



Horsham
District
Council

HORSHAM DISTRICT COUNCIL

BUSINESS & PLANNING ACT 2020
PAVEMENT LICENSING POLICY
2024

Approved: 17 July 2024
Effective: 01 October 2024
Version: 2

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1 Introduction

1. Horsham District Council is the Licensing Authority under the provisions of the Business & Planning Act 2020. The measures included in the Business and Planning Act 2020 and revisions since its introduction modify provisions in the Licensing Act 2003 to provide automatic extensions to the terms of on-sales alcohol licences to allow for off-sales. It was be a temporary measure to boost the economy, with provisions lasting until 30th September 2024.

The Business and Planning Act 2020 introduced a temporary fast-track process for businesses to obtain permission, in the form of a “pavement licence”, from the Council for the placement of furniture such as tables and chairs on the pavement outside their premises which will enable them to maximise their capacity during and post pandemic.

Accordingly, the Licensing Authority is responsible for granting Tables & Chairs licences in the District.

1.1 Definition of Pavement Licence

A pavement licence is a licence granted by the local authority, or deemed to have been granted, which allows the licence-holder to place removable furniture over certain highways adjacent to the premises in relation to which the application was made, for certain purposes.

1.2 Eligible Businesses

A person (whether an individual or a company) who uses (or proposes to use) premises for the sale of food or drink for consumption (on or off the premises) can apply for a licence. This will usually be the registered food business operator and/or the premises licence holder under the Licensing Act 2003. The types of businesses that are eligible include: public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours.

A pavement licence permits the licence-holder to use furniture placed on the highway to sell or serve food or drink and/or allow it to be used by people for consumption of food or drink supplied from, or in connection with the use of the premises.

1.3 Eligible Locations

Pavement licences can only be granted in respect of highways to which Part 7A of Highways Act 1980 applies.

Generally, these are footpaths restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited. Highways maintained by Network Rail or over the Crown land are exempt (so a pavement licence cannot be granted).

1.4 Type of Furniture Permitted

The furniture which may be used is:

- counters or stalls for selling or serving food or drink;
- tables, counters or shelves on which food or drink can be placed;
- chairs, benches or other forms of seating; and

- umbrellas, barriers, and other articles used in connection with the outdoor consumption of food or drink.

This furniture is required to be removable, which in principle this means it is not a permanent fixed structure, and is able to be moved easily, and stored away at the end of each day.

The Council would also expect the type of furniture to be ‘in keeping’ with the local area. In conservation areas, unless afforded “grandfather rights,” the use of gazebos, large umbrellas spanning a proportion of the designated area and arbors and similar structures are not permitted.

1.5 Planning Permission

Once a pavement licence is granted, or deemed to be granted, the applicant will also benefit from deemed planning permission to use the land for anything done pursuant to the pavement licence.

2 Application and Determination of Pavement Licences

2.1 Submission of the Application

An application for a pavement licence must be made to the Council, and the following will be required to be submitted with the application:

- a completed Application Form
- a plan showing the location of the existing premises shown by a red line, so the application site can be clearly identified
- a plan clearly showing the area of the highway proposed to be covered by the pavement licence (if granted), and, if not to scale, with measurements clearly shown. The plan must show the positions and number of the proposed tables and chairs, together with any other furniture that they wish to place on the highway. The plan shall include clear measurements of, for example, pathway width/length, building width and any other existing fixed item in the proposed area such as a lamppost or bench.
- the proposed days of the week on which, and the times of day between which, it is proposed to put furniture on the highway,
- the proposed duration of the pavement licence (**Please note that the duration of a licence will be 2 years and fees are not refundable if used for a shorter period.**)
- Confirmation that the applicant is either the registered food business operator or the premises licence holder under the Licensing Act 2003
- photos or brochures showing the proposed type of furniture and information on potential siting of it within the area applied;
- (if applicable) reference of existing pavement licence currently under consideration by the local authority;
- The way in which any structures will be affixed in a safe, suitable and secure manner (such as gazebos, umbrella, marquee (including the provision of risk assessments and compliance with the Health and Safety at Work Act 1974
- How the pavement licence area will be defined (e.g. barriers, to include

- size and type)
- evidence that the applicant has met the requirement to give notice of the application (for example photographs of the notice outside the premises and of the notice itself)
 - a copy of a current certificate of public liability insurance that covers anything to be done by the applicant pursuant to the pavement licence (if granted) to a minimum value of £10 million, and
 - any other evidence needed to demonstrate how the Council's standard local conditions and any national conditions will be satisfied.

2.2 Fees

The fee for applying for a new licence under the process is set locally but capped at £500. The Council has determined that the fee for new applications will be £500.

The fee for applying for a renewal licence is set locally but capped at £350. The Council has determined that the fee for renewal applications will be £350 for a 24 month licence.

2.3 Consultation

Applications are published by Horsham District Council for consultation for a period of 14 days. The consultation period starts the day after a valid application was made to the Council.

The Council will publish details of the application on its website.

The Council is required to consult with the Highways Authority. In addition, to ensure that there are not detrimental effects to the application the Council will consult with:

- Horsham District Council Economic Development Team.
- Horsham District Council Environmental Health Service (including Pollution Control and Food Teams)
- Horsham District Council Planning Department
- West Sussex Fire & Rescue Service
- Sussex Police
- other persons as the local authority considers appropriate such as Crime Officers or Counter Terrorism Security Advisors

Members of the public and others listed above can contact the Council to make representations.

The Council must take into account representations received during the public consultation period and consider these when determining the application.

2.4 Site Notice

An applicant for a pavement licence must on the day the application is made, fix a notice of the application to the premises so that the notice is readily visible to, and can be read easily by, members of the public who are not on the premises. The notice must be secured so that it remains in place until the

end of the public consultation period (see 2.3 above). Evidence of the Site Notice requirement must be supplied to the Council. A template Site Notice is included at Appendix 1

The Site Notice must state:

- the date on which the application has been made
- the statutory provisions under which the application is made;
- the address of the premises and name of the business;
- describe the proposed use of the furniture;
- indicate that representations relating to the application may be made to the Council during the public consultation period and when that period comes to an end;
- the Council's website where the application and any accompanying material can be viewed during the consultation period;
- the address to which representations should be sent during the consultation period; and
- the end date of the consultation (14 days starting the day after the application is submitted to the Authority)

2.5 Site Assessment

The following matters will be taken into account by the Council when considering the site including:

- the matters set out in Section 3(5) to 3(7) of the Business and Planning Act 2020
- public health and safety;
- public amenity – will the proposed use create nuisance to neighbouring occupiers by generating anti-social behaviour and litter; and
- accessibility – taking a proportionate approach to considering the nature of the application site, its surroundings and its users, taking account of:
 - any other temporary measures in place that may be relevant to the proposal, for example, the reallocation of road space. This could include pedestrianised streets and any subsequent reallocation of this space to vehicles;
 - whether there are other permanent street furniture or structures in place on the footway that already reduce access;
 - the impact on any neighbouring premises
 - the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people so that it does not cause issue.
 - other users of the space, for example if there are high levels of pedestrian or cycle movements.
 - Whether there are covenants or conservation rules in place restricting or precluding the use of articles on the

highway such as marquees, gazebos, umbrellas or other items not specifically listed here.

Applicants are strongly encouraged to talk to neighbouring businesses and occupiers prior to applying to the Council, and so take any issues around noise, and nuisance into consideration as part of the proposal.

2.6 Determination

At the conclusion of the public consultation period of **14 days**, the Council has **a further 14 days** with day 1 being the day after the last day of the consultation period) to determine the application.

If the Council determines the application before the end of the determination period the local authority can:

- grant the licence in respect of any or all of the purposes specified in the application,
- grant the licence for some or all of the part of the highway specified in the application, or
- refuse the application.

If the Council does not determine the application **14 days** after the application is made, the application will be deemed to have been granted.

Any representations from those statutory organisations consulted and others providing feedback will be considered on its merits and determined accordingly. Determination may include refusal of the application, reduction in the proposed size of the area intended to be used on the highway, refusal to include specific articles to be placed on the highway and inclusion of conditions on the pavement licence.

The following are authorised to grant or refuse applications, and to revoke a licence which has been granted:

TABLE OF DELEGATIONS	
Decision	Delegated to
Grant of an application where no objections have been received during the consultation period	Manager responsible for the Licensing Service or Principal Licensing Officer
Grant or refusal of an application where objections have been received during the consultation period	Manager responsible for the Licensing Service or Principal Licensing Officer following consultation with the Chair of the Licensing Committee
Revocation of a Licence	Manager responsible for the Licensing Service or Principal Licensing Officer following consultation with the Chair of the Licensing Committee

2.7 Granting Applications

Conditions will be attached to the grant of a pavement licence. These will include specific terms such as days of the week and hours of the day when furniture is

permitted, and the appearance and siting of furniture. **There are some exceptions to this, detailed in Section 3.**

A copy of the Mandatory pavement licence conditions and the Council's standard pavement licence conditions is shown at Appendix 2. These will be attached to all pavement licences granted. Additional conditions may be attached if the Council considers it appropriate in the circumstances of any particular case. **Additional conditions may also add other bespoke conditions as appropriate on a case by case basis.**

The Council will generally only grant pavement licences which permit furniture to be placed on the highway between 09:00 and 21:00 hours.

Applications seeking a pavement licence permitting furniture to be placed on the highway outside these hours will be assessed in terms of the criteria detailed above. The Council however retains the right to specify permitted hours which may be fewer than those requested in any application **and may restrict the space permitted to be used for the purpose of pavement licensing and the type of article permitted to be placed on the highway.**

2.8 Licence Duration

The Council may grant a Pavement Licence for a minimum of 1 year and up to a maximum period of 2 years. The expectation from the Government is that Councils will grant licences for 24 months or more unless there are good reasons for granting a licence for a shorter period such as plans for future changes in use of road space or when there are legal matters or other matters restricting the use of a proposed area for a limited time span and/or within specified hours. As such, the Council will normally grant applications for a two-year period.

If a licence is 'deemed' granted because the Authority does not make a decision on an application before the end of the determination period, then the licence will be valid for 1 year starting on the first day after the determination period.

2.9 Rejection of Applications

If the Council considers that, taking into account any potential conditions which might be attached to a pavement licence, anything done by the applicant (if the licence were granted) would have one or more of the effects specified in Section 3(6) of the Business and Planning Act 2020, the application will be rejected.

If for any other reason the application site is considered unsuitable and concerns about suitability cannot be mitigated by conditions, then the application may be rejected. **The Council may also refuse to permit the inclusion of certain articles on the highway, including marquees, gazebos and dispense counters where it is considered inappropriate at the location.**

Failure to make payment of the required fees will deem the application invalid.

3 Conditions

The Mandatory and Council's standard conditions are set out at Appendices 2 and 3. In some cases, extra measures and conditions may be required. This will be determined when assessing any application, on a case-by-case basis.

Regard will be had to the likely noise, nuisance and disturbance that may occur as a result of increased activity at a premises if a Pavement Licence is granted. Conditions in this regard will be added as considered necessary to assist in the control, supervision, and management of premises to mitigate against this.

Where a Local Authority sets a local condition that covers the same matter as set out in national published conditions, then the locally set condition takes precedence over the national condition where there is reasonable justification to do so. However, this is not the case for the statutory no-obstruction condition which applies to all Licences. The National 'no obstruction conditions is shown in Appendix 4.

3.1 Smoke Free Areas/ Seating

The requirement for reasonable provision for seating where smoking is not permitted must be included within a pavement licence area. The national smoke-free seating condition included as part of the Pavement Licence conditions seeks to ensure customers have greater choice, so that both smokers and non-smokers are able to sit outside, in order to protect public health. It is important that businesses can cater to their customers' preferences.

The Business and Planning Act 2020 imposes a smoke-free seating condition in relation to licences where seating used for the purpose of consuming food or drink has been, (or is to be) placed on the relevant highway. The condition requires the licence-holder to make reasonable provision for seating where smoking is not permitted. This means that where businesses provide for smokers, customers will also have the option of sitting in a non-smoking area.

Ways of meeting this condition could include: Clear 'smoking' and 'non-smoking' areas, with 'no smoking' signage displayed in designated 'smoke-free' zones in accordance with Smoke-free (Signs) Regulations 2012. No ash trays or similar receptacles to be provided or permitted to be left on furniture where smoke-free seating is identified. Licence holders should provide a minimum 2 metre distance between non-smoking and smoking areas, wherever possible.

Further, businesses must continue to have regard to smoke-free legislation under the Health Act 2006, and the subsequent Smoke-free (Premises and Enforcement) Regulations 2006. The Smoke-free (Premises and Enforcement) Regulations 2006 (legislation.gov.uk)

This includes ensuring that areas where smoking is permitted are not substantially enclosed, and complies with the legislative requirements. Operators are advised to consider their smoking arrangements to ensure that any structures used comply with this Act and related legislation and that proper provision is made.

4 Enforcement

The Council aims to work closely with other Enforcement Authorities to enforce the provisions of all appropriate legislation. The case remains that an obstruction of the Highway is an offence under The Highways Act 1980 and will be dealt with by the Highways Authority or the Police.

Obtaining a pavement licence does not confer the holder immunity in regard to other legislation that may apply, e.g. public liability, health & safety at work, food hygiene and safety, alcohol and entertainment licensing, social distancing controls, and applicants must ensure all such permissions, etc. are in place prior to applying.

If a condition attached to a pavement licence is breached, the Council may be able to issue a notice setting out steps which must be taken to remedy the breach. If the steps are not taken, the Council may take the steps and recover the costs of this from the licence-holder.

The Authority may revoke a licence in the following circumstances:

For breach of condition (whether or not a remediation notice has been issued).

Where the Council considers, as a result of the licence, that:

- there is a risk to public health
- there is a risk to the health and safety of patrons, staff and/or the public
- the highway is being obstructed (other than by anything permitted by the licence); or
- anti-social behaviour or public nuisance being caused or risks being caused.
- It comes to light that anything material stated by the licence-holder in their application was false or misleading.
- The applicant did not comply with the requirement to affix the notice to notify the public for the relevant period.
- Where all or any part of the area of the relevant highway to which the licence relates has become unsuitable for any purpose for which the licence was granted or deemed to be granted
- Where the area is deemed unsuitable due to conservation or covenants are in place precluding the installation of any structures (temporary or otherwise) and/or the placement of articles on the highway

5 Review Procedures

This Policy covers pavement licences under the Business and Planning Act 2020 and the Levelling -up and Regeneration Act 2023.

This Policy will be reviewed from time to time including when changes occur in relevant legislation, the nature of pavement licences generally, or as a result of local considerations within Horsham District Council.

Further information may be obtained from:

Horsham District Council
Parkside
Chart Way
Horsham
West Sussex
RH12 1RL

Tel: 01403 215100

Email: Licensing@horsham.gov.uk

Site Notice Template.

NOTICE of Application for a Pavement Licence.

Section 2 Business and Planning Act 2020.

I/We (1),

give notice that on (2) [I/we]-applied to (3) for a 'Pavement Licence' at: (4)

known as (5)

The application is for: (6)

Any person wishing to make representations regarding this application may do so by writing to *Horsham District Council, Parkside, Chart Way, Horsham, RH12 1RL* or by email:

licensing@horsham.gov.uk

by: (8)

The application and information submitted will be published on <https://www.horsham.gov.uk/licensing/tables-and-chairs-licences>

Signed

Dated (10)

(NOTE: Section 2(5) of the Business & Planning Act 2025 provides that the person applying for the licence must display a notice of the application on the premises on the day of the application/date submitted to the Council.

Guidance notes:

Substitute the numbers with the following information:

(1) name of applicant

(2) date the application is made (i.e. submitted)

(3) name of local authority

(4) postal address of premises

(5) name premises is known by

(6) brief description of application (e.g. outdoor seating to the front of the premises for serving of food and drink]).

(7) address to which where representations can be sent (licensing@horsham.gov.uk or direct by post/ hand delivery to the Council Offices).

(8) last date for representations being the date 14 days after the date the application is submitted to the local authority (excluding public holidays)

(9) the -place where the application and accompanying material can be viewed (for example council website)

(10) date the notice was first displayed (must be the same date as (2))

Horsham District Council
Standard Pavement Licence Conditions

1. The grant of this pavement licence does not grant the licence-holder an exclusive right to use the highway site covered by the licence ("Licence Site"). Upon request, the licence-holder must give Horsham District Council and other public authorities including the Police, Highways Authority and other Statutory Undertakers) access to the Licence Site for emergencies, maintenance, installation, special events, improvements or any other reasonable cause. If the consequence of access is that the licence-holder is unable to use the Licence Site for any period, the licence-holder is not entitled to compensation from Horsham District Council or other public authority for any loss arising out of the access.
2. The licence-holder must have at all times during the currency of this pavement licence a valid Public Liability Insurance for the use of the Licence Site pursuant to this pavement licence. The insurance policy must indemnify Horsham District Council and West Sussex County Council against all actions, proceedings, demands, liability and claims for injury, damage or loss to users of the public highway, arising from the use of the Licence Site for the permitted purpose. The minimum level of indemnity must be £10 million respect of any one incident.
3. Furniture is only permitted to be placed on the Licence Site by this pavement licence within the permitted times as described in this licence. Outside these times the furniture must be removed from the highway.
4. Horsham District Council and West Sussex County Council may remove and store or dispose of furniture from the Licence Site if:
 - a. furniture is on the Licence Site outside the permitted times; or
 - b. furniture is on the highway outside the Licence Site at any time of the day.

Where furniture is removed by either council, the cost of the removal, storage and disposal must be paid by the licence-holder must be paid 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.
5. The licence holder is not to make or cause to be made any claim against Horsham District in the event of any property of the licence holder becoming lost or damaged in any way from whatever cause.
6. An unimpeded pedestrian route must be maintained at all times for people wishing to use the footway.
7. Anything done by the licence-holder pursuant to this Licence, or any activity of other persons which is enabled by the Licence, must not have any of the following effects:
 - 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.
8. Where the furniture to be put 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.
 9. The method of marking the boundary of the licensed area must be agreed between the licence holder and Officers of Horsham District Council. Whatever method is agreed a 2 metre clear walkway must be maintained for the use of pedestrians.
 10. Emergency routes to the premises and adjacent buildings must not be obstructed by the Pavement Licence, which should not, in normal circumstances, extend beyond the width of the premises frontage.
 11. The only furniture which may be placed on the Licence Site pursuant to this licence is that which was described as part of the application or subsequently approved by an officer of Horsham District Council.
 12. The licence-holder must keep any furniture placed on the Licence Site pursuant to this licence in a good state of repair.
 13. Horsham District Council will have no liability for any damages in the event of any of the furniture permitted to be placed on the Licence Site by this Licence is lost, stolen or damaged in any way from whatsoever cause.
 14. Furniture should be placed so as not to obstruct driver sightlines, or road traffic signs.
 15. Placement of furniture permitted to be placed on the Licence Site must allow pedestrians to use the footway parallel to the frontage of the premises. Alternative items may not be used without first seeking the written authority of the Licensing Team of Horsham District Council. Patio heaters must not be used.
 16. 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.
 17. The licence-holder should ensure that they use the Licence Site 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.
 18. The licence-holder must ensure that their use of the Licence Site does not interfere with Highway drainage arrangements.

19. During the hours of darkness suitable and sufficient lighting must be provided to ensure safe use of the area.
20. All detritus (food and drink remnants, spillages, bottles, cans, wrappers etc) be regularly removed from the Licence Site. The licence holder must make arrangements to regularly check for and to remove litter and rubbish on pedestrian walkways, caused by persons using the premises, for a distance of up to 10 metres from the boundary of the Licence Site.
21. The licence holder must ensure that any tables placed on the Licence Site pursuant to this licence 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.
22. All furniture covered by the Licence shall be freestanding. The licence holder is not permitted to make any fixtures, or excavations of any kind, to the surface of the highway and it must remain undisturbed. The licence-holder must pay to West Sussex County Council any costs incurred as a result of damage to the highway from the positioning of furniture.
23. The Licence Holder must not permit or allow the consumption of alcoholic liquor within the Licence Site unless there is a premises licence granted under the Licensing Act 2003 in respect of the premise adjacent to the Licence Site in respect of which this licence was granted.
24. The Premises Licence Holder of a premises licensed under the Licensing Act 2003 or any modification or re-enactment thereof, must not allow the consumption of alcoholic liquor outside of the hours in force for the premises itself.
25. The Pavement licence must be displayed on the premises with a plan of the agreed layout of the Licence Site.
26. The licence-holder is responsible for ensuring that the conditions of the licence and any other necessary permissions and regulations are adhered to.
27. 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.
28. This permission is for a limited period expiring on the date specified on the Pavement Licence, after which time if the Proprietor wishes to renew or continue the use they will need to submit a further application;
29. On expiration of licence, the table and chairs become an illegal obstruction of the highway if not removed.
30. The Licence Holder is required to display the attached Licence in a prominent position in a front window, or door, of the premises so that it is visible to any person.
31. Horsham District Council reserves the right to revoke this licence at any time if any of the above conditions are not fulfilled and maintained.
32. This licence is not transferrable.

33. The licence-holder must surrender this Licence within 7 days of the selling or transferring their interest in the Premises , such that they no longer have control over the Premises.

Horsham District Council Local Licence Conditions relating to Noise, Nuisance, Crime & Disorder

(To be added as considered necessary on a case by case basis)

1. No glass vessels shall be allowed off the premises.
2. Staff must ensure that all empty glasses and bottles are promptly cleared away from public areas.
3. Regular patrols are to be conducted, at least hourly, outside the premises where the licence applies.
4. A partition will be installed to clearly delineate the licensed area preventing passing pedestrians/children walking into furniture or onto the licensed area
5. When the outside area is no longer in use for licensable activity all unsecured tables, chairs and associated furniture, shall be removed from the outside area and /or stacked and secured.
6. Waiter/waitress service only to seated members of the public
7. Use of the outside area shall cease at 2100 hours.
8. There shall be a direct means of supervision within the external area to which the licence applies.
9. No amplified entertainment of any sort shall be permitted in the external area(s) covered by the licence.
10. No amplified entertainment of any sort from within the premises shall be audible in any external area(s) covered by the licence.
11. Where takeaway orders are prepared for collection, this must be managed so as not to impact upon social distancing of patrons or members of the public passing the premises
12. Where provided for consumption in external areas and/or within open vessels. all beverages shall be sold, supplied or decanted into shatterproof, plastic or cardboard receptacles.

National Conditions (adopted by Horsham District Council)

1. No obstruction condition

Nothing must be done by the licence-holder to:

- (a) prevent 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.

In addition, licence holders must have regard to the needs of disabled people and specifically the recommended distances required for access by disabled people as set out in guidance issued by the Secretary of State. See Section 3.1 of Inclusive Mobility (<https://www.gov.uk/government/publications/inclusive-mobility/inclusive-mobility>) and the information below:

- Section 3.1 of Inclusive Mobility sets out a range of recommended widths which would be required, depending on the needs of particular pavement users, but is clear that in most circumstances 1500mm clear space should be regarded as the minimum acceptable distance between the obstacle and the edge of the footway,
- Any need for a barrier to separate furniture from the rest of the footway so that the visually impaired can navigate around the furniture, such as colour contrast and a tap rail for long cane users. In some cases, it may be appropriate to use one or more rigid, removable objects to demarcate the area to which the licence applies, for example wooden tubs of flowers. However, this will need to be balanced to ensure any barriers do not inhibit other street users, such as the mobility impaired, as such barriers may create a further obstacle in the highway;
 - Any conflict of street furniture with the principal lines of pedestrian movement particularly for disabled people, older people and those with

mobility needs. The positioning of furniture should not discourage pedestrians from using the footway. The available route must be entirely clear and not pass through an area with tables and chairs;

- So that where possible furniture is non-reflective and of reasonable substance such that it cannot easily be pushed or blown over by the wind, and thereby cause obstruction – for example, the local authority could refuse the use of plastic patio furniture, unless measures have been taken to ensure it is kept in place.

2. Smoke-free seating condition

Where the furniture to be put on the highway consists of seating for use by persons for the purposes of consuming food or drink, the licence holder must make reasonable provision for seating where smoking is not permitted.

'Reasonable provision' may include the following:

- Clear 'smoking' and 'non-smoking' areas, with 'no smoking' signage displayed in designated 'smoke-free' zones in accordance with Smoke-free (signs) regulations 2012.
- No ash trays or similar receptacles to be provided or permitted to be left on furniture where smoke-free seating is identified.
- Licence holders should provide a minimum 2M distance between non-smoking and smoking areas, wherever possible.

Further, business must continue to have regard to smoke-free legislation under The Health Act 2006, and the subsequent Smoke-free (Premises and Enforcement) Regulations 2006.