

Business and Planning Act 2020 – Pavement Licence

Local Conditions

Location and Plan

- I.1 Except with the previous written consent of the Council, only the facilities detailed on the licence are to be placed on the public highway, and the facilities are only to be placed on the public highway between the times detailed on the licence in the permitted area specified in the licence and as shown on the plan for the licence.
- I.2 There can be no deviation from this licence without the prior approval of the Licensing Authority. Any changes to any part of the pavement café (including furniture, other items, the area or operating hours) is strictly prohibited under the terms of this licence. 'A boards' are only allowed in the pavement area if there is sufficient space for them to be accommodated safely within the designated area and inside of the barriers. **'A Boards' must not be placed on the highway at any time without written authorisation of the Council's Highways Team.**
- I.3 Any table, chair, umbrella or other such item used in connection with the pavement licence shall be kept in good condition and so presented as to not detract from the appearance of the street and must be subject to daily checks.
- I.4 Clear access to the entrance of the adjoining premises must be maintained at all times.
- I.5 No fire exits must be blocked or restricted in use by the placing of the furniture on the highway.
- I.6 The licence holder is not permitted to make any fixtures, or excavations of any kind, to the surface of the highway without prior written approval of the Council.
- I.7 The licence holder will be responsible for any damage, including any stainage, to the highway during the operating hours of the licence.

Insurance

- I.8 The licence holder will hold a Public Liability Insurance indemnity policy throughout the term of the licence up to the value of £5 million.
- I.9 The licence holder is not to make or cause to be made any claim against the Council in the event of any property of the licence holders becoming lost or damaged in any way from whatever cause.

Removal of Furniture on Request

- I.10 The Licence holder must remove the furniture/barriers on request of the Council where planned repair or maintenance of the pavement/highway is to be undertaken. Where possible, the Council will give notice to the licence holder within 7 calendar days, for the purpose of:

- (a) Works in or under or over the highway or for using it in connection with works in, under or over land adjacent to or adjoining it as may be required Council, the local highways authority or any statutory undertaker or other person authorized by the Council.
- (b) Use by emergency services.
- (c) Some special events
- (d) Any other reasonable cause.

In some instances it may be that no notice can be given for immediate repair work to the pavement or nearby highway or for some events. The licence holder is expected to work positively with the Council on these occasions and co-operate on the removal of the furniture.

- I.11 The Council will not be liable for any loss of earnings whilst repair/maintenance is carried out or special events are taking place. The licence holder must allow the Council reasonable access for such works.

Hours of Operation and Clearance of the Area

- I.12 The licence holder must remove the furniture immediately at the end of the operating hours shown on the licence or on any sooner on request by licensing officers or on revocation of the licence.
- I.13 The licence holder must ensure that there is sufficient staff working in the pavement area and regular supervision of the area to ensure that tables can be immediately cleared and cleansed on customers finishing their meals/drinks.
- I.14 The licensed area must be kept free of litter and rubbish, including staining from food and drink spillages. If smoking is permitted within the pavement consent area, ashtrays must be provided and emptied at regular intervals.
- I.15 The licensed area must be washed down thoroughly, at the end of every day, using a method sufficient to remove food debris, grease and other spillages that may occur.
- I.16 Tables and chairs or any other furniture shall not be affixed to the highway and should not be stored on the highway when they are not in use, e.g. during inclement weather or before or after the premises is open. They must be stored safely and securely on the premises. **Space must be kept available to enable this to occur.**

Management of Customers in the Licensed Area and Supervision

- I.17 The footway must not be obstructed by customers or staff standing between tables and between tables and chairs and the kerb.
- I.18 All customers using the pavement licence area will be required to remain in the designated area at all times.
- I.19 The consent holder is solely responsible for the conduct of customers and staff within the pavement area. **Unruly or rowdy behaviour which is not controlled is not acceptable, and may lead to the revocation of this licence.**

Prevention of Public Nuisance

- I.20 No amplified music or sound is allowed in the pavement café area without the authorisation of the Licensing Authority.

Alcohol Sales

- I.21 The granting of a pavement café consent applies only to the applicant in respect of the premises concerned and is outside of and in addition to a licence to sell alcohol. Where alcohol is sold a premises licence under the Licensing Act 2003 must already be in place.
- I.22 Customers are prohibited from consuming alcoholic drink bought from the premises, for consumption on or off the premises, outside of the pavement consent area.
- I.23 In premises where alcohol is served, all alcoholic drinks may be required to be served in polycarbonate or shatterproof glasses where available or if requested by the Licensing Authority.

Other

- I.24 The granting of this consent is for a period not exceeding 12 months, and for the purpose of assisting business due to the Covid-19 pandemic and the effects on business continuity. It does not act as any precedent for any future use of the highway for placing of tables and chairs or street furniture.
- I.24 The granting of this licence will be subject a review every 3 months to ensure compliance with the conditions of use, and ensure there is no detrimental impact on the local area or accessibility measures for disabled persons.
- I.25 This consent can be revoked at any time if one or more of the following issues occur
- A breach of licence condition occurs (whether or not a remedial notice has been served)
 - A risk to public health or safety is identified (for example people are being permitted to breach social distancing guidelines)
 - The highway is being obstructed – other than within the permitted area
 - Anti-social behaviour or public nuisance is taking place
 - The consent holder is found to have made a false or misleading statement on their application or found not to have complied fully with the advertising process.
 - The designated highways area or any part of that area, has become unsuitable for use.

NATIONAL CONDITIONS

Considering the need for Disabled people

Clearance/Obstruction

- Section 3.1 of Inclusive Mobility sets out a range of recommended widths which would be required, depending on the needs of particular pavement users, a minimum of **1500mm** clear space should be regarded as the minimum acceptable distance between the obstacle and the edge of the footway,
- The positioning of furniture should not discourage pedestrians from using the footway. The available route must be entirely clear and not pass through an area with tables and chairs;

Barriers

- Where a need to separate furniture from the rest of the footway so that the visually impaired can navigate around the furniture is identified by the Licensing Authority, consideration must be given to the colour contrast and a tap rail for long cane users of the barriers to be used.
- In some cases, it may be appropriate to use one or more rigid, removable objects to demarcate the area to which the licence applies, for example wooden tubs of flowers. However, this will need to be balanced to ensure any barriers do not inhibit other street users, such as the mobility impaired, as such barriers may create a further obstacle in the highway; these must have been agreed by the Licensing Authority before being placed on the Highway.

Furniture

- Where possible furniture should be non-reflective and of reasonable substance such that it cannot easily be pushed or blown over by the wind.

Designated Smoking/Non Smoking Areas

- Clear 'smoking' and 'non-smoking' areas must be in place, with 'no smoking' signage displayed in designated 'smoke-free' zones in accordance with Smoke-free (signs) regulations 2012
- Licence holders should provide a minimum 2M distance between non-smoking and smoking areas, wherever possible.
- No ash trays or similar receptacles to be provided or permitted to be left on furniture where smoke-free seating is identified.