

Pavement Licence

Business and Planning Act 2020

Every pavement licence issued by Gateshead Council under the Business and Planning Act 2020 shall be subject to the following conditions:

National Conditions

1. The licence holder must ensure 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 (<https://www.gov.uk/government/publications/inclusive-mobility>).
2. The licence holder must ensure that reasonable provision is made for seating where smoking is not permitted. (For guidance on 'reasonable provision' refer to <https://www.gov.uk/government/publications/pavement-licences-draft-guidance/draft-guidance-pavement-licences-outdoor-seating-proposal>).

Local Conditions

3. Tables and chairs and other items associated with the proposed use must not be placed on the highway under the authority of the licence before 08:00 and after 22:00 hours on any day.
4. The licensed area shall be used for the proposed use only during the times specified on the licence.
5. The licence holder will ensure that only tables, chairs and other items associated with the proposed use and in accordance with the approved site plan shall be placed within the licensed area unless an alternative scheme has firstly been submitted to and approved in writing by the Council. No other items other than waste receptacles shall be placed within this area unless agreed and clearly marked on the approved plan.
6. The licence holder will ensure that the licensed area is maintained in a clean and tidy condition. The licence holder shall also take appropriate precautions to prevent the highway from becoming littered as a result of trading activities.

7. The licence holder will be responsible for the conduct of customers. They must not be a nuisance or annoy users of the highway or the occupiers of adjoining premises.
8. The licence holder will ensure that all furniture and associated items shall be removed at the end of each trading day from the licensed area.
9. Furniture and other items placed in the licensed area shall be durable and suitable for outside use. No damaged furniture should be used.
10. No amplified speakers, music or other entertainment shall be permitted in the licensed area or placed adjacent to the licensed area for the purposes of entertainment of customers using the licensed area.
11. Any electrical cables serving the licensed area shall be positioned in such a way that they don't create a trip hazard or are susceptible to mechanical damage.
12. The licence holder must, if requested to by the Council, Police, other emergency service, Statutory Undertaker etc. take immediate action to remove all tables, chairs and associated items from the highway and vacate the area immediately without any liability for compensation, refund of application fee, or damage arising.
13. Any canopy or umbrella shall be at least two metres in height, shall be adequately secured and shall be positioned so that it does not oversail an unlicensed area of the highway.
14. In strong winds over 17 miles an hour (or in accordance with manufacturer's instructions) or other adverse weather conditions umbrellas and canopies must be removed, and all furniture and other items should be removed if they present a danger in adverse weather conditions.
15. The licence shall be clearly displayed in the window of the premises to which it relates.
16. The licence shall be rendered invalid, when the licence holder ceases to own the premises or ceases employment at the premises.
17. The Council reserves the right to vary the conditions of the licence at any time during the period it is effective and such variation shall be immediately effective from the time when the licence holder is notified in writing.
18. The licence holder shall indemnify the Council against all proceedings, actions, claims, demands or costs whatsoever (including but not limited to personal injury) or for loss or damage to property arising out of or incidental to or in connection with the right granted by this licence, which is not attributable to the negligence of the Council at all times during the duration of this licence.
19. The licence holder must maintain public liability insurance for no less than £5million for the full duration of the licence.

