

Terms and Conditions of Business and Planning Act Licence to place furniture on the highway

1. In making an application for a Licence, you are deemed to have read and accepted the following standard Conditions. Additional conditions may be imposed where appropriate.
2. No changes may be made to any part of the pavement café operations, including change or addition of furniture or other items, or changes to the permitted area or operating times, without obtaining a new or revised Licence. The Licence Holder must contact the Council if any changes are proposed.
3. No alcohol may be sold or consumed within the designated pavement café area unless the premises are already licensed to do so.
4. No items may be left on the highway outside the hours specified in the Licence, unless the Licence expressly allows use of the highway outside the specified hours.
5. The Licence Holder must hold Public Liability Insurance cover to at least £5m for the licensed area and such cover must be maintained throughout the duration of the Licence.
6. The Licence Holder may not provide any refreshments other than food and drink normally served within the Licence Holder's premises.
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8. A minimum width of unobstructed highway of 1.8 metres must be provided for safe and convenient pedestrian movement. This allows wheelchairs and prams to pass comfortably and provides a reliable, safe route for visually impaired pedestrians; however, in some cases additional width will be required in streets where there is a high level of pedestrian activity or permanent obstructions such as street furniture. A minimum distance of 0.75 metres from the face of the building is required to satisfactorily accommodate a customer in a chair. Where possible tables and chairs should normally be placed adjacent to premises, at the back of the footway. The positioning of tables and chairs should never discourage pedestrians from using the footway.
9. Tables and chairs must be sited so that they are clearly visible from inside the premises, or the Licence holder must ensure that dedicated staff are available to monitor their use. Licence Holders must ensure that, during the period of use and at the conclusion of any period of use, the area of the highway that is the subject of this Licence is kept clean and tidy and free from litter.
10. No omission from, addition to, or variation of the Licence will be valid unless it is agreed in writing and signed by an authorised officer of the Council.

11. The Licence Holder is required to ensure that any equipment used for the purposes of providing these facilities is safe and presents no risk to members of the public and in particular that:
 - all chairs are in good repair and are stable.
 - any parasols and umbrellas are adequately weighted to prevent them being dislodged by the wind.
 - the area to be used is protected and separated from the rest of the highway in such a way that a blind or partially sighted person runs no risk of injury from their use.
 - all furniture used must be of a type which will not cause damage to the highway surface.
 - no amplified music shall be played in relation to any pavement café.
 - under no circumstances should any pavement café interfere with required vision lines for traffic and pedestrians.
12. The Licence Holder shall indemnify the Council against any claim in respect of injury, damage or loss arising out of the grant of the Licence except where any such injury, damage or loss is attributable to the negligence of the Council.
13. The Licence Holder shall ensure that a clear pedestrian route is retained for those walking past the premises. Emergency exits from adjacent buildings must not be obstructed by any seating area.
14. The Licence Holder will be required to reimburse the Council for the costs of repairs where any damage to Council property or to the public highway is caused as a result of street furniture placed on the highway.
15. If the Licence holder permits smoking in the licensed pavement café area, then clear 'smoking' and 'non-smoking' areas must be provided, with 'no smoking' signage displayed in designated 'smoke-free' zones in accordance with Smoke-free (signs) regulations 2012.
16. No ash trays or similar receptacles to be provided or permitted to be left on furniture where smoke-free seating is identified.
17. Licence holders must provide a minimum 2M distance between non-smoking and smoking areas, wherever possible
18. Tables and chairs and any flowers or plants in tubs must not be placed on the highway before 09.00 a.m. and must be cleared from the highway by 11.00 p.m. and in times of darkness adequate lights must be provided.
19. Tables and chairs must be sited so that they do not obstruct drainage outlets and access to utility apparatus must be maintained. Access for statutory undertakers to repair or maintain their sewers, pipes, mains cables etc., is reserved at all times.