NORTH YORKSHIRE COUNCIL

POLICY ON PAVEMENT LICENSING

BUSINESS AND PLANNING ACT 2020

APPROVED WITH EFFECT FROM: 1 April 2026

NORTH YORKSHIRE COUNCIL

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1. BACKGROUND AND INTRODUCTION

1.1 Pavement licences are issued by North Yorkshire Council ('the Council') under the provisions of the Business and Planning Act 2020.

1.2. The Business and Planning Act 2020 provides a streamlined process to allow businesses to apply for a licence to place removable furniture over certain highways adjacent to a premises in relation to which the application is made, for certain purposes.

1.3. The Levelling Up and Regeneration Act 2023 made permanent the pavement licensing regime under the Business and Planning Act 2020, with a number of changes. The Levelling Up and Regeneration Act 2023 introduces a standard fee cap for both new (£500) and renewals (£350) of licences, as well as an increased consultation and determination period, lengthens the maximum duration of licences and provides local authorities with new powers to remove unlicensed furniture.

1.4. This policy sets out the Council's approach to its functions and responsibilities with regard to the issue of pavement licences in its area. The policy document sets out a number of relevant matters including:

- The Council's interpretation of the scope of, and key terms in, the relevant legislation.
- The Council's requirements in respect of applications for licences.
- The general approach and matters that the Council will take into account when determining applications for licences, including those who will be consulted.
- The conditions that the Council will attach to licences granted or deemed to be granted.
- The Council's approach to enforcement and revocation of licences.

1.5. In formulating this policy, the Council has had due regard to the guidance issued by the Secretary of State under section 8 of the Business and Planning Act 2020.

2. SCOPE OF THE LICENSING REGIME AND DEFINITION OF KEY TERMS

<u>What businesses can apply for licences?</u>

2.1 Pavement licences can be applied for by businesses that use (or propose to use) premises for the sale of food or drink for consumption on or off the

premises. Businesses that are eligible include public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours including where such uses form an ancillary aspect of another use, for example supermarkets or entertainment venues that also sell food or drink.

2.2 Businesses that do not use their premises for the sale of food or drink, for example hairdressing salons, are ineligible. Though they can apply for permission to place furniture on the pavement under the Highways Act 1980.

What furniture can be permitted by a licence?

2.3 A pavement licence can only permit the business to place removable furniture on a relevant highway. The Business and Planning Act 2020 states that furniture means:

(a) counters or stalls for selling or serving food or drink,

(b) tables, counters or shelves on which food or drink can be placed,

(c) chairs, benches or other forms of seating, and

(d) umbrellas, barriers, heaters and other articles used in connection with the outdoor consumption of food or drink.

2.4. This furniture is required to be removable and related to the serving, sale and consumption of food or drink.

2.5. The Council will take a pragmatic common-sense approach when determining whether furniture is genuinely "removable." However, to be considered removable, the Council expects any furniture to be capable of being moved easily and stored away from the relevant highway each night. Furniture that is fixed to either the ground or to walls, for example with screws or bolts, will not be considered by the Council to be removable furniture.

What furniture is not capable of being permitted by a pavement licence?

2.6. Any furniture that is not removable or that is not used in connection with the outdoor selling or consumption of food or drink are not permissible by a pavement licence.

2.7. Advertising boards are not included in the definition of furniture within the Pavement licensing regime. As well as needing consent under the Highways Act 1980, advertising boards also require express advertising consent under the Town and Country Planning Regulations 2007.

2.8. Applicants that wish to place non-removable furniture onto the highway must apply to the relevant highway authority for permission under the Highways Act 1980.

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Where can a licence allow furniture to be placed?

2.9. A pavement licence can authorise the placing of removable furniture on part of a relevant highway adjacent to the applicable premises.

2.10. The Business and Planning Act 2020 states that "relevant highway" means a highway-

(a) to which Part 7A of the Highways Act 1980 applies, and
(b) which is not over Crown land or maintained by Network Rail

2.11. When determining whether the part of the relevant highway is "adjacent" to the applicable premises, the Council will adopt a pragmatic approach and consider each case on its merits. In doing so all relevant factors will be considered including:

- How far the part of the relevant highway is from the frontage of the applicable premises;
- What lies between the part of the relevant highway and the frontage of the applicable premises; and
- What other businesses that are eligible to apply for a pavement licence are located in the vicinity of the premises that is the subject of the application.

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

Interaction with section 115E of the Highways Act 1980

2.12. Section 115E of the Highways Act 1980 enables the relevant highway authority (North Yorkshire Council) to grant a person permission to use objects or structures on, in or over the highway:

- for a purpose which will result in the production of income;
- for the purpose of providing a centre for advice or information; or
- for the purpose of advertising.

2.13 However, section 115E (5) of the Highways Act 1980 states that:
"A council may not under this section grant a person permission to do anything which is capable of being authorised by a pavement licence under section 1 of the Business and Planning Act 2020"

2.14 Therefore, where someone is wishing to place removeable furniture on part of a relevant highway in circumstances that fall in scope of the Business and Planning Act 2020, they must apply for a pavement licence under that legislation.

2.15 In circumstances where someone wishes to use objects or structures on the highway that are not within scope of the Business and Planning Act 2020, they will not be able to apply for a pavement licence, but may be able to obtain permission under section 115E of the Highways Act 1980. Any such requests for permission must be made to North Yorkshire Council who are the relevant highway authority for the area.

3. APPLYING FOR A LICENCE

Types of application

3.1. The process that someone needs to follow to apply for a pavement licence will depend on whether the application is an application for the grant of a licence or for renewal of a licence**.**

Applying for the GRANT of a pavement licence:

3.2. Applications must be made on the Council's standard application form and must be submitted electronically to licensing@northyorks.gov.uk along with the required supporting documentation and evidence that the required application fee has been paid.

3.3. Applications for the grant of a licence must be accompanied by:

- A plan clearly showing the location of the premises shown by a red line, so the application site can be clearly identified. The plan must clearly show the following:
  - the proposed area covered by the licence in relation to the highway, if not to scale, with measurements clearly shown.
  - The plan must show the positions and number of the proposed tables and chairs, barriers, together with any other items of 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 fixed item in the proposed area.

- A copy of a current certificate of insurance that covers the activity for third party and public liability risks, to a minimum value of £5 million,

- Photos or brochures showing the proposed type of furniture (including the means of enclosure such as barriers) and information on potential siting of it within the area applied.

- Evidence of consent from neighbouring frontage(s) to use footway space outside their property (if applicable) and their contact details.
- Evidence that the applicant has completed ACT (Action Counters Terrorism) training for businesses.

3.4. An application will not be considered complete until the application form, all required documents and the application fee have all been received. The public consultation period will not commence until the day after a complete application has been made.

3.5. The application fee is non-refundable, if the application is refused or withdrawn or if any licence granted is subsequently surrendered or revoked.

Applying for the RENEWAL of a pavement licence:

3.6. To be considered a renewal application, an application must:

(a) be made by a person who already holds a pavement licence,
(b) be in respect of the premises to which the existing licence relates, and
(c) be for a licence to begin on the expiry of the existing licence and on the same terms.

3.7. Applications must be made on the Council's standard application form and must be submitted electronically to licensing@northyorks.gov.uk along with the required supporting documentation and evidence that the required application fee has been paid.

3.8 Applications for the grant of a licence must be accompanied by:

- A copy of a current certificate of insurance that covers the activity for third party and public liability risks, to a minimum value of £5 million.

3.9. A renewal application will not be considered complete until the application form, all required documents and the application fee have all been received. The public consultation period will not commence until the day after a complete application has been made.

3.10. Applications for renewal should be made no more than 6 weeks and no less than 4 weeks before the expiry date of the current licence to allow reasonable time for the application to be processed and consulted upon.

3.11 Any application for the renewal of a licence will not be accepted after the date of expiry. In these cases, the area will cease to be licensed until such time as a new application for a pavement licence is received and subsequently granted.

3.12. Likewise, if the licence holder wishes to change any of the terms of their licence, including amending the part of the relevant highway that the licence permits the furniture to be placed, then the application will not be treated as a renewal application and will instead be treated as an application for the grant of a licence.

3.13. An application will not be considered complete until the application form, all required documents and the application fee have all been received. The public consultation period will not commence until the day after a complete application has been made.

3.14. The application fee is non-refundable, if the application is refused or withdrawn or if any licence granted is subsequently surrendered or revoked.

4. ADVERTISING AND CONSULTING ON APPLICATIONS

4.1. The Act requires an applicant for a pavement licence to:

(a) 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, and

(b) Secure that the notice remains in place until the end of the public consultation period, which means the period of 14 days beginning with the day after that on which the application is made.

4.2 A template notice for use by applicants can be found at **Annex A** of this policy.

4.3 Before determining an application, the Council will consult with the following bodies:

- North Yorkshire Council Highways
- North Yorkshire Fire and Rescue Service
- North Yorkshire Environmental Protection
- North Yorkshire Licensing Team (Enforcement)
- North Yorkshire Police
- **North Yorkshire Police Licensing (if the premises holds a premises or club licence under the Licensing Act 2003).
- The Council may consult other persons as the local authority considers appropriate.

4.4 Details of applications received and the relevant public consultation periods for each application will also be published on the Councils website at:

Pavement licence | North Yorkshire Council

5. DETERMINING APPLICATIONS

5.1 The Council recognises the aims of the Business and Planning Act 2020 and wants to support relevant businesses to achieve growth and economic prosperity in the hospitality sector. The Council will therefore seek to grant applications for licences where possible.

5.2 However, this general approach must be balanced with the need to ensure that the issuing of pavement licences:

- does not put public health or safety at risk;
- does not lead to anti-social behaviour or public nuisance; and
- ensures that the public, particularly those with disabilities such as sight impairment, are unhampered when walking along streets.

5.3 The Council will also have regard to the following:

- considerations under the no-obstruction condition, including the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in the Department for Transport Inclusive Mobility document.
- the cumulative impact of multiple pavement licences in proximity, considering the needs of disabled people.
- 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 of access and egress to the premises.
- other users of the space, for example if there are high levels of pedestrian or cycle movements.

5.4 The Council will consider all the relevant circumstances in determining applications and will treat each case on its merits.

5.5 The Council will consider whether the licence holder is able to comply with the both the Council's published standard licence conditions and the statutory licence conditions set out in section 5 (5) and section 5 (6) of the Business and Planning Act 2020.

5.6 The statutory licence conditions are: a no-obstruction condition and a smoke-free seating condition. The statutory licence conditions are shown in full at **Annex B**.

5.7 The Council's standard licence conditions are shown in full at **Annex C**.

5.8 When determining individual applications, the Council will also have regard to the guidance issued by the Secretary of State under section 8 of the Business and Planning Act 2020 and any other relevant guidance the Council considers appropriate.

5.9 This list is not exhaustive, and the Council may refuse an application on other grounds including (but not limited to) where the granting of the licence would put at risk public health or safety, lead to antisocial behaviour or public nuisance or unreasonably hamper pedestrian's ability to move freely.

5.10 The Council will consider any objections or comments received in respect of the application during the public consultation period, whether made by the bodies consulted or any other person, before the application is determined.

5.11 Given the important role it undertakes in maintaining the safety of users of the highway, it is extremely unlikely that a licence will be granted or renewed where objections to an application are received from the highway authority, but in all cases the thoughts of all consultees will be considered.

5.12 Having considered any objections or comments received in respect of the application, the Council may:

a) Grant a licence subject to the standard conditions

b) Grant a licence subject to the standard conditions and any other reasonable conditions that are considered appropriate in the circumstances of the case

c) Refuse the application

5.13 The Council will notify applicants of the reasons for refusal following determination.

5.14 There is no statutory appeal process against a decision to refuse an application.

6. LICENCES DEEMED TO BE GRANTED

6.1 The Council aims to determine all applications within the determination period provided by the Act. That means that applications will be granted or refused within the 14 days beginning with the first day after the public consultation period has ended.

6.2 However, if the Council does not make the determination by the end of the determination period, section 3 (9) of the Act provides that the licence for which the application was made is deemed to be granted by the Council to the applicant.

7. LICENCE DURATION AND CONDITIONS

Duration of licences

7.1 Unless previously surrendered or revoked, all licences granted by the Council will be valid for a period of two years and they will then expire.

7.2 Unless previously surrendered or revoked, any licence deemed granted under section 3 (9) of the Act will be valid for two years starting with the first day after the determination period.

Licence conditions

7.3 All pavement licences whether granted or deemed granted, will be subject to the Council's published standard conditions. These are published at **Annex C** to this policy statement.

7.4 All pavement licences whether granted or deemed granted, will also be subject to the statutory conditions provided for under section 5(4) of the Business and Planning Act 2020. The statutory conditions are shown at **Annex B** to this policy statement.

7.5 In addition to the standard conditions and statutory conditions, further reasonable conditions may be attached to individual licences as the Council considers appropriate in the circumstances of the case having regard to any comments or objections received during the public consultation period. The need for further conditions beyond the standard conditions will be considered on a case-by-case basis.

8. COMPLIANCE AND ENFORCMENT

Putting removable furniture on part of a relevant highway without permission

8.1 In cases where removable furniture which would normally be permitted by a pavement or other licence has been placed on a relevant highway without the required licence, appropriate advice will be given to the relevant business on how they can apply for a licence.

8.2 If no licence application is received and the furniture continues to be placed on a relevant highway without the required licence, the Council can give notice requiring the business to remove the furniture before a date specified and to refrain from putting furniture on the highway unless they gain a licence.

8.3 If furniture continues to be placed on the highway, in violation of the notice, the Council may remove and store the furniture, recover the costs from the business for the removal and storage of the furniture and refuse to return the furniture until those costs have been paid.

8.4 If within 3 months of the notice, the costs are not paid, the authority can dispose of the furniture by sale or other means and retain the proceeds**.**

Breaches of licence condition

8.5 The Council will always seek to rectify any issues arising as a consequence of the activities authorised by a pavement licence by engaging in informal discussions with the licence holder in the first instance.

8.6 However, if this informal approach does not resolve the issues in a satisfactory way, then formal action can be taken as detailed below.

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8.7 If the Council considers that a 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.

8.8 If a licence-holder on whom an enforcement notice is served fails to comply with the notice, the Council may—

(a) revoke the licence, or

(b) take the steps itself and recover the costs of doing so from the licence holder.

8.9 The Council 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

(d) the licence-holder did not comply with the duty to advertise their application.

8.10 The Council may also, with the consent of the licence-holder, amend a 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) a no-obstruction condition of the licence is not being complied with.

8.11 All enforcement activity will be undertaken in line with the principles set out in the Regulator's Code and with regard to any relevant enforcement policies in place.

9. EQUALITIES

9.1 Under the Equality Act 2010 it is against the law to discriminate against anyone because of age, gender reassignment, being married or in a civil partnership, being pregnant or on maternity leave, disability, race including colour, nationality, ethnic or national origin, religion or belief, sex, or sexual orientation.

9.2 The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities.

9.3 The Council has had regard to this duty when publishing this statement of policy and will have regard to the duty when determining applications for pavement licences under the Business and Planning Act 2020.

9.4 The Council will also look to discharge this duty by making suitable arrangements where requested to provide information in a different format such as large print, easy read, audio recording. This will be dealt with on an individual basis.

9.5 In the design and layout of their premises and any areas of the highway used to place furniture, applicants and licence holders are encouraged to consider access and facilities for customers and protected characteristics.

10. RIGHTS OF APPEAL

10.1 The Business and Planning Act 2020 does not provide any statutory right of appeal against a decision to refuse or revoke a pavement licence. There is no statutory right of appeal against any enforcement notice served on a licence holder.

10.2 However, clear and justifiable reasons will always be provided if a licence is

refused or revoked, or if an enforcement notice is served on a licence holder.

11. PLANNING PERMISSION

11.1 If 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 licence while the licence is valid and remains in force.

12. HAZARDS OR OBSTRUCTIONS ON THE HIGHWAY

12.1 Notwithstanding the grant or deemed grant of a licence, the highway authority reserves the right to remove items that present a hazard or obstruction to highway users.

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ANNEX A – TEMPLATE PUBLIC NOTICE

BUSINESS AND PLANNING ACT 2020

PUBLIC NOTICE OF APPLICATION FOR A PAVEMENT LICENCE
(for display by an applicant for a Pavement Licence)

I/We…….. *(1),*

do hereby give notice that on ……(2)

[I/we] have applied to The North Yorkshire Council for a 'Pavement Licence' at:……
……*(3)*

known as (Enter Name of the business premises)……...
……(4)

The application is for (enter the details of all the temporary furniture)…….
……
……
…… (5)

Any person wishing to make representations to this application may do so by writing to: (6) Licensing Team at:

North Yorkshire Council
Racecourse Lane
Northallerton
North Yorkshire
DL7 8AD

Or by emailing: licensing@northyorks.gov.uk

By: (Insert last date for representations):…… (7)

The application can be viewed on the Council's website: (8)
https://www.northyorks.gov.uk/licensing-applications

Signed .....

Dated (9) .....

Guidance notes:

Substitute the numbers with the following information:

(1) name of applicant

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

(3) postal address of premises

(4) name premises is known by

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

(6) address to which where representations can be sent (this could be an email address or via a portal).

(7) last date for representations being the date 14 working days after the date the application is submitted to the local authority (excluding public holidays) (2)

(8) the website address where the application can be viewed

(9) date the notice was placed (must be the same date as (2))

The applicant must display this notice of the application on the premises to which it relates to, on the same day that they submit a **valid** application to the Council. The notice should be affixed after the application is made and confirmed valid by the Licensing team.

It must be easily visible and legible to the public.

The applicant must ensure the notice remains in place for the public consultation period, which is a period of 14 days beginning with the day after the day the **valid** application is submitted to the Council.

Please provide photographs by email of the notice affixed to the premises to the Licensing department at Licensing@northyorks.gov.uk**.**

It is advisable for applicants to record and retain evidence that they have complied with all requirements, including affixing the notice at their premises.

Failure to comply with this requirement may lead to the revocation of any licence granted or deemed granted.

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ANNEX B

STATUTORY CONDITIONS OF LICENCE
[All section references are to the Business and Planning Act 2020]

1. No-obstruction condition

A "no-obstruction condition" is a condition that anything done by the licence holder pursuant to the licence, or any activity of other persons which is enabled by the licence, must not have an effect specified in section 3(6) of the Act. These effects are:

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.

When considering whether furniture put on a relevant highway by a licence holder pursuant to a pavement licence has or would have the effect referred to in paragraph (a) above, the Council will have regard in particular to the needs of disabled people, and the recommended distances required for access by disabled people as set out in guidance issued by the Secretary of State.

2. Smoke-free seating condition

Section 5(6)

A "smoke-free seating condition" is a condition that, 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.

ANNEX C

NORTH YORKSHIRE COUNCIL STANDARD 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 conditions. In such circumstances, references to 'licensed area' should be understood to mean the area proposed for licensing within the application and plan.

1. The licence must only be used for the purpose of placing removeable furniture 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 Licence Holder's business premises.

2. 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.

3. The licence must be displayed on the premises with a plan of the agreed layout of the licensed area. The front page of the licence and plan must be prominently displayed on the premises so that it may be easily viewed.

4. The Licence Holder must only place furniture on the highway in pursuance of this licence in accordance with the Permitted Hours as specified in the licence.

5. Unless otherwise specified on the licence, all furniture, including , litter bins, perimeter railings or other articles placed on the licensed area in accordance with this permission must be removed from the highway (licensed area) and stored securely inside a premises or securely stored (i.e. chained to a building) away from the highway at the end of the Permitted Hours, expiry, and surrender or revocation of the licence.

6. 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 of or dispose furniture, at the cost of the Licence Holder and with no responsibility for safekeeping.

7. The licence is for removeable furniture in accordance with the definition of 'furniture' in the Act, meaning tables, counters or shelves on which food or drink can be placed, chairs, benches or other forms of seating, and umbrellas, barriers, heaters and other articles that are in good condition, used in connection with the outdoor consumption of food or drink will be permitted.

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8. The licensed area shall be defined with boundary railings with both a hand and tapping rail to assist people with impaired vision to recognise the perimeter. Such furniture to be an agreed standard and may be themed to match the rest of the furniture. It must be maintained in a clean and tidy condition and not placed so as to obstruct any entrance or exit to buildings.

9. A 2-metre-wide unobstructed pedestrian route should be maintained for pavement users, taking into account the needs of disabled people, including those using mobility aids such as walking frames, wheelchairs and mobility scooters. Although all applications will be judged on their individual merits, it should be noted that a licence may not be issued where this would result in a remaining usable width of pavement of less than 2 metres.

10. The placement of furniture must not obstruct any emergency exits from the premises or any adjacent buildings, and emergency service vehicles must have access along all streets at all times, even in pedestrianised streets.

11. 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.

12. All customers using the pavement licensed area will always be required to be seated. Gatherings of persons standing up in the licensed area drinking and/or smoking shall not be permitted.

13. Where the furniture to be put on the licensed area 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.

14. The Licence Holder is solely responsible for the conduct of customers and staff and shall not do or suffer anything to be done in or on the highway which in the opinion of the 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 premises, residents, businesses or to members of the public. Unruly or rowdy behaviour which is not controlled is not acceptable and may lead to the withdrawal or refusal to renew a licence.

15. During the Permitted Hours, 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.

16. The Licence Holder shall not make any excavations or indentations of any description whatsoever in the surface of the highway or place or fix any equipment or furniture of any description in the said surface. Any costs incurred as a result of damage to the highway or council property due to the use of the area under this licence, will be recovered in full from the Licence Holder by the Council.

17. This licence does not relieve the holder from any requirements under licensing law for appropriate authorisation where it is required.

18. No alcohol shall be consumed in the licensed area unless the food and drink premises are licensed by the Council for the sale and consumption of alcohol under the provisions of the Licensing Act 2003.

19. No forms of musical entertainment (i.e. live music, recorded music and background music) are permitted in the area, unless any licence required, has been granted by the Council.

20. A duly authorised Officer of the Council shall have the right to inspect the licensed area and make any suitable changes to the layout of the area if deemed necessary in the interests of highway safety. In certain circumstances the Licence Holder may be required to take immediate action to remove all furniture and equipment from the highway at the specific request of a Police Officer or duly authorised Council Officer.

21. The Licence Holder shall maintain the licensed area and the immediate adjacent area, in a clean and tidy condition during the Permitted Hours and shall leave the same in clean and tidy condition and unobstructed, which shall include (1) washing down the area, and (2) removing any refuse and litter deposited on the highway in the vicinity of the licensed area. This will be carried out whenever necessary and in a way which does not create a nuisance to other parties and neighbouring premises. Food waste must not be washed down a storm water drain.

22. The Licence Holder shall within the licensed area provide litter bins or similar receptacles for the deposit of cartons, wrappers, containers and similar discarded items if required and ensure that the same are emptied daily and more often when required. Waste from the Holders' operations must not be disposed of in the permanent litter bins provided by North Yorkshire Council within the highway.

23. The Licence Holder shall not display any signs, adverts, or banners anywhere on the highway or around the perimeter of the licensed area.

24. The granting of a Pavement Licence does not imply an exclusive right to the area of public highway. The Licence Holder may from time to time be notified of temporary suspension of the permission granted to allow for maintenance, installation works or any other lawful activity (including Street Works, Road Works, police, statutory undertakers) to take place. In other cases, where the use of the highway alters, the permit may be revoked by issue of a notice. Permission may also be revoked for non-compliance with these conditions and the Council shall not in any circumstances be liable to pay compensation or be liable for any loss of earnings to the Licence Holder in respect of such repairs, maintenance, special events, suspension or revocation.

25. The Licence Holder shall indemnify the Council against all actions, proceedings, claims, expenses, damage, demands and liability which may be taken or made or incurred arising out of the use of the area under this licence. Licence Holders are required to obtain public liability insurance always covering the business of not less than £5 million in respect of any one incident. It is the responsibility of the Licence Holder to provide up to date copies of insurance certificates as and when they expire. Failure to comply with this condition can constitute a breach of condition under the Pavement Licence policy and enforcement action can be taken.

26. The Licence Holder is solely responsible for all the furniture and shall not make any claim or charge against the Council in the event of the furniture being lost, stolen or damaged in whatever way from whatever cause.

27. These conditions may be varied where necessary and the new conditions will come into effect upon written notification by the Council.

28. This permission may be terminated at any time by either the Licence Holder or North Yorkshire Council. No refunds will be made by the Council.