

Frequently Asked Questions – Based on information known on 10th July from the draft legislation

Business Type	Question	What to do
Café/Restaurant (without alcoholic drinks licence)	I want to use an area on the footpath outside my premises	You will need to apply for Pavement Licence from Hyndburn Council at licensing@hyndburnbc.gov.uk
	I want to now serve alcoholic drinks onsite/off site	You will need to apply for Drinks Licence from Hyndburn Council. You should contact the licensing department at licensing@hyndburnbc.gov.uk
	I want to use an area on the footpath not outside my premises	You will need to discuss with Hyndburn Council. You should contact the licensing department at licensing@hyndburnbc.gov.uk
Café/Restaurant (with alcohol drinks licence)	I want to use an area on the footpath/Highway outside my premises	You will need to apply for Pavement Licence from Hyndburn Council at licensing@hyndburnbc.gov.uk
Public House (with Alcohol drinks Licence)	I want to use an area on the footpath outside my premises	You will need to apply for Pavement Licence from Hyndburn Council at licensing@hyndburnbc.gov.uk
	I currently only have on-site sales licence but want to offer off-site sales	No further licence or variation of licence is required. The Business and Planning Act 2020 allows any premise that has on sales to also provide off sales. This is a temporary change and will remain in force until the end of September 2021 unless extended.
Café or Public House	I want to fully close the highway outside my premises to all vehicles	This is not covered by the Pavement Licence and you will need to apply for a full Road Closure from Lancashire County Council. Please note they require 12 weeks prior notice for a full road closure. https://www.lancashire.gov.uk/roads-parking-and-travel/roads/road-closure-application/
	I want to extend my opening hours	Any premise with an alcohol licence that wishes to extend the hours when licensable activities can take place, will have to apply for a full variation to the current licence. There is a consultation period of 28 days to do this. You should contact the licensing department at licensing@hyndburnbc.gov.uk
	I am already registered as a food business and just want to serve outside.	You do not need another 'outside' licence, apart from a pavement licence if tables and chairs are to be placed on the highway. However, you must inform the Food Safety Team at food_team@hyndburnbc.gov.uk
Business other than a Café, Pub, restaurant or other eating/drinking business	I want to use an area on the footpath outside premises to serve non-alcoholic refreshments	You will need to apply for Pavement Licence from Hyndburn Council at licensing@hyndburnbc.gov.uk

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	I want to use an area on the footpath outside premises to serve alcoholic drinks and other refreshments	You will need to apply for a Drinks Licence and Pavement Licence from Hyndburn Council. There will be a 28 day consultation period for anyone wishing to apply for the grant of a licence to sell alcohol. You should contact the licensing department at licensing@hyndburnbc.gov.uk
	I want to extend my opening hours	Discuss with Hyndburn Council in first instance. If the premise has a licence for the sale of alcohol a full variation will be required with a 28 day consultation period. You should contact the licensing department at licensing@hyndburnbc.gov.uk
	Do I also need to register as a food business with the Council if I just want to serve light refreshments such as teas/coffees, cakes/biscuits etc.?	Yes. You will need to discuss with Hyndburn Council. You should contact the food team at food_team@hyndburnbc.gov.uk
Street Traders (food or drink) such as Burger Vans or coffee vans	Can I apply for a Pavement Licence?	No. Only businesses that have an existing physical structure fronting onto the footway/highway can apply for a pavement licence. If you want to start trading then you must apply for a street traders licence. You should contact the Food Safety Team at food_team@hyndburnbc.gov.uk
General Questions for any Business		
	How long does it take to get a Pavement Licence?	There is a mandatory 7 day public consultation period which starts the day after the application is served on the Council. The Council must make a determination within 7 days following the last date for consultation. However, if there are no comments received and the Council does not have any concerns, the licence will most likely be issued on day 8.
	Can the Council refuse my Pavement Licence request?	Yes the Council can refuse applications if there are serious safety matters and/or concerns from the public consultation, Highways Authority or Police. The Council can also grant a licence subject to such conditions it considers reasonable or grant the licence with amendments to the area applied for.
	Do I have a right to appeal?	No
	How much does a Pavement Licence cost?	Each application for a pavement licence will incur a £50 administration fee (which has been discounted by 50% from the maximum permitted fee)

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	How long will the Pavement Licence last?	The licence will last for a period of 12 months unless revoked or surrendered. The Business and Planning Act has relaxed the legislation until 30 September 2021.
	What if I only want to hold a 'one off' event on the pavement?	You can apply to the licensing department for a Temporary Event Notice (TEN) at licensing@hyndburnbc.gov.uk However, there are the same safety considerations that will be taken into account. The cost of the notice is £21. Please note a TEN does not automatically give you the right to use an area and you may need to seek permission from Lancashire County Council Highways Department if you intend to place items on the Highway.
	Do I still need planning permission?	No. The relaxation of the planning legislation is a temporary provision. However, all Pavement Licences granted under this provision will expire on the 30 September 2021
	What happened after the 30 September 2021?	If you still wish to use the footway/highway outside your business then you will need to make a planning application to Hyndburn Council.
	How big an area can I apply for?	The area must not encroach in front of any adjoining business frontages and there must be a clear gap as to not impede pedestrians. Full details will become available when the legislation becomes law.
	What hours can I operate the pavement café?	The Pavement Licence only permits use between the hours of 9:30am to 9:00pm. The Council may consider requests for opening outside these hours for example to serve breakfasts. However, local residential housing and other factors will play a major part in considering this.
	Who is responsible for the tables, chairs and other furniture and equipment?	Each business is responsible for erecting and dismantling their furniture and other equipment presented on the designated area each morning/evening and you will need to ensure you have the a minimum level of £2 Million public liability insurance as required in by the Council's policy.
	How long does it take to get a Drinks Licence?	There is a consultation period of 28 days beginning the day after the application is served. If no representations are received the licence will be granted, however if any representations are received the council will hold a hearing to make a determination within 20 working

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		days of the last date for representations. You should contact the licensing department at licensing@hyndburnbc.gov.uk
	How much does it cost for a Drink Licence?	The cost varies depending on the non-domestic rateable value of your property. You should contact the licensing department to confirm the cost You should contact the licensing department at licensing@hyndburnbc.gov.uk
	Can a pavement licence be suspended or revoked?	Yes the Council can suspend or revoke a pavement licence on any of the following grounds: (a) some or all of the part of the relevant highway to which the licence relates has become unsuitable for any purpose in relation to which the licence was granted or deemed to be granted, (b) as a result of the licence— (i) there is a risk to public health or safety, or (ii) anti-social behaviour or public nuisance is being caused or risks being caused, (iii) the highway is being obstructed (other than by anything done by the licence-holder pursuant to the licence), (c) anything material stated by the licence-holder in their application was false or misleading, or (d) the licence-holder did not comply with the duty to fix the notice to the premises and secure that it remained in place during the public consultation period.