



**South
Derbyshire**
District Council

Pavement Licence Conditions **Business and Planning Act 2020**

1. The Licence is personal to the Licensee and cannot be transferred to any other person, business or organisation.
2. This Licence is granted under the Business and Planning Act 2020 (“the Act”) and will be restricted to 9am to 11pm Monday to Sunday or such other hours as may be agreed by the Council in writing.
3. The Licensee shall comply with and obtain all other necessary statutory consents and approvals required in connection with the exercise of a refreshment facility on the highway and comply with the provisions of all such consents and approvals and all statutes and other obligations imposed by law with regards to the provision, maintenance and operation of the refreshment facility.
4. The area upon which the proposed seating and other furniture may be sited (“the Licensed Area”) will be defined on a plan attached to the Licence and shall be used solely for the purpose of consuming refreshments. No unauthorised obstructions are to be placed in the Licensed Area or on the public highway. The plan must include an area of seating where smoking is not permitted.
5. The Licensed Area shall be protected by barriers of a sturdy design which should consist of rigid barriers and weighted bases to prevent incursion to the protected pavement and to prevent being moved accidentally or by weather. Barriers should not bend or move under normal use. Barriers should be monitored frequently to ensure they are not moved out of position by customers.
6. The tables, chairs, barriers and other furniture (“the Equipment”) shall be of an appropriate design and shall be kept in good repair and condition at the Licensee’s expense. The layout shall be as shown on the plan attached to the Licence. No amendments made be made to the layout of the Licensed Area without the written approval of the Council.
7. No musical, amplified, live or recorded broadcasts are permitted in the Licensed Area.
8. The Licensee shall remove all Equipment from the highway outside the opening hours specified on the Licence and if required to do so to permit works in, or the

use of the highway by the County or District Council, , the emergency services, any statutory undertaker, or to allow access for builders' vehicles, hearses and furniture removal vans. Except in the case of emergencies, the respective organisations will give at least 24 hours' notice of the need for such removal.

9. The Licensee shall make no claim or charge against the Council in the event of the Equipment being lost, stolen or damaged in whatever way from whatever cause.
10. The Licensee shall indemnify the Council against all actions, proceedings, claims, demands and liability which may be taken or made or incurred arising out of the Licensee's use of the highway. For this purpose, the Licensee shall insure against any damage, loss or injury which may occur to any person or property arising from the siting of the Equipment. Details of such public liability insurance, for the sum of at least £5 million in respect of any one event and the insurance shall take effect prior to the use of the Licence.
11. The Licence shall run for two years from the date of issue and shall remain in force only for such period as the Licensee remains the occupier of the Premises or until revoked by the Council under the Act or surrendered to the Council by the Licensee.
12. The Equipment must not obstruct pedestrian, emergency or delivery access to any premises or extend beyond the Licensed Area. A clear pedestrian route along the highway must be always maintained which should be no less than 2m wide. Normally the Equipment shall be placed against the building, however where additional space is available (such as a pedestrianised street) the Licence may allow for the Equipment to be sited away from the building. The Equipment shall not be positioned to discourage pedestrian usage. The proximity of existing obstructions e.g. planters, trees, etc. should be considered as should bus stops and pedestrian crossings. Consideration should also be given to the placement of all Equipment so they do not cause an obstruction or trip hazard or block forward visibility of any road sign or traffic signal. The pedestrian footway must not be enclosed in any way.
13. The licensee shall ensure that people do not congregate outside the Licensed Area.
14. The Licensed Area will be suitably managed by staff to ensure the orderly conduct of customers and to ensure that all activities remain within the licensed area. Standards of cleanliness and tidiness must be maintained to the satisfaction of the Council.
15. The Licensed Area must be kept clean and free from litter and other rubbish. At the end of each working day, or more frequently if necessary, the Licensed Area and an additional area of highway bounded by a line 5m from the Licensed Area shall be thoroughly cleaned to remove food debris etc. No waste shall be deposited in the permanent litter bins provided by the Council.

16. All Equipment must be free standing and no fixtures to, or excavations of any kind shall be made in the surface of the highway which shall be left entirely undisturbed. The Council reserves the right to report any highway damage no matter how caused and recharge the Licensee.
17. Advertisements are not allowed within the Licensed Area or on barriers without the prior consent of the Council.
18. The Licensee shall be responsible for any rates, taxes and other out-goings which may be charged in connection with the Licensee's use of the Licensed Area.
19. The Licensee shall maintain clear 'smoking' and 'non-smoking' areas, with 'no smoking' signage displayed in designated 'smoke free zones in accordance with Smoke-Free (Signs) Regulations 2012.
20. No ash trays or similar receptacles shall be provided or permitted to be left on furniture when smoke-free seating is identified.
21. The Licensee shall provide a minimum of 2m distance between non-smoking and smoking areas, wherever possible.

ANY OBSTRUCTION OF THE HIGHWAY WHICH IS NOT SPECIFICALLY AUTHORISED BY THIS PERMISSION MAY RENDER THE LICENSEE LIABLE TO PROSECUTION.

Additional Conditions relating to Counter Terrorism and Security which may be added if required.

22. The licensee shall ensure that the management team of the business 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 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 Licence. (Act E Learning certificates are provided on successful on-line completion).
23. The Licensee shall ensure that existing CCTV systems are correctly working, are compliant with the Data Protection Act 2018, the Information Commissioner's 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.

ACT E learning is available here <https://ct.highfieldlearning.com/>