



Business and Planning Act 2020

2020 CHAPTER 16

PART 1

CONSUMPTION OF FOOD AND DRINK OUTDOORS

Pavement licences

7 Effects

- (1) A pavement licence authorises the restriction, by anything done by the licence-holder pursuant to the licence, of public access to the part of the relevant highway to which the licence relates.
- (2) A pavement licence constitutes deemed planning permission for anything done by the licence-holder pursuant to the licence—
 - (a) which is development requiring planning permission under Part 3 of the Town and Country Planning Act 1990, and
 - (b) for which there would otherwise not be planning permission or deemed planning permission.
- (3) Anything done by the licence-holder pursuant to a pavement licence is not street trading for the purposes of—
 - (a) Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 (street trading),
 - (b) Part 3 of the London Local Authorities Act 1990 (street trading), or
 - (c) any other enactment under or by virtue of which street trading without a licence or other form of permission is unlawful.
- (4) Nothing in this group of sections prevents a person from applying for permission under Part 7A of the Highways Act 1980 or any other enactment to do anything which could be done by a licence-holder pursuant to a pavement licence (but a local authority may not require a person to apply for such permission rather than a pavement licence).

Status: This is the original version (as it was originally enacted).

- (5) Where a pavement licence has been granted or deemed to be granted to a person, permission subsequently granted to the person under Part 7A of the Highways Act 1980 or any other enactment to do anything which could be done by the person pursuant to the pavement licence has no effect while the pavement licence continues in force.
- (6) Section 149 of the Highways Act 1980 (power to remove things deposited on a highway) applies in relation to anything put on a relevant highway pursuant to a pavement licence.
- (7) Section 333 of the Highways Act 1980 (saving for rights and liabilities as to interference with highways) applies as if sections 1 to 6 were provisions of that Act.
- (8) In section 249 of the Town and Country Planning Act 1990 (order extinguishing right to use vehicles on highway), subsection (7) has effect as if at the end there were inserted “or sections 1 to 9 of the Business and Planning Act 2020”.
- (9) Subsection (10) applies where—
 - (a) a person has applied to a local authority for—
 - (i) permission under section 115E of the Highways Act 1980, or
 - (ii) a licence or other form of permission for street trading under an enactment referred to in subsection (3), but
 - (b) before the application is determined, the person applies for a pavement licence.
- (10) Where this subsection applies—
 - (a) the application referred to in subsection (9)(a) is treated as withdrawn, and
 - (b) if the person has paid any fee payable in connection with that application, the local authority to which the pavement licence application is made may not require a fee under section 2(1)(c).