

APPENDIX 1

STANDARD CONDITIONS

National Conditions

1. The licence holder must ensure that no activity undertaken by them by the placing of furniture on the highway will:

(a) prevent traffic, other than vehicular, 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) prevent any use of vehicles which is permitted by a pedestrian planning order or which is not prohibited by a traffic order,

(c) prevent statutory undertakers having access to any apparatus of theirs under, in, on, or over the highway, or

(d) prevent 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. The licence holder must ensure clear routes of access are 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 the Department for Transport's Inclusive [Mobility document](#).

3. 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.

Local Conditions

4. Permission to operate under a pavement licence does not imply an exclusive right to the area of public highway. The licence holder must be aware that Gloucester City Council and others (e.g. town and parish councils, police, highways authority, statutory undertakers) will need access at various times (including emergencies) for maintenance, installation, special events, improvements or any other reasonable cause. This may mean that area covered by the pavement licence will need to cease operating and/or be removed for a period of time. On these occasions there would be no compensation for loss of business.

5, Tables and chairs must not be placed in position outside of permitted times. When the licence is not in use, all tables and chairs and other furniture must be stored securely inside a premises away from the highway.

6. Unless another more restrictive condition has been attached to the licence in response to particular concerns raised during the public consultation period, the licence holder must not place any furniture on the highway in pursuance of this licence before 08:00hrs on any day and must remove all furniture placed on the highway in pursuance of this licence when the premises close or by 22:00hrs on any day, whichever is the earliest.

7. The licence holder must at all times hold a current certificate of insurance that covers the activity for third party and public liability risks, to a minimum value of £5 million.

8. The area of the highway covered by the licence must be kept clean and tidy at all times. This will include washing down the area and removing any refuse and litter on the highway in the vicinity of the removable furniture.

9. The licence holder shall not use or allow to be used any music playing, music reproduction or sound amplification apparatus or any musical instruments, radio, or television receiving sets in the area of the highway covered by the licence.

10. The licence holder is not to make or cause to be made any claim against the City or County Council in the event of any property of the licence holder becoming lost or damaged in any way from whatever cause.

11. An unimpeded pedestrian route must be maintained at all times for people wishing to use the footway as per the National Licence Conditions

12. Tables and chairs and other furniture placed in the area of the highway covered by the licence must not cause an obstacle to independent mobility for blind and partially sighted people when using pavements.

13. The licensee should ensure that the area operates in a safe and orderly manner, thereby ensuring that any safety risk or nuisance to customers, other users of the public highway or any adjacent land or premises, is minimised.

14. 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.

15. 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. Any costs incurred as a result of damage to the highway, due to the positioning of tables and chairs etc, will be recovered in full from the licence holder by Gloucester City Council or the Highway Authority.

16. The premises must ensure that if alcohol is sold from the business that all necessary permissions under the Licensing Act 2003 are in place.

17. The licence must be displayed on the premises with a plan of the agreed layout of the area covered by the pavement licence and the types of furniture that have been agreed to be used on the highway.

18. Gloucester City Council reserves the right to revoke this licence at any time if any of the above conditions are not fulfilled and maintained.

19. The licence holder must ensure that the area covered by the licence is monitored regularly by staff to ensure that all of the conditions above are being adhered to.

NB. In these conditions the term 'highway' is the same definition as that in the Business and Planning Act 2020. Generally, these are public footpaths restricted to pedestrians or are public roads and places to which vehicle access is restricted or prohibited.