

Council Conditions

1. The grant of a pavement licence does not imply an exclusive right of use by the licence holder of an area of public highway since the Borough Council, the Highways Authority, the Emergency Services and other statutory undertakers may need access to the area for their functions. The Borough Council will not be liable, and will not compensate the Licensee, for any losses whatsoever arising from use of the licensed area by others. When requested to do so by an officer of the Borough Council, Highways Authority or the Emergency Services, or a representative of a statutory undertaker, the licensee must remove such furniture and fittings as the officer or representative directs.
2. The licence holder must only place service counters or stalls, shelves, umbrellas, barriers, tables, chairs and benches within the licensed area for the stated period that have been granted as part of the application. This furniture must be for the sole purpose of the service and consumption of food and/or drink in connection with the use of the licensee's business premises.
3. Where it is sited immediately in front of, or to the side of, the licence holders existing business, the licensed area must be within the width of the frontage or side elevation of the existing business premises unless granted otherwise by the local authority
4. The licensee must obtain and maintain public liability insurance in the amount of £5 million in respect of any one incident, and indemnify the Borough Council and Staffordshire County Council (the highway authority) against all actions, proceedings, claims, demands and liability arising from the licensee's use of the highway for the licensed purpose.
5. Any proposed change of detail in respect of the pavement licence must be notified in writing to the Borough Council 14 days prior to the change occurring. No other furniture is permitted to be used except with written permission from the local authority in advance of its usage.
6. A copy of the licence and plan of the licensed area must be displayed in a prominent position on the business premises that is visible from the exterior of the premises.
7. Clear routes of access along the highway must be maintained taking into account the needs of permitted vehicular traffic and mobility impaired and visually impaired people. In particular a 2-metre width of unobstructed pedestrian pathway with a minimum unobstructed height of 2.3 metres must be maintained during the permitted hours stated on the licence. Attention must be paid to any existing street furniture, trees etc. with regard to the required distances when planning the layout of permitted furniture and fittings.
8. The positioning of permitted furniture and barriers must not prevent access by pedestrians or vehicles to bus stops, taxi ranks and other premises frontages. It must not obscure any highway signs or markings, nor the visibility of pedestrians or vehicles on or near junctions. It must not obstruct pedestrian access to tactile paving or dropped kerbs, nor interfere with drainage of the highway.
9. All furniture and fittings must be regularly cleaned and maintained in a good state of repair. By design they must be resistant to external forces such as wind. Fixing them to the surface or infrastructure of the highway, and excavations of any kind are not permitted.
10. Demarcation barriers must be a minimum of 800mm high and include solid surfaces or tapping rails at or near ground level to assist visually impaired people. They should be of a colour or design which is distinct from the surroundings to provide visual contrast.
11. Space heaters must be suitably guarded, and no barbecues, fire pits or naked flames are permitted in the licensed area.
12. The use of the permitted pavement area must cease by 23:00 or such earlier or later time as specified in the licence. All furniture and fittings must be removed and where this is not done the Borough Council may remove and store these items, or remove and dispose of them, with the associated costs recharged to the licensee.
13. The licensed area must be regularly checked for litter and any litter must be removed and placed in the premises' own trade waste bins.
14. No glass bottles or glass drinking vessels are permitted to be used in the pavement licensed area beyond 20:00hrs.

15. The licence holder is solely responsible for all furniture, fittings, and equipment and shall make no claim or charge against the Borough or County Council in the event of those items being lost, stolen or damaged.

16. The licensed area must be included in the businesses risk assessment with appropriate controls implemented to protect staff and customers.

17. A risk assessment is also required to consider any necessary controls to prevent anti-social behaviour, and also public nuisance if there are residential properties within close proximity to the licensed area.

18. No alcohol is to be consumed within the licensed area except in compliance with authorisation issued to the business premises under the Licensing Act 2003 for that purpose.

19. All customers must be seated with no vertical drinking permitted.

20. No amplified music or sports commentary may be played in the licensed area.

21. The licensed area must be regularly checked for spills of food and drink and thoroughly cleaned at the end of the trading period to remove any residues, particularly grease and other staining.

22. The pavement licence holder is responsible for actively managing any queues to their premises ensuring no obstructions to the highway or other surrounding premises.

23. Where the licence holder permits smoking to take place within the licensed area they must also make reasonable provision for seating where smoking is not permitted.