

**BUSINESS AND PLANNING ACT 2020
TEMPORARY PAVEMENT CAFÉ LICENCE CONDITIONS.**

NATIONAL CONDITIONS

The 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. These apply only to licences granted under the Business and Planning Act 2020, not existing licences permitted under Part 7A of the Highways Act 1980, or other relevant legislation.

A “no-obstruction condition” is a condition that 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) of the Business and Planning Act 2020.

A “smoke-free seating condition” is a condition that, 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.

LOCAL CONDITIONS

Use of the area.

1. The licence holder will be responsible for ensuring that the designated area is set out and managed in a way that maintains appropriate levels of social distancing during Covid-19 restrictions as defined by Government Guidance.
2. A minimum 1.5m width of unobstructed footway must remain available to passing pedestrians (taking into account street furniture, street lights etc.)
3. All customers using the pavement café will be required to be seated.
4. It will be the responsibility of the licence holder to keep the licensed area clean and free of litter, during licensed/operational hours. Commercial waste from the licence holder’s operations must not be disposed of in the litterbins provided by the Council or in the litterbins provided by the licence holder in the licensed area.
5. Licence holders will be required to remove any umbrella or parasol if it obscures CCTV coverage and interferes with the detection and prevention of crime and disorder.
6. The licence holder shall ensure that the pavement café area is properly supervised by a member of staff at all times the pavement café is open.

7. Alcoholic drinks must be served in polycarbonate or shatterproof glasses where available.
8. No amplified music is allowed in the pavement café area.
9. Use of the Pavement Café area must cease by 22.00hrs in a mixed residential area and 23.00 hours in all other areas.
10. Where gas heaters are used, the connections, including the regulator, hose & clips must be fit for purpose and checked on a regular basis.
11. The licence-holder must make provision for smoke free external seating where smoking is not permitted within the licensed area.

Management of the highway.

12. Tables and chairs shall not be affixed to the highway.
13. Furniture should be safely removed at the end of the specified trading period and be stored away from public areas in such a location where it is safe, secure and unable to be accessed by members of the public.
14. The area should be demarked by suitable barriers that protect the safety of pedestrians and users. A tapping rail (of at least 150mm depth) fixed at a height no more than 200mm above ground level shall be provided.
15. Where repair, maintenance or alteration of the pavement/highway is to be undertaken, the Council will endeavour to give the licence holder notice unless it is urgently required as a Covid 19 control measure. The Council will not be liable for any loss of earnings whilst repair/maintenance is carried out. The licence holder must allow the Council reasonable access for such works.
16. The licence holder will be responsible for any damage, including stainage, to the highway.

Compliance and Enforcement.

17. The Council reserves the right to suspend/revoke the licence in the event of a breach of any term or condition, or when it deems that the area is no longer suitable. The granting of a temporary licence does not convey any ongoing legal entitlement to use the highway.
18. The Council shall be entitled to suspend the temporary licence on the occurrence of a special event, as a Covid 19 control measure, or any other circumstance, which the Council considers to necessitate a temporary suspension.

Legal

19. 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 or presence of the chairs and tables and other objects.
20. The licence does not authorise any unlawful interference with the convenience of persons using the highway or affects the rights of owners of the premises adjoining the highway or the rights of the Utility Companies. You must give access to emergency services.
21. The subletting of the permission granted by the licence is prohibited.
22. Licence holders are required to obtain public liability insurance covering the business for up to £5,000,000 at all times the pavement café is operational. It is the responsibility of the licence holder to forward up to date copies of insurance certificates as and when they expire. Failure to comply with this condition can constitute an offence under the pavement café policy and enforcement action can be taken.
23. The grant of a pavement café licence shall not be deemed to give any approval or consent which may be needed under any byelaw, enactment or regulation other than cafes under section 115c of Part VIIA of the Highways Act 1980. For the avoidance of doubt this includes the requirement to seek and obtain planning permissions and/or advertisement consent.