

Pavement Licences - Conditions of Licence

The following conditions will be applied to all Pavement Licences which are granted or deemed to be granted under the Business and Planning Act 2020. Additional conditions may be added on a case-by-case basis at the discretion of the Council.

1. Outside of the hours mentioned in the Licence, the removable furniture must be removed and stored safely outside the area and in any event not on the highway.
2. The removable furniture shall be immediately removed upon request by the City Council, Police or Highways Authority if the area is required in whole or in part for repairs to be undertaken **or for any other reason**. In the case of planned maintenance work the City Council or Highways Authority shall endeavour to give reasonable notice to the Licensee. In the event of emergency repairs no notice may be given. Maintenance works/repairs included work undertaken by statutory undertakers as well as surface repairs.
3. In the event that any removable furniture is found outside the area, the Licensee will receive a remediation notice from the City Council both via email and delivered to the premises. The notice will outline the reasons why it is believed that the Licensee has breached condition(s) of the Licence, and will be given 7 days to remedy the breach. In the event that the breach is not remedied within this time period, the City Council may take steps to remove the furniture and/or consider revocation of the Licence.

In the event that the furniture is removed by the City Council and the Licensee wishes to reclaim them, prior to their return the Licensee shall;

- i) Contact the Licensing Department to request the return of confiscated furniture,
- ii) Make payment, electronically, of a £100 fee to the Licensing Department
- iii) Contact the Special Maintenance Team on 01962 848 574 to arrange collection of the furniture from the location that the Special Maintenance Team has designated for storage.

If furniture remains unclaimed after 14 days, the Council will dispose of the furniture as it sees fit.

4. No nuisance is to be caused, by the placing of the removable furniture on the highway, to users of the adjoining pedestrianised area.
5. Emergency routes to and from the premises and adjacent buildings must not be obstructed by the use of removable furniture at these premises.
6. The Licensee shall ensure that the use of removable furniture conforms to latest guidance issued by government on social distancing.

7. The Licensee must ensure that the permitted area is regularly monitored to manage crowds and ensure that customers are not creating a public nuisance.
8. The Licensee shall not be permitted to place Advance Warning Signs (A-boards and other free-standing signage) within the designated area.
9. The Licensee shall be responsible for keeping the area in a clean and tidy condition at all times.
10. The Licensee must make reasonable provision for seating where smoking is not permitted, and have regard to the [Government's guidance](#) in doing so.
11. The Licensee shall be responsible for any damage caused to the paved surface of the area through any act, or, omission during the period of the Licence and any damage is to be made good entirely at the Licensee's expense.
12. The Licensee shall ensure that valid Public Liability Insurance, indemnifying the Council against any claim arising from the operation of the Licence (minimum £5,000,000 cover), is maintained throughout the period of the Licence.
13. This Licence is not transferable between Licensees or premises.

National Conditions

The Secretary of State publishes this condition in exercise of his powers under [Section 5(6)] of the Business and Planning Act 2020:

Condition relating to clear routes of access:

It is a condition that clear routes of access along the highway must be 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 Section 3.1 of [Inclusive Mobility](#).

Guidance on the effect of this condition

1. To the extent that conditions imposed or deemed to be imposed on a pavement licence do not require the licence holder to require clear routes of access to be 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 Section 3.1 of [Inclusive Mobility](#), the licence is granted subject to those requirements.

To the extent that a licence is granted subject to a condition which imposes requirements to maintain clear routes of access that are inconsistent with the requirements set out in this condition this condition is not imposed on the licence.