

National Conditions

The Business and Planning 2020 Act sets out two conditions which apply to pavement licences which are granted or deemed to be granted these are: a no-obstruction condition and a smoke-free seating condition.

1 No-obstruction condition

The licence holder pursuant to the licence, or any activity of other persons which is enabled by the licence must not cause any obstruction, or deemed to be an unacceptable obstruction, of the highway.

To meet the needs of disabled people, in most circumstances 1500mm clear space should be regarded as the minimum acceptable distance between the obstacle and the edge of the footway.

(Please be aware that as per HCC Highways Department guidance, there should be sufficient space to allow pedestrians to pass and repass on the footway. Current guidance from the County Council is to allow a minimum of 3 meters, 1.5 meters per person)

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;

Furniture must be of reasonable substance so it cannot easily be pushed or blown over by the wind, and thereby cause obstruction, unless measures have been taken to ensure it is kept in place.

2 Smoke-free seating condition

The national smoke-free seating condition seeks to ensure customers have greater choice, so that both smokers and non-smokers are able to sit outside, in order to protect public health by reducing risks of COVID transmission.

It is important that businesses can cater to their customers' preferences. The condition requires a licence-holder to make reasonable provision for seating where smoking is not permitted. This means that where businesses provide for smokers, customers will also have the option of sitting in a non-smoking area. Ways of meeting this condition could include:

Clear 'smoking' and 'non-smoking' areas, with 'no smoking' signage displayed in designated 'smoke-free' zones in accordance with .

No ash trays or similar receptacles to be provided or permitted to be left on furniture where smoke-free seating is identified. Licence holders should provide a minimum 2M distance between non-smoking and smoking areas.

General Conditions

- This permission is not transferrable.
- This permission will be in force for the dates stated on the consent or where no limit have been placed on its duration, it will expire on 30th September 2021, unless it is previously surrendered, suspended or revoked
- The area so permitted to be used solely for the purpose of consuming food and drink purchased on the premises. It is strictly forbidden to prepare any food and drink in this area.
- The tables, chairs and umbrellas shall be of such a design as may be approved by the Council in writing and be kept in good repair and condition at the permit holder's expense.
- Nothing contained in this licence gives the holder permission to make fixtures to or excavations of any kind in the surface of the highway which shall be left entirely undisturbed.
- The licence holder 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.
- The licence holder shall indemnify the Council against all actions, proceedings, claims demands and liability which may at any time be taken, made or incurred in consequence of the use of the chairs and tables and other objects and for this purpose must take out at the permit holder's expense a policy of insurance approved by the Council in the sum of at least £2 million in respect of any one event and must produce to the Council on request the current receipts for premium payments and confirmation of the annual renewals of the policy.
- No charge shall be made by the licence holder for the use of the chairs and tables and other objects.
- Waste from the licence holder's operations must be disposed of in accordance with their commercial waste agreement.
- Refuse and litter deposited on the highway in the vicinity of the chairs and tables and other objects must be removed each day by the permit holder at their expense or at more frequent intervals as may be required by or under the Environmental Protection Act 1990.

Pavement Licence Conditions

- The licence holder shall remove the tables, chairs and windbreaks from the highway outside the hours permitted by the licence, and immediately if required to do so in order to permit works in or the use of the highway by:
 - the Council, the County Council, the police, fire and ambulance services, any utility operator or builders' vehicles, hearses and furniture removal vans.
- The Council reserves the right to condition, suspend or revoke a licence if the licence holder breaches any of the conditions.
- Upon request licence holders will be required to clearly define the permitted area by the use of barriers of a type agreed with the Council.
- The licence holder must ensure that anything they do in pursuant of the licence, or any activity of other persons which is enabled by the licence must not cause an obstruction to
 - preventing traffic, other than vehicular traffic, from—
 - 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),
 - passing along the relevant highway, or
 - having normal access to premises adjoining the relevant highway,
- preventing any use of vehicles which is permitted by a pedestrian planning order or which is not prohibited by a traffic order,
- preventing statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or
- preventing 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.

Local Conditions

Each application will be determined on its own merit, however, please note that there may need to be other conditions on the licence dependant on location, such as restrictions on quantity of furniture, hours of operation and requirements for pavement barriers or as at outcome of the consultation period.

If this is the case, you will be notified prior to the issue of the licence.