refer to these Guidelines and the Pre-Application self-assessment checklist prior to making any enquiries or a formal application.

4.6 It should be noted that, although applications are processed by the Council's Licensing Section, no Highways Act permission can be granted without the Highway Authority's consent. In view of this and in order to avoid loss of application fees, any fees associated with engaging a licensing solicitor and associated time and effort, prospective applicants are requested to informally consult the Highway Authority prior to a formal application being made, in order to seek an opinion. You can do this by contacting the Highways Development Control Team via e-mail [Highways@reading.gov.uk](mailto:Highways@reading.gov.uk)



## **5. Applying for a Licence**

5.1 Should you have any queries concerning the application process, please contact the Licensing Section via e mail [Licensing@reading.gov.uk](mailto:Licensing@reading.gov.uk).

5.2 Applicants are advised to consider the guidelines in this document before making an application.

5.3 Your application will be considered by Officers from Highways, Licensing, Planning, Trading Standards and Environmental Health. We may also consult experts relating to impact on people with disabilities.

5.4 The local ward councillors will also be consulted and also some external bodies such as the police, fire brigade, etc. may be asked to give their views on the application. Shops and residential properties in close proximity to the proposed pavement café will also form part of the consultation process, as well as the Reading UK CIC's BID Committee.

5.5 The consent of interested frontagers (owners and occupiers of premises adjoining the relevant part of the highway) must be obtained.

5.6 The applicant is required to place a public notice on or near the premises for a period of 28 days.

5.7 A permission may not be granted until all representations have been considered.

5.8 You will be notified of the fee if your application is approved as this is dependent on the number of tables and chairs involved.

### **Timescales for dealing with applications**

5.9 The statutory consultation period is 14 days. Following this, the Council has 14 days in which to determine the application. During the consultation period, if no objections are received to your application, then the licence will be granted, and you will receive notification of this.

5.10 Applications received will be reviewed and applicants will be informed of the Council's decision within 14 day consultation period and 14 day determination period subject to no objections being received

5.11 Where an application is incomplete the applicant will be informed of this within 5 working days.

### **Refusal of Applications/Variations.**

5.12 There is no statutory right of appeal against the decision of the Council to refuse the licence, or against the conditions imposed on a permission. There is no option for internal appeal. If application is unhappy with the decision they can make another application. There is no option for internal appeal. for persons

aggrieved by any refusal to grant a new Permission (or renew/vary any existing Permission) or by the conditions imposed on a Permission, they are invited to make another application.

5.13 An applicant whose application has been refused because it does not comply with the criteria in this Policy will be expected to demonstrate why there should be an exception to the Policy in his/her particular case.

5.14 If premises wish to vary the licence they need to make an application. The grant of a licence will run a year from the date of the new licence. A refund may be due for any unused months, minus an admin fee.

## **6. Terms and Conditions**

6.1 In making an application for permission, you are deemed to have read and accepted the following standard Conditions. Additional conditions may be imposed where appropriate.

6.2 No changes may be made to any part of the pavement café operations, including change or addition of furniture or other items, or changes to the permitted area or operating times, without obtaining a new or revised licence. The Licence Holder must contact the Council if any changes are proposed.

6.3 The Street Pavement Café licence must be displayed in a prominent location on the property/van/stall that the furniture is associated with.

6.4 No alcohol may be sold or consumed within the designated pavement café area unless the premises are already licensed to do so.

6.5 No items may be left on the highway outside the hours specified in the Licence, unless the Licence expressly allows use of the highway outside the specified hours.

6.6 The licence is subject to the payment of the fee required by the Council; it will cease to have effect if payment is dishonoured.

6.7 The Licence Holder must hold Public Liability Insurance cover to at least £5m for the permitted area and such cover must be maintained throughout the duration of operating the pavement café area.

6.8 The Licence Holder may not provide any refreshments other than food and drink normally served within their premises.

6.9 Tables and chairs must be clearly visible from inside the premises or monitored by dedicated staff/security. Licence Holders must ensure that, during any period where the licence is in use, the area of the highway that is the subject of this licence is kept clean and tidy and free from litter. A suitable waste/litter bin must be provided within the area where deemed necessary by the licensing authority.

6.10 No omission from, addition to, or variation of the licence will be valid unless it is agreed in writing and signed by an authorised officer of the Council.

6.11 The Licence Holder is required to ensure that any equipment used for

the purposes of providing these facilities is safe and presents no risk to members of the public and in particular that:

- all chairs are in good repair and are stable.
- any parasols and umbrellas are adequately weighted to prevent them being dislodged by the wind.
- the area to be used is protected and separated from the rest of the highway in such a way that a blind or partially sighted person runs no risk of injury from their use.
- all furniture used must be of a type which will not cause damage to the highway surface.
- no amplified music shall be played in relation to any pavement café.
- under no circumstances should any pavement café interfere with required vision lines for traffic and pedestrians.

6.12 The Licence Holder shall indemnify the Council against any claim in respect of injury, damage or loss arising out of the grant of the Licence except where any such injury, damage or loss is attributable to the negligence of the Council.

6.13 The Licence Holder shall ensure that a clear pedestrian route is retained for those walking past the premises or using mobility aids. Emergency exits from adjacent buildings must not be obstructed by any seating area.

6.14 The Licence Holder will be required to reimburse the Council for the costs of repairs where any damage to Council property or to the public highway is caused as a result of street furniture placed on the highway, .

6.15 The legislation sets out conditions which apply to pavement licences which are granted or deemed to be granted and with which you must comply at all times; these are: a no-obstruction condition and a smoke-free seating condition.

6.16 There must be a minimum clear footway width in accordance with Appendix 1 as detailed on page 14.

6.17 Where there are outside smoking areas there must be clear 'smoking' and 'non-smoking' areas, with 'no smoking' signage displayed in designated 'smoke-free' zones in accordance with Smoke-free (Signs) Regulations 2012.

6.18 No ash trays or similar receptacles to be provided or permitted to be left on furniture where smoke-free seating is identified.

6.19 Licence holders should provide a minimum 2m distance between non-smoking and smoking areas, wherever possible.

## **7. General Data Protection Regulations (GDPR) 2018:**

7.1 The information on the application form is required to process your application and to administer this service. It contains personal data about you (name, address, and telephone number). As the data controller of that information, Reading Borough Council will process that personal data in accordance with the provisions of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

7.2 This information will be shared with the following departments within Reading Borough Council and external partners to assess your application - Licensing – [Licensing@reading.gov.uk](mailto:Licensing@reading.gov.uk), Planning, Audit, Police - [licensing@thamesvalley.police.uk](mailto:licensing@thamesvalley.police.uk) - Consumer Protection - [Consumer.Protection@reading.gov.uk](mailto:Consumer.Protection@reading.gov.uk), Transport Development Control - [transport.DevelopmentControl@reading.gov.uk](mailto:transport.DevelopmentControl@reading.gov.uk) and Ward Councillors.

7.3 The information will be securely stored electronically for the duration of the permission and for 3 years after expiry.

7.4 By applying for a licence we are requiring consent for your details to be entered onto a public register of licence holders which will be provided on request to requesters and published on the Council website. This is to aid feedback, comments and complaints, as well as for members of the public to check whether businesses are holding the licence, and for how many tables/chairs. The information in the public register will contain your business name, legal entity, address, number of tables, number of chairs, a reference number, application date and expiry date.

7.5 Where necessary we may share information provided to us with other bodies responsible for auditing or administering public funds, or in order to prevent and detect fraud.

7.6 If you have any concerns as to the use of your personal data please contact the Council's Data Controller, Head of Legal and Democratic Services, Reading Borough Council, Civic Offices, Bridge Street Reading, Reading RG1 2LU. If you wish to obtain access to the information that we hold about you, please complete our Subject Access Request form Available here - [Subject access requests - Reading Borough Council](#)

## 8. FEES AND CHARGES

8.1 There is an annual fee for a licence, the amount of which is reviewed annually by the Council and subject to occasional inflationary increases. Fees are set alongside all other fees administered by the Licensing Team and agreed by Committee at Full Council.

8.2 The current fees (2024-25) are outlined below:

### Pavement Café

Grant of a new licence:

- Up to 2 tables and/or 6 chairs - £300
- Up to 10 tables - £350
- Over 10 tables - £500

Renewal of a licence:

- Up to 2 tables and/or 6 chairs - £100
- Up to 10 tables - £200
- Over 10 tables - £350

## 9. PLANS

9.1 The application form must be accompanied with the following items:

- A location plan of the proposed area where tables and chairs are to be placed.
- The plan must be at least 1:250 scale and clearly define the premises to which the permission will relate.
- A plan to a scale of 1:50 detailing the precise position of all items of furniture with items to be drawn to scale. The proposed area seeking the permission must be outlined in red.
- The above plans must show the position of features such as trees, dropped kerbs, pedestrian crossings, cycle lanes, parking bays, fire exits (next to or within the proposed permitted area) and any other existing street furniture e.g. cycle racks, telephone boxes, street lamps, bollards, etc.
- Photographs, brochures and/or pictures and specifications of the proposed furniture e.g. make, finishes and dimension.

## Appendix 1

Sensitive Town Centre Streets / Roads	Clear Pedestrian Passageway Required*	Emergency Vehicle / Delivery Route
St Marys Butts	3 0 metres	N/A
West Street	3 5 metres	N/A
Friar Street	3 5 metres	N/A
Station Road	3 5 metres	N/A
Blagrove Street	3 0 metres	N/A
Market Place	3 5 metres	N/A
Broad Street	3 5 metres	4 0 metres
Queen Victoria Street	2 0 metres	4 0 metres
Cross Street	N/A	4 0 metres
Butter Market	N/A	4 0 metres
All other Streets / Roads	2.0 metres	N/A

\* Clear footway width is measured between the boundary of the pavement café or trade display and the edge of the footway or any adjacent street furniture (e.g. street light, pole, bollard) whichever is the lesser.

## PRE-APPLICATION SELF ASSESSMENT CHECKLIST

Before applying for a permission you must satisfy all the following criteria by answering YES to all questions.

### Pavement Cafés

Q1. Will there be a minimum clear footway width in accordance with Appendix 1 of the Guidance Note?

Q2. Will the pavement café maintain clear vision lines for traffic and/or pedestrians?

Q3. Do you hold public liability insurance of not less than £5,000,000?

Q4. Will the area be clearly defined and used solely for the purpose of consumption of refreshments?

Q5. Will tables be cleared of food, drink, crockery, glasses and cutlery etc. as soon as possible after customers have left, to avoid any litter on the highway?

Q6. Will all furniture associated with any pavement café, including parasols, be securely fastened to ensure that they are not liable to be moved by external forces, such as the effects of wind or from being lightly knocked?

Q7. Will all furniture be of a type as not to cause damage to the highway surface?

Q8. Have you prepared sufficient plans/maps to show the precise location of the tables/chairs to accompany the application?

Q9. Will you consent to your licence details being included on a public register?

## STREET PAVEMENT CAFÉ (S.115E Highways Act 1980)

DO NOT COMPLETE THIS FORM PRIOR TO CONTACTING THE HIGHWAYS DEVELOPMENT CONTROL SECTION FOR AN OPINION AS TO THE LIKELIHOOD OF A PERMISSION BEING GRANTED

## 1. Address and type of premises

Telephone:

## 2. Name and address of applicant

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## 3. Number of tables/chairs applied for

Tables
Chairs

## 4. Available width of footway at narrowest point

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## 5. Class of planning permission applicable to premises

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## 6. Number of staff available to supervise pavement area

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7. I/we agree to conform to the conditions applicable to the grant of a street pavement café permission
8. I/we understand that breach of or non-compliance with these conditions may lead to revocation of this permission.
9. I/we undertake to pay the fee required as a condition of the grant of permission.
10. I enclose a copy of the Public Liability Insurance in the sum of £5 million.
11. Map/plan of site attached, showing locations of objects (i.e. heaters, barriers), tables and chairs in relation to the operating premises and the highway.
12. Please indicate the required days and hours of expected use

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I undertake to comply with any conditions imposed by the Council in relation to any permissions granted by way of licence on this application

Name:
Signature:
Date:

Please note that tacit authorisation under the Provision of Services Regulations 2009 does not apply to applications under Section 115E of the Highways Act 1980. Timescales for dealing with applications are detailed on page 9 of the Guidelines.

Please note that applications which do not meet the Policy criteria are likely to be refused unless the applicant can clearly demonstrate that there are particular circumstances which might support an exception being made.

Your attention is drawn to the fact that this information is required by the Council to enable us to provide you with one or more of the Council's services. However, the information may be used for other purposes and may be given to other organisations, although, in either case, this will only be done in accordance with the provisions of the Data Protection Act 1998.