

Pavement Licence conditions

These conditions apply to all licences issued under the Highways Act 1980 and the Business and Planning Act 2021. Additional conditions applying solely to temporary licences.

“Licence Holder” – for the purposes of these conditions a licence holder is the person named on the licence or anyone managing or employed at the premises in any capacity that allows them to carry out the benefits of the licence

1. The Licence Holder shall pay the reasonable charges of the Council in granting the licence.
2. The Licence Holder shall not cause any unnecessary obstruction of the highway or danger to persons using it. Having particular regard to the needs of disabled people, and the recommended distances required for access by disabled people as set out in guidance issued by the Secretary of State.
3. The Licence Holder shall not permit persons to cause a public nuisance or anti-social behaviour.
4. The Licence Holder shall not use or permit any public playing music reproduction or sound amplification apparatus or any musical instruments radio or television receiving sets whilst exercising privileges granted by this licence.
5. The Licence Holder shall not make any excavations or indentations of any description whatsoever in the surface of the highway or place or fix equipment of any description in the surface of the highway.
6. The Licence Holder shall not use the highway for any other purpose whatsoever nor for the licence purposes at any time other than during the hours permitted by this Licence unless it is to lawfully pass and re-pass over as a member of the public.
7. The Licence Holder shall not place on the highway any furniture or equipment or advertisement other than as specified in this Licence and shall maintain the same in a neat tidy and safe condition and shall not place them so as to obstruct the access to or exit from any premises.
8. The Licence Holder shall maintain the permitted area and the immediately adjacent area in a clean and tidy condition during the permitted hours and shall provide litterbins or similar receptacles for the disposal of rubbish.
9. The Licence Holder shall remove all furniture or equipment litterbins or other articles placed on the highway pursuant to this Licence at the expiry, surrender or revocation of the Licence and shall leave the highway in a neat and tidy condition.

10. Nothing herein contained shall be construed as the grant or purported grant by the Council or any tenancy protected by the Landlord and Tenant Act 1954 or any statutory modification or re-enactment thereof for the time being in force save as for those set out in the Business and Planning Act 2020 (the Act) or the Highways Act 1980 section 115E.
11. If so requested in an emergency, by an authorised officer of the Local Authority, Police Officer, Fire Brigade Officer, Paramedic or statutory undertaker, the Licence Holder shall remove the permitted structure from the highway.
12. If so requested by the Highway Authority, where use of the area is required for maintenance or other purpose, the Licence Holder shall remove the permitted obstructions from the highway.
13. The Council may remove and store or dispose of:
 - (i) Any structures placed by the Licence holder in the highway but not authorised by this Licence, and
 - (ii) Any structures authorised by this Licence but placed by the Licence holder in the highway outside the permitted hours or outside the permitted area and the Council shall not be responsible to the Licensee for the safe-keeping thereof.
14. The Licence Holder shall display a Notice of this Licence in a prominent position at the premises to which the Licence relates.
15. The Licence Holder shall observe and comply with any reasonable directions in relation to the use of the highway given from time to time by or on behalf of the Council.
16. The Licence Holder shall provide suitable barriers around the permitted area but only such as shall have been firstly approved by the Council
17. The Licence Holder shall comply with the “no-obstruction condition” set out in section 5(5) of the Act. This means that anything done by the Licence Holder pursuant to the licence, or any activity of other persons which is enabled by the licence must not have an effect specified in section 3(6) of the Act. Therefore, you must not:
 - (a) prevent traffic, other than vehicular traffic, 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) preventing any use of vehicles which is permitted by a pedestrian planning order or which is not prohibited by a traffic order,
 - (c) preventing statutory undertakers having access to any apparatus of theirs under, in, on or over the highway

(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.

18. The Licence holder shall comply with the “smoke-free seating condition set out in section 5(6) of the Act. This means that a Licence Holder who places seating on the highway for the purpose of the consumption of food or drink must make reasonable provision for seating where smoking is not permitted.
19. The Licence holder must ensure that any outdoor heaters are infrared, which can be controlled by the customer, a timer or motion sensors. Gas heaters are not permitted
20. Fire hydrants and hydrant signage should not be obscured by the furniture.

Additional condition for St Albans Town Centre

21. The Licence Holder will ensure that no tables and chairs are placed out on Charter market days (Wednesday and Saturday).