

Schedule of Conditions
(Pavement Licence)

(Name and Address of Premises)

PAVEMENT LICENCE

Section 1 Business and Planning Act 2020

STATEMENT SETTING OUT THE CONDITIONS APPLIED BY MID SUSSEX DISTRICT COUNCIL WHEN GRANTING CONSENT TO PLACE TABLES AND CHAIRS ON THE HIGHWAY

- (1) Mid Sussex District Council will agree the maximum number of tables and chairs or objects to be permitted and their precise location on the highway (*specify number permitted*).
- (2) The chairs and tables and other objects shall be of such a design as may be approved by the District Council and shall be kept in good repair and condition at the proprietor's expense.
- (3) The proprietor must agree to make no claim or charge against the District Council in the event of the chairs or tables and other objects, or any of them, being lost, stolen or damaged in any way from whatsoever cause. If the tables or chairs and other objects or any of them are lost, stolen or damaged, it shall be the proprietor's obligation to replace them at their expense should they wish to do so.
- (4) The chairs and tables and other objects shall be free-standing. No fixtures shall be made to, or excavations of any kind made in, the surface of the highway, which shall be left entirely undisturbed, nor shall any table, chair or other object be affixed by any method to any piece of permanent street furniture, i.e., sign or lamp column, pedestrian guard railing, etc.
- (5) Refuse and litter deposited on the highway in the vicinity of the chairs and tables and other objects shall be removed each day by the proprietor or his servants or agents and at their expense (if applicable).
- (6) The proprietor shall indemnify the District Council against all actions proceedings claims demands and liability which may at any time hereafter be taken made or incurred in consequence of the erection maintenance or use of the chairs and tables and other objects erected hereunder and for this purpose shall take out at the proprietor's expense a policy of insurance in the minimum sum prescribed by the District Council in accordance with the level of risk and shall provide a copy of the certificate with the licence application.
- (7) The prescribed Insurance Levels are:

Low Risk Locations - £5 million

A low risk location is where the extent of the site is defined accurately, the site is not within 2.7 metres of the live carriageway and there is no conflict with loading / unloading hours.

High Risk Locations - £10 million

A high risk location is where one or more of the above criteria cannot be met.

- (8) The area used for the placing of any tables and chairs will be surrounded by a temporary barrier to clearly demark the licensed area.
- (9) No charge shall be made by the proprietor for the use of the chairs and tables.
- (10) If a condition imposed on a licence (either by the local authority or nationally) is breached the local authority will be able to issue a notice requiring the breach to be remedied and the authority can take action to cover any costs.

The authority may revoke a licence in the following circumstances:

1. For breach of condition, (whether or not a remediation notice has been issued) or
 2. Where:
 - There are risks to public health or safety.
 - The highway is being obstructed (other than by anything permitted by the licence).
 - There is anti-social behaviour or public nuisance – for example, the use is increasing the amount of noise generated late at night and litter is not being cleaned up.
 - It comes to light that the applicant provided false or misleading statements in their application – for example they are operating a stall selling hot food and had applied for tables and chairs on which drinks could be consumed.
 - The applicant did not comply with the requirement to affix the notice to notify the public for the relevant period.
 3. The local authority may also revoke the licence where all or any part of the area of the relevant highway to which the licence relates has become unsuitable for any purpose for which the licence was granted or deemed to be granted. For example, the licensed area (or road adjacent) is no longer to be pedestrianised.
- (11) If the proprietor sells or transfers their interest in the premises to any other person partnership or corporation this permission shall cease to have effect and the proprietor will remove the chairs and tables and other objects from the highway immediately, and a new licence (application) will be required by the new proprietor.
 - (12) The proprietor will remove the chairs and tables and other objects from the highway immediately so as to permit the use of or works in the highway by:
 - (a) the District Council, the County Council, the Police, Fire and Ambulance services or any Statutory Undertaker, or
 - (b) builders' vehicles, hearses, and furniture removal vans, if the retention of the chairs and tables and other objects will obstruct the use of the highway by such vehicles.
 - (13) As part of the statutory procedure which the District Council are obliged to adopt, it is necessary to post a notice on site informing the public of the proposal to issue a licence, giving them the opportunity to object. The notice must be displayed for a period of 14 days.
 - (14) The tables and chairs are not to be placed on the Highway outside the agreed hours as stated on the licence.

- (15) This permission is for a limited period no longer than 24 months.
- (16) These conditions should be retained for future reference.
- (17) It is a condition that clear routes of access along the highway must be maintained, considering 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 Department for Transport Guidance (Inclusive mobility: making transport accessible for passengers and pedestrians).
- (18) The licence-holder must make reasonable provision for seating where smoking is not permitted.