PAVEMENT LICENCE CONDITIONS

Business and Planning Act 2020 (as amended)

National and local conditions applied to the licence

These conditions form part of the Pavement Licence. The licence holder must comply with the national conditions, all local conditions below and any additional site-specific conditions recorded on the licence. Where a site-specific condition imposes a stricter requirement, that stricter requirement must be followed.

National conditions

The following statutory conditions apply to Pavement Licences under the Business and Planning Act 2020.

N1	**No-obstruction condition** 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 mobility-impaired and visually impaired people, as set out in Section 3.1 of Inclusive Mobility.

Guidance: Inclusive Mobility

Local conditions

1	**No smoking** Smoking is prohibited throughout the licensed area.
2	**Public liability insurance** The licence holder must maintain a valid public liability insurance policy that clearly covers the area of highway licensed by the Pavement Licence and remains valid for the full duration of the licence. Evidence of cover must be produced to the Council upon reasonable request.
3	**Licensed boundary** Furniture must not project beyond, or be placed alongside or around, the extremities of the licensed area. All furniture, feet, supports and other items must remain wholly within the approved boundary shown on the licence plan.
4	**Removal of unauthorised furniture** The licence holder must immediately remove any furniture placed outside the licensed area when requested to do so by an authorised officer of the Council or a police officer.
5	**Removal after terminal hour** All furniture must be removed from the highway no later than 30 minutes after the terminal hour stated on the licence, unless the licence requires earlier removal.
6	**Display and production of licence** A copy of the licence and approved plan must be prominently displayed at the licensed area and made available immediately upon reasonable request by an authorised officer of the Council or a police officer.

7	**Condition and stability of furniture** Furniture used in the licensed area must be kept clean, safe and in good repair and must be of sufficient solidity and stability to prevent it falling or being blown onto the highway.
8	**Barriers and supports** Barriers must stand on the ground, be removable and provide suitable colour contrast and a tapping rail where required. All feet and supports must remain within the licensed area.
9	**Barrier height** The maximum height of any barrier must not exceed 1 metre unless otherwise approved in writing by the Council.
10	**Crowd and queue management** The licence holder must implement reasonable crowd and queue management measures appropriate to the premises and must ensure that customers, queues and furniture do not obstruct the highway, neighbouring premises, emergency exits or access required by disabled people.
11	**Cleaning and waste** The licence holder must ensure that all litter and waste generated by the use of the licensed area is promptly removed to a place from which it will be collected for transport to an authorised waste facility.
12	**Cleanliness of surrounding area** Throughout the operation of the licence, the licence holder must keep the licensed area and its surroundings, up to 5 metres in any direction from the licensed area, clean and swept free of litter and debris arising from the premises or use of the licensed area.
13	**Music** No live or recorded music may be played within the licensed area unless separately authorised in writing by the Council and permitted under any other applicable authorisation.
14	**Highway surface** The licence holder must not cause or permit any fixing, excavation, marking or other alteration to the highway surface within or around the licensed area unless separately authorised in writing by the Highway Authority.
15	**Parasols and high winds** When open, parasols and umbrellas must not overhang the licensed boundary. They must be securely positioned and closed or removed during high winds or whenever they may present a risk to highway users.
16	**Utility, highway and emergency access** The licence holder must allow the Council, utility companies and emergency services reasonable and immediate access to the licensed area when required for works, inspection, maintenance, public safety or an emergency. The Council and utility companies will not be liable for loss of trade or income resulting from the lawful exercise of those functions.

17	**ACT Awareness e-Learning** The licence holder must ensure that every member of the management team responsible for the operation of the premises successfully completes the nationally recognised Action Counters Terrorism (ACT) Awareness e-Learning course. Each member of the management team must complete the course within 10 days of the date on which the licence holder is notified that the Pavement Licence has been granted, unless that person can provide evidence that they successfully completed the course within the preceding 12 months. The licence holder must also ensure that all other staff employed at or working from the premises complete the ACT Awareness e-Learning course within a reasonable period, and no later than three months after the date on which the licence holder is notified that the Pavement Licence has been granted. The licence holder must retain evidence of successful completion and produce it to an authorised officer of the Council or a police officer upon reasonable request.

ACT Awareness guidance and registration: ProtectUK ACT Awareness e-Learning and ProtectUK e-Learning catalogue.

18	**CCTV** Where a CCTV system is installed at the premises, the licence holder must ensure that it is maintained in effective working order and operated lawfully in accordance with the UK GDPR, the Data Protection Act 2018, relevant Information Commissioner's Office guidance and any applicable local CCTV code of practice. Recordings must be retained for at least 28 days, unless a shorter period is required by law or is necessary to comply with data-protection principles. Relevant recordings must be provided to a police officer or authorised local-authority enforcement officer upon lawful and reasonable request. Any fault that makes the whole system, or a material part of it, inoperable must normally be rectified within 24 hours. Where this is not possible, the licence holder must keep a written record of the fault, the steps taken and the anticipated repair date.

CCTV guidance: Information Commissioner's Office CCTV and video-surveillance guidance

19	**Public safety and protective security** The licence holder must have regard to current protective-security guidance and implement reasonable and proportionate measures to manage risks associated with the licensed area, including hostile-vehicle, suspicious-item, crowd and queue risks where relevant. The licence holder must comply with any site-specific public-safety or security condition imposed by the Council following consultation with the police, Counter Terrorism Policing, the Highway Authority or another relevant body.

Protective-security guidance: ProtectUK and National Protective Security Authority

Interpretation of terms

In addition to the definitions and interpretations in the Business and Planning Act 2020, the following apply to these conditions:

Term	Meaning
The Council / Local Authority	The London Borough of Enfield.
Licensed area	The part of the relevant highway shown on the approved plan attached to the Pavement Licence, including any temporary alternative area expressly approved in writing by the Council.
Licence holder	The person or legal entity to whom the Pavement Licence has been granted or deemed granted. A Pavement Licence is not transferable.
Authorised officer	An officer of the Council who is authorised to exercise relevant functions or enforce the Pavement Licence.
Terminal hour	The time stated on the licence by which use of the licensed area must cease.

Status and application of conditions

These conditions should be read with the Pavement Licence, approved plan and any site-specific conditions. The national conditions apply by law. The local conditions are imposed by the London Borough of Enfield when granting the licence. Failure to comply may result in enforcement action, including a notice requiring remedial steps and, where legally justified, revocation of the licence or action by the Council to remedy the breach and recover its reasonable costs.

References to legislation and guidance include any amendment, replacement or updated version in force during the licence period.