



Supporting al fresco hospitality in Kensington and Chelsea

British Summer Time
Licensing 2025
Procedures for licensing
Summertime Terraces



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA



Why the Council supports al fresco dining?

The Council has long recognised the positive contribution that outdoor hospitality makes to enlivening our streets and creating attractive and successful places for residents and visitors to enjoy. In February 2022, the Council adopted a policy to support al fresco hospitality on streets and public spaces on a permanent basis. Under the policy, the Council offers businesses the opportunity to create summertime terraces in front of their premises on temporary footway extensions on suspended car parking bays and yellow lines during the period of daylight-saving time. This initiative seeks to broaden the opportunity for businesses to provide seating outdoors to animate our streets during the brighter months.

Summertime terraces

To help hospitality businesses the Council will take appropriate steps temporarily to extend footways at suitable locations during the warmer, brighter months of British Summer Time (i.e. from late March to late October) every year, by suspending parking bays to create additional footway areas.

Summertime terraces can occupy up to two on-street parking bays (or an equivalent surface area where there are other kerbside markings). The Council will expect summertime terraces to be proportional to the size and offering of the premises. Locations directly in front of ground floor residential dwellings are not suitable for summertime terraces. The Council will only issue pavement licences for summertime terraces on footway extensions in respect of proposals that are open to the footway and separated from the roadway. The cumulative length of contiguous summertime terraces should not exceed 20 metres (or four parking bays) to ensure that there is ample opportunity for pedestrians to cross the road safely. Gaps between summertime terraces should be a minimum of two metres wide.

On streets with single surface layouts (e.g. Hollywood Road), additional footway space can be made available (through parking suspensions) to accommodate supplementary summertime seating areas positioned

alongside year-round seating zones. We shall only license tables, chairs, and lightweight parasols in such locations. Large cantilever umbrellas will not be permitted. The outer part of the extended footway must be kept clear for pedestrian passage.

In other locations, any platforms provided beyond the kerb must be easily removable in the event of resurfacing or utility works. Streets may need to be cleared of pavement furniture to host public events and large crowds, during the Notting Hill Carnival for example. Modular designs are a favoured way to ensure that platforms can be removed quickly. In an emergency there may not be sufficient time for a joiner to come to disassemble timber constructions.

Summertime terraces should extend the footway in an attractive way that contributes positively to the street scene. The summertime terraces should be inviting and aesthetically engaging, with planting, sympathetic umbrellas, and attractive battery powered lighting. Clutter and unnecessary objects should be avoided.

It is important that summertime terraces are accessible to everyone, including those with disabilities so they should contain step free access.

What amenities can be provided on summertime terraces?

In appropriate locations, the Council will approve any pavement furniture items reasonably associated with external dining or the serving of food or drink. **Speakers and music will not be permitted. A-boards will not be permitted.**

The following items could potentially be licensed as an element of a summertime terrace.

- tables, counters or shelves (on which food or drink can be placed),
- chairs, benches or other forms of seating,
- safety barriers, up to waist height (approximately one metre above the ground),
- removable platforms to achieve a level surface (roads slope down to the kerb; these facilities should be designed to be accessible to those with wheelchairs and mobility needs),
- planters (well-maintained with no artificial flowers or fake greenery),
- battery powered lights and,
- umbrellas and parasols (large cantilever umbrellas are not acceptable).

All items affording shelter should be retractable and removable. Fixed structures above waist level (approximately one metre above the ground) shall not be licensed. These items should be supported so as to ensure that all sides of the licensed area are open and do not block views of shopfronts from across the street.



Essential Design Principles

The Council will only license installations that satisfy the following design principles. Each proposal will be assessed against each principle and a failure to address one within the proposed design will result in consent being withheld.

- 1** All summertime terraces should be **easily removable** to facilitate utility works, highway maintenance or public events, such as the Carnival. The Council will not license installations which do not have an obvious way of being dismantled, stored, and reassembled at short notice. The Council is open to suspending nearby parking bays for short periods to allow larger items of pavement furniture to be secured out of the way while vital street works are underway. The constituent elements of any installation should be capable of being reused and should not be discarded when removed. Waste is not environmentally sustainable or likely economic for licensees.
- 2** All summertime terraces should **enhance the streetscape** by improving the visual and functional qualities of our streets. Although matters of aesthetics are subjective, the provision of a well-designed terrace in place of a car parking bay offers a good opportunity to improve the appearance and the vitality of our streets. This is best achieved by the terrace being modest in scale and obviously secondary to the host premises. The materials and furniture employed should be tasteful. A terrace proposal should not include advertisement on the furniture or on the barriers surrounding the temporary enclosure.
- 3** Plastic sheeting, Perspex screens, tarpaulins or similar barriers, should not be used to shield summertime terraces from the street. Shelter can be provided from above in the form of umbrellas/ parasols. These should be supported in a way that ensure that all sides of the licensed area are open above waist level (approximately one metre above the ground) and do not block views of shopfronts from across the street.
- 4** All summertime terraces should add **greenery** to the host street. Summertime terraces offer great opportunities to introduce attractive colourful flower displays to the borough's street scene. Whilst we do not expect the terraces to compensate for the lack of feasible planting sites in our neighbourhood centres, they do provide an opportunity for the introduction of curated and well-maintained planting beds for the enjoyment of all the community. Fake greenery or other plastic adornments will not be permitted.
- 5** All summertime terraces must be **safe**. Public safety is vital and that is why we can only offer footway extensions in locations with limited traffic. Busier roads, usually those with bus routes, would not be suitable for footway extensions. Even in quieter locations, careful consideration will be given to the risks to public safety of any proposal. Examples of suitable locations are mixed use frontages, neighbourhood centres and areas adjoining these locations.
- 6** All premises with summertime terraces should provide tables **accessible** to those with pushchairs or wheelchairs. Accessibility and inclusivity must be integrated into proposed layouts. In some locations it may be possible to designate accessible tables adjacent to the building line on the footway. This would remove the need to provide a raised platform for the summertime terrace. Where a raised platform is required to satisfy accessibility requirements, platforms should be modular. They should be designed so as not to block kerbside drainage channels.

Essential Management Principles

- 1** All summertime terraces should form part of the street. As such we expect licensees to be **welcoming** to allcomers and to avoid fostering any sense of exclusivity. These opportunities to use the public highway are provided for the public benefit. Licensees should be mindful of this at all times.
- 2** All summertime terraces should be clean and in good order at all times. Inadequate cleansing could fatally undermine the positive contribution that a summertime terrace makes to the street scene and could in the most serious cases warrant the revocation of a licence. The Council expects the licensed area and the environs of the parent premises to be kept clean. Waste should be managed in line with agreed protocols in a given location. Waste should not be left in front of neighbouring premises or placed in the gaps between summertime terraces. An agreed waste presentation area remote from licensed areas and the frontages of neighbouring shops should be identified in discussion with the Council's Waste Contracts team.
- 3** Operators are expected to be considerate towards their neighbours at all times and to adopt procedures to limit noise disturbance, especially early in the morning and in the evening. As a general rule the Council will license summertime terraces to operate no later than 10pm. Last orders should be made before 9.30pm. In primarily residential contexts an earlier terminal hour of 8pm on Sundays will often be appropriate. Moving furniture at the beginning and end of the trading day can lead to noise nuisance. Noise at premises will be monitored and evaluated (where a statutory nuisance is suspected). Where premises have long operating hours and it is not possible to bring furniture inside, furniture should be safely secured within the licensed area. This advice is particularly relevant to cafes that serve customers in the early morning.

Achieving consent for a summertime terrace – a two stage approach.

Applications for pavement licences in the form of summertime terraces can only be considered in locations where temporary footway extensions are already in place. Accordingly, there are two stages to securing consent for a summertime terrace. Applicants must receive positive confirmation of both before a summertime terrace can be erected on the highway.

Stage 1 - Request for a temporary footway extension - A temporary footway extension must be arranged with the Council and put in place before an application for a pavement licence can be submitted.

Stage 2 - Pavement Licence - Once an area of highway has been designated as a temporary footway extension by the Council,

then the business must submit a pavement licence application for the summertime terrace within ten days. If a pavement licence application has not been received with ten days, the temporary footway extension will be terminated, the associated parking suspensions will be cancelled, and the highway will return to normal operations.

Requesting a temporary footway extension (Stage 1).

A temporary footway extension must be arranged with the Council and put in place before an application for a pavement licence can be submitted. Proposals for temporary footway extensions will be considered by Council officers with reference to the guidance within this document.

Requests for a footway extension can be made by completing the online form “**Footway Extension Expression of Interest form**”.

If the proposal is acceptable Council officers will arrange for the footway to be temporarily extended by suspending car parking bay(s) or arranging a dispensation on a yellow line. An implementation fee of **£569** will be sought from applicants to cover the Council’s costs in assessing the proposal and implementing the temporary footway extension.

The Council will also levy a monitoring fee of **£124** per metre length of temporary footway extension to cover the Council’s monitoring costs during the British Summer Time season. The monitoring fee would be billed in three tranches with invoices sent in May, July and September. A one bay footway extension would therefore cost £1189 for a full season (£569 implementation fee; £620 monitoring fee). A double bay footway extension would cost £1809. (Additionally, a £500 payment will be required for a pavement licence application

for the proposed seasonal pavement furniture (see next page).

Applicants whose proposal is accepted will receive confirmation that the temporary footway extension has been approved. They will also receive a unique code and a link to our website where the payment of the implementation fee can be made. **Please note that a positive agreement to extend the footway does not guarantee that a pavement licence will be granted for that section of footway. These are two separate decisions.** No items of furniture should be placed on a footway extension until a valid pavement licence has been issued.

Following successful payment of the implementation fee, applicants are expected to submit a pavement licence application as soon as possible and within no more than ten days. If a pavement licence application has not been received within ten days, the temporary footway extension will be terminated, the associated parking suspensions will be cancelled, and the highway will return to normal operations.

If following due process, the Council refuses a pavement licence application for a summertime terrace, the associated parking suspensions and or/ yellow line dispensation will be cancelled.

Applying for a pavement licence for a summertime terrace (Stage 2)

Once an area of highway has been designated as a temporary footway extension, as confirmed by the Council by email, a business must apply for a pavement licence for a summertime terrace within ten days.

How to apply for a pavement licence

Applications must be made online using our online application platform.

Applications can only be made in respect of footway areas or closed roads. Where temporary footway extensions are required, these should be arranged in advance of making a pavement licence application (see Stage 1 above).

The application fee for a new pavement licence for a summertime terrace is **£500**

We will process applications within four weeks.

On the application form we ask applicants to:

- specify whether the application is for external seating or for the serving/ vending of food or drink or for both purposes.
- specify the part of the relevant highway to which the application relates.
- describe the type of furniture to which the application relates.
- supply a **scale plan** (drawing).
- specify the days of the week on which, and the hours between which it is proposed to put furniture on the highway.
- **supply evidence of public liability insurance (£5 million); and,**
- confirm whether or not alcohol is to be served.

Following submission of the application form, applicants will receive an acknowledgement by email within half an hour. Attached will be a site notice. **Applicants are required by law to print the site notice and to post it in a prominent position on the premises frontage on the application date.** Applicants should take a photograph of the site notice in position and send a copy of the photograph taken to tablesandchairs@rbkc.gov.uk on the application date. Failure to display the site notice in the window may result in the application being rejected due to the application procedure not being followed.

There will be a two-week consultation period. The details of the application will be published online. The Council will take all representations into account before issuing any licence.



Accordingly, there is a possibility that the licence application may be refused. The Council's intention is to license any proposal that adheres to this guidance.

The Council will grant a pavement licence, if we are satisfied that the proposal:

- does not impede pedestrian movement.
- is safe.
- would not unduly impact on parking supply.
- would not unduly impact on residential amenity; and,
- would not unduly impact on visual amenity.

We will grant pavement licences for summertime terraces until **Saturday 25 October 2025**, the last day of British Summer Time.

The use of a summertime terrace must cease on Saturday 25 October 2025 and must be removed from the highway by Tuesday 28 October 2025. The Council will reserve the right to remove summertime terraces after this date and recharge the cost of this to the premises. Any failure by a premises to remove summertime terraces when required to do so will be a legitimate consideration for the Council when considering future requests for temporary footway extensions.

In the event that a British Summertime Licence is found not to be in use for any period of two weeks or more, the associated parking suspensions will be cancelled, the temporary footway extension will cease, and the area will be returned to car parking.



What conditions will apply?

In order to avoid external seating areas impacting unduly on residential amenity, licensed hours will normally be limited to between 8am and 10pm, Monday to Sunday. Any departure from these normal hours would need to be fully justified.

We require that all licensed pavement furniture be easily removable. At night, pavement furniture on summertime terraces must be put out of use and locked in a safe manner. Planters, platforms and other means of enclosure can be left on the street so long as they are safe and secure.

The key to successfully managing summertime terraces beyond the kerb is the provision of a suitable enclosure to separate patrons from the roadway and to prevent activity spreading onto the highway. Consequently, we require all proposals for summertime terraces to be enclosed with barriers on three sides to separate tables and chairs from vehicular areas, so as to maintain customer safety. These barriers should not exceed one metre in height. The barriers should, like all pavement furniture, be tasteful and should serve to enhance the streetscape.

It is vital that any external facilities proposed on the highway are covered by the applicant's insurance policy. We require public liability insurance to the value of £5 million. Any licence application for pavement furniture will be unsuccessful without proof of insurance. The safety of patrons and other highway users within the licensed area is the responsibility of the licensee.

Applicants must make reasonable provision for seating where smoking is not permitted. The application drawing should indicate which tables are to be smoke-free. Smoke-free seating areas must be a minimum of two metres from any tables where smoking is permitted.

Lighting associated with tables and chairs in pedestrianised streets and zones will be expected to be battery-powered LED lighting, consistent with the work the Council is doing to improve the environmental efficiency of lamp columns across the borough.

The Council will not license the use of artificial heaters on the highway. Blankets can be used to provide warmth. The weather should be favourable on most days during British Summer Time. On days when it is not, patrons have the option of sitting inside.

The **standard conditions** listed below will be applied to all licences issued under the Business and Planning Act 2020, whether they be for seating on footways, public spaces or for summertime terraces.

- 1 The Licensee must ensure that clear routes of access along the highway are maintained, taking into account the needs of disabled people, and the recommended minimum footway widths and distances required for access by those with mobility or visual impairments are provided at all times the licence is in operation.
- 2 Where the furniture on the relevant highways consists of seating for use by persons, for the purpose of consuming food or drink, the licence holder must make reasonable provision for seating where smoking is not permitted.
- 3 This licence permits the use of table and chairs or other authorised furniture on the highway only in the area designated on the plan attached to the licence.
- 4 This licence permits the use of table and chairs or other authorised furniture on the highway only in connection with the use of the adjacent premises/ business at the application address.
- 5 No alcohol is to be sold or consumed from the designated area identified unless that sale and/or consumption is approved under the Licensing Act 2003 which includes any temporary authorisations for the sale of alcohol permitted pursuant to the Business and Planning Act 2020.
- 6 No furniture may be placed within the designated area identified on the plan other than that expressly permitted by the licence.
- 7 This licence does not allow the use of loudspeakers, amplification or other similar equipment.
- 8 All furniture approved for use, including tables, chairs, barriers, and umbrellas must be safe for public use and must be kept in good repair and condition.
- 9 No plastic sheeting, Perspex screens, plastic adornments or fake greenery shall be placed within the licenced area or be attached to the pavement furniture hereby licensed.
- 10 The licensee must ensure that good order and behaviour is maintained at all times by people using any tables and chairs or other authorised furniture pursuant to this licence and that no nuisance is caused to residential or business neighbours.
- 11 All tables and chairs and other licensed objects shall be removed immediately from the highway when required by the Council, Metropolitan Police or other emergency services in the interest of public safety, public order, safe and efficient highway operation or to facilitate necessary statutory undertaker or utility works.
- 12 All tables and chairs and other authorised furniture that is used in connection with this licence must be removable which means that it is not a permanent fixed structure and is able to be moved easily and stored off the highway if required.
- 13 The tables and chairs and other authorised furniture shall not be placed on the highway before the time specified and are to be put out of use no later than 22:00 hours. Service at the tables should cease at 21:30 hours in order for this to be achieved. Trading may only take place on the days and during the times specified on the licence.

- 14 A copy of the licence shall be displayed during the hours of trading in a prominent position agreed by the Council, either in the front window of the premises or nearby so as to be clearly visible from the outside to anyone wishing to inspect it.
- 15 No fixtures to or excavation of any kind shall be made in the surface of the highway, which shall be left entirely undisturbed. Kerbside drainage channels shall not be obstructed – any licensed platforms shall not block kerbside drainage channels or gullies.
- 16 The Licensee shall not use this licence unless it has public liability insurance cover in the sum of not less than £5 million and has provided a copy of that policy to the Council.
- 17 Tables and chairs and other authorised furniture must be stored in such a way that they cannot be moved or used outside of licensed hours.
- 18 Staff must regularly monitor the licensed area to ensure it is kept clean and tidy. Any litter or waste arising from use of the licensed area must be cleared away as soon as is practicable. The licence holder shall ensure that any spillages are promptly removed from the highway and restore the affected area of highway to a clean and safe condition. It is the responsibility of the licence holder to ensure that the licensed area is washed down on a daily basis. The licence-holder shall put in place suitable pest control arrangements and measures. The Council will recharge the licence-holder the full cost of any remedial work to remove any residual staining of the highway outside his or her premises, including the replacement of the paving stones, if necessary, by pavement stones of an equivalent quality and to an equivalent standard.
- 19 If the Council serves a Notice on the licence holder requiring him/her to take such steps as are necessary to remedy any breach of the terms of this licence, and the licence holder fails to comply with the notice the Council may itself take the steps required by the Notice and recover from the licence holder any expenses incurred.
- 20 All pavement furniture placed on “footway extensions” shall be enclosed with barriers on three sides to separate tables and chairs from trafficked areas, so as to maintain customer safety.
- 21 On footway extensions, planters, barriers, and other prominent objects must be positioned on the roadway side of the licensed area to make it clearly visible and to physically separate the licensed area from trafficked areas. The maintenance of these items in position is the responsibility of the licence holder. Objects on the boundary of the licensed area must appear bright after dark with appropriate reflective markings so that they can be easily seen.
- 22 On footway extensions, well maintained flower displays and/ or planting shall be provided within the licensed area to add greenery to the host street.
- 23 The licence holder shall ensure that the management team of the business to which the licence is attached register and successfully complete the nationally recognised counter terrorism training product referred to as ACT eLearning package within 10 days of the grant of the licence OR can demonstrate that the ACT eLearning product has been successfully completed within the preceding 12 months and that all staff employed by or at the premises complete the ACT eLearning within a reasonable period not exceeding 3 months from date of the licence (ACT eLearning Certificates are provided on successful on-line completion).

- 24 The licence holder shall ensure that the existing CCTV systems are working correctly, are compliant with the Data Protection Act 1998, Information Commissioner requirements, and any other CCTV Code of Conduct produced by the Police or Local Authority. Imagery shall be retained for at least 28 days and images produced given to a Police Officer or Local Authority Enforcement Officer upon reasonable request. Faults which render the CCTV system or parts of it inoperable should normally be rectified within 24 hours.
- 25 For premises situated to the north of the A402 road (i.e. the streets named Notting Hill Gate or Holland Park Avenue), no items of pavement furniture, including platforms, barriers or decks, shall be placed on the highway at any time during the period of the Notting Hill Carnival; that is on the three days up to and including the August Bank Holiday.
- 26 No advertisement or political slogans or symbols shall be displayed on the pavement furniture hereby licensed. No A-boards shall be placed on the highway.
- 27 The licence holder shall provide public access to premises' customer toilets (if available), without charge.



Adhering to pavement licences for summertime terraces

The Council is giving businesses the opportunity to trade from the public realm in the confident expectation that they will act considerately and adhere to all licence conditions at all times. The Council has discretion in the granting of licences and the Council has powers to revoke licences issued under the Business and Planning Act 2020.

The Council will take action to revoke any pavement licences that it considers resulting in –

- **undue risks to public health or safety.**
- **anti-social behaviour or public nuisance or.**
- **the highway being obstructed (other than by anything done by the licence-holder pursuant to the licence).**

Standard pavement licence condition 21 requires “on footway extensions, planters, barriers, and other prominent objects must be positioned on the roadway side of the licensed area to make it clearly visible and to physically separate the licensed area from trafficked areas. The maintenance of these items in position is the responsibility of the licence holder”. The Council will closely monitor adherence to this condition as it is critical to highway safety.

Council officers shall prepare a case for revocation after a premises has been found to have committed four breaches of the pavement licence conditions, the fourth breach having followed receipt of two documented verbal warnings and one formal written warning from an authorised officer. Any decision to revoke shall be made by the Director of Highway and Regulatory Services having first consulted the Chair or a Vice Chair of the Licensing Committee.

Licensees should also ensure that customers using summertime terraces, the pavement outside their premises during warmer months, or smoking at any time of the year, do not cause unnecessary nuisance. Failure to control customers using the pavement outside their premises could result in the premises licence being the subject of a review application, under the Licensing Act 2003.

