

BUSINESS AND PLANNING ACT 2020

A pavement licence permits the business to use furniture placed on the highway to sell or serve food or drink and/or allow it to be used by people for consumption of food and drink supplied from, or in connection with the use of the premises. The pavement licence is non-transferable.

The pavement licence does not give or imply any permission to supply alcohol. Such entitlements are still be covered by licensing requirements.

Any breach of a condition imposed on the Pavement Licence may result in Lichfield District Council issuing a notice requiring the breach to be remedied or revoking the Licence.

NATIONAL CONDITIONS (APPLICABLE TO ALL PAVEMENT LICENCES)

“no-obstruction condition” anything done by the licence-holder pursuant to the holder, or any activity of other persons which is enabled by the licence, must not have one of the specified statutory effects debarring grant of the licence, namely the effect of:

- (a) preventing 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) preventing any use of vehicles which is permitted by a pedestrian planning order or which is not prohibited by a traffic order,
- (c) preventing statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or
- (d) 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.

“smoke-free seating condition” 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. Licence holders should provide a minimum 2M distance between non-smoking and smoking areas, wherever possible.

PAVEMENT LICENCE STANDARD CONDITIONS

1. The licence holder is responsible for complying with all requirements of the government's response to the COVID-19 pandemic at all times whilst licensed, including actively managing any queues to the premises and ensuring social distancing is observed.
2. The licence holder is responsible for the conduct of people within the area of the Pavement Licence, allowing rowdy or unruly behaviour may lead to the revocation of the licence.
3. The location of the pavement licence must not hinder passage by the emergency services, or hinder access to, or the way out from the premise, or to any adjacent premises, including fire evacuation routes. All emergency exits and routes from buildings must be kept clear.
4. The location of the pavement licence must be within the limits of the front or side elevations of the premises applying for the licence. However, where there is a suitable area belonging to premises adjacent to the premises applying for the licence, this area can be considered with the agreement of the owner of the adjacent premises.
5. A pavement licence should have a clear width of 2000 mm which allows two wheelchairs to pass one another comfortably, this should be regarded as the minimum under normal circumstances. Where this is not possible because of physical constraints, 1500mm should be regarded as the minimum acceptable under most circumstances giving sufficient space for a wheelchair user and a walker to pass one another. www.gov.uk/government/publications/inclusive-mobility/inclusive-mobility
6. The permitted area must be clearly identifiable and all furniture may only be positioned in accordance with the plan attached to this licence. Any Street Furniture placed within the permitted area of the Pavement Licence must not obscure sight lines for any highway user.
7. All furniture connected with any pavement licence, including umbrellas, must be securely fastened and made of a such substance to ensure that they are not liable to be moved by external forces, such as wind. Where possible any furniture should be non reflective.
8. A barrier may be required to separate furniture from the rest of the footway where this is needed to assist the visually impaired to navigate around the furniture:
 - a. Where a barrier forms part of the permitted furniture it must be more than 800mm high and incorporating a tapping rail (for long cane users) of not more than 100mm above the ground. Barriers must not be permanently fixed to the ground and must be designed to resist collapse or movement (e.g. by being blown over or accidentally

stumbled into). The specification of barriers must be approved by the Council.

9. No barbecues, fire pits or naked flames are permitted in the licensed area.
10. No amplified music or sports commentary will be allowed in the licensed area without the authorisation of the Council.
11. The Licence holder must ensure that the area permitted by the Pavement Licence is maintained in a clean and tidy condition and they must take all necessary precautions to prevent the highway from becoming littered as a result of their trading activities. The area occupied by the Pavement Licence must be washed down thoroughly at the end of every day using a method sufficient to remove food debris and grease, including staining from food and drink spillages.
12. The licence holder must obtain and maintain public liability insurance in the amount of £5 million in respect of any one incident, and indemnify the District Council against all actions, proceedings, claims, demands and liability arising from the licence holder's use of the highway for the licensed purpose.
13. The licence holder must remove all furniture connected with the pavement licence from the licensed area:-
 - a) Outside the permitted hours stated on the licence
 - b) Immediately, if required by reasonable request at any time by an officer of the Council or Emergency Services
 - c) As necessary to permit works in, or the use of the highway by the Council, the highway authority, Emergency Services, and any utilities? or service providers?
 - d) Any other reasonable cause.
14. All furniture and fittings must be regularly cleaned and sanitised in accordance with Covid-19 guidance and maintained in a good state of repair.
15. The Pavement Licence must only be used during the days and hours stated.
16. If the licence is revoked all equipment must be removed with immediate effect and the licence holder must leave the highway in a clean, tidy and undamaged condition. If any action is required by the local authority to remove the equipment or repair any damage to the highway, steps will be taken to recover all associated costs from the licensee.