**Standard Pavement Licence Conditions**

1. Permission to operate a pavement café does not imply an exclusive right to the area of public highway.  The licence holder must be aware that Thanet District Council and others (e.g. police, highways authority, statutory undertakers) will need access at various times (including emergencies) for maintenance, installation, special events, improvements etc or any other reasonable cause and it is a condition of this licence to provide such access.  This may mean that 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.
2. The licence holder must hold Public Liability Insurance for the operation of the Pavement Café.  This must indemnify Thanet District Council and Kent County Council against all claims for injury, damage or loss to users of the public highway, arising from the use of the highway for the permitted purpose.  The minimum level of indemnity must be £5 million in respect of any one incident.  Evidence of the insurance must be provided to Thanet District Council on request.
3. Tables and chairs must not be placed in position outside of the permitted times stated on the licence, 9am to 10pm.  When the licence is not in use, all tables and chairs and other furniture must be stored securely inside premises away from the highway.
4. Thanet District Council and/or Kent County Council are empowered following the service of the appropriate statutory notice, to remove and store or dispose of furniture from the highway, at the cost of the licensee, if it is left there outside the permitted hours, or should any conditions of the licence be ignored.  The Council will not be responsible for its safekeeping.
5. An unimpeded pedestrian route must be maintained at all times for people wishing to use the footway as per the National Licence Conditions.
6. The method of marking the boundary of the licensed area must be agreed between the licence holder and the Licensing Department. Whatever method is agreed a 2 metre clear walkway must be maintained for the use of pedestrians. No tables, chairs or temporary street furniture sited on a footway are to be placed within 2.00m of the edge of an adjacent carriageway. A minimum clear footway width of 2.00m must be obtained at all times and 2.5m in busy locations or at busy times. Where this is not achievable, a licence most likely will not be granted.
7. Emergency routes to the premises and adjacent buildings must not be obstructed by the Pavement Café, which should not, unless otherwise agreed, extend beyond the width of the premises frontage.

8 Tables and chairs should be of an approved type and should be kept in a good state of repair. Tables and chairs are to be fitted with rubber feet to minimise noise. Furniture should be placed so as not to obstruct driver’s sightlines, or road traffic signs.  Placement of tables and chairs must allow pedestrians to use the footway parallel to the frontage of the premises.  Care should be taken in the use of hanging baskets, awnings, protruding umbrellas etc.  Alternative items may not be used without first seeking the written authority of the Council.  Patio heaters must not be used.

9 All potential obstructions must be removed from the public highway when the premises are closed to prevent a safety hazard to pedestrians, particularly during the hours of darkness.

10 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.

11 The operation of the area must not interfere with highway drainage arrangements.

12 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. All lighting must be angled down to only illuminate the area directly beneath and within the area specified on the submitted plan. Lighting should not cause excessive illumination or glare to residents. Lights and external equipment should not be powered by generators; to prevent nuisance from noise and fumes.

13 All detritus (food and drink remnants, spillages, bottles, cans, wrappers etc) must be regularly removed from the footway surface to reduce hazards to pedestrians.  The licence holder must make arrangements to regularly check for and remove litter and rubbish on pedestrian walkways, left by persons using the premises, for a distance of up to 10 metres from the boundary of the premises.  The licence holder must ensure that any tables are cleared in an efficient manner during the hours of operation.  The licence holder must ensure the licensed area and surrounding highway is washed down at the completion of each day's usage using a method sufficient to remove food debris, grease and other spillages that may occur.

14 The licence holder is not permitted to affix any fixtures, or make excavations of any kind, to the surface of the highway without prior written approval.

15 The Licensee of premises not licensed under the Licensing Act 2003 or any modification or re-enactment thereof, must not allow the consumption of alcoholic liquor within the licensed area.

16 The Licensee of a premise licensed under the Licensing Act 2003 or any modification or re-enactment thereof, must not allow the consumption of alcoholic liquor within the premises outside the hours in force for the premises itself.

17 The licence must be displayed on the premises with a plan of the agreed layout of the pavement café.

18 The licence holder must remove any tables, chairs and other furniture immediately at the end of the licence period or on revocation of the licence.

19 No music in external areas.

20 Removal of patrons who are causing unreasonable disturbance in outdoor spaces covered by the pavement licence. No admittance or re-admittance to any patrons causing a disturbance.

21 Use of appropriate signage advising patrons to be considerate of neighbouring residents and minimise noise in outdoor spaces.

22 Communication with residents – provision of an emergency contact number should issues arise.

**Kent Council Council conditions and arrangements**

The updated Kent County Council licence conditions are incorporated into the Pavement Licence issued by Thanet District Council:

1 No tables, chairs or temporary street furniture sited on a footway are to be placed within 2m of the edge of an adjacent carriageway.

2 A minimum clear footway width of 2m must be obtained at all times and 2.5m in busy locations or at busy times.  Where this is not achievable, a licence most likely will not be granted.

3. The licence holder is wholly responsible for ensuring compliance with current social distance measures as laid out by the Government.  See government web page:<https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19>

4. For new applications you must provide a detailed plan clearly showing the extent of the area you wish to use, including dimensions, and include the dimensions of the remaining footpath width.

5. If government guidelines are amended to reduce the current 2m requirement then minimum width will revert back to 1.5m and 2.00m respectively.

6 Kent County Council reserves the right to request that temporary street furniture is removed if an emergency arises or increased social distancing space is required.  Existing license holders should be aware that if the District Council approach you to re-configure or remove tables and chairs to accommodate social distancing measures this must be complied with.

7 Kent County Council reserves the right to revoke the licence if conditions are breached.

8 If you cannot meet the current requirements you may consider re-applying when COVID government restrictions have been removed.  Your attention is drawn to the condition in which KCC gives authority to District and Borough Councils to amend and remove tables and chairs on our behalf to manage social distancing.

**NOTES**

These conditions should be read in conjunction with any mandatory national conditions (see below) concerning pavement licences, if the premises is licenced under the Licensing Act 2003, any relevant conditions attached to the premises licence, the latest government requirements concerning coronavirus and social distancing and any other relevant requirement of the Business and Planning Act 2020.

The licence holder is responsible for ensuring that the conditions of the licence and any other necessary permissions and regulations are adhered to.  The Licence holder is to use the highway solely for the purpose of the licence in line with the provisions of this licence and for no other purpose whatsoever.

Thanet District Council reserves the right to revoke this licence at any time if any of the above conditions are not complied with.

**National Conditions**

The Secretary of State publishes this condition in exercise of his powers under [Section 5(6)] of the Business and Planning Act 2020:

Condition relating to clear routes of access:

It is a condition that 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](https://www.gov.uk/government/publications/inclusive-mobility).

Guidance on the effect of this condition

1. To the extent that conditions imposed or deemed to be imposed on a pavement licence do not require the licence holder to require clear routes of access to 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](https://www.gov.uk/government/publications/inclusive-mobility), the licence is granted subject to those requirements.
2. To the extent that a licence is granted subject to a condition which imposes requirements to maintain clear routes of access that are inconsistent with the requirements set out in this condition this condition is not imposed on the licence.