

Pavement Licence conditions

Business and Planning Act 2020



National Conditions

1. No-obstruction condition

Nothing 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;

- 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.

2. Smoke-free seating condition

Where furniture to be put on the 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.

Standard conditions

3. No tables, chairs or temporary street furniture sited on a footway are to be placed within 1.2m of the edge of an adjacent carriageway. A minimum clear footway width of 1.5m must be obtained at all times and 2m in busy locations or at busy times except in the following circumstances where additional width may be required:

- A – Proposals which place furniture within 20m of a road junction or roundabout.
- B – Proposals which place furniture within 15m of a push button, zebra crossing or pedestrian island crossing.
- C – Proposals which place furniture within 5m of a bus stop

Additional widths may be required to accommodate social distancing in line with the guidance issued by the Secretary of State.

4. Every table, chair and item of temporary street furniture shall be positioned so that it does not impede the surface water drainage of the highway nor obstruct access to any premises unless the consent of the occupier of these premises has been obtained.

5. No items shall be sited as to obstruct access to any premises unless the consent of the occupier of these premises has been obtained. No items shall be sited in such a way that is obstructs any fire exits or dry risers etc.
6. No tables, chairs or temporary street furniture shall be left on the highway longer that is necessary. Tables, chairs and temporary furniture within a pedestrianised area cover by a Traffic Regulation Order shall only be placed on the highway during the hours of pedestrianisation. Tables, chairs and temporary street furniture shall be taken inside and stored during the hours when business is not trading.
7. All tables, Chairs and temporary furniture shall be separated from the remaining highway using disability compliant barriers. This means that barriers MUST:
 - a. Be between 1000mm and 1200mm in height
 - b. Have a continuous tapping rail (150mm to 200mm deep) or panel edge either on the ground or up to a maximum height of 200mm above the ground.
 - c. Have a colour contrast to ensure they are highly visible.
 - d. Be continuous around the area of tables, chairs and temporary street furniture except for the access point
8. No tables, chairs or temporary street furniture shall remain on the highway pursuant to this permission after the period of the pavement license has expired.
9. The licensee shall be responsible for keeping the designated area in a clean and tidy condition at all times and shall ensure that any associated debris is removed at the end of each day and make good any damage caused to the surface area.
10. No apparatus such as power cables or water pipes shall be allowed to be laid across or suspended above the highway for the purposes of providing services to outside areas on or off the highway.
11. No wastewater or other substances shall be discharged on to the highway or highway drainage system
12. A copy of this licence and accompanying plan shall be retained at the business premises and be made available for inspection during trading hours by Officers from Ashford Borough Council, Kent Police, or Kent County Highways where appropriate.
13. Any infringements of the licence or problems arising out of the use of the site must be immediately rectified to the satisfaction of Officers from Ashford Borough Council, Kent Police, or Kent County Highways as appropriate.
14. The licence holder will hold Public Liability Insurance indemnity up to the value of £5 million against any liability, loss or damage, claim of proceeding whatsoever arising under Statute or Common Law in respect of the placing and maintaining of the tables, chairs and temporary street furniture on the highway or their removal therefrom.
15. Officers from Ashford Borough Council, Kent Police, or Kent County Highways, reserve the right to request that temporary street furniture is removed or reconfigured if an emergency arises or increased social distancing space is required.

Premises Specific Conditions

16. To be decided on a premises specific basis
Reason: draft seperately in each case