

NATIONAL CONDITIONS

The Business and Planning Act 2020 sets out two conditions which apply to pavement licences which are granted, these are a no-obstruction and a smoke free seating condition.

No-obstruction:

The licence holder must ensure that clear routes of access along the highway are maintained and do not pass through an area with tables and chairs.

The routes must take into account the needs of disabled people and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired persons at all times the licence is in operation.

The positioning of furniture should not discourage pedestrians from using the footway.

Furniture to be non-reflective, where possible, and of a reasonable substance such that it cannot easily be pushed or blown over by the wind, and thereby cause an obstruction.

Smoke-free seating:

The licence holder must provide designated smoking and non-smoking areas with 'no smoking' signage displayed in designated 'smoke-free' zones in accordance with Smoke-Free (Signs) Regulations 2020.

No ash trays or similar receptacles to be provided or permitted to be left on furniture where smoke-free seating is identified.

Licence holders should provide a minimum 2 metre distance between non-smoking and smoking areas, wherever possible.

LOCAL CONDITIONS

(1) The tables and chairs shall be of such design as may be approved by the Borough Council and shall be kept in good repair and condition at the Proprietor's expense

(2) The Proprietor hereby agrees to make no claim or charge against the Borough Council in the event of any of the tables and chairs being lost, stolen or damaged in any way from whatsoever cause. If any of the tables and chairs are lost or damaged, it shall be the Proprietor's obligation to replace them at their expense if they wish to do so

(3) The tables and chairs shall be placed on the highway outside the premises ie they should not be permitted to be placed outside any other premises on either side of the premises and the tables and chairs shall be placed as near as possible to the property frontage so as to maintain the maximum width of the pavement (or specified 3-metre walkway if deemed appropriate)

(4) The tables and chairs shall be free standing. No fixture shall be made to, or excavations of any kind made in the surface of the highway which shall be left entirely undisturbed

- (5) Refuse and litter deposits on the highway in the vicinity of the tables and chairs shall be removed regularly each day by the Proprietor or their employees or agent at their expense
- (6) The Proprietor shall indemnify the Borough Council against all actions, proceedings, claims, demands and liability which may at any time hereafter be taken, made or incurred in consequence of the erection, maintenance or use of the tables and chairs erected hereunder and for this purpose shall take out at the Proprietor's expense a policy of insurance in the sum of £5 million at least and shall produce to Havant Borough Council's Licensing Officer confirmation of the policy taken out in accordance with this paragraph
- (7) No charge shall be made by the Proprietor for the use of the tables and chairs
- (8) If the Proprietor sells or transfers their interest in the premises, to any other person, partnership or corporation this licence shall cease to have effect
- (9) The Proprietor will remove the tables and chairs from the highway immediately so as to permit the use or works in the highway by:
- (a) The Borough Council, the County Council, the police, fire and ambulance services or any statutory undertaker; or
 - (b) Builders' vehicles, hearses and furniture removal vans, if the retention of the tables and chairs will obstruct the use of the highway by such vehicles.
- (10) This licence is given on the understanding that alcohol will not be consumed on the highway unless an alcohol licence has been issued by the Licensing Department granting such permission and until such a licence is issued the sale of alcohol for consumption on the highway is prohibited
- (11) This licence is for a period of 12 months after which time if the Proprietor wishes to continue the use a request for a further licence will need to be submitted
- (12) Furniture is not permitted to be placed on the highway on market days if the premises is on a highway where there is a market.
- (13) In addition, it is not permitted to place furniture on the highway on any other days which are reserved for specialist markets and events, in these cases seven days' notice will be given by a Havant Borough Council's Licensing Officer unless agreed by prior arrangement with the Market Manager and Licensing Officer.
- (14) This licence is valid for the length of Business and Planning Act 2020 legislation, currently 30th September 2023.

LICENCE CONDITIONS

Specific conditions on a case-by-case basis if appropriate.