

Conditions of temporary pavement licence

1. No furniture or barriers may be placed in the area until a licence has been granted.
2. The pavement licence consent must be displayed in the window of the premises to which the licence relates, facing the street in a prominent position and readable by the public.
3. The licence is granted for the period specified on licence.
4. The licence is issued to the applicant only and is not transferable.
5. The licensee shall not assign, lend, transfer or in any way part with the licence to another party for either to derive any benefit.
6. No variation to or any omission from or addition to the licence can take place whilst it is in force.
7. Tables and chairs/barriers must be placed and be visible from the premises to ensure there is adequate monitoring and supervision.
8. Alcohol is not permitted unless it is served under the authority of the premises licence held by the pavement licence holder.
9. No form of entertainment (incl. background music) is permitted in the licensed area, this, includes the placing or use of speakers or any other equipment for the amplification of sound.
10. A minimum width of unobstructed highway/footpath is required for pedestrians and their needs must be paramount, nor should they be diverted from their main route. The defined area must not conflict with other accesses nor dropped crossings required for the free passage of normal road users. This free passage may be varied as required by the licensing authority.
11. The licence holder shall at least 21 days prior to the date of the expiry of the licence express their interest in seeking a new licence for the same location to the council.
12. The grant of a pavement licence will not convey with it any authority to trade in any place or in any manner which would breach the general law, byelaws or street markets.
13. The fee is for the administration and grant of the licence. No refunds will be made in the event of a surrender of the licence before expiry. There is no automatic right to appeal against refusal of consent.
14. No part of the fee shall be refunded should the licence be revoked.
15. During hours of use, the licence holder or a nominated representative must be available to receive and respond to complaints.

16. This licence covers the use of amenities by customers for consuming food or refreshment which have been purchased from the licenced establishment. This licence does not permit the use of the amenities for any other purposes at any time.
17. No additional charge shall be made to customers for the use of the tables and chairs within the licensed area.
18. Permission applies only on the days and times defined by the licence. The licensee must remove all tables and chairs and other objects from the highway outside these hours, and store securely inside a premises away from the highway.
19. The licence holder must ensure that the footway is not obstructed by any other items of furniture or personal possessions of patrons.
20. The licence holder must ensure that the footway is not obstructed by patrons waiting to be seated, with a booking plan in place to ensure adequate time lapse between seated customers.
21. During the hours of darkness, suitable and sufficient lighting must be provided to ensure safe use of the area. Any proposals to provide additional lighting to the licensed area must be approved in writing by the relevant highway's authority.
22. The licence holder must whenever tables, chairs, other furniture are placed in the area covered by the licence, ensure it is monitored regularly by staff to ensure compliance with the licence conditions and to ensure that the area operates in a safe and orderly manner to reduce the risk of nuisance.
23. The holder will comply with all reasonable directions of licensing authority, highways authority or police, be that be verbally or in writing.
24. Furniture placed on the pavements after the granting of a licence must be in accordance with the details and plans provided at the time of the application. No changes are permitted.
25. The licence holder shall not at any time cause or permit any goods or produce to be stored or displayed at the side of the unit, or place any table, chair, trestle, box or other structure in the consent street, as a pavement café licence may be required.
26. The licence will be suspended where necessary to allow statutory utility's highway maintenance, and any other necessary remedial work to be carried out at the location covered by the licence.
27. The licence holder must ensure clear routes of access are maintained, taking into account the needs of disabled people and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in the Department for Transport's Inclusive Mobility document in force at the time this licence is granted, and the licence is granted subject to those requirements.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/3695/inclusive-mobility.pdf

28. Nothing in the pavement licence will override existing byelaws.
29. Anything done by the licence-holder pursuant to the licence, or any activity of other persons which is enabled by the licence, must not have an effect specified in section 3(6) and full consideration of paragraph 4.1 of the Guidance: Pavement Licence (outdoor seating) 26 July 2022.
30. Where the furniture to be put on the relevant highway consists of seating for use by persons for the purpose of consuming food or drink, the licence-holder must make reasonable provision for seating where smoking is not permitted. and full consideration of paragraph 4.2 of the Guidance: Pavement Licence (outdoor seating) 26 July 2022.
31. The pavement licence holder must ensure that the management team of the business to which the pavement licence is attached; register and successfully complete the nationally recognised counter terrorism training product referred to as ACT E Learning within 10 days of the notification of the grant of the Pavement Licence OR can demonstrate that the ACT E Learning product has successfully been completed within the preceding 12 months and that all staff employed by OR at the premises completed the ACT E Learning within a reasonable period not exceeding 3 months from the notification of the grant of the Pavement Licence. (Act E Learning certificates are provided on successful on-line completion).
32. The Pavement Licence holder must ensure that existing CCTV systems are correctly working, are compliant with the Data Protection Act 1998, Information Commissioners requirements and any other local CCTV Code of Conduct produced by the Police or Local Authority. Imagery must be retained for at least 28 days and images produced to a Police Officer or Local Authority Enforcement Officer upon reasonable request. Faults which render the CCTV system or parts of it inoperable should normally be rectified within 24 hours.
33. The Pavement licence holder must at all times be covered by Public Liability Insurance which:
- has minimum cover of £5 million and indemnifies the Council from and against all actions, proceedings, claims, losses, expenses and liabilities whatsoever in respect of loss of life or personal injury or damage to property, howsoever caused, arising out of or in any way attributable to the use of tables and chairs on the highway.