



## **PAVEMENT LICENCE BUSINESS AND PLANNING ACT 2020**

### **General Conditions of Use**

East Staffordshire Borough Council will not approve a licence application, unless it will meet the following conditions:

1. A minimum of 2 metres clearance, unobstructed by any other street furniture, trees or supports of any boundary demarcation barrier, must be maintained between the boundary of the street furniture and any other obstruction including the edge of any trafficked carriageway or other highway facilities such as bus stops, taxi ranks or pedestrian crossings.
2. The location of the street furniture must not in any way hinder passage by the emergency services, or hinder access to or from the premises, or any adjacent premises. This includes, but is not limited to, fire evacuation routes.
3. The location of the furniture must be located adjacent to the licence holders premises and detailed when applying for the licence.
4. The location of the street furniture must not obscure the visibility for vehicular road users of road signs, or obstruct their view at pedestrian crossing facilities, junctions, accesses or bends etc.
5. The location of the street furniture must not obscure the visibility for pedestrians of vehicular road users.
6. Excavations, or fixtures of any kind, are not permitted to the surface or other infrastructure of the highway without the prior written approval of the Local Highway Authority;
7. To protect public health and safety the licence holder must comply with Covid-19 guidance and legislation, including social distancing.
8. The licensed area is to be used for seated customers only, with no vertical drinking.

9. The type and style of the furniture to be used must be agreed between the licence holder and East Staffordshire Borough Council, this includes:
  - a. Counters or stalls for selling or serving food or drink
  - b. Tables, counters or shelves on which food or drink can be placed
  - c. Chairs, benches or other forms of seating, and
  - d. Umbrellas, barriers, heaters and other articles uses in connection with the outdoor consumption of food or drink
10. The furniture must be kept in good repair.
11. All furniture associated with the licence including parasols, should be securely fastened to ensure that they are not liable to be moved by external forces, such as the effects of the wind.
12. No barbecues, fire pits or naked flames.
13. No amplified music or sports commentary.
14. Use of plastic/polycarbonate glasses only and no glass bottles (at licensed premises).
15. Where a premises is licensed under the Licensing Act 2003, or any modification or re-enactment thereof, the licensee must comply with the terms of that licence so far as they relate to the Pavement Licence. The specific hours of operation of the Pavement Licence should be adjudged through the terms of the premises licence, if applicable. Premises not licensing under the Licensing Act 2003 will not be permitted, under the terms of their Pavement Licence to place tables and chairs on the highway prior to 09:00 and they must be removed from the highway by 22:00. This is regardless of the operating hours of the premises.
16. 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.
17. The area covered by the Pavement Licence and surrounding area, must be kept free of litter and rubbish caused by patrons using the area and arrangements made to regularly check for and remove litter and rubbish on pedestrian footways, for a distance of up to 10 metres from the boundary.
18. The licence holder is not to make, or cause to be made, any claim against East Staffordshire Borough Council or Staffordshire County Council in the event of any property associated with the Pavement Licence becoming lost or damaged in any way from whatever cause.
19. For the period of the licence, the licence holder must hold Third Party Public Liability Insurance to the sum of five million pounds to indemnify both East

Staffordshire Borough Council and Staffordshire County Council against any and all claims that may arise from its establishment.

20. The street furniture must be removed at the instruction of East Staffordshire Borough Council or Staffordshire County Council for the purpose of:
  - a. Works in or under or over the highway or for using it in connection with works in, under or over land adjacent to or adjoining it as may be required by the Local Highway Authority, East Staffordshire Borough Council or any Statutory Undertaker.
  - b. Access required by emergency services.
  - c. Any other reasonable cause.
21. The street furniture must not be erected and the area must be kept clear at the end of, or any sooner revocation of the licence.
22. The Pavement Licence holder will, in the event of a breach of the terms of the licence, reinstate the highway, or street furniture, to the satisfaction of the Local Highway Authority, or reimburse the Local Highway Authority if, as a result of a breach, it is required to carry out any reinstatement works itself.
23. The Local Highway Authority and East Staffordshire Borough Council reserve the right to remove any Pavement Licence and clear the area of all obstructions if any of the above criterion are contravened.
24. Notwithstanding adherence to the conditions of use outlined above or to the terms issued by East Staffordshire Borough Council prior to the issue of a licence, if the street furniture associated with a Pavement Licence is considered to be causing a nuisance or danger then Staffordshire County Council, as the Highway Authority, reserve the right to utilise the provisions of the Highways Act 1980, to remove the items concerned.

## **25. National Conditions**

The no obstructions relate to - Preventing traffic, other than vehicular traffic from:

- Entering the relevant highway at a place where traffic could otherwise enter it,
  - Passing along the relevant highway,
  - Having normal access to premises adjoining the relevant highway,
  - Preventing any use of vehicles which is permitted by a pedestrian planning order or which is not prohibited by a traffic order,
  - Preventing statutory undertakers having access to any apparatus of theirs under, in, on or over the highway,
  - Preventing the operator of an electronic communications code network having access to installed apparatus.
26. A “smoke-free seating condition” is a condition that, where the furniture is to be put on the relevant highway, it 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.