July 2024

PAVEMENT LICENCES CONDITIONS

1. The Council generally will only permit Pavement licences to operate until 23:00hrs

2. 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 (National Condition relating to clear routes of access)

3. If barriers are to be used they must be disability compliant barriers. This means that barriers MUST:

    (a) Be between 1000mm and 1200mm in height
    (b) Have a continuous tapping rail (150mm to 200mm deep) or panel edge either on the ground or up to a maximum height of 200mm above the ground.
    (c) Have a colour contrast to ensure they are highly visible.
    (d) Be continuous around the area of tables, Chairs and temporary street furniture except for the access point

4. No tables, chairs or removable street furniture sited on a footway are to be placed within 1.2m of the edge of an adjacent carriageway. A minimum clear footway width of 1.5m must be obtained at all times and 2m in busy locations or at busy times except in the following circumstances where additional width may be required:

    A – Proposals which place furniture within 20m of a road junction or roundabout.
    B – Proposals which place furniture within 15m of a push button, zebra crossing or pedestrian island crossing.
    C – Proposals which place furniture within 5m of a bus stop

5. Furniture should be placed so as not to obstruct driver's sightlines, or road traffic signs. . 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 Swale Borough Council.

6. No apparatus such as power cables or water pipes shall be allowed to be laid across or suspended above the highway for the purposes of providing services to outside areas on or off the highway

7. Every table, chair and item of removable street furniture shall be positioned so that it does not impede the surface water drainage of the highway.

8. No wastewater or other substances shall be discharged on to the highway or highway drainage system

9. A licence holder must make reasonable provision for seating where smoking is not permitted so that customers have the option of sitting in a smoking or non-smoking area (National Condition relating to Smoke Free Regulations)

10. No items shall be sited as to obstruct access to any premises unless the consent of the occupier of these premises has been obtained. No items shall be sited in such a way that it obstructs any fire exits or dry risers etc.

11. No tables, chairs or removable street furniture shall be left on the highway longer than is necessary.

12. Tables, chairs and removable furniture within a pedestrianised area covered by a traffic Regulation Order shall only be placed on the highway during the hours of pedestrianisation.

13. No tables, chairs or removable street furniture shall remain on the highway pursuant to this permission after the period of this licence has expired.

14. Tables and chairs must not be placed in position outside of the permitted times stated on the licence.

15. Tables, chairs and removable street furniture shall be taken inside and stored during the hours when the business is not trading.

16. 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.

17. The licensee shall be responsible for keeping the designated area as shown on the submitted plan in a clean and tidy condition at all times and shall ensure that any associated debris is removed at the end of each day and make good any damage caused to the surface area.

18. The licensee is responsible for disposing of all waste from the premises and should provide sufficient refuse facilities for customers use. No waste from the premises should be put in public bins either by the owner or customer

19. In some cases, extra measures may be required. This will be determined when assessing any application, on a case by case basis.

20. The tables, chairs and removable street furniture shall be positioned in the area agreed with Swale Borough Council.

21. Any infringements of the licence or problems arising out of the use of the site must be immediately rectified to the satisfaction of Swale Borough Council, Kent County Council or the Police who reserve the right to revoke a licence without notice.

22. Swale Borough Council requires evidence that the Licence Holder has Public Liability Insurance for the operation of the Pavement Licence. This must indemnify Swale Borough Council and Kent County 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 purposes. The minimum level of indemnity must be £5million in respect of any one incident.

23. Permission to operate a Pavement Licence does not imply an exclusive right to the area of public highway. The licence holder must be aware that Swale Borough 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 and it is a condition of this licence to provide such access. This may mean that the pavement licence 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.

24. The licence must be clearly displayed on the premises with a plan of the agreed layout of the Pavement Licence.

25. There should be no external speakers, background music, recorded or live music within or into the licensed pavement area.

26. The use of the area must not create a noise nuisance to surrounding premises

27. Risk assessments must ensure that the hazard such furniture present e.g. a trip hazard is risk assessed and appropriate control measure are implemented to reduce any risks as far as is reasonably practicable

28. The licence is valid for 2 years.