

Appendix B - Pavement Licence Conditions

These Standard Conditions are made pursuant to Section 5 (2) of the Act by the London Local Authority of [Merton] [Richmond] [Wandsworth]

Pavement Licences under the Act are permissible only for a business which uses (or proposes to use) premises for the sale of food or drink for consumption (on or off the premises). Businesses that are eligible include: public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours.

Part A – Standard Conditions

The following Standard Conditions are attached by default to every Pavement Licence (“a Licence”) granted by the [Wandsworth Inspections and Enforcement Team] [Regulatory Services Partnership (“the RSP”)] on behalf of the London Borough of [Merton] [Richmond] [Wandsworth] and will be applied to every licence deemed granted under Section 3(8) of the Act. The conditions may only be removed or varied on a licence on application, and following that application being determined under Section 3(3) of the Act.

1. The Licence only permits the area of the highway (“the Authorised Area”) and furniture specified on the licence to be used.
2. The Authorised Area must be supervised at all times. The Licence Holder must ensure that there are sufficient staff at any one time to supervise and control the Authorised Area to:
 - deter and prevent noise nuisance, antisocial behaviour and criminal activity
 - ensure the safety of customers and staff in line the Covid-19 Risk Assessment for the Premises to reduce or eliminate the spread of Covid-19
 - ensure that the area is kept clean, tidy and free of litter
3. All additional outdoor areas must be seated. All customers in the Authorised Area must be seated at all times, save for access to and egress from the seating area. Sufficient numbers of tables and chairs must be provided by the Licence Holder for the number of customers allowed into the Authorised Area, and not exceeding the number of tables and chairs permitted by the Licence.
4. All outdoor areas must be clearly defined/delineated in accordance with the submitted plan which forms part of the licence.
5. Any use of an outdoor area must retain 1.2m of pavement for general pedestrian traffic taking into account other restrictions from other obstructions such as street furniture and planting.
6. All seating areas must be set in 0.5m from an adjoining/adjacent premises unless written consent is given by the owner or operator of that premises to allow additional space to be used.
7. Any furniture must not prevent access from or egress to the premises or the pavement including in the event of an emergency.

8. All furniture must be removed from the Authorised Area by 23:30, or otherwise secured in such a manner that they cannot be moved or used overnight where removal is not possible and with prior written agreement from the relevant Local Authority.
9. All customers must be asked to leave and be away from the seating areas by 23:00 unless otherwise specified on the licence. The hours of operation for the pavement licence must not exceed the hours specified for the sale of alcohol should the premises hold such a licence.
10. Premises must check and confirm that their use of the outside space is covered by the appropriate insurance, including Public liability insurance to the same extent as any normal operation.
11. The Licence Holder must consider how outdoor seating will impact on toilet facilities available and how it will be managed (queues, cleaning routines).
12. The Licence Holder shall ensure that all customers have access to toilet facilities at the premises, and that the use of these facilities is considered under the Covid-19 Risk Assessment for the Premises.
13. Queuing for the entry to the premises shall only take place within the Authorised Area and not encroach onto the pavement thoroughfare at any time
14. The licence holder is responsible for controlling antisocial behaviour, noise and other nuisance such as smoke, odour of light from the premises and outside area to an absolute minimum so as not to cause nuisance to adjoining properties or nearby residents.

Part B – National Conditions

The following National Conditions apply to every Pavement Licence granted or deemed granted unless otherwise specified on the Licence:

1. 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 Guidance issued by the Department for Transport (“the DfT”). These requirements include, (unless subsequently amended by the DfT):
 - a. 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.
 - b. The absolute minimum, where there is an obstacle, should be 1000mm clear space. The maximum length of restricted width should be 6 metres. 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.

2. Where the Pavement Licence includes seating for customers to consume food or drink, the Licence Holder must make reasonable provision for seating where smoking is not permitted. In accordance with Guidance issued by the Secretary of State, steps that the Licence Holder may take to comply with this condition include:
 - a. Clear ‘smoking’ and ‘non-smoking’ areas, with ‘no smoking’ signage displayed in designated ‘smoke-free’ zones in accordance with Smoke-free (signs) regulations 2012
 - b. No ash trays or similar receptacles to be provided or permitted to be left on furniture where smoke-free seating is identified
 - c. Licence holders should provide a minimum 2m distance between non-smoking and smoking areas, wherever possible.