

Pavement Licence Conditions July 2024

These Standard Conditions are made pursuant to Section 5 (2) of the Act by the London Borough of Merton and the London Borough of Richmond

Pavement Licences under the Act are permissible only for a business which uses (or proposes to use) premises for the sale of food or drink for consumption (on or off the premises). Businesses that are eligible include: public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours.

Part A – Standard Conditions

The following Standard Conditions are attached by default to every Pavement Licence (“a Licence”) granted by the Regulatory Services Partnership (“the RSP”) on behalf of the London Borough of Merton or the London Borough of Richmond, and will be applied to every licence deemed granted under Section 3(8) of the Act. The conditions may only be removed or varied on a licence on application, and following that application being determined under Section 3(3) of the Act.

1. The Licence only permits the area of the highway (“the Authorised Area”) and furniture specified on the licence to be used.
2. The Authorised Area must be supervised at all times. The Licence Holder must ensure that there are sufficient staff at any one time to supervise and control the Authorised Area to:
 - deter and prevent noise nuisance, antisocial behaviour and criminal activity
 - ensure the safety of customers and staff
 - ensure that the area is kept clean, tidy and free of litter
3. All additional outdoor areas must be seated. All customers in the Authorised Area must be seated at all times, save for access to and egress from the seating area. Sufficient numbers of tables and chairs must be provided by the Licence Holder for the number of customers allowed into the Authorised Area, and not exceeding the number of tables and chairs permitted by the Licence.
4. All outdoor areas must be clearly defined/delineated in accordance with the submitted plan which forms part of the licence.
5. Any use of an outdoor area must retain 1.5m of pavement for general pedestrian traffic taking into account other restrictions from other obstructions such as street furniture and planting.
6. All seating areas must be set in 0.5m from an adjoining/adjacent premises unless written consent is given by the owner or operator of that premises to allow additional space to be used.
7. Any furniture must not prevent access from or egress to the premises or the pavement including in the event of an emergency.
8. All furniture must be removed from the Authorised Area by 23:30, or otherwise secured in such a manner that they cannot be moved or used overnight where

removal is not possible and with prior written agreement from the relevant Local Authority.

9. All customers must be asked to leave and be away from the seating areas by 23:00 unless otherwise specified on the licence. The hours of operation for the pavement licence must not exceed the hours specified for the sale of alcohol should the premises hold such a licence.
10. Premises must check and confirm that their use of the outside space is covered by the appropriate insurance, including Public Liability insurance to the same extent as any normal operation.
11. The licence holder is responsible for controlling antisocial behaviour, noise and other nuisance such as smoke, odour of light from the premises and outside area to an absolute minimum so as not to cause nuisance to adjoining properties or nearby residents.

Part B – National Conditions

The following National Conditions apply to every Pavement Licence granted or deemed granted unless otherwise specified on the Licence:

1. Default No Obstruction Condition

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, which are:

- a) preventing 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, or
- 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.

2. Default Smoke-free Seating condition

Where the furniture 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.

For the purpose of this condition, reasonable provision may include:

- a. Clear 'smoking' and 'non-smoking' areas, with 'no smoking' signage displayed in designated 'smoke-free' zones in accordance with Smoke-free (signs) regulations 2012
- b. No ash trays or similar receptacles to be provided or permitted to be left on furniture where smoke-free seating is identified
- c. A minimum 2m distance between non-smoking and smoking areas, wherever possible.