

Appendix 1

City of London Pavement Licence Standard Conditions

These standard conditions are made pursuant to Section 5(2) of the Act. To the extent that these conditions do not prevent the obstructions specified in section 3(6) of the Act, a pavement licence is granted or deemed to be granted subject to the statutory no-obstruction and smoke-free seating condition.

The term 'furniture' used hereinafter means counters or stalls for selling or serving food or drink; tables, counters or shelves on which food or drink can be placed; chairs or other forms of seating; umbrellas, heaters and other articles such as parasols or planters used in connection with the outdoor consumption of food or drink.

1. This licence must be displayed in a prominent position during any period that furniture is placed on the highway.
2. This licence only permits the area of the highway (the authorised area) and the items of furniture specified on the licence to be used. All furniture is to remain within the authorised area whilst it is in use on the highway.
3. This licence does not imply an exclusive right to the designated area of public highway. The licence may be suspended where necessary to allow highway maintenance, any other necessary remedial work, and special events to take place. When given notice by an officer of the City Corporation or City of London Police, the licensee must remove all furniture from the authorised area during the dates/times specified in the notice. In addition, the licence holder must comply with any request to remove the furniture due to an emergency situation.
4. The furniture must be removed from the authorised area by the licence holder by 23:00 unless an earlier time is specified on the licence. The furniture must be stored off the highway every evening.
5. Furniture must not be placed in any position where it will obstruct a designated fire escape route from any building.
6. The authorised area must be supervised at all times whilst the licence is in use. The licence holder must ensure there are sufficient staff to supervise and control the authorised area to:
 - a. deter and prevent noise nuisance and/or antisocial behaviour
 - b. ensure that the area is kept clean, tidy and free of litter
 - c. ensure that the area is swept and/or gritted in order to prevent slipping in adverse weather conditions
 - d. ensure that food and drink is be cleared from unoccupied tables as soon as possible

7. The licence holder must clean the authorised area regularly to prevent staining by anything done pursuant to the licence.
8. The licence holder shall be liable for any damage to the authorised area which the City Corporation considers reasonably attributable to anything done pursuant to the licence and shall reimburse the costs of the City Corporation or its Agents in repairing the same.
9. The licence holder shall be liable for and shall indemnify the City Corporation, their Servants and Agents against:-
 - a) any expense, liability, loss, claim or proceedings whatsoever arising under statute or at common law in respect of personal injury to or the death of any person whomsoever, and
 - b) any expense, liability, loss, claim or proceedings in respect of any injury, loss or damage whatsoever to any person whomsoever or to any property real or personal, arising from the use of the Public Footway for the permitted purpose.

Without limiting the obligation hereunder, the licensee will effect insurance against the matters referred to in this condition to the satisfaction of the Chamberlain of London and will produce to the Chamberlain the policies of insurance so effected and the current premium renewal receipts relative thereto at such times as the Chamberlain shall reasonably require.

10. No advertising material may be attached to, or form part of, any of the furniture.
11. No supplemental lighting may be used in connection with the furniture.

Pavement Licence: Default No Obstruction Condition

Anything done by the licence-holder pursuant to the holder, or any activity of other persons which is enabled by the licence, must not have one of the specified statutory effects debarring grant of the licence, namely the effect of:

- (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.

Pavement Licence: 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.