

Pavement Licence Conditions: Business and Planning Act 2020

Please note this licence can be revoked if there is failure to comply with these conditions.

1. The licence holder must conform with latest Government guidance on social distancing and hygiene measures to ensure the licensed area is covid- safe for staff and customers, as far as reasonably practical.
2. The licence holder(s) shall at all times comply with all statutes, statutory instruments, regulations and by-laws. Particular attention should be paid to the requirements of the Health and Safety at Work Act 1974, the Food Safety Act 1990, The Food Hygiene (England) Regulations 2013 and associated European Regulations, particularly, but not exclusively EC Reg 852/2004, The Coronavirus Act 2020 and related Regulations; and the Business and Planning Act 2020.
3. The licence holder must ensure that business operations from the licenced area align with existing local business arrangements and charters, including regular markets and street trading consents
4. Except with the previous written consent of the Council, only the amenities detailed on the licence are to be placed on the public highway, in accordance with the plan layout, and the amenities are only to be placed on the public highway between the times detailed on the licence and on the permitted area specified in the licence
5. The Council may require the boundary of the permitted area to be defined by a fixed barrier system, that is suitably stable so as not to be easily blown or knocked over. Any proposed facility used to define the licenced area, for example fencing, rope stands, planters will require approval by the Council as part of the application
6. Clear routes of access along the highway must be maintained, taking into account the needs of disabled people. A width of 2m should be maintained but where this is not possible, 1.5m will be the minimum width allowed. Clear access to the entrance of the adjoining premises must always be maintained, including access for disabled people.
7. The licence holder is not permitted to make any fixtures, or excavations of any kind, to the surface of the highway without prior written approval of the Responsible Highway Authority (Essex County Council).
8. The licence holder is not permitted to erect the amenities other than in accordance with the provisions of the licence.
9. The licence holder(s) shall not cause any nuisance or annoyance to any other user of the highway, or any adjacent land or premises. The licence holder is responsible for keeping good order including the control of all litter and rubbish within the boundary of the permitted area.
10. Any music, emanating from the premises and licenced area shall not be audible at the boundary of nearest noise sensitive area so as to cause a public nuisance.
11. All furniture, including tables, chairs and barriers used on the licensed area must be portable and must be removed at the end of the trading period for the pavement area, as specified on the licence, to either inside the premises or within its own premises boundary and off the highway. Any amenities left outside must be secured fixed and locked to the building to prevent removal.
12. Otherwise than stated on the specific premises licence, the following time restrictions apply:
 - (a) Pavement furniture will not be put out on the licensable area before 8am on any day

- (b) The licensable area must be cleared of furniture and customers by no later than 21:00 Sunday to Thursday and 22:00 Friday and Saturday
13. The tables & chairs and other furniture shall be kept in a clean, safe and well-maintained, to the satisfaction of the Council.
 14. The licenced area is to be used for seated customers only so that social distancing of customers can be managed
 15. Where the consumption of alcohol is to take place then only plastic or toughened glass and bottles are to be permitted within the licenced area.
 16. Where heating is proposed for colder weather, electric heating is preferred to LPG, to minimise the carbon usage. Fire pits are prohibited. Alternative options of temporary screens (subject to Council approval) and rugs, cushions and blankets can also be considered as climate friendly solution
 17. All outside electrical heating must be suitable for the use intended and installed and located to eliminate any risk posed by power supply cables, including tripping hazards. All electrical equipment must be subject to regular visual inspection and must be safe, maintained free from 'danger' and not pose a risk. Where necessary, electrical equipment must receive an appropriate safety examination, to ensure that it remains safe, maintained free from 'danger' and not pose a risk.
 18. All full and nominally empty gas cylinders for patio heaters or other liquid gas fired appliances, must be stored outside either in a secure cage or suitably secure location, bear the correct signage and located away from drains and gullies (min 2M). The maximum number of cylinders onsite (full and nominally empty) shall not exceed a volume of 100Kg. All gas cylinders must meet latest BS EN requirements.
 19. The licenced area and pavements and road surfaces immediately adjacent, must be kept free of litter, detritus and rubbish, including staining of the highway surface from food and drink spillages.
 20. Litter and rubbish associated with the business must be removed from pedestrian walkways as required, to maintain a clean, litter free area, for a distance of up to 5 metres from the boundary of the permitted area.
 21. Litter and Trade Waste arising from the activities shall be removed from the licensed area daily and disposed of in an approved manner.
 22. No water, rubbish or waste material associated with the business shall be discharged or deposited on the highway or onto any adjacent property or into any surface water inspection chamber or gully or other watercourse
 23. At the instruction of the Council, the licence holder must remove the Street Furniture during the permit period for the purpose of:
 - (a) Works in or under or over the highway or for using it in connection with works in, under or over land adjacent to or adjoining it as may be required by Epping Forest District Council, the local highways authority or any statutory undertaker or other person authorised by the Council.
 - (b) Use by emergency services.
 - (c) Any other reasonable cause.
 24. All amenities must be immediately removed at the end of the licence period or if the licence is revoked.

25. In the event of a breach of the licence, the highway must be reinstated to original condition. The licence holder will be required to reimburse the Council, if, as a result of a breach of the licence conditions, it is required to carry out any reinstatement works.
26. The licence holder shall not make any claim against the Council in the event of any property of the licence holders becoming lost or damaged in any way from whatever cause.
27. The licence holder must indemnify and keep indemnified the Council from and against all actions, costs, claims, proceedings, demands and liability, which may at any time arise or be incurred in consequence of the placing and maintaining the amenities on the highway or their removal from the highway.
28. The licence holder must hold a Public Liability Insurance indemnity policy throughout the term of the licence 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 the Street Furniture on the highway or their removal. The applicant is required to submit proof of this insurance prior to the licence being issued and on the anniversary of the issuing of the policy as long as the licence is in operation.
29. This licence shall not be assigned to any other person, firm or organisation.
30. The licence holder shall make available these general conditions to every person engaged in supplying food and drink to customers on the premises subject to this licence.
31. Failure to comply with these conditions may lead to revocation of the licence and or prosecution of the licence holder.

Note: Permission to place tables and chairs on the highway does not exempt the applicant from complying with any other legislation applying to the premises.

A separate set of conditions will apply to a licence for the erection and use of advertising boards and awnings or canopies fitted to the premises.

Diagrammatic examples of suitable LPG storage

