

# Pavement Licence Standard Conditions

## Definitions

“Defined Area” – the area shown on the agreed plan delineated in red where tables, chairs and other furniture as agreed by the Council may be placed on the highway.

## Duration and times of licences

1. The permission shall run until [expiry date] but may be renewed on payment of the fee as may be notified from time to time by the Council.
2. The Licensee to use the Land for the placing of tables and chairs in the course of his business only between [Operational times of licence] except that the tables and chairs shall be removed from the Defined Areas whenever the Premises are not open to the public.

## Use of Land

3. The permission is personal to the Licensee.
4. The Licensee to use the Defined Areas for the purpose of consuming refreshments in connection with his restaurant/caf  business only and not for any other purpose whatsoever.
  - (1) The Defined Area is designed ‘Non-Smoking’; smoking must not be permitted in the Defined Area.
5. Furniture within the defined area must not constitute an obstacle for all pavement users. A minimum of 1500mm clear space is regarded as the minimum acceptable distance between an obstacle and the edge of the footway.
  - (1) Any proposed Defined Area must consider existing street furniture as obstacles which can impact upon the minimum clear space required to be maintained.
6. The business’ COVID-19 risk assessment must consider the use of the Defined Area and the Defined Area be planned and managed as COVID-19 Secure, so far as is reasonably practicable.
7. No tables, chairs or barriers may be placed in the Defined Areas until the Council has given its approval as to the type and designs to be used and the tables, chairs and barrier must be kept in good repair and condition at the Licensee’s expense.
8. No charge shall be made by the Licensee for the use of the chairs and tables.
9. No other furniture or objects may be placed on the highway other than that expressly permitted in this licence. This Licence does not allow the use of loudspeakers, amplification or other equipment externally to the premises. The Licence does not allow the use of barbeques, fire pits and similar within the Defined Area.

- (1) The furniture used within the Defined Area must be suitably capable to remain in position during windy weather without requiring any means of securing the furniture.

### **Barrier around the tables and chairs**

10. The Licensee must ensure that the Defined Areas are clearly delineated in a manner acceptable to the Council before tables and chairs may be placed on the highway;
11. (a) The Licensee must provide a sign to read:  
“These tables and chairs are for customer's use only”.
- (b) Where alcohol is to be consumed, the Licensee must provide a sign to read:  
“Drinking up time: Alcohol must not be consumed during the last thirty minutes that this area is allowed to be used as a pavement café.”

### **Access to the Land**

12. The Licensee shall, if required to do so by a Statutory Undertaker, in order that access may be obtained to equipment under or near the footway or highway or if the Council requires access to the Defined Areas for any reason whatsoever, remove the tables and chairs from the Defined Areas.
  - (1) Where the Licensee is given at least seven days' written notice by either (a) the Council or (b) a police officer of at least the rank of Inspector, he shall remove the tables and chairs from the Defined Area for the period of time as will be specified in the notice.

### **Sale of alcohol**

13. (1) Alcohol (as defined in the Licensing Act 2003) may only be served to customers using the tables and chairs if the Licensee holds an appropriate premises Licence under the Licensing Act 2003.
- (2) The Licensee shall ensure that soft drinks and water are available to be purchased by customers using the tables and chairs.
- (3) No alcohol may be consumed in the Defined Area during the last thirty minutes of the hours allowed each day by this Licence.
- (4) The Defined Area will accommodate seated customers only.

### **Cleanliness and Hygiene**

14. The Licensee shall:
  - (1) ensure that all litter arising from the operation of this licence shall be disposed of as the Licensee's trade waste and not in permanent litter bins provided by the Council;
  - (2) prior to placing furniture on the highway, the Defined Area shall be swept free of all litter and debris to a reasonable standard;

- (3) clear litter and food debris, and wash all spillages and grease, from the Defined Area and the pavement area beyond the Defined Area during the period of use, immediately after the tables and chairs are removed from the Defined Area;
- (4) ensure so far as possible that customers eating or drinking outside the Premises do so only at the tables provided and at the times specified in condition 2, and that the numbers of customers drinking outside the Premises are restricted to the number of chairs provided and which the Licensee is allowed to place outside the Premises.
- (5) no food or drink preparation shall occur within the Defined Area

### **Cutlery, Crockery, Condiments etc**

15. A suitable receptacle for litter shall be provided within the Defined Areas.
  - (1) No paper cups, disposable sachets or containers shall be provided within the Defined Area.
  - (2) All menus shall be enclosed in weighted folders if applicable.
  - (3) Serviettes shall be effectively managed so as not to litter the local area.
  - (4) No leaflets or other forms of advertisement or other printed material shall be left or distributed within the Defined Area.

### **Good Order**

16. The Licensee must ensure that good order and behaviour is maintained at all times by people using the tables and chairs. Where the Licensee 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.

### **Costs**

17. The Licensee shall be responsible for any rates, taxes and other outgoings which may be charged.
18. The fee for the provision of this permission shall be £100.

### **Termination**

19. The Licensee may surrender this licence at any time.
20. The Council may withdraw this licence at any time if it appears to the Council that the conditions by which it is granted are not being complied with or serve a notice on the licence holder requiring the remedy of the breach, as specified, within a stated timeframe.
21. The following enforcement regime will apply to pavement licences:
  - (1) where a breach of a licence condition is identified, a warning notice will be issued and the licensee requested to comply with the conditions within one

hour of the warning. Failure to comply with the warning notice will lead to the licence being revoked.

- (2) The Council may also revoke the licence if it considers that—
  - (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,
    - (ii) anti-social behaviour or public nuisance is being caused or risks being caused, or
    - (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 display a notice of application to the premises appropriately until the end of the public consultation period.

### **Indemnities and Insurances**

23. The Licensee shall make no claim or charge against the Council in the event of the chairs or tables or other objects being lost, stolen or damaged in any way from whatever cause.
24. 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.
25. The Licensee's attention is drawn to the Highways Act 1980 Section 155k (failure to comply with terms of permission).