



## **East Cambridgeshire District Council**

### **Business and Planning Act 2020 Standard Conditions for Pavement Licences (applicable to both deemed and granted licences)**

1. The Licence Holder shall ensure that no activity undertaken by them by the placing of furniture on the highway will:
  - (a) prevent traffic, other than vehicular traffic, from:
    - (i) 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),
    - (ii) passing along the relevant highway, or
    - (iii) having normal access to premises adjoining the relevant highway,
  - (b) prevent any use of vehicles which is permitted by a pedestrian planning order or which is not prohibited by a traffic order,
  - (c) prevent statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or
  - (d) prevent 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.
  
2. 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](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/3695/inclusive-mobility.pdf)
  
3. The Licence Holder shall comply with all requirements of the government's response to the Covid 19 pandemic at all times whilst licensed, and will abide by any requirements stipulated by the Council in this regard. This shall include, but is not restricted to, ensuring social distancing is observed, and track and trace details of customers and visitors to the facility are taken and kept for the required 21 day period.
  
4. The Licence Holder shall ensure that where no specific condition has been added to their licence relating to smoking (including vaping) within the licensed area, the national smoke-free seating condition is observed, as

follows, where seating is placed on the relevant highway for use by persons for the purpose of consuming food or drink, the licence-holder must make reasonable provision for seating to be available where smoking is not permitted.

5. Furniture placed on the pavement 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 without prior approval from the Council.
6. Any furniture shall be kept in a clean, safe and well maintained condition. Any canopies or umbrellas must be adequately secured.
7. The licence holder must not place any furniture in the licensed area more than 30 minutes before the hours as specified on this licence, and must remove all furniture either at the end of the trading day, or within 30 minutes of the end of the hours as specified on this licence, whichever is the earliest. When not in use, all furniture must be stored securely inside a premises away from the highway.

Where no formal licence exists due to the applicant obtaining tacit permission, furniture must not be set out on the highway before 8:30am for a 9:00am trading start, and the area must be closed by 9pm with all furniture removed from the highway by 9:30pm.

8. If the furniture is (a) not removed outside the permitted hours or (b) located in breach of the licence, conditions or other regulatory requirements, the Highway Authority may remove and store or dispose furniture, at the cost of the licence holder and with no responsibility for safekeeping.
9. The premises should not place A-boards or advertising signs on highway outside of the licensed area.
10. All furniture authorised by the licence must be removed by 11pm on the day the licence expires, or by 11pm on the day a revocation notice is served. The Council reserves the legal right to recover costs of any furniture removal from the licence holder.
11. The Licensee shall maintain a public liability insurance policy up to the value of £5 million pounds against any liability, loss or damage, claim or proceeding whatsoever arising under Statute or Common law in respect of the placing and maintaining of the tables and chairs on the highway or their removal there from.
12. The Licensee shall be responsible for keeping the designated area in a clean and tidy condition at all times, and will ensure that the area covered by the licence is left clean and tidy once the furniture is removed at the end of the day.
13. Any waste produced by the business will be handled safely, and disposed of in accordance with the law.

14. The Licence Holder must comply with any request to allow highway maintenance and any other necessary remedial work to be carried out at the location covered by the licence. The Licence Holder must also comply with any request to remove the furniture due to an emergency situation or special event. A reasonable period of notice will be given to the licensee where possible. The Highways Authority and/or East Cambs District Council will not be liable for any loss of earnings arising out of the loss of use of a licence whilst complying with any such request.
15. No furniture other than that stipulated on the application is permitted to be used. Any replacement furniture must be like for like, or permission must be sought from the Council.
16. No form of entertainment (incl. background music) is permitted in the licensed area, this includes the placing of speakers or any other equipment for the amplification of sound.
17. The licence holder must ensure that the area covered by the licence 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.
18. The licence holder shall not allow their customers to cause any form of nuisance or annoyance to:
  - any other users of the highway
  - any neighbouring residents, or
  - any neighbouring businesses.
19. During hours of use, the licence holder or a nominated representative shall be available to receive and respond to complaints.
20. 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 Council.
21. When the licensed area is in use, the licence holder shall make toilets and hand washing facilities available for customers, including to wheelchair accessible standards where it is practicable and reasonable to do so.
22. The licence holder shall ensure that disabled persons and wheelchair users can be adequately served.
23. Only alcohol purchased from the connected premises may be consumed within the licensed area.
24. The front page of the licence and Annex 1 plan must be prominently displayed on the premises so that it may be easily viewed.
25. The licensee is responsible for carrying out the reinstatement of the highway in the event of any damage to the highway occurring as a result of the activity (if requested to do so by the Highway Authority). The permanent surface reinstatement shall be carried out to the satisfaction of the Highways

Authority.

26. The licence is not transferable.
27. These conditions may be varied where appropriate to reflect any changes in local areas and will come into effect upon written notification by the Council.
28. The Licence Holder shall ensure that all persons using the defined area remain seated at all times save for the purposes of entering and exiting the area. To avoid confusion, no person should be allowed to remain standing whilst consuming food and/or drink in the area.
29. The Licence Holder shall ensure that the footway is not obstructed by patrons waiting to be seated, or by any other items of furniture or personal possessions of patrons.
30. The council reserves the right to revoke this licence at any time if there is a failure to comply with any of the above conditions.