



SCHEDULE OF STANDARD CONDITIONS FOR PAVEMENT LICENCE BUSINESS AND PLANNING ACT 2020

Licence

1. The licence must be displayed on the premises with a plan of the agreed layout of the pavement café for inspection by authorised Officers.
2. The licensee is responsible for ensuring that the conditions of the licence and any other necessary permissions and regulations are adhered to. The Licence holder is to use the highway solely for the purpose of the licence in line with the provisions of this licence and for no other purpose whatsoever.
3. The Licence is personal to the Licensee and cannot be transferred to any other person, business or organisation.
4. Unless otherwise specified on the Licence, the Licence shall run until 30th September 2023 and shall remain in force for this period only. Should the Licensee wishes to use the pavement area beyond this date, they should reapply for an extension by contacting the Licensing Authority.
5. During the period of the licence being in force, the licence shall run as long as the Licensee remains the occupier of the Premises or until withdrawn by the Local Authority under the Act or surrendered to the Local Authority by the Licensee, subject to annual renewal.
6. The licence holder must remove any tables, chairs and other furniture immediately at the end of the licence period or on revocation of the licence.
7. Lewisham Council reserves the right to revoke this licence at any time if any of the above conditions are not fulfilled and maintained.

Times of Use

8. The Licence allows the use of tables and chairs in the permitted area between the hours of 9am and 10pm. Outside of these times all furniture must be removed and stored away within the premises.
9. Tables and chairs must not be placed in position outside of permitted times. When the licence is not in use, all tables and chairs and other furniture must be stored securely inside a premises away from the highway.

Furniture

10. Tables and chairs should be of an approved type and should be kept in a good state of repair. Furniture should be placed so as not to obstruct driver sightlines, or road traffic signs. Placement of tables and chairs must allow pedestrians to use the footway parallel to the frontage of the premises. Care should be taken in the use of hanging baskets, awnings, protruding umbrellas etc. Alternative items may not be used without first seeking the written authority of the Council.

11. Tables and chairs must be separate rather than being an integrated unit, and be of a design so not to be blown over by the wind. Tables and chairs must be suitable for outside use and if damaged must be replaced.
12. (INSERT) x Tables and (INSERT) x Chairs are permitted. Layout of tables and chairs and any other furniture must be as displayed on the approved plan. Please see plan in Annex 3.
13. The Licensed Area shall be protected by barriers of a sturdy design to ensure that furniture stays within the licensed area and does not cause an obstruction.
14. Where umbrellas are used they must be at a minimum height of 2 metres.
15. Tables, chairs and umbrellas shall not be positioned to obstruct sight lines of drivers of vehicles at junctions.
16. Lewisham Council are empowered to remove and store or dispose of furniture from the highway, at the cost of the licensee, if it is left there outside the permitted hours, or should any conditions of the licence be ignored. The Council will not be responsible for its safekeeping.
17. The licence holder is not permitted to make any fixtures, or excavations of any kind, to the surface of the highway without prior written approval. Any costs incurred as a result of damage to the highway, due to the positioning of tables and chairs etc, will be recovered in full from the licence holder by Lewisham Council or the Highway Authority.
18. The installation of Marquees, patio heaters, barbecues, electric generators, rotisseries, ice cream machines, drinks machines and other equipment for the sale of food and drink for consumption on or off the premises will require consent from the Licensing Authority. The Council reserves the right to refuse the use of such equipment.
19. Where/if social distancing regulations are introduced at any time during the period of the licence, the licence holder is expected to ensure that the plan adheres to standards set in these regulations to ensure social distancing can take place in the licensable area. If unsure please seek advice of the Licensing Authority.

Access

20. Permission to operate a pavement café does not imply an exclusive right to the area of public highway. The licence holder must be aware that Lewisham Council and others (e.g. police, highways authority, statutory undertakers) will need access at various times (including emergencies) for maintenance, installation, special events, improvements etc or any other reasonable cause. This may mean that the pavement café will need to cease operating and/or be removed for a period of time. On these occasions there would be no compensation for loss of business.
21. Emergency routes to the premises and adjacent buildings must not be obstructed by the Pavement Café, which should not, in normal circumstances, extend beyond the width of the premises frontage.

22. The operation of the area must not interfere with highway drainage arrangements.
23. Where licences are granted in areas where the pavement is usually used for purposes of a regular Market (e.g. Deptford High Street, Lewisham High Street, Catford Broadway) the licence is only applicable on days where the Market is not operating. It is the responsibility of the licence holder to establish what days the Market usually operates before making an application.

Insurance

24. Lewisham Council requires evidence that the licence holder has Public Liability Insurance for the operation of the Pavement Café. This must indemnify Lewisham Council against all claims for injury, damage or loss to users of the public highway, arising from the use of the highway for the permitted purpose. The minimum level of indemnity must be £5 million in respect of any one incident.
25. The licensee shall keep available their proof of public liability insurance at all times and shall present it for inspection when required to do so by an authorised officer of the Council, Transport for London or by a Police Officer.
26. The licence holder is not to make or cause to be made any claim against Lewisham Council in the event of any property of the licence holder becoming lost or damaged in any way from whatever cause.

Obstruction

27. An unimpeded pedestrian route must be maintained at all times for people wishing to use the footway as per the National Licence Conditions.
28. All potential obstructions must be removed from the public highway when the premises are closed to prevent a safety hazard to pedestrians, particularly during the hours of darkness.
29. The method of marking the boundary of the licensed area must be agreed between the licence holder and the Licensing Authority. Whatever method is agreed a minimum of 2.1 metres clear walkway must be maintained for the use of pedestrians between the edge of the seating area and the kerb of the pavement.
30. Where licences fall within the Transport for London Road network (i.e. A2, A20, A202, A21 and A205 (South Circular)) the minimum clear passage required will depend on the intensity of pedestrian usage at that location. Where licences may be permitted clearance of a 3.5m on the walk way will be required and in some cases up to 4 metres may be required.
31. Where licences fall within the following high footfall areas, a minimum distance of 3.5m clear walkway must be available at any time between the edge of the seating area and the kerb of the footway:

Road Name

Albion Way
Baring Road
Blackheath Village
Brockley Road
Brockley Road

Area

Lewisham High Street to o/s Methodist Church
Chinbrook Road to Wydeville Manor Road
Whole road
Brockley Grove to Merritt Road
Harefield Road to Brockley Cross

Catford Broadway	Includes access way to shopping centre
Dartmouth Road	Derby Hill to London Road
Deptford High Street	Whole road
Douglas Way	Deptford High Street to Idonias Street
Kirkdale	Sydenham Road to Peak Hill Avenue
	Blackheath Park to Blackheath Village and Independents Road
Lee Road	Whole road
Lewis Grove	Whole road
Lewisham High Street	Whole road
Lewisham Road	Rennell Street to Lewisham Hill
Limes Grove	Lewisham High Street to Clipper Way
Montpelier Vale	Whole road
Royal Parade	Whole road
Station Road	Whole road
Sydenham Road	Kent House Road to Kirkdale
Tranquil Vale	Blackheath Village to Royal Parade
Winslade Way	Whole road

Public Safety & Prevention of Nuisance

32. The licensee should ensure that the area operates in a safe and orderly manner, thereby ensuring that any safety risk or nuisance to customers, other users of the public highway or any adjacent land or premises, is minimised.
33. During the hours of darkness suitable and sufficient lighting must be provided to ensure safe use of the area. Any proposals to provide additional lighting to the licensed areas must be agreed with the Highway Authority.
34. At no time is the playing of music allowed for customers using the licensable area, nor is the use of speakers or other music equipment allowed to ensure noise nuisance is kept to a minimum for neighbouring properties.
35. All electrical cabling used to supply electricity to the pavement site, and all wiring, plugs, sockets and electrical equipment used, must comply with current British Standards, Electricity at Work Regulations and I.E.E. Regulations in force at the time and the requirements of the electricity supplier.

Litter

36. All detritus (food and drink remnants, spillages, bottles, cans, wrappers etc) be regularly removed from the footway surface to reduce hazards to pedestrians. The licence holder must make arrangements to regularly check for and to remove litter and rubbish on pedestrian walkways, caused by persons using the Facility, for a distance of up to 10 metres from the boundary of the Facility. The licence holder must ensure that any tables are cleared in an efficient manner during the hours of operation. The licence holder must ensure the licensed area and surrounding highway is to be washed down at the completion of each day's usage using a method sufficient to remove food debris, grease and other spillages that may occur.

Sale of Alcohol

37. The Licensee of a premises not licensed under the Licensing Act 2003 or any modification or re-enactment thereof, must not allow the consumption of alcoholic liquor within licensed area.

38. The Licensee of a premises licensed under the Licensing Act 2003 or any modification or re-enactment thereof, must not allow the consumption of alcoholic liquor within the Facility outside the hours in force for the Premises Licence itself.
39. The Licensee of a premises licensed under the Licensing Act 2003 must adhere to the footprint of their existing plan when making sales of alcohol. The pavement licence does not enable the licensee to make sales of alcohol from the street where that area does not fall within the licensable area on the premises licence. The pavement licence can only be used to serve and consume alcohol.

Counter Terrorism

40. The pavement license holder will need to ensure that the management team of the business to which the pavement license is attached; register and successfully complete the nationally recognised counter terrorism training product referred to as ACT E Learning within 10 days of the notification of the grant of the Pavement License and that all staff employed by OR at the premises complete the ACT E Learning within a reasonable period not exceeding 3 months from the notification of the grant of the Pavement License. (ACT E Learning certificates are provided on successful on-line completion. To log on and register for ACT E Learning, visit <https://ct.highfieldlearning.com/>)
41. The Pavement License holder will need to ensure that existing CCTV systems are correctly working, are compliant with the Data Protection Act 1998, Information Commissioners requirements and any other local CCTV Code of Conduct produced by the Police or Local Authority. Imagery must be retained for at least 28 days and images produced to a Police Officer or Local Authority Enforcement Officer upon reasonable request. Faults which render the CCTV system or parts of it inoperable should normally be rectified within 24 hours.

Waste

42. The licence holder shall be responsible for the disposal of all refuse from the frontage site and at the end of trade ensure that the site is cleansed and left entirely free of obstruction.
43. The licence holder shall ensure that the licensed area is kept clean and all refuse is removed throughout the trading day and at the end of trading. The Council reserves the right to seek and recover costs incurred in the cleansing and refuse removal.
44. The licence holder shall ensure that no material or liquid from the licensable area enters into the gullies.
45. Proof of a waste removal disposal contract (with an approved contractor) is required before a licence can be granted.

NOTES

These conditions should be read in conjunction with any mandatory national conditions concerning pavement licences, if the premises is licenced under the Licensing Act 2003, any relevant conditions attached to the premises licence, the latest government requirements concerning coronavirus and social distancing and any other relevant requirement of the Business and Planning Act 2020.

The licence holder is responsible for ensuring that the conditions of the licence and any other necessary permissions and regulations are adhered to. The Licence holder is to use the highway solely for the purpose of the licence in line with the provisions of this licence and for no other purpose whatsoever.

London Borough of Lewisham reserves the right to revoke this licence at any time if any of the above conditions are not complied with.

National Conditions

The Secretary of State publishes this condition in exercise of his powers under [Section 5(6)] of the Business and Planning Act 2020:

Condition relating to clear routes of access:

It is a condition that 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](#).

Guidance on the effect of this condition

1. To the extent that conditions imposed or deemed to be imposed on a pavement licence do not require the licence holder to require clear routes of access to 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](#), the licence is granted subject to those requirements.
2. To the extent that a licence is granted subject to a condition which imposes requirements to maintain clear routes of access that are inconsistent with the requirements set out in this condition this condition is not imposed on the licence.