



Business and Planning Act 2020

2020 CHAPTER 16

PART 1

CONSUMPTION OF FOOD AND DRINK OUTDOORS

Pavement licences

3 Determination of applications

- (1) This section applies where an application for a pavement licence is made to a local authority in accordance with section 2.
- (2) Before making a determination in respect of the application, the local authority must—
 - (a) take into account any representations made to it during the public consultation period,
 - (b) consult the highway authority for the relevant highway to which the application relates, where the local authority is not that authority, and
 - (c) consult such other persons as the local authority considers appropriate.
- (3) After the end of the public consultation period the local authority may—
 - (a) grant a pavement licence to the applicant, or
 - (b) reject the application.
- (4) A pavement licence granted to the applicant may be granted in respect of—
 - (a) any or all of the purposes in relation to which the application is made;
 - (b) some or all of the part of the relevant highway specified in the application.
- (5) A local authority may grant a pavement licence under subsection (3)(a) only if the authority considers that, taking into account any conditions subject to which it proposes to grant the licence (as to which, see section 5), nothing done by the licence-holder pursuant to the licence would have an effect specified in subsection (6).
- (6) The effects referred to in subsection (5) are—
 - (a) preventing traffic, other than vehicular traffic, from—

Status: This is the original version (as it was originally enacted).

- (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.
- (7) Where a local authority is considering for any purpose of this group of sections whether furniture put on a relevant highway by a licence-holder pursuant to a pavement licence has or would have the effect referred to in subsection (6)(a), the authority must have regard in particular to—
- (a) the needs of disabled people, and
 - (b) the recommended distances required for access by disabled people as set out in guidance issued by the Secretary of State.
- (8) In subsection (6), words and expressions which are also used in Part 7A of the Highways Act 1980 have the same meanings as in that Part of that Act.
- (9) If the local authority does not make a determination under subsection (3) by the end of the determination period, the licence for which the application was made is deemed to be granted by the authority to the applicant.
- (10) In this group of sections, the “determination period” means the period of 7 days beginning with the first day after the public consultation period.