

Temporary Pavement Licence Conditions

1. The conditions attached to The Licence* may be amended, varied or added to by the Licensing Authority* at any time.
2. No omission from, addition to, or variation of, the Licence shall be valid of any effect unless it is agreed in writing by the Council* and the Licensee*.
3. The Council, in granting the Licence, cannot and does not, seek to absolve anyone from any statutory risk which they may incur in placing or depositing anything on the Highway.
4. The Licence must be clearly displayed at the premises for which it has been granted.
5. The Licensee* shall not provide any food and or drink other than that normally obtainable within the Licensee's premises.
6. Where Alcohol is served in the Licensed Area* a "Challenge 25 Scheme" or similar scheme must be in place.
7. The Licensee will ensure that a sufficient number of suitably trained staff are available to monitor the Licensed area.
8. The Licence must be presented to an Authorised Officer* or Police Constable* upon request.
9. The Licensee shall always have in place a valid policy of insurance for public liability for a minimum amount of £5,000,000.
10. The Licensee 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.
11. Only Furniture listed in the Licence will be permitted.
12. Only Furniture* approved by the Council will be authorised.
13. Tables must be located sufficiently far apart to allow easy movement of customers and staff.
14. All furniture is required to be removable. In principle this means it is not a permanent fixed structure, and is able to be moved easily, and stored away of an evening.
15. All furniture and objects covered by the licence may not be placed on the highway before 09:00 hours.
16. All furniture and objects covered by the licence must be removed from the highway at the end of the permitted hours of opening according to the individual Licence, and in any case all furniture is to be removed from the highway by 23:00 hours.
17. All furniture that is used by the Public must be cleaned and sanitised at the start of each trading day and after each use by a customer or customers.

18. The Licensed Area will be bordered by a barrier(s) of not less than one (1) metre high and not higher than 1.25 metres high with a tapping rail at its base in order to assist those who are visually impaired.
19. Tables and chairs should ideally be sited so that they are clearly visible from inside the premises.
20. There will be no signage or advertising media displayed in the Licensed Area other than that which identifies the premises.
21. The Licensee shall 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 shall be kept clean and tidy and free from litter.
22. Suitable waste/litter bins must be provided.
23. The Licensee shall make reasonable provision for seating where smoking/vaping is not permitted.
24. The Licensee shall make reasonable provision for seating where smoking is permitted and ensure suitable receptacles are available for smoking/vaping materials.
25. The Licensee shall ensure that all furniture 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 furniture placed on the Highway where a Temporary Pavement Licence is granted is fit for the purpose it is intended,
 - ii any parasols and or umbrellas are fully secured to the ground and weighted to prevent them being dislodged by the wind,
 - iii any space heaters used are stable and fully maintained,
 - iv there are no trailing electrical cables which may cause a trip hazard,
 - v 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.
26. A clear pedestrian, wheelchair and pushchair route of 2 metres will be required for those passing the Licensed area wherever possible.
27. The layout of the licence area should not provide any obstructions, inconvenience or danger to those customers with disabilities and adequate space must be left between tables for wheelchair access.
28. Nottinghamshire County Council will repair any damage to property, managed by them or their Contractors, caused as a result of objects placed on the highway, with all costs being recovered from the Licensee.
29. The Licensee must not do anything or allow any activity by other persons enabled by the Licence, which will create an obstruction. These include:
 - i. 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
- ii. 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, or
 - iii. 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.
 - iv. Obstructing any fire escape or means of escaping from fire from any building, or any emergency access point to any building.

National Condition (Applicable to All Pavement Licences)

The Secretary of State publishes this condition in exercise of his powers under Clause 5(6) of the Business & Planning Act 2002:

Clear route of access along the highway must be maintained, taking into account the needs of disabled people, and the recommended footway widths and distances required for access by mobility impaired or visually impaired people as set out in [Section 3.1 of inclusive Mobility](#) which states:

A clear width of 2000mm allows two wheelchairs to pass one another comfortably. This should be regarded as the minimum under normal circumstances. Where this is not possible because of physical constraints 1500mm could be regarded as the minimum acceptable under most circumstances, giving sufficient space for a wheelchair user and a walker to pass one another. The absolute minimum, where there is an obstacle, should be 1000mm clear space. The maximum length of restricted width should be 6 metres (see also Section 8.3). If there are local restrictions or obstacles causing this sort of reduction in width they should be grouped in a logical and regular pattern to assist visually impaired people.

* Meanings

“The Licensing Authority” means Rushcliffe Borough Council

“The Council” means Rushcliffe Borough Council.

“The Licence” means the Temporary Pavement Licence granted by the Council under Part 1 Section 2 of the Business and Planning Act 2020 in printed or electronic form.

“The Licensee” means the person to whom the Licence is granted.

“The Licensed Area” means the area in which furniture is to be placed on the Highway.

“An Authorised Officer” means any Officer of Rushcliffe Borough Council authorised to inspect/enforce conditions attached to the Licence, any Officer of Nottinghamshire County Council authorised to inspect the premises covered by the Licence, any Police Community Support Officer employed by Nottinghamshire Police, any Emergency Services Officer employed by Nottinghamshire Fire and Rescue Service.

“Police Constable” means any “Lawfully Sworn” member of a Police Service of England and Wales of any rank who holds the Office of Constable, this includes Special Constables.

“Furniture” means:

- counters or stalls for selling or serving food or drink;
- tables, counters or shelves on which food or drink can be placed;
- chairs, benches or other forms of seating; and
- umbrellas, barriers, heaters and other articles used in connection with the outdoor consumption of food or drink.