
PAVEMENT LICENCE CONDITIONS

- 1 The holder(s) of this Licence shall not exercise privileges granted by this Licence otherwise than strictly in accordance with the following local and national conditions and other appropriate national Covid-19 Guidance where applicable.
- 2 The holder(s) shall produce this Licence on demand when so required by a Police Officer, Police Community Support Officer or a duly authorised Officer of the Bath & North East Somerset Council.
- 3 The holder(s) shall return this Licence to the Service Manager immediately on revocation of this Licence.
- 4 The holder(s) shall not cause any unnecessary obstruction of the highways including the highway adjacent to the permitted area or danger or obstruction to persons using it and shall not permit persons to gather so as to cause a nuisance or annoyance or danger to any persons lawfully using the highway.
- 5 The holder(s) shall not use or suffer or permit any music playing, music reproduction or sound amplification apparatus or any musical instruments, radio or television receiving sets whilst exercising privileges granted by this Licence.
- 6 The holder(s) shall not make any excavations or indentations of any description whatsoever in the surface of the highway or place or fix any equipment of any description in the said surface.
- 7 The holder(s) shall not use the highway for any other purpose whatsoever nor at any time other than during the permitted hours, other than lawfully passing or re-passing thereover as (a) member(s) or the public.
- 8 The holder(s) shall not place on the highway any furniture or equipment or advertisement other than as permitted by the Council and must maintain the same in a clean and tidy condition and not place them so as to obstruct the entrance to or exit from any premises.
- 9 Notwithstanding the specific requirement in Condition 5 above the holder(s) shall not do or suffer anything to be done in or on the highway, including the highway adjacent to the permitted area which in the opinion of the Bath & North East Somerset Council may be or become a danger, nuisance or annoyance to or cause damage or inconvenience to the said Council or to the owners or occupiers of any adjacent or neighbouring premises or to members of the public.
- 10 The holder(s) shall not assign, underlet or part with any interest or possession given by this Licence or any part thereof but the holder(s) may surrender it at any time.
- 11 The holder(s) shall observe and comply with any directions in relation to the use of the highway given by Authorised Officers of the Council. Examples include the temporary

removal of amenities during road closures, parades etc.

- 12 The holder(s) shall maintain the area shown on the plan attached to this Licence and edged in red, and the immediately adjacent area, in a clean and tidy condition during the permitted hours and shall leave the same in a clean and tidy condition and unobstructed, which shall include washing down the area, at the end of each daily period of use and on revocation or surrender of this Licence.
- 13 The holder(s) shall provide litter bins or similar receptacles for the deposit of cartons, wrappers, containers and similar discarded items and ensure that the same are emptied daily.
- 14 The holder(s) shall remove all furniture or equipment, litter bins or other articles placed on the highway in accordance with this Licence at the expiry, surrender or revocation of the Licence.
- 15 The holder(s) shall indemnify and save harmless the Bath & North East Somerset Council their agents, servants and workmen from and against all proceedings, claims, damages, costs or expenses in respect of any injury (including personal injury) in damage or loss which may be sustained by the Council or any person or persons, body or company whatever arising out of or in any way connected with the provision or use of facilities under this Licence, except where such injury, damage or loss is attributable to the negligence of the Council.
- 16 This Licence may be revoked by the Bath & North East Somerset Council at any time and the Bath & North East Somerset Council shall not in any circumstances whatsoever be liable to pay any compensation to the holder(s) in respect of such revocation.
- 17 Nothing herein contained shall be construed as the granting or purported granting by the council of any tenancy under the Landlord and Tenant Act 1954 or any permission under the Town and Country Planning Act 1971 or any statutory modification or re-enactment thereof for the time being in force.
- 18 The holder shall, whilst members of the public are using the facilities provided for the consumption of intoxicating liquor, provide and maintain in a prominent position, to the satisfaction of an Authorised Officer of the Council, Notices in the form approved by them concerning the provisions of the Public Space Protection Order made the Bath City Council on 20 October 2017 relating to the consumption of intoxicating liquor in public places.
- 19 When large scale events are held such as, but not limited to, the Christmas Market and an Authorised Officer of the Council deems the operation of the Pavement License causes a risk to public health and safety, the operation of the Pavement Licence shall be suspended for the duration of the event, the licensee having been given 28 days' notice. Failure to comply with this reasonable request may result in the licence being revoked.

National Conditions Published by The Secretary of State

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.

Condition relating to provision of smoke-free seating:

It is a requirement that a licence-holder who places seating on the highway for the purpose of the consumption of food or drink must make reasonable provision for seating where smoking is not permitted.

Local authorities must have regard to guidance issued by the Secretary of State when considering whether reasonable provision has been made for seating where smoking is not permitted for the purposes of their functions in relation to the grant of licences and enforcement.

Enforcement and revocation

- (1) If the local authority by which a pavement licence is granted or deemed to be granted considers that the licence-holder has breached any condition of the licence, the authority may—
 - (a) revoke the licence, or
 - (b) serve a notice on the licence-holder requiring the taking of such steps to remedy the breach as are specified in the notice within such time as is so specified.
- (2) If a licence-holder on whom a notice is served under subsection (1)(b) fails to comply with the notice, the local authority may—
 - (a) revoke the notice, or
 - (b) take the steps itself and recover the costs of doing so from the licence holder.

- (3) A local authority by which a pavement licence is granted or deemed to be granted may also revoke the licence if it considers that—
- (a) some or all of the part of the relevant highway to which the licence relates has become unsuitable for any purpose in relation to which the licence was granted or deemed to be granted,
 - (b) as a result of the licence—
 - (i) there is a risk to public health or safety, or
 - (ii) anti-social behaviour or public nuisance is being caused or risks being caused,
 - (iii) the highway is being obstructed (other than by anything done by the licence holder pursuant to the licence),
 - (c) anything material stated by the licence-holder in their application was false or misleading, or the licence holder did not comply with the requirement in section 2 (5) of the Act and correctly display the required notice prominently for the required duration of the public consultation period.

Final version August 2021