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Pavement licences: Standard licence conditions

The Business and Planning Act 2020 has been enacted from 22nd July 2020 and includes a streamlined process for applications to be made for a pavement licence. This means that South Somerset District Council (SSDC) will be able to process applications for and issue Pavement Licences.

Pavement Licences are subject to conditions - rules that have to be followed by the licence holder. It is important that all conditions are complied with. Where the council considers that one or more have been breached, it has the power to take enforcement action, which includes revocation of the licence completely.

There are two “national” conditions that apply to licences (further details below) but the council can also attach any conditions that it thinks are reasonable.

SSDC has been working with the district councils across Somerset to develop and agree a set of standard licence conditions that it is our intention to attach to every licence that each council grants within the required 14 days. Full details of these can be found below.

Here are both the “national” conditions and a list of all of the conditions that the Somerset district councils propose to attach in full:

<p>The national conditions regarding the Business and Planning Act 2020 (Part One)</p>
<p>1.</p> <p>The holder of a pavement licence must do nothing that would have an effect of: -</p> <p>a) preventing traffic, other than vehicular traffic, from</p> <p>(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),</p> <p>(ii) passing along the relevant highway, or,</p> <p>(iii) having normal access to premises adjoining the relevant highway,</p> <p>b) preventing any use of vehicles which his permitted by a pedestrian planning order or which is not prohibited by a traffic order,</p> <p>c) preventing statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or</p>

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.

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':

“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.

The absolute minimum, where there is an obstacle, should be **1000mm** clear space. The maximum length of restricted width should be **6 metres** (see also Section 8.3). 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.

It is also recommended that there should be minimum widths of **3000mm** at bus stops and **3500mm to 4500mm** by shops though it is recognised that available space will not always be sufficient to achieve these dimensions.

Where a cycle track runs alongside a footway or a footpath best practice is to physically segregate the two as advocated in Local Transport Note (LTN) 2/86 Shared Use by Cyclists and Pedestrians.

If this is not possible, appropriate tactile surfaces should be used to identify the cycle and pedestrian paths (see Section 4.5). The cycle track should be at least **1400mm** wide with the cycle symbol on the ground every 50 yards. The pedestrian part should meet the standards given earlier in this section and should be separated from the cycle track by a raised dividing line **150mm** wide and **12 to 20mm high**, with a **50mm** wide top face.”

2.

Where the furniture to be put on the relevant highway consists of seating to be used by persons for the purpose of consuming food or drink, the licence holder must make reasonable provision for seating where smoking is not permitted.

**Conditions to be attached to licences issued by SSSC and the other district councils in Somerset:
(Part Two)**

1. All furniture must be contained within and located as shown exactly on, the licensed area identified in the following plan:

<plan/drawing of area>

2. No changes must be made to the licensed area and locations of any furniture, including barriers, without written permission from the Council.

3. The permitted hours of use are as follows:
4. Outside of the permitted hours of use, all furniture must be removed from the licensed area of the highway and be stored securely.
5. The Somerset County Council Highways Authority 'Unauthorised Signs and Goods Displayed on the Highway' policy must be complied with at all times.
6. The licence does not prevent Somerset County Council Highway Authority from exercising its duties and powers to ensure the licensed section of highway and nearby highway is appropriately maintained. Utility companies may also require access to the licensed area under permit.
7. Staff must regularly monitor the licensed area and visit it, when necessary, to ensure it is kept clean and tidy. Any litter or waste arising from use of the licensed area must be cleared away, whether within the licensed area or its vicinity.
8. Should the licensed area not adjoin the relevant premises, customers must not be permitted to carry food and drink which has been sold or supplied to be consumed within the licensed area, from within the relevant premises themselves. Instead, customers must be waited on by staff from the premises. If any accidents e.g. spillages should occur, they must be immediately cleaned up by staff.
9. Suitable and sufficient barriers must be used, to prevent furniture from straying beyond the licensed area. Barriers must include a low tap rail or similar to aid those with visual impairments to negotiate the licensed area.
10. Where parasols are used, they must be suitable i.e. not common garden umbrellas. They must not overhang barriers marking the licensed area and be closed and/or removed during windy weather.
11. The licence holder must;
 - a) Publicly display this licence, or a copy of it, at the premises so that it can easily be seen from the street to allow inspection by an authorised officer of the Police or other officer authorised by the Council.
 - b) Comply with any instruction given in relation to the use of or access to the street or public place by an authorised officer of the Council, Highways Authority or Police.
 - c) Indemnify South Somerset District Council against all liability which may at any time be taken, made or incurred in consequence of the use of Pavement Licences and for this purpose must take out a policy of insurance in the sum of up to £5,000,000.
 - d) Produce to the Council, on request, current receipts for premium payments and confirmation of annual renewals of the policy.
12. The licence holder must not assign, underlet or part with his interest or possession, or any part under this licence, but may surrender it to the Council at any time.
13. Amplified music must not be provided in or adjacent to the licensed area, nor projected to it, from the premises.
14. Television screens (including projectors) must not be provided in or adjacent to the licensed area.

15. The licence holder must ensure that no alterations are made to the highway surface.

16. The licence holder must ensure that uses conform to latest guidance on social distancing and any reasonable crowd management measures needed as a result of a licence being granted and businesses reopening.