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|  Buckinghamshire Council logo |   | Directorate for Communities Licensing The GatewayGatehouse RoadAylesburyHP19 8FF |

# Pavement Licence Conditions

Pavement licences permit the holder to place removable furniture on the relevant highway adjacent to their premises so that it may be used in connection with the serving, selling and consumption of food and drink. Licence holders wishing to sell or supply alcohol will need to ensure that they also have the required permission under the Licensing Act 2003.

The following conditions apply to all pavement licences granted or deemed granted in accordance with Section 5 of the Business and Planning Act 2020. Licences may also be subject to additional conditions specified by the Secretary of State.

**General**

1. Only ‘removable’ furniture as specified on the licence, including the type, quantity and location may be used.
2. Only the relevant highway area shown on the approved plans accompanying the licence may be used. The use must be in connection with the serving, selling and consumption of food and/or drink.
3. No fixtures to or excavations of any kind shall be made in the surface of the highway.
4. Furniture may only be placed in the approved area on the days and during the hours specified on the licence.

**Prevention of Obstruction**

1. 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 the effect of:
	1. preventing traffic, other than vehicular traffic, from

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),

passing along the relevant highway, or

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

1. Furniture shall be immediately removed from the relevant area where the use of the highway is required by the council (or anyone working on the behalf of), police, fire and ambulance services, furniture removal or hearses.
2. A minimum of 1500mm of unobstructed, clear passageway shall be provided between the boundary of any designated furniture area and the edge of the footway and any obstruction such as telephone boxes, lamp posts, sign posts, post boxes, street furniture and similar items.
3. Barriers used to separate furniture from the rest of the footway shall be colour contrasted with tap rails and reflective strips, to assist the visually impaired. Any item used as a barrier must not cause an obstruction to those using the highway.
4. The positioning of furniture shall not be positioned so that pedestrians are discouraged from using the footway. Available routes must be visible, entirely clear and not require pedestrians to pass through an area of outside furniture.
5. Furniture shall be non-reflective and of sufficient construction to withstand being pushed or blown over.

**Smoking area condition**

1. The licence holder must make reasonable provision for seating in an area where smoking is not permitted with ‘no smoking’ signage displayed in designated ‘smoke-free’ zones in accordance with Smoke-free (signs) regulations 2012 which can be viewed [here](https://www.legislation.gov.uk/uksi/2012/1536/made).
2. No ash trays or similar receptacles shall be provided or permitted to be left on furniture in designated ‘smoke free’ zones.
3. Licence holders shall provide a minimum 2 metre distance between non-smoking and smoking areas.

 **Liability and Insurance**

1. 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 of the tables and chairs and other projects and for this purpose must take out at the Licensee's expense a policy of insurance approved by the Council in the sum of at least £5 million in respect of any one event and must produce to the Council on request the current receipts for premium payments and confirmation of the annual renewals of the policy. The licence holder shall make no claim or charge against the Council in the event of the tables and chairs or other items being lost, stolen or damaged in any way from whatever cause.

**Covid-19**

1. The licence holder shall adhere to latest government guidelines surrounding COVID-19 at all times. The licence holder must ensure that they have carried out a suitable and sufficient risk assessment to protect employees and visitors to their premises from risks to their health and safety. A copy of the current risk assessment shall be made available on request to authorised officers of the Council.

**Safety**

1. Outside furniture shall not be placed in front of any designated emergency exits or prevent easy access for emergency services.
2. Furniture stored inside during opening times shall not obstruct any emergency exit routes.
3. Furniture must be suitable for outside use, so that it can withstand adverse weather and must be maintained in a safe condition. Furniture such as umbrellas and other coverings must be suitably robust and sufficiently weighted to prevent collapse or movement, especially during adverse weather.
4. Items that may cause trip hazards such as trailing cables and weights must be highlighted, covered, removed or positioned out of the way as appropriate. Low lying furniture that may not be easily seen shall not be used.
5. If providing outside heaters the licensee shall ensure adequate fire fighting arrangements and appropriate secure arrangements for storing any fuel are in place.
6. Adequate lighting shall be used if outside areas are used at night or in low light level conditions.
7. Outside electrical systems must be installed, modified and maintained by a competent and suitably qualified electrical engineer.

**Prevention of Nuisance**

1. The provision of any outside entertainment shall not cause a disturbance to nearby residents.
2. The licence holder shall have a system in place to regularly monitor the use of outside areas by customers to ensure nearby residents are not disturbed by customer noise and the area is kept clear of litter.
3. Outside lighting shall not cause a disturbance to nearby residents.
4. Suitable waste receptacles shall be made available for use by staff and customers.
5. The outside area shall be thoroughly cleaned at the end of each day that it is in use.