

<b>Title of Report</b>	Public Realm Licensing Update: Policies for Tables, Chairs, A-Boards, Shop Fronts, Markets and Street Trading
<b>For Consideration By</b>	Corporate Committee
<b>Meeting Date</b>	2 June 2026
<b>Classification</b>	Open with Exempt Appendix
<b>Ward(s) Affected</b>	All
<b>Group Director</b>	Rickardo Hyatt, Group Director, Housing, Climate and Economy
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## 1. Introduction

Hackney has a dense, high-footfall and highly entrepreneurial public realm. The Council must balance the benefits of outdoor trading, al fresco dining, shop front displays and local advertising with its duties to maintain safe, accessible and well-managed streets.

This report explains the policy and terms and conditions framework that governs public realm licensing across markets, street trading, shop fronts, pavement licences, tables and chairs, A-boards, private market operators and related activity. It also explains the differences between the main licence types and how these controls are administered, managed and enforced.

The purpose is to give Corporate Committee assurance that the Council is not operating a single informal approach, but an integrated statutory and policy framework that can enable economic growth while protecting residents, accessibility, safety and regulatory confidence.

## 2. Group Director's introduction

The public realm is a shared asset. In Hackney it supports businesses, market traders, visitors, residents, culture, employment and town centre vitality. It also carries legal duties relating to highways, equality, safety, nuisance, licensing, planning, waste, enforcement and public protection.

This update summarises the current operating framework and highlights areas of active development, including the permanent pavement licensing regime, A-board licensing from April 2026, al fresco activation, public realm enforcement and the need for continued annual review of conditions and fees.

### **3. Recommendations**

There are no formal recommendations contained within this report. It is for informational purposes.

Corporate committee can:

1. Note the statutory and policy framework governing public realm licensing across Markets, Shop Fronts & Street Trading.
2. Note and comment on the balance between business support, inclusive economic growth, accessibility, resident protection and enforceable licence conditions.
3. Note the requirement for final Legal, Highways, Finance and Governance Services review before publication, particularly where the paper summarises legal powers, enforcement tools, licence durations and delegated decision routes.

### **4. Reason(s) for decision**

No decision is sought. The report is for information and comment and provides the Corporate Committee with oversight of the regulatory and policy framework used to manage public realm licensing and related enforcement.

This matter is relevant to the Committee because public realm licensing directly affects highways, regulatory functions, trading, enforcement, equality, business growth and multiple wards.

### **5. Background**

The service manages several distinct but connected licensing regimes. The same physical location may involve different controls depending on whether the activity is market trading, street trading, shop front trading, pavement furniture for food and drink, portable advertising, a private market, an event or highway activity.

The central operational challenge is to apply the correct legal route, conditions and enforcement power to the relevant activity. This is particularly important where traders, businesses or residents use generic terms such as tables and chairs, pavement licence, shop front licence, A-board or market licence interchangeably.

## Public realm licensing decision pathway

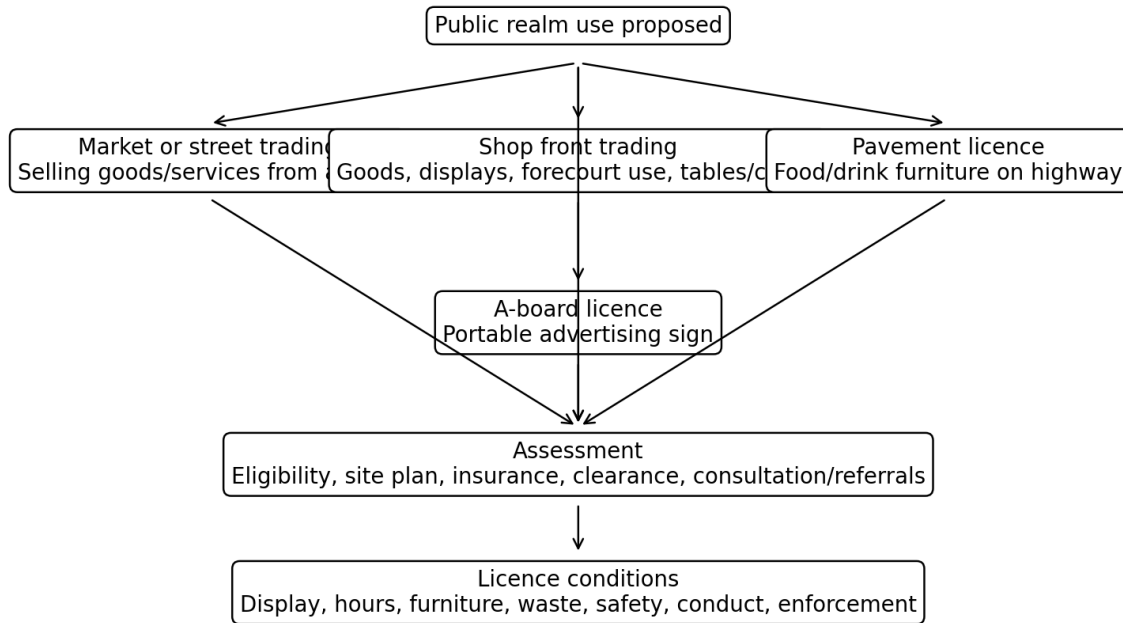


Figure 1: Simplified pathway showing how officers identify the appropriate public realm licence route.

### Policies, terms and conditions currently governing public realm licensing

Document or control	Primary function	When Hackney uses it
Markets and Street Trading Policy	Sets the strategic basis for Council markets, private markets, street trading and market rights.	Used when assessing market operations, trader mix, market development, market rights, policy objectives and the relationship between commercial and community-based markets.
Standard Street Trading Licence Terms and Conditions	Controls permanent and temporary market/street trading licences.	Used for Council-run markets, isolated street trading pitches, market traders and temporary traders under the London Local Authorities Act 1990 as amended.
Standard Shop Front Trading Terms and Conditions inclusive of Tables and Chairs	Controls trading from the frontage of premises, including goods displays and certain tables/chairs arrangements.	Used for shop front and forecourt style trading, including private forecourts where the local regime applies and the activity is not solely a national pavement licence activity.
Pavement Licence Policy and Standard Pavement Licence Terms and Conditions	Controls removable furniture on relevant highway for food and drink businesses.	Used for eligible cafes, restaurants, pubs, bars and similar businesses seeking tables, chairs, counters, barriers, umbrellas, heaters or other removable furniture for food/drink consumption.

Document or control	Primary function	When Hackney uses it
A-Board Licensing and Operating Guidance	Controls portable advertising boards on the public footway.	Effective from 1 April 2026 to replace the previous zero-tolerance approach with a regulated, permissive and accessibility-led licensing regime.
Private Operator Licence Terms and Conditions	Controls private market operators and privately operated market events.	Used where a market operator seeks permission to operate a market, normally involving five or more stalls, and where Food Act 1984 or market rights considerations apply.
Fees and Charges Schedule	Sets application, administration, licence and related charges.	Used annually and when new applications, renewals, storage, events, removal, disposal or other chargeable activities arise.
Officer Licensing Panel procedures	Provides governance for contested, higher-risk or non-routine licensing matters.	Used where officer determination, refusal, revocation, suspension or disputed licence matters require formal panel oversight and auditable decision-making.
Enforcement procedures and licence conditions	Set the steps for advice, warning, notices, removal, seizure, suspension, revocation, non-renewal and prosecution where appropriate.	Used across all regimes according to the legal power and seriousness of breach.
Codes of conduct and unreasonable behaviour guidance	Supports safe engagement with traders, associations and stakeholders.	Used to maintain professional behaviour, safe meetings and proportionate response to persistent or unreasonable conduct.

### Differences between the principal licence types

Licence type	Legal basis	What it permits	Key difference
Street trading or market licence	London Local Authorities Act 1990 as amended. Food Act 1984 may apply to some food or private market activity.	Selling goods or services from a licensed pitch, stall, vehicle, barrow or other receptacle.	The licence is tied to trading activity and pitch/location controls. Consent normally cannot exceed 12 months under the street trading governance approach.
Shop front licence	London Local Authorities Act 1990 as amended and related highway powers where applicable.	Use of frontage or forecourt space for goods displays, commercial activity, tables/chairs where the	Hackney uses temporary and permanent categories. Temporary licences are used for new or shorter-term applicants; permanent licence status

Licence type	Legal basis	What it permits	Key difference
		shop front regime is the appropriate route.	gives greater stability but still requires ongoing compliance and renewal/payment controls.
Pavement licence	Business and Planning Act 2020 as amended by the Levelling-up and Regeneration Act 2023.	Removable furniture on relevant highways for food and drink sale, service or consumption.	National regime with fee caps, statutory consultation/determination periods and deemed grant risk if not determined in time.
A-board licence	Highways Act 1980 section 115E and London Local Authorities Act 1990 section 27(3), subject to final Legal confirmation.	Portable, free-standing advertising signs on the public footway.	Not a pavement licence. Advertising boards are treated separately from food/drink furniture and may also raise planning/advertisement consent issues.
Private market operator licence	Food Act 1984 Part III and market rights/legal governance.	Operation of a market by a private operator.	Focuses on the market operator, market rights, event management, trader controls and impact on existing licensed markets.

### Tables and chairs on pavements

Tables and chairs are not governed by one universal route. The correct route depends on the business type, location, furniture, highway status and purpose. Food and drink businesses seeking removable furniture on relevant highways will usually fall under the pavement licence regime. Other frontage use, private forecourt activity or non-food display activity may require a shop front licence, Highways Act consent, planning/advertisement consent or another route.

The GOV.UK pavement licence guidance confirms that the Business and Planning Act route is intended to provide a cheaper and quicker route for eligible food and drink businesses, with fees capped at £500 for first-time applications and £350 for renewals, a 14-day public consultation period and a 14-day determination period. If not determined in time, the licence is deemed granted for two years. The guidance also confirms that A-boards are not included in the pavement licence definition of furniture.

Hackney policy requires clear pedestrian movement. The Pavement Licence Policy states that furniture must be removable, removed at the end of each trading day and maintain minimum clearance, with discretion in limited circumstances. In practice, clear footway widths, disabled access, public safety, emergency access, noise, nuisance, public health, alcohol licensing, waste and street scene are key assessment matters.

### How licences are administered

The administrative model is designed to ensure that decisions are lawful, consistent and auditable. Applications are normally submitted through online forms or prescribed application routes and require relevant supporting information such as plans, dimensions, insurance,

identity or business evidence, food or alcohol-related permissions where relevant, and payment of the correct fee.

- Initial screening identifies the correct licence regime and whether the applicant is eligible.
- Site assessment considers footway width, frontage, obstruction, visibility, crossings, junctions, street furniture, conservation or planning considerations, emergency access and local context.
- Internal and external referrals may include Highways, Planning, Environmental Health, Licensing, Waste, Community Safety, TfL, Police or Counter Terrorism Security Advisers where relevant.
- Public consultation or site notice requirements are applied where required by statute or policy.
- Decisions are recorded with reasons and conditions. Contested, non-compliant or higher-risk matters can be referred through panel or delegated escalation routes.
- Licences are monitored through inspections, trader engagement, complaints, intelligence, payment records and renewal checks.

### How licences are managed and enforced

Management and enforcement are proportionate and risk-based. The service seeks voluntary compliance first where appropriate, but it must be able to act quickly where there is unlawful trading, obstruction, safety risk, repeated non-compliance, nuisance, false information, failure to pay or breach of licence conditions.

Stage	Purpose	Typical action
Prevention	Reduce avoidable breaches.	Clear guidance, published terms, application advice, site checks and officer engagement.
Early compliance	Correct minor issues promptly.	Verbal advice, written reminder, request to reposition furniture, update documentation or remove unauthorised items.
Formal compliance	Address repeated or material breach.	Warning letter, remedial notice, licence review, panel referral, additional conditions, refusal to renew, suspension or revocation where legally available.
Enforcement	Protect the highway, public safety and regulatory confidence.	Removal, seizure, fixed penalty notice where available, prosecution, debt recovery or other statutory action according to the relevant regime.
Learning	Improve future practice.	Trend analysis, policy review, EqIA monitoring, trader communications, member briefings and operational training.

### Leveraging regulation for social and economic growth

Hackney uses licensing as an enabling framework, not only as a control mechanism. Properly designed conditions allow lawful use of the public realm, help businesses expand outdoors, provide routes into employment and self-employment, activate underused spaces, improve street vitality and maintain public confidence.

The growth model includes temporary and permanent trading routes, affordable entry points, youth and next generation trader programmes, business support, social media promotion, trader

webpages, events, al fresco dining trials, curated markets such as the Ridley Sunday Collective and targeted support for micro-businesses. These interventions are strongest when they are backed by clear conditions, fair fees, visible enforcement and accessible streets.

### Strategic Policy Context

The policy framework supports inclusive economy, town centre vitality, public safety, equality, climate and high street activation objectives. It also supports the Council financial strategy by ensuring that licence regimes recover costs lawfully and avoid unmanaged pressure on the General Fund.

### Options appraisal

Option	Description	Assessment
Option A - Maintain current regimes without consolidation	Keep all policies separate and rely on existing officer knowledge.	Legally possible but harder for businesses, members and residents to understand.
Option B - Publish an indexed public realm licensing framework	Maintain separate legal regimes but present them through one public-facing guide and internal decision tree.	Recommended. Improves transparency without blurring legal distinctions.
Option C - Full policy rewrite	Replace all existing public realm policies with a consolidated policy.	Potentially useful longer term but legally complex and resource intensive. Would require consultation and Legal oversight.

### Equality, inclusion, diversity and belonging

Public realm licensing has a direct equality dimension. Outdoor trading, A-boards, barriers, tables and chairs can create opportunities for small businesses, but they can also create access barriers for disabled people, older people, visually impaired people, wheelchair users, people with prams and others who need predictable, clear and safe routes.

The A-board and pavement licensing frameworks should therefore continue to be monitored through EqIA action plans, disability access feedback, compliance checks and clear minimum clearance standards. Economic support should not override safe movement through the public realm.

### Sustainability and climate change

Well-managed public realm licensing can support local shopping, walking, cycling, reuse, markets, local supply chains and lower-impact high streets. It can also create waste, energy, servicing and noise pressures if conditions are weak or not enforced. The service will continue to link licence conditions to waste, cleansing, storage, removal of furniture, environmental protection and sustainable trading practice.

### Consultation/engagement

Engagement requirements differ between regimes. Pavement licences have statutory public consultation and site notice requirements. Street trading terms and conditions require statutory consultation when standard conditions are adopted or materially changed. A-board licensing has been developed as a controlled shift from a ban to a regulated approach, with monitoring and review required after implementation. Ongoing engagement with traders, businesses, residents, accessibility groups and internal services will remain essential.

## Risk assessment

Risk	Impact	Mitigation
Wrong licence route applied	Invalid decision, challenge, enforcement failure or unmanaged risk.	Decision tree, officer training, Legal review and clear public guidance.
Tacit consent on pavement licences	Deemed two-year licence if statutory period missed.	Robust application tracking, escalation and case management.
Accessibility impact	Obstruction, injury risk, equality challenge and reputational harm.	Minimum clearance, inspections, disability feedback and enforcement.
Policy fragmentation	Businesses and members misunderstand what applies.	Indexed public realm licensing framework and plain-English summaries.
Over-permissive growth	Noise, ASB, cleansing and enforcement pressures increase.	Conditions, hours, consultation, monitoring and review.
Over-restrictive regulation	Reduced business growth and local employment.	Proportionate licensing, temporary routes, business support and evidence-based conditions.

## 6. Financial implications

This is an information and comment report. No new decision to incur expenditure or amend fees is sought through this paper. Any future decision requiring expenditure, fee changes, procurement, consultation or staffing change will require the relevant delegated or Cabinet authority and formal Finance comments before publication.

Financial Implications prepared on behalf of the Group Director Finance & Corporate Resources by: John Holden, Assistant Director of Finance - Sustainability, Public Realm and Special Projects [John.Holden@hackney.gov.uk](mailto:John.Holden@hackney.gov.uk)

## 7. VAT implications on land and property transactions

Not applicable to this information and comment report. No land or property transaction is proposed. Any future land or property transaction, licence structure, lease arrangement or concession arrangement will need separate VAT review.

VAT Implications prepared on behalf of the Group Director Finance & Corporate Resources by: John Holden, Assistant Director of Finance - Sustainability, Public Realm and Special Projects [John.Holden@hackney.gov.uk](mailto:John.Holden@hackney.gov.uk)

## 8. HR/OD implications

There are no direct HR/OD implications arising from this report. The report notes operational pressures and the need to maintain sufficient capacity across licensing, market operations,

public realm management, engagement, compliance and business support. Any future restructure or staffing proposal will require separate HR/OD advice, consultation and decision-making.

HR/OD implications prepared on behalf of the Director of HR/OD by:  
Steve Swain Strategic HR OD Business Partner. [steve.Swain@hackney.gov.uk](mailto:steve.Swain@hackney.gov.uk)

## 9. Legal implications

The legal framework referenced in this report includes the London Local Authorities Act 1990 as amended, the Food Act 1984, the Highways Act 1980, the Business and Planning Act 2020 as amended, the Levelling-up and Regeneration Act 2023, the Equality Act 2010 and related public law duties. There are no official recommendations within this report, and no further legal implications arising from this report.

Legal implications prepared on behalf of the Director of Legal, Democratic & Electoral Services by: Josephine Sterakides - Senior Lawyer-Litigation and Public Realm  
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## 10. Appendices can be provided on request

Appendix	Title
EXEMPT	
Appendix 1	Impact of Licensing Act 2023 Reforms vs. Hackney Shop Front and Pavement Licensing Policies, August 2025
Appendix 2	Markets, Shop Fronts & Street Trading Strategy 2024-2029
Appendix 3	Rules of Governance
Appendix 4	Markets Service Policy
Appendix 5	Markets & Street Trading Terms and Conditions
Appendix 6	Shop Fronts Terms and Conditions
Appendix 7	Pavement Licence Policy
Appendix 8	Pavement Licence Terms & Conditions
Appendix 9	Private Operators Terms & Conditions
Appendix 10	A-Board Terms and Conditions and Operating Guidance
Appendix 11	Markets & Street Trading Handbook
Appendix 12	Shop Fronts Handbook
Appendix 13	Shop Front Trading Leaflet
Appendix 14	Alfresco Dining Guidance
Appendix 15	Markets 4 People Handbook

**Reason(s) for exemption**

Appendix 1 - Part 1 of schedule 12A of the Local Government Act 1972 this report and/or appendix is exempt because it contains Information relating to the financial or business affairs of any particular person (including the authority holding the information) and it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**Background documents**

None.