

Appendix 3 - Pavement Licence Standard Conditions

These conditions apply to all licences issued under the Business and Planning Act 2020

“Licence Holder” – for the purposes of these conditions a licence holder is the person named on the licence or anyone managing or employed at the premises in any capacity that allows them to carry out the benefits of the licence.

1. The Licence Holder shall not cause any unnecessary obstruction of the highway or danger to persons using it. The Licence holder must have particular regard to the needs of disabled people, and the recommended distances required for access by disabled people as set out in guidance issued by the Secretary of State.
2. The Licence Holder shall not permit persons to cause a public nuisance or anti-social behaviour.
3. The Licence Holder shall not use, or permit to be used, any apparatus for the reproduction of sound, including but not limited to musical instruments, radios, televisions, or public address systems, while exercising any of the privileges granted by this licence.
4. The Licence Holder shall not make, or cause to be made, any excavation, indentation, or other alteration of any kind to the surface of the highway. Furthermore, the Licence Holder shall not place, install, or fix any equipment or apparatus of any description into or onto the surface of the highway without the prior written consent of the Highway Authority.
5. The Licence Holder shall not use the highway for any purpose other than that expressly permitted by this Licence, and only during the permitted hours specified herein. At all other times, the Licence Holder shall not make any use of the highway under the terms of this Licence, except for the lawful purpose of passing and repassing over it as a member of the public.
6. The Licence Holder shall ensure that any advertisement is placed strictly within the licensed area as indicated on the approved plan. Any such advertisement must not, under any circumstances, cause obstruction to the highway or interfere with the safe and convenient passage of pedestrians.
7. The Licence Holder shall keep the licensed area, together with the immediately adjacent area, in a clean and tidy condition at all times during the permitted hours. The Licence Holder shall also provide and maintain suitable litter bins or similar receptacles for the proper disposal of waste arising from the licensed activity.
8. Upon the expiry, surrender, or revocation of this Licence, the Licence Holder shall remove all furniture, equipment, litter bins, and any other articles placed on the highway under the authority of this Licence. The Licence Holder shall ensure that the highway is left in a clean, neat, and tidy condition to the satisfaction of the Council.
9. Nothing in this Licence shall be construed as granting, or purporting to grant, any tenancy or right of occupation to the Licence Holder under the Landlord and Tenant Act 1954, or any statutory modification or re-enactment thereof for the time being in force,

except as may be expressly provided for under the provisions of the Business and Planning Act 2020

10. In the event of an emergency, and upon request by an authorised officer of the Local Authority, a Police Officer, Fire Officer, Paramedic, or a representative of a statutory undertaker, the Licence Holder shall immediately remove the permitted furniture from the highway to facilitate access or ensure public safety.
11. If requested to do so by the Highway Authority, where the licensed area is required for maintenance, repair, or any other operational purpose, the Licence Holder shall promptly remove all permitted obstructions from the highway as directed.
12. The Council reserves the right to remove, store, or dispose of:
 - (i) any structures or items placed on the highway by the Licence Holder that are not authorised under the terms of this Licence; and
 - (ii) any structures or items authorised by this Licence but placed on the highway by the Licence Holder outside the permitted hours or outside the designated licensed area. The Council shall not be liable to the Licence Holder for the condition, loss, or safe keeping of any such structures or items so removed.
13. The Licence Holder shall display a copy of this Licence, or a Notice of its grant as approved by the Council, in a clear and prominent position at the premises to which the Licence relates, so as to be visible to members of the public at all times during the permitted hours.
14. The Licence Holder shall observe and comply with any reasonable directions relating to the use of the highway given by or on behalf of the Council.
15. The Licence Holder shall provide suitable barriers around the permitted area, subject to prior approval by the Council. Only barriers approved in writing by the Council shall be used.
16. The Licence Holder shall comply with the “no-obstruction condition” as set out in section 5(5) of the Business and Planning Act 2020. This means that any activity carried out by the Licence Holder pursuant to this Licence, or any activity of other persons enabled by this Licence, must not cause any of the effects specified in section 3(6) of this Act. In particular, the Licence Holder must not:
 - (a) prevent traffic, other than vehicular traffic, from:
 - (i) entering the relevant highway at any point where such traffic could otherwise enter it (Disregarding any pedestrian planning order or traffic order applicable to the Highway);
 - (ii) passing along the relevant highway; or
 - (iii) having normal access to premises adjoining the relevant highway.
 - (b) prevent any use of vehicles permitted by a pedestrian planning order or not prohibited by a traffic order.
 - (c) prevent statutory undertakers from having access to any apparatus belonging to them under, in, on, or over the highway; or
 - (d) prevent operators of electronic communications code networks from having access to any electronic communications apparatus installed for the purposes of their network under, in, on, or over the highway.

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17. The Licence Holder shall comply with the “smoke-free seating condition” as set out in section 5(6) of the Business and Planning Act 2020. This requires that where seating is placed on the highway for the purpose of the consumption of food or drink, the Licence Holder must make reasonable provision for seating areas where smoking is not permitted.
 18. The Licence Holder must ensure that any outdoor heaters used within the licensed area are infrared heaters that can be controlled by the customer, a timer, or motion sensors. The use of gas heaters is strictly prohibited.

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