

**The Business and Planning Act as amended by the  
Levelling Up and Regeneration Act 2023  
Pavement Licence  
Local and National Conditions attached to licences**

**National Conditions**

All section references are to the Business and Planning Act 2020.

**1. No-obstruction condition. Section 5(5)**

The licence holder must ensure that no activity undertaken by them by the placing of furniture on the highway will:

- 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.

**2. Smoke-free seating condition. Section 5(6)**

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.

## NFDC Local Pavement Licence Conditions

Please note that these conditions are not an exhaustive list. Each application will be considered on its own merits and individual, specific conditions may be attached where deemed appropriate.

Where a licence is deemed granted, the applicant is deemed to be a 'licence holder' and is required to comply with all of the below conditions. In such circumstances, references to 'licensed area' should be understood to mean the area proposed for licensing within the application.

### NFDC Local Pavement Licence Conditions

1. The licence holder shall provide and maintain Public Liability Insurance to the amount of £5 million pounds against all claims for loss, damage or injury arising out of the licensed use of the highway. The Council shall be provided with a copy of the certificate of insurance on request.
2. Adequate provision shall be provided for the disposal of litter and the licence holder shall ensure that the use of this area does not cause littering.
3. Any damage sustained to the highway resulting from furniture being placed on it in accordance with this permission shall be repaired at the expense of the holder, to the requirements and satisfaction of the Council.
4. Furniture must be kept strictly within the trading area approved by the Council and must not encroach on the adjoining or adjacent businesses or properties, or restrict the public thoroughfare to any extent where it would become a nuisance.
5. Furniture shall be of the type approved by the Council and kept in a good state of repair and decoration. Any umbrellas or canopies must be adequately secured.
6. Furniture placed on the highway must be in accordance with the details and plans provided at the time of the application. No changes are permitted without prior approval from the council.
7. The licence holder must remove any tables, chairs or other furniture immediately at the end of the licence period, or if the licence is revoked or the business ceases to trade.
8. The Licence Holder must comply with any request to allow highway maintenance and any other necessary remedial work to be carried out at the location covered by the licence. The Licence Holder must also comply with any request to remove the furniture due to an emergency situation or special event (public events, exhibitions, markets, access and any other reasonable cause).  
A reasonable period of notice will be given to the licensee where possible. The Highways Authority and/or New Forest District Council will not be liable for any loss of earnings arising out of the loss of use of a licence whilst complying with any such request.
9. Tables, chairs and furniture may only be placed and used in the licensed area between the hours of **09:00 to 22:00** on any day.
10. At all times the holder of the pavement licence shall prominently display the Council issued licence plate, where it is visible to the public from the street. The plate must be returned to the council in the event of a licence being suspended or revoked.
11. The sale of alcohol from the premises shall be in compliance with an authorisation granted by New Forest District Council, as the Licensing Authority, in accordance with the Licensing Act 2003.

12. The licence holder shall ensure that a clear footway as agreed with the Council, is maintained at all times, but this may never be less than 1500mm.
13. The licence holder shall ensure that the footway is not obstructed by patrons waiting to be seated, or by any other items of furniture or personal possessions of patrons.
14. All persons in the approved area shall be seated in order to control numbers and minimise the impact of rowdy or anti-social behaviour.
15. The licence holder shall not allow their customers to cause any form of nuisance or annoyance to:
  - (a) any other users of the highway
  - (b) any neighbouring residents, or
  - (c) any neighbouring businesses
16. Tables, chairs and other furniture must not be placed in position outside of permitted times. When the licence is not in use, all furniture must be stored securely inside the premises, away from the highway.
17. The approved area shall be maintained in a clean and litter free condition at all times. Spillages and food debris must be removed as soon as possible and the area checked and washed down when furniture is removed each evening.
18. No external speakers, background music, recorded or live music shall be played into or from the designated pavement area.
19. New Forest District Council reserves the right to revoke this licence at any time if any of the above conditions are not fulfilled and maintained.
20. Only alcohol purchased from the connected premises may be consumed within the licensed area.
21. During hours of use, the licence holder or a nominated representative shall be available to receive and respond to nuisance-related complaints. A contact number shall be readily available to neighbouring residents and businesses upon request.
22. If the furniture is (a) not removed outside the permitted hours or (b) located in breach of the licence, conditions or other regulatory requirements, the Council may remove and store or dispose of furniture, at the cost to the licence holder.
23. The licence is not transferable
24. These conditions may be varied where necessary and the new conditions will come into effect upon written notification by the Council.