

National Conditions

1. No-obstruction condition

Nothing done by the licence holder pursuant to the licence, or any activity of other persons which is enabled by the licence, must not have 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.

2. Smoke-free seating condition

Where furniture to be put on the 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.

Standard conditions

3. No tables, chairs or temporary 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

Additional widths may be required to accommodate social distancing in line with the guidance issued by the Secretary of State.

4. Every table, chair and item of temporary street furniture shall be positioned so that it does not impede the surface water drainage of the highway nor obstruct access to any premises unless the consent of the occupier of these premises has been obtained. No items shall be sited as to obstruct access to any fire exits or dry risers etc.

5. No tables, chairs or temporary street furniture shall be left on the highway longer than is necessary. Tables, chairs and temporary furniture within a pedestrianised area covered by a Traffic Regulation Order shall only be placed on the highway during the hours of pedestrianisation. Tables, chairs and temporary street furniture shall be taken inside and stored during the hours when business is not trading.
6. All tables, Chairs and temporary furniture shall be separated from the remaining highway using 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
7. The licensee shall be responsible for keeping the designated area 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. Failure to do so could result in the Council carrying out such works in default without notice and recharging the full cost thereof to the permit holder.
8. 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.
9. No wastewater or other substances shall be discharged on to the highway or highway drainage system
10. A copy of this licence and accompanying plan shall be retained at the business premises and be made available for inspection during trading hours by Officers from Dover District Council, Kent Police, or Kent County Highways where appropriate.
11. Any infringements of the licence or problems arising out of the use of the site must be immediately rectified to the satisfaction of Officers from Dover District Council, Kent Police, or Kent County Highways as appropriate.
12. In the event of emergency the Council may ask the licence holder to remove the objects or structures or may itself remove them from the permitted area for such period or periods as it deems necessary without liability for any injury, damage or loss arising therefrom.
13. Any licence approved does not convey approval to place any other object or structure on the highway other than stated in the licence.
14. All pavement licences issued under the Business and Planning Act 2020 will cease to be valid after 23.00 hours 30 September 2021.
15. The licence holder will hold Public Liability Insurance indemnity up to the value of £5 million against any liability, loss or damage, claim of proceeding whatsoever arising under Statute or Common Law in respect of the placing and maintaining of the tables, chairs and temporary street furniture on the highway or their removal therefrom.

16. Officers from Dover District Council, Kent Police, or Kent County Highways, reserve the right to request that temporary street furniture is removed or reconfigured if an emergency arises or increased social distancing space is required.
17. The objects or structures shall not be used for any purpose other than stated in the Business and Planning Act 2019-2021.
18. The licence holder shall ensure that all persons using the licensed area are adhering to the government covid guidelines current for that date and time.
19. No nuisance or annoyance shall be caused to any adjoining premises.
20. The objects or structures shall be of good and sufficient quality and shall be kept in good and sufficient state of repair.

Premises Specific Conditions

To be decided on a premises specific basic – these will be drafted in accordance with the site etc, when determining an application.