



BABERGH & MID SUFFOLK PAVEMENT LICENCE CONDITIONS

Mandatory Condition under the Business and Planning Act 2020

- 1) A “no-obstruction condition” is a condition that 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 an effect specified in section 3 of the Act.
- 2) A “smoke-free seating condition” is a condition that, 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.

Additional Conditions attached to the grant of the licence.

- 1) The conditions attached to the Temporary Pavement Licence may be varied and added to by the Council at any time.
- 2) The Licence holder must always have a valid insurance policy for public liability for at least £5,000,000 and must notify the insurance company of their application and receive confirmation they are covered as required by the application form.
- 3) The holder of the Licence shall not provide any refreshments other than those normally obtainable within the licence holder’s premises.
- 4) Tables and chairs shall be sited in such a way so that they are under the direct control of staff inside the premises.
- 5) Licence holders shall ensure that during the hours which pavement licence is in operation and at the conclusion of those hours, the licensed area shall be kept clean and tidy and free from litter.
- 6) A suitable waste receptacle shall be provided in addition to a receptacle for the disposal of cigarette ends.
- 7) All furniture and objects granted by the permissions of the licence shall be removed from the highway at the end of the permitted hours of opening according to the individual licence.
- 8) All furniture granted by the pavement licence is required to be removable. For reason of doubt this means it is not a permanent fixed structure, and is able to be moved easily, and stored away of an evening.
- 9) All furniture under the terms of the pavement licence shall be removed from the pavement by 23:00 hours every day.

- 10) No omission from or addition to, or variation of, the licence shall be valid of any effect unless it is agreed in writing by the Council and the licence holder.
- 11) The Licence holder shall ensure that any equipment used for the purposes of providing these facilities are safe and present no risk to members of the public and in particular:
 - (i) that all chairs are in good repair and are stable
 - (ii) any parasols and umbrellas are fully secured to the ground and weighted to prevent them being dislodged by the wind.
 - (iii) The area to be used is protected and separated from the rest of the highway in such a way that a blind or visually impaired person, or those with learning disabilities or mobility difficulties run no risk of injury from their use.
- 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 claim in respect of such injury, damage or loss is attributable to the negligence of the Council.
- 13) A clear pedestrian, wheelchair and pushchair route will be required for those passing the premises. Emergency exits from adjacent buildings must not be obstructed by a seating area.
- 14) The layout of the licence area should not provide any obstructions, inconvenience or danger to those customers with disabilities and adequate space should be left between tables for wheelchair access.
- 15) The Council or the Suffolk Constabulary may at any time require the sitting out area not to be operated, on reasonable notice to the Consent holder
- 16) The appropriate Local Authority will repair any damage to Local Authority property caused as a result of objects placed on the highway, with all costs being recovered from the Licence holder.
- 17) The Council, in giving consent, cannot and does not, seek to absolve anyone from any statutory risk which they may incur in placing or depositing anything on the highway.
- 18) The Licence holder must not do anything or allow any activity by other persons enabled by the Licence, which will create an obstruction. These include:
 - (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.
- 19) Where tables and chairs are provided for use by persons for the purposes of consuming food and drink, there must be reasonable provision for seating where smoking is not permitted.