

Conditions applicable to all Pavement Licences

Note, other conditions may be added at the discretion of the Local Authority on an individual licence basis if it is felt necessary to fulfil the purpose of meeting the requirements of the licence. Additionally, conditions may be varied

National Conditions

1. Clear Route of Access

It is a condition 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 3.1 of [Inclusive Mobility](#).

2. No Obstruction Clause

In line with Clause 3(6) of the Business and Planning Act 2020, Nothing must be done by the licence-holder to:

- 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.

3. Smoke Free Seating

It 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.

Guidance on meeting this condition can be found at <https://www.gov.uk/government/publications/pavement-licences-draft-guidance/draft-guidance-pavement-licences-outdoor-seating-proposal>

Local Conditions

4. The licence holder shall only trade on the days and between the times stated on the licence.
5. The licence holder shall only use furniture stated on the licence.

6. The licence holder shall not carry on business from any vehicle or erect or place any stall or other structure in any street except in the area mentioned in the licence.
7. The licence holder shall on all occasions, when carrying on business, be strictly sober, and conduct him/herself in a proper, civil and courteous manner, and he/she shall not carry on his/her business in such a way as to cause annoyance to the occupier or person in charge of any shop, business, resident, or any person using the street.
8. The licence holder shall at all times conduct his/her business in a clean and tidy manner.
9. The licence holder shall make no fixtures to or excavations of any kind in the surface of the highway, which shall be left entirely undisturbed.
10. The licence holder shall ensure that a copy of the licence is clearly visible to the public and made available upon request to an authorised officer of the council or the police.
11. If, during the life of a licence any change occur in the facts of that were supplied with the original application the holder of the licence shall report such changes to the Council within 72 hours of that change.
12. The licence does not permit the playing of music, singing or performance of entertainments, or the use of an external public address system or speakers, on the highway, including within the licensed area. The licensee is to ensure that any noise disturbance to the neighbourhood, including noise from patrons, is kept to a minimum and does not cause offence.
13. The licence holder shall make no claim or charge against the Council in the event of any item being displayed or used being lost, stolen or damaged in any way from whatever cause.
14. Advertisements or other notices shall not be placed in the immediate area of the premises without approval of the council. No displays will be affixed to the highway or to the street furniture.
15. The licence holder shall not place any furniture or equipment in the immediate area of the premises other than as permitted by the licence. All furniture under the terms of the licence shall be kept within the area specified in the licence. All displays, stands, etc. are to be removed from the highway outside of licensed hours.
16. Waste from the licence holders operations must not be disposed of in the permanent litter bins provided by the Council. Any commercial premise must have a trade waste agreement in place and waste receptacles kept within the boundaries of the premises apart from on the day of collection.
17. The council reserves the right to alter or amend these conditions at any time.
18. Licenses are not transferable and the subletting of any licence is prohibited. The Licensee shall be responsible for any rates, taxes and other outgoings which may be charged

19. The licence holder shall be responsible for the temporary storage of refuse, liquid and other material accumulated or created whilst trading and its subsequent removal from the site. The removal and disposal must be to the satisfaction of the council.
20. The Licensee shall indemnify the Council against all actions, proceedings, claims, demands and liability which may at any time be taken, made or incurred in consequence of the use of the chairs and tables and other objects and for this purpose must take out at the Licensee's expense a policy of insurance approved by the Council in the sum of at least £2,000,000 in respect of any one event and produce to the Council on request the current receipts for premium payments and confirmation of the annual renewals of the policy. A valid Third Party Public liability Insurance certificate shall be held by the licence holder at all times to the satisfaction of the council.
21. The licence holder must comply with any reasonable request of an authorised officer of the Council or a police officer, providing such request does not require excessive additional expenditure
22. The granting of a licence by the Council does not give any approval other than the permission which the Council is authorised to give under the Business and Planning Act 2020.
23. Licenses are not transferable
24. The licence holder shall ensure that sufficient sanitary accommodation is available for any customer using any chairs or seating provided by the business
25. A licence holder selling food shall at all times comply with any food hygiene regulations in force at that time, and when required by the Licensing Authority, shall produce appropriate food handling certificates for relevant food handlers.
26. Only food or drink sold in the relevant premises can be served, and the area so permitted is to be used solely for the purpose of consuming refreshments.
27. Any furniture used in the licensed area must be of sufficient high quality and appearance as not to be detrimental to the area. The use of garden furniture (e.g. plastic patio type chairs and tables) will not be suitable. Any furniture or associated item must be in a good state of cleanliness and repair at all times, and uniform in appearance for the premise.
28. The licensed holder must ensure that the trading area is kept clean and tidy by periodic litter picking.
29. The licensee will be responsible for the cleansing of the trading area. Any food debris, packaging, wrapping or similar material must be removed at once from the trading area and placed in a suitable bin. If a licensee damages or fails to cleanse the highway or remove refuse from within the trading area, the Council will take remedial action and the cost charged to the licensee.
30. The licensee shall take measures to discourage the feeding of vermin by patrons and put in place appropriate measures. More specific advice can be obtained from Environmental Health.

31. Any furniture or equipment must not overhang the designated tables and chairs areas, and be stable enough (e.g. weighted down) to withstand wind or accidental contact. No advertising should be on them apart from that related directly to the name of the company / premise, and this must be pre-approved as part of the application.
32. If heaters are proposed the heaters must meet BS Standards BS EN 60529:1992 (electric heaters) and BS EN 14543:2005 (gas heaters). Any non-furniture item ((e.g. menu boards, heaters etc.) must be approved as part of the enclosed permitted area, and any that cause unacceptable clutter or intrusion of sight lines will need to be removed if deemed to be causing an issue or hazard.
33. The licence holder shall remove tables and chairs from the highway outside trading hours (unless permitted not to) and immediately if required to do so to permit works in or the use of the highway by the Council, the Police, fire and ambulance services, any statutory undertaker or telecommunications code operator.
34. No alcohol shall be consumed on the highway unless a licence has been issued by the Local Authority Licensing Team (Existing premises will have this exemption under the Business and Planning Act 2020, but no premise without an existing alcohol licence is permitted to sell alcohol or conduct a licensable activity except the provision of furniture under a pavement licence)
35. At all times, a minimum clear footways of 2 metres must be aimed for. You must take into consideration of the inclusive mobility guidance issued by Government, especially Section 3, that can be found at <https://www.gov.uk/government/publications/inclusive-mobility/inclusive-mobility>
36. An unimpeded pedestrian route must be maintained at all times for people wishing to use the footway as per the National Licence Conditions
37. The area designated under the licence must be inspected by the licence holder every morning to ensure the highway area is in good repair. Any cracks, damage or areas of risk must be reported to nrswa@harrow.gov.uk the same day of discovery
38. The operation of the area must not interfere with highway drainage arrangements.
39. During the hours of darkness suitable and sufficient lighting must be provided to ensure safe use of the area. Any proposals to provide additional lighting to the licensed areas must be agreed with the Highway Authority.
40. Any furniture used must be arranged to comply with any Government Guidance including around covid-19 and social distancing.
41. Any furniture used that has not been approved or licensed by the Council can be subject to removal by the Council, who will charge for any storage and dispose of it after 14 days if not claimed

42. Harrow Council reserves the right to revoke this licence at any time if any of the above conditions are not fulfilled and maintained.
43. The pavement licence holder must ensure that the management team of the business to which the pavement licence is attached; register and successfully complete the nationally recognised counter terrorism training product referred to as ACT E Learning within 10 days of the notification of the grant of the Pavement Licence OR can demonstrate that the ACT E Learning product has successfully been completed within the preceding 12 months and that all staff employed by OR at the premises complete the ACT E Learning within a reasonable period not exceeding 3 months from the notification of the grant of the Pavement Licence.(Act E Learning certificates are provided on successful on-line completion).
44. The Pavement Licence holder must ensure that existing CCTV systems are correctly working, are compliant with the Data Protection Act 1998, Information Commissioners requirements and any other local CCTV Code of Conduct produced by the Police or Local Authority. Imagery must be retained for at least 28 days and images produced to a Police Officer or Local Authority Enforcement Officer upon reasonable request. Faults which render the CCTV system or parts of it inoperable should normally be rectified within 24 hours.