

Appendix 1

Pavement licence conditions

Mandatory condition, as per the Business and Planning Act 2020

1. 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':

“A clear width of **2000mm** allows two wheelchairs to pass one another comfortably. This should be regarded as the minimum under normal circumstances. Where this is not possible because of physical constraints **1500mm** could be regarded as the minimum acceptable under most circumstances, giving sufficient space for a wheelchair user and a walker to pass one another.

The absolute minimum, where there is an obstacle, should be **1000mm** clear space. The maximum length of restricted width should be **6 metres** (see also Section 8.3). If there are local restrictions or obstacles causing this sort of reduction in width they should be grouped in a logical and regular pattern to assist visually impaired people.

It is also recommended that there should be minimum widths of **3000mm** at bus stops and **3500mm to 4500mm** by shops though it is recognized that available space will not always be sufficient to achieve these dimensions.

Where a cycle track runs alongside a footway or a footpath best practice is to physically segregate the two as advocated in Local Transport Note (LTN) 2/86 Shared Use by Cyclists and Pedestrians.

If this is not possible, appropriate tactile surfaces should be used to identify the cycle and pedestrian paths (see Section 4.5). The cycle track should be at least **1400mm** wide with the cycle symbol on the ground every 50 yards. The pedestrian part should meet the standards given earlier in this section and should be separated from the cycle track by a raised dividing line **150mm** wide and **12 to 20mm high**, with a **50mm** wide top face.”

2. Where the furniture to be put on the relevant highway consists of seating for use by persons for the purpose of consuming food or drink, the licence-holder must make reasonable provision for seating where smoking is not permitted.

Conditions attached to this licence by the licensing authority (except if tacit consent applies)

1. All furniture must be contained within and located as shown exactly on, the licensed area identified in the following plan:

<plan/drawing of area>

2. No changes must be made to the licensed area and locations of any furniture, including barriers, without written permission from the Council.
3. The permitted hours of use are as follows:
4. Outside of the permitted hours of use, all furniture must be removed from the licensed area of the highway and be stored securely.
5. The Somerset County Council Highways Authority 'Unauthorised Signs and Goods Displayed on the Highway' policy must be complied with at all times.
6. The licence does not prevent Somerset County Council Highway Authority from exercising its duties and powers to ensure the licensed section of highway and nearby highway is appropriately maintained. Utility companies may also require access to the licensed area under permit.
7. Staff must regularly monitor the licensed area and visit it, when necessary, to ensure it is kept clean and tidy. Any litter or waste arising from use of the licensed area must be cleared away, whether within the licensed area or its vicinity.
8. Should the licensed area not adjoin the relevant premises, customers must not be permitted to carry food and drink which has been sold or supplied to be consumed within the licensed area, from within the relevant premises themselves. Instead, customers must be waited on by staff from the premises. If any accidents e.g. spillages should occur, they must be immediately cleaned up by staff.
9. Suitable and sufficient barriers must be used, to prevent furniture from straying beyond the licensed area. Barriers must include a low tap rail or similar, to aid those with visual impairments to negotiate the licensed area.
10. Where parasols are used, they must be suitable i.e. not common garden umbrellas. They must not overhang barriers marking the licensed area and be closed and/or removed during windy weather.
11. The licence holder must;
 - a) Must publically display this licence, or a copy of it, at the premises so that it can easily be seen from the street to allow inspection by an authorised officer of the police or other officer authorised by the Council.
 - b) Comply with any instruction given in relation to the use of the street or public place by an authorised officer of the Council, Highways Authority or Police.
 - c) Indemnify Somerset West and Taunton Council against all liability which may at any time be taken, made or incurred in consequence of the use of Pavement Cafes and for this purpose must take out a policy of insurance in the sum of up to £5,000,000.
 - d) Produce to the Council, on request, current receipts for premium payments and confirmation of annual renewals of the policy.

12. The licence holder must not assign, underlet or part with his interest or possession, or any part under this licence, but may surrender it to the Council at any time.
13. Amplified music must not be provided in or adjacent to the licensed area, nor projected to it, from the premises.
14. Television screens (including projectors) must not be provided in or adjacent to the licensed area.
15. The licence holder must ensure that no alterations are made to the highway surface.
16. The licence holder must ensure that uses conform to latest guidance on social distancing and any reasonable crowd management measures needed as a result of a licence being granted and businesses reopening.

Enforcement and revocation of this licence

If and where the Council considers that the licence holder has breached any condition of this licence, it may:

- (a) revoke this licence, or
- (b) serve a notice on the licence holder requiring the taking of such steps to remedy the breach as are specified in the notice, within such time as is so specified.

If the licence holder were to fail to comply with a notice, as referred to above, the Council may:

- (a) revoke the notice, or
- (b) take the required steps and recover the costs of doing so from the licence holder.

The Council may also revoke the licence if it considers that:

- (a) some or all of the part of the relevant highway, to which the licence relates, has become unsuitable for the furniture e.g. a temporary road closure order comes to an end;
- (b) as a result of the licence:
 - (i) there is a risk to public health or safety, or
 - (ii) anti-social behaviour or public nuisance is being caused, or risks are being caused,
 - (iii) the highway is being obstructed (other than by anything done by the licence-holder pursuant to the licence),

- (c) the licence holder made a false or misleading statement in their application, or
- (d) the licence holder did not adequately display a notice at their premises, when making their application, as required by section 2(5) of the Act.