

## **Mandatory Conditions**

### **No-obstruction condition**

Anything done by the licence-holder pursuant to the licence, or an activity of other persons which is enabled by the licence, must not have an effect specified in section 3(6) of the Business and Planning Act 2020.

The effects referred to are:

- (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.

## Local Conditions

The following conditions will be applied to every licence granted under the above Act:

1. These Local Conditions are considered to form part of the Pavement Licence upon grant: Pavement Licence means a licence issued under the provisions of the Business and Planning Act 2020.
2. The tables and chairs placed on the highway after the granting of a licence must be in accordance with the details and plans as set out in the Pavement Licence and shall remain in force only for such period of time as the Licensee remains occupier of the Premises or until revoked by the Council or surrendered to the Council by the Licensee.
3. The amenities must be removed from the public highway at the end of the permitted period each day and in all cases no later than **11pm**.
4. The tables and chairs shall be of such a design as may be approved by Huntingdonshire District Council as set out in the Pavement Licence Application and shall be kept in good repair and condition at the Licensee expense.
5. All tables and chairs authorised by the licence must be removed by midnight on the day the licence expires unless a renewal licence has been applied for and granted.  
Renewals must be applied for at least 6 weeks prior to expiry to allow sufficient time for the application to be considered.
6. 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.
7. The Licensee shall be responsible for keeping the designated area in a clean and tidy condition at all times. Under your duty of care you must ensure that any waste produced is handled safely and in accordance with the law. You must keep all waste safe, prevent it from escaping from your control and ensure that it is only handled or dealt with by persons that are authorised to deal with it.
8. The Licence may be suspended where necessary to allow highway maintenance and any other necessary remedial work to be carried out at the location covered by the licence. A reasonable period of notice will be given to the licensee where possible. The Highway Authority will not be liable for any loss of earnings arising out of the suspension of a licence.
9. Should a gazebo or marquee be permitted by the Pavement Licence and used by the Licensee the following conditions apply:
  - i. Heavy ballast weights must be used at each leg to withstand uplift forces from wind. Calculations from the manufacturer, supplier or installers to show the weight requirements for each leg must be obtained and complied with.

ii. Anchorage should also prevent lateral movement of the structure. Ropes to anchorage points must not obstruct movement around or within the structure.

iii. The Licensee should be aware of the design wind load of the structure, and have a procedure for monitoring weather forecasts, and making safe by removal of covers any structure likely to be put at risk by high winds.

iv. The structure must be British fire-rated BS 5438 and/or BS 7837 (or any replacement standard) and marked accordingly, the Licensee must carry out a fire risk assessment of the structure.

v. Domestic garden gazebos and old style market gazebos cannot be accepted as they are not structurally safe for use in public areas.

vi. Gazebos/stall coverings/marquees must be kept visually appealing and compliment the character of the area.

10. The Licensee shall make no permanent or temporary fixtures to or excavations of any kind in the surface of the highway which shall be left undisturbed when the tables and chairs are not in use.

11. The Outside Area will be suitably managed by competent staff, i.e. to control the use of the Outside Area, to return trays, clear crockery and refuse and to maintain the area to as high a standard as is required inside the premises and to ensure that the conditions in this Licence are complied with at all times the Outside Area is in use.

12. In areas of significant footfall (to be determined by the Licensing Authority), when in use, the pavement café area will need to be enclosed, to demarcate the licensed area and contain the tables and chairs, thus making it distinguishable to other pavement users, and to assist blind and visually impaired pedestrians.

13. The placing of speakers or any other equipment for the amplification of music within the licensed area is strictly prohibited unless authorised by a premises licence issued under the Licensing Act 2003. Any such authorised music must not cause a nuisance or annoyance to others.

14. Any sales of alcohol within the licensed area must be authorised by a premises licence issued under the Licensing Act 2003.

15. Any material alteration to the Means of Escape, which affects people using the Means of Escape, inside or in the immediate vicinity outside the premises must be recorded in the premises' Fire Risk Assessment as a significant finding. Control measures should be put in place to reduce risk within the area as well as recording them. A review of the hazards and risks should be ongoing throughout the period the premises are in use.

15. This Licence covers the use of amenities by customers for consuming food or refreshment which have been purchased from the licenced establishment. This

Licence does not permit the use of the amenities for any other purposes at any time.

16. No additional charge shall be made to customers for the use of the tables and chairs within the licensed area.

17. The licensee may only use the land for the placing of tables and chairs in the course of his business only during the hours permitted by the licence and only within the defined area applied for.

18. No tables and chairs or barriers may be placed in the area until a licence has been granted.

19. No other items may be placed on the highway within the licensed area other than that approved in accordance with the application and the licence when granted.

20. This licence will not be renewed automatically. Compliance with the terms of conditions of any previous licence will be taken into account at any application for renewal. The Licensing Authority reserves the right to refuse renewal applications where appropriate.

21. 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 Highway Authority.

22. The license is issued to the applicant only and is not transferable.

23. These conditions may be varied where appropriate to reflect any changes in local circumstances.

24. The footway must not be obstructed by patrons standing between tables, chairs and the kerb, or by the personal possessions of patrons.

25. Any fee is for the administration and grant of the licence. No refunds will be made in the event of a surrender of the licence before expiry. There is no automatic right to appeal against refusal of consent.

26. It is a condition of this Licence that clear routes of access along the highway must be 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 Section 4 of the Inclusive Mobility, Guide to Best Practice and Access to Pedestrian and Transport page 91 Infrastructure: [Inclusive mobility: making transport accessible for passengers and pedestrians - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

The Licensee must comply with the Guidance of the Secretary of State with regard to the needs of disabled people and the recommended distances required for

access by disabled people, such guidance as may be issued: [Pavement licences: guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/pavement-licences)

27. The Licensee shall indemnify Huntingdonshire District Council and Devon County Council against all actions proceedings claims demands and liabilities which may at any time be taken made or incurred in consequence of the use of the tables and chairs and other objects. For this purpose the licensees must take out and keep in place, at the licensees' expense, a policy of public liability 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

### **Enforcement Measures**

Periodic inspections of pavement cafés will be made by the Council to ensure compliance with the Pavement Café licence, guidance and relevant legislation.

### **Breach of Conditions**

28. Where a breach of a license condition is noted, the operator of the pavement café will be served with both verbal and written notice of the offence(s) being committed. The operator will be given 7 days to comply.

29. Where the Licensing Authority serves a notice on the licensee requiring him/her to remedy any breach of the terms of this consent, and the licensee fails to comply with the notice, the Licensing Authority may itself take the steps required by the notice and recover from the licensee any expenses incurred.

30. A further inspection will be made of the pavement café 7 days after the notice is served. If remedial action has not been taken then a Notice of Contravention will be issued further outlining the nature of the offence(s) and informing the operator that they are to remedy the breach or remove the pavement café from the highway within a period of 7 days from the date the notice is served.

After the 5 working day notice has expired, a further inspection will be made and if it is found the breach has not been remedied then the pavement café furniture will be removed by the Council or an authorised person and the licence revoked.

31. If the pavement café continues to operate once the licence has been revoked then any objects/furniture occupying the highway will be removed from the area without further notice.

