

## **Pavement Licence Standard Conditions**

1. The licence holder shall comply with all national conditions set out in section 5 of the Business and Planning Act 2020, and any and all conditions made under that section. Where these conditions conflict with one or more or more conditions attached by the council the local conditions applied by the council take precedence.

The national conditions are:

### No-obstruction condition

The licence holder shall not:

- (a) prevent traffic, other than vehicular traffic, from
  - (i) entering the relevant highway at a place where such traffic could otherwise enter it (ignoring any pedestrian planning order or traffic order made in relation to the highway)
  - (ii) passing along the relevant highway
  - (iii) having normal access to premises adjoining the relevant highway
- (b) prevent any use of vehicles which is permitted by a pedestrian planning order or which is not prohibited by a traffic order
- (c) prevent statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or
- (d) prevent the operator of an electronic communications code network having access to any electronic communications apparatus kept installed for the purposes of that network under, in, on or over the highway.

### 'Smoke-free seating' condition

Where tables and chairs are provided for customer use, the licence holder shall make reasonable provision for seating where smoking is not permitted within the licensed area, so that customers have the option of sitting in a smoking or non-smoking area.

2. A summary of this licence, as provided by the licensing authority, must be displayed on the premises where it can be seen from outside of the premises at all times that the premises are open to the public. Should the licence summary be lost or damaged, a replacement licence summary must be requested from the council as soon as possible.
3. This licence permits the holder to use the licensed area, as defined on the licence plan delineated in red attached to the licence summary, only for the activities and furniture permitted by this licence during the licensed days and times.
4. The licence holder shall not place on the highway any furniture or equipment or advertisement other than as specified in this licence and shall maintain the same in a neat tidy and safe condition and shall not place them so as to obstruct the access to or exit from any premises.
5. No furniture shall remain on the highway outside of the permitted hours under this licence or when the premises are closed to the public. The only exception to this is for thirty minutes

prior to or after the permitted hours when set up or clearing of the area is occurring. The Public must not have access to the area during this time.

6. The licence holder shall leave the highway in a neat and tidy condition after removing all furniture from the highway at the end of permitted hours.
7. The licence holder shall not cause any unnecessary obstruction of the highway or danger to persons using it.
8. The licence holder shall not permit persons to cause a public nuisance or anti-social behaviour. Where the licence holder employs any person to ensure the safety and security of the premises and its customers, such persons must be licensed by the Security Industry Authority.
9. The licence holder shall not permit persons to gather so as to breach The Health Protection (Coronavirus, Restrictions) (England) (No 2) Regulations 2020 (or any regulation repealing or amending such regulation) or fail to comply with the Government's Guidance "Staying alert and safe (social distancing)" or any subsequent Government's social distancing Guidance.
10. The licence holder shall not use or permit any public playing music reproduction or sound amplification apparatus or any musical instruments radio or television receiving sets whilst exercising privileges granted by this licence.
11. The Licence holder shall not make any excavations or indentations of any description whatsoever in the surface of the highway or place or fix equipment of any description in the surface of the highway.
12. The Licence holder shall maintain the licensed area in a clean and tidy condition during the permitted hours and shall provide litterbins or similar receptacles for the disposal of rubbish within the licensed area.
13. Nothing herein contained shall be construed as the grant or purported grant by the council or any tenancy protected by the Landlord and Tenant Act 1954 or any statutory modification or re-enactment thereof for the time being in force save as for those set out in the Business and Planning Act 2020 or other relevant legislation.
14. If so requested in an emergency by an authorised officer of the council, Police officer, Fire Brigade officer, paramedic, statutory undertaker, or communications network operator, the licence holder shall remove the furniture permitted under this licence from the highway.
15. If so requested by the highway authority where use of the area is required for maintenance or other purpose the licence holder shall remove the furniture permitted under this licence from the highway.
16. The council may remove and store or dispose of:
  - (i) Any structures placed by the Licence holder in the highway but not authorised by this Licence, and
  - (ii) Any structures authorised by this Licence but placed by the Licence holder in the highway outside the permitted hours or outside the permitted area and the Council shall not be responsible to the Licensee for the safe-keeping thereof.

17. The licence holder shall observe and comply with any reasonable directions in relation to the use of the highway given from time to time by or on behalf of the council.
18. The licence holder shall provide suitable barriers around the licensed area. The barriers must have been approved by the Council prior to use.
19. The licensee shall indemnify and keep indemnified the Council against all actions proceeding claims demand and liability in respect of personal injury, damage to goods or property, or any loss arising out of the grant of this licence and the licensee's use of the land and for this purpose must take out at the licensee's expense a policy of insurance approved by the council in the sum of at least £5 million in respect of any one event.