

## **TEMPORARY LICENSING OF PUBLIC SPACE AND FOOTWAYS GUIDANCE NOTES FOR APPLICANTS**

### **1. Purpose**

The reason for licensing space on the public footway is to provide a control that safeguards public safety and allows adequate pedestrian movement whilst enabling a business premise, where there is sufficient space to do so, to legally display goods and/or allow an encroachment of their business. Use of the footway that is not supported by a valid licence from the Council is illegal and liable to prosecution.

### **2. The Licence**

A Licence is temporary and valid for 6 months, and is renewable for further periods of 6 months. The Licence is a printed document that specifies the conditions relating to its exercise that on request is to be shown to a Council or other Public Service Officer. A licence is issued to an individual who is attendant at the premise, and not to a premise, partnership or company. It is not transferable to another person. If Council withdraws or refuses to renew the licence, a temporary Licence holder has no right of appeal under the governing legislation however the Council will allow an appeal to the Head of Environmental Control who will review the documentation and decision.

### **3. Administrative Fees**

Where the licence is for the display of goods only, for example as a projection from a shop front, or to display an A Board, the administrative fee is £12.50. Where the licence is not for the shop display of goods but for the business use of the footway or public space for example to set out tables and chairs then the administrative fee is £120 for six months or a lesser period. The fee will be paid at licence issue and is a pre-condition of issue and validity.

### **4. Charges**

All uses of the footway are charged at a common rate which is £1 a square metre a day. The charge is to be paid at a minimum four weeks in advance. It may be paid for a greater period up to 6 months if that is preferred by the licensee. If the charge is not paid the licence will lapse immediately. The charge is not refundable, irrespective of whether a licence is surrendered or withdrawn.

### **5. Making the Application**

The Applicant will complete an Application Form and a Site Report. Following the submission of those documents a Council Officer will make a confirmatory site visit. The Applicant will afterwards receive in writing an invitation to apply for a licence, or a request for clarification, or notification of a refusal.

### **6. The Site Report and Site Visit**

Listed below are most, but not necessarily all, the factors taken in account either by the Site Report or during the Site Visit.

- There must remain 1.8 metres (6 feet) of clear, unobstructed footway.
- Footfall during period of licence
- Crowding to view the display and or queuing for access
- Street furniture and configuration that impacts on the space
- Building Fire Exits
- Bus, Cash Point, Post Office etc queues.
- The visual impact of the intended moveable structures
- The Street Market designation and/or Parking provision in place
- Close proximity of premises licensed for the sale of alcohol
- Close proximity of residential buildings
- Clear and unobstructed sightlines to and from the carriageway.

## **7. Calculation of Space Licensed**

The depth of the area licensed may vary according to circumstance. The length is from one end of the premise frontage to the other, including the area in front of premise access points (including doors). Where a premise is on a street corner the square metreage will be the depth multiplied by length of each frontage. No marks or studs will be placed on or in the footway. Where a service is provided, an acceptable form of fencing or area demarcation provided by the Licence holder is permitted.

## **8. General Licence Conditions**

1. Only a like commodity or service to that in premise may be offered or take place in the licensed area of footway
2. The standard period licensed for the display and use of equipment is between 07:00 a.m. and 10:00 p.m. This period may be reduced subject to local circumstances.
3. Valid business protection public liability insurance with clause covering 'outside use' must exist
4. The licensed area is to be checked hourly and kept clean, clear and tidy; and be clear of rubbish and waste at end of the daily licence period. A premise trade waste agreement is to be in place
5. Unless stated as an exception the display and equipment is to be removed into and stored within the premise at the time of premise closure
6. Radio and audio equipment shall not be used either in, or in an adjacent place to the licensed area
7. Patio heaters and awning are prohibited, but not side-less parasols
8. No item that damages the footway is to be used, and it is not to be secured to it
9. Ash trays and bins when provided are to be secured to the premise front
10. Persons illegally trading, begging, and soliciting are not to be permitted to be in or immediately adjacent to the licensed area
11. Electrical generators are not to be used. Electrical power may be provide from the premise and this supply is to be in accordance with Health and Safety at Work Act 1974 and all other relevant Regulations.
12. A failure of an employee in respect of adherence to Licence Conditions is the failure of the Licence holder.

## **9. Use of Private Land and Premise Forecourts**

Selling or exposing goods and services on private land within 7 metres of the edge of the public carriageway requires a Council licence unless those goods and services are the same as that sold from a premise on that land. Where the goods and services are the same, the Council may nevertheless require evidence that the land used is not public footway or space, and that there are no conditions attaching to the private land preventing display or service provision.

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