



Supplementary - Licensing Committee

Wednesday 26 August 2020 at 6.00 pm

This will be held as an online virtual Meeting

Details on how to access the link in order to view the meeting will be made available online via the following link: [HERE](#)

Membership:

Members

Councillors:

Ahmed (Chair)
Long (Vice-Chair)
Chohan
RS Patel
Kennelly
McLeish
Hector
W Mitchell Murray
Maurice
Shahzad

For further information contact: Devbai Bhanji, Governance Assistant
Tel: 020 8937 6841; Email: devbai.bhanji@brent.gov.uk

For electronic copies of minutes, reports and agendas, and to be alerted when the minutes of this meeting have been published visit:

www.brent.gov.uk/committees

The press and public are welcome to attend this meeting as an online virtual meeting. The link to view the meeting will be made available via the following link: [HERE](#)

Notes for Members - Declarations of Interest:

If a Member is aware they have a Disclosable Pecuniary Interest* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent and must leave the room without participating in discussion of the item.

If a Member is aware they have a Personal Interest** in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent.

If the Personal Interest is also significant enough to affect your judgement of a public interest and either it affects a financial position or relates to a regulatory matter then after disclosing the interest to the meeting the Member must leave the room without participating in discussion of the item, except that they may first make representations, answer questions or give evidence relating to the matter, provided that the public are allowed to attend the meeting for those purposes.

***Disclosable Pecuniary Interests:**

- (a) **Employment, etc.** - Any employment, office, trade, profession or vocation carried on for profit gain.
- (b) **Sponsorship** - Any payment or other financial benefit in respect of expenses in carrying out duties as a member, or of election; including from a trade union.
- (c) **Contracts** - Any current contract for goods, services or works, between the Councillors or their partner (or a body in which one has a beneficial interest) and the council.
- (d) **Land** - Any beneficial interest in land which is within the council's area.
- (e) **Licences** - Any licence to occupy land in the council's area for a month or longer.
- (f) **Corporate tenancies** - Any tenancy between the council and a body in which the Councillor or their partner have a beneficial interest.
- (g) **Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

****Personal Interests:**

The business relates to or affects:

- (a) Anybody of which you are a member or in a position of general control or management, and:
 - To which you are appointed by the council;
 - which exercises functions of a public nature;
 - which is directed is to charitable purposes;
 - whose principal purposes include the influence of public opinion or policy (including a political party or trade union).
- (b) The interests of a person from whom you have received gifts or hospitality of at least £50 as a member in the municipal year;

or

A decision in relation to that business might reasonably be regarded as affecting the well-being or financial position of:

- You yourself;
- a member of your family or your friend or any person with whom you have a close association or any person or body who is the subject of a registrable personal interest.

Agenda

Introductions, if appropriate.

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The Brent Pavement Licence Guidance Policy is attached for information only.

Date of the next meeting: **Date Not Specified**

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Pavement Licensing

Guidance and Application Form

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1. Introduction

The Covid-19 pandemic has affected businesses across the borough with many having to modify their operations.

On 25 June 2020 the Government announced a further and urgent relaxation to planning and licensing laws to help the hospitality industry recover from the coronavirus lockdown by removing short term obstacles that could get in their way.

The Business and Planning Act 2020 makes it easier for premises serving food and drink such as bars, restaurants and pubs, as lockdown restrictions are lifted but social distancing guidelines remain in place, to seat and serve customers outdoors through temporary changes to planning procedures and alcohol licensing.

The measures included in the Act 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 will be a temporary measure to boost the economy, with provisions lasting until the end of September 2021.

Currently, Brent regulates street trading by adopting the Part III provisions of the London Local Authorities Act 1990 (the Act). Businesses can apply for a street trading licence which controls tables and chairs on or near the highway. From July 2020, a new pavement licensing scheme under the Business and Planning Act has been introduced to simplify the system which at present, will apply up to 30 September 2021 in response to restarting the economy following the Covid-19 pandemic, providing a simplified streamlined process.

This policy sets out the council's approach to the licensing of the use of the pavement. It informs applicants of the parameters in which the council will make decisions and how their needs will be addressed. It also highlights the council's intention to avoid duplication with other statutory provisions and its commitment to work in partnership with other enforcement agencies. The council aims to provide a clear, consistent service for users. At the same time, it aims to protect the safety of highway users, to prevent nuisance and to regulate the location and number of businesses using pavements.

The application of this guidance will be in line with legislative requirements. It will be reviewed in light of developing practice, guidance and changing legislation as necessary. Attached to this guidance is the application form for pavement licensing.

1.1 Pavement Licensing Process

The new process provides a cheaper, easier and quicker way for businesses to obtain a licence. The fee for applying for a licence under the new process, is capped at £100 and the consultation period is 7 days compared to other schemes where it is 28 days. Each licence will be issued for up to 1 year but will not go beyond 30 September 2021.

If the local authority does not determine the application before the end of the determination period (which is 7 days beginning with the first day after the public consultation period, the licence is deemed to have been granted for a year (but not beyond 30 September 2021). The business can then place the proposed furniture such as tables and chairs within the area set out in the application for the purpose or purposes proposed.

1.2 Eligible Businesses and Furniture

A business which 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. Businesses that are eligible include: public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours.

A licence permits the business 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.

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

This furniture is required to be removable, with the Local Authority using the principle that 'removable' means it is not a permanent fixed structure, and is able to be moved easily, and stored away at an evening. The Local Authority will be pragmatic in approach around this.

1.3 Exclusions

Licences can only be granted in respect of highways listed in section 115A(1) Highways Act 1980. 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 licence cannot be granted).

2. Duration

Valid Pavement Licence Period

If a local authority determines an application before the end of the determination period (which is 7 days, beginning with the first day after the public consultation period) the duration of the licence will be for 1 year.

A licence granted or deemed to be granted will not be valid beyond 30 September 2021.

3. Applications

The application form is attached to this guidance and is also available from the council's website – <https://www.brent.gov.uk/business/licences/get-a-licence/>

3.1 Information to be provided

An application for a Pavement Licence must be made to the council, and the following will be required to be submitted with the application:

- specify the premises and, the part of the highway to which the application relates;

- specify the purpose (or purposes) for which the furniture will be used which must be to sell or serve food or drink, and/or for use by other people for the consumption of food or drink. In both cases the food or drink must be supplied from, or in connection with relevant use of the premises;
- specify the days of the week on which and the hours between which it is proposed to have furniture on the highway;
- describe the type of furniture to which the application relates, for example: tables, chairs, and/or stalls;
- the date on which the application is made;
- contain or be accompanied by such evidence of public liability insurance in respect of anything to be done pursuant to the licence of a minimum £5million;
- a plan showing the location of the premises shown by a red line, so the application site can be clearly identified (must clearly show location in conjunction with businesses and streets around them);
- a plan clearly showing the proposed area covered by the licence in relation to the highway, if not to scale, with measurements clearly shown (see **Appendix C** for example);
- the proposed duration of the licence (for e.g. 3 months, 6 months, or a year)
- evidence of the right to occupy the premises e.g. the lease;
- contact details of the applicant;
- photos or brochures showing the proposed type of furniture and information on potential siting of it within the area applied;
- evidence that the applicant has met the requirement to give notice of the application (for example photograph);
- (if applicable) reference of existing pavement licence currently under consideration by the local authority; and
- any other evidence needed to demonstrate how any local and national conditions will be satisfied.

The relevant application fee of £100 must accompany any application. An application is not deemed valid until accompanied by the fee and for the consultation period to commence.

The fee is an 'application' fee for the processing of the application. The fee will not be refunded if the application is withdrawn, refused or if a licence is surrendered or revoked before expiration.

The Application form can be found in **Appendix A**

3.2 Existing Applications

If an applicant has already applied for permission to place furniture on the highway under the London Local Authorities Act 1990 requirements and your application has not been determined you may proceed with that application. However, you may opt to make a fresh application for a pavement licence under the new process. In those circumstances the pending application will be deemed to have been withdrawn. If the fee for the pending application was paid the authority will not charge a fee for the new application for a pavement licence.

4. Consultation

Applications are consulted upon for 7 days, starting with the day after the day on which a valid application was made to the council.

The council will publish details of the application on its website at

<https://www.brent.gov.uk/business/licences/licensing-registers/>

The council is required by law to consult with the Highways Authority. In addition, to ensure that there are no detrimental effects from the application the council will consult with:

- Relevant departments with the London Borough of Brent

- London Fire Brigade
- Metropolitan Licensing Police

Members of the public and others not listed above can contact the council to make representations.

The applicant is required to affix a notice to the premises, so it is easily visible and legible to the public on the day they submit the application to the local authority. They must ensure the notice remains in place for the public consultation period which is 7 days beginning with the day after the day the application is submitted to the authority. Applicants are encouraged to keep evidence of this.

4.1 Consultation 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 and can be read easily by, members of the public who are not on the premises. The notice must be constructed and secured so that it remains in place until the end of the public consultation period. Evidence of compliance with the site notice requirement must be supplied to the council.

The notice must:

- be in the form as set out in **Appendix B**;
- state that the application has been made and the date on which it was made;
- indicate that representations relating to the application may be made to that local authority during the public consultation period and when that period comes to an end; and
- contain such other information or material as that local authority may require.

The applicant is encouraged to talk to neighbouring businesses and occupiers prior to applying to the local authority, and so take any issues around noise, and nuisance into consideration as part of the proposal.

4.2 Consultation Assessment

The following matters will be taken into account by the council in considering the suitability of the proposed application:

- public health and safety – for example, ensuring that users conform with latest guidance on social distancing and any reasonable crowd management measures needed as a result of a licence being granted and businesses reopening;
- public amenity – will the proposed use create nuisance to neighbouring occupiers by generating anti-social behaviour, excessive noise and litter; and
- accessibility – taking a proportionate approach to considering the nature of the site in relation to which the application for a licence is made, 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 of access and egress to the premises
 - the impact on any neighbouring premises
 - 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](#), and
 - other users of the space, for example if there are high levels of pedestrian or cycle movements.

5. Determination of Applications

Once the application is submitted the council has 14 days from the day after the application is made (excluding public holidays) to consult on and determine the application. This consists of 7 days for public consultation, and then 7 days to consider and determine the application after the consultation period has ended.

If the local authority 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,
- impose conditions on any licence granted, or
- refuse the application.

If the local authority does not determine the application within the 14 day period, the application will be deemed to have been granted subject to any published local or national conditions.

5.1 Approval of Applications

The council may approve applications meeting the criteria contained within these guidelines.

On approving the application, the council will issue a Pavement Licence to which conditions will be attached. The licence will also contain specific terms such as days and hours when tables and chairs are permitted and appearance and location of the furniture corresponding to the application.

A copy of the council's standard conditions, which will be attached to all Pavement Licences are shown at **Appendix C**. Additional conditions may be attached if the council considers it appropriate in the circumstances of any particular case.

The council generally will only permit Pavement licences between 9:00am and 10:00pm.

Applications outside these hours will be assessed in terms of the criteria detailed above. The Council however retains the right to specify permitted hours of trading that are less than those specified above in appropriate circumstances.

5.1.1 Licence Duration

If the council determines an application before the end of the determination period (which is 7 days, beginning with the first day after the end of the public consultation period, excluding public holidays) the duration of the licence will be 1 year. 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 a year.

A licence granted or deemed to be granted will not be valid beyond 30 September 2021.

5.1.2 Refusal of Applications

If the site is deemed unsuitable for a Pavement licence, or if relevant representations are made which cannot be mitigated by imposing conditions, then the application may be refused.

There is no statutory appeal process against a decision to refuse an application. However, this authority will internally review any written representations against a refusal to grant a pavement licence. Any representation made will be determined by a suitable level of management. All written representations must be made within 7 days of refusal.

5.2 Licence Conditions

The council's standard conditions are set out at **Appendix C**. In some cases, extra measures may be required. This will be determined when assessing any application, on a case by case basis. This may also mean that some of the council's standard conditions could be removed or changed.

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 to the extent that it is inconsistent with it.

All Pavement licences issued will contain a no smoking condition.

6. Enforcement

If a condition imposed on a licence, either by the local authority or nationally, is breached the local authority will be able to issue a notice requiring the breach to be remedied and the authority can take action to cover any costs.

The authority may revoke a licence in the following circumstances:

1. For breach of condition, (whether or not a remediation notice has been issued) or
2. Where:
 - There are risks to public health or safety – for example by encouraging users to breach government guidance on social distancing by placing tables and chairs too close together;
 - the highway is being obstructed (other than by anything permitted by the licence);
 - there is anti-social behaviour or public nuisance – for example, the use is increasing the amount of noise generated late at night and litter is not being cleaned up;
 - it comes to light that the applicant provided false or misleading statements in their application – for example they are operating a stall selling hot food and had applied for tables and chairs on which drinks could be consumed; or
 - the applicant did not comply with the requirement to affix the notice to notify the public for the relevant period.
3. The local authority may also revoke the licence 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. For example, the licensed area (or road adjacent) is no longer to be pedestrianised. The Local Authority will seek to set out the reasons when such a decision is made.

It is down to the licence holder to ensure that no condition is breached or any aspect that could lead to revocation under point 2 is met. Failure to do so will lead to revocation and no appeal. Future application for a pavement licence is likely to be refused based on this failure and therefore failure to meet the requirements of licence conditions.

7. Review Procedures

This Policy covers the Temporary Permissions for Pavement Licences under the Business and Planning Act 2020, which are scheduled to expire on 30 September 2021.

This Policy will be reviewed as required should changes occur in relevant legislation, the nature of Pavement licences generally, relevant social distancing measures or as a result of local considerations within the London Borough of Brent.

APPENDIX A - Application Form



APPLICATION FOR THE GRANT OF A PAVEMENT LICENCE BUSINESS AND PLANNING ACT 2020

Please complete all sections of this form in BLACK ink and return it (with all necessary enclosures) to:
business.licence@brent.gov.uk

• APPLICANT DETAILS		
Title:	First name(s):	Surname:
Postal Address:		
Post Town:	Post Code:	
Phone (Home):	Phone (Mobile):	
e-mail address:		
Date of Birth:	NI number:	

• BUSINESS PREMISES DETAILS		
Trading Name:		
Postal Address:		
Are you:	Yes	No
The Owner of the Premises		
The Occupier of the Premises (Proof of right to occupy the premises, such as a lease, must be submitted)		

• **AREA OF HIGHWAY PROPOSED TO BE USED**

Please provide a description of the area of the highway to which this application relates:
(Please note you are required to submit a scale plan of this area with your application)

• **RELEVANT PURPOSE THE APPLICATION RELATES TO:**

Which of the following relevant purposes do you wish to put furniture on the highway for?
(please tick one of the following options)

To sell or serve food or drink supplied from, or in connection with relevant use of, the premises	
---	--

For the purpose of consuming food or drink supplied from, or in connection with relevant use of, the premises	
---	--

Both of the above purposes	
----------------------------	--

• **DAYS AND TIMES**

During what times do you propose to place furniture on the highway on each of the following days:
Please use the 24hr clock.

Mondays	to	Fridays	to
Tuesdays	to	Saturdays	to
Wednesdays	to	Sundays	to
Thursdays	to		

• **FURNITURE TO BE PLACED ON THE HIGHWAY**

Please provide a description of the furniture you propose to place on the highway
(Please note you are required to provide photographs or brochures of the proposed furniture with your application)

• **TYPE BEING APPLIED FOR (GIVE NUMBERS)**

How many tables / counters / shelves are you applying for?	
How many chairs / benches are you applying for?	
How many picnic table style furniture are you applying for?	
How many umbrellas are you applying for?	
How many heaters are you applying for?	
How many barriers are you applying for?	

• **ENCLOSURES & DISCLOSURE (please tick)**

A completed and signed application form	
Proof of right to occupy the premises, such as a lease, where relevant	
Information / photographs / brochures of proposed furniture	
Where the proposed activity will take place at a fixed position, a map to show all streets in the proximity of the proposed site within at least a radius of 500m of the proposed site should be submitted clearly identifying the proposed location by marking the site boundary with a red line with measurements.	
A copy of a valid certificate of insurance covering third party and public liability risks (no less £5million)	
The application fee of £100 – if paying buy card please specify	
A plan showing: <ul style="list-style-type: none"> i. The extent of the perimeter of the premises to which the proposed trading area will be sited. This should include the location of any entry / exit points to/from the premises ii. The extent of the trading area, clearly defined and showing the measurements in metres iii. The location of the proposed furniture and the distance from the edge of the furniture to the edge of the pavement excluding any fixed street furniture in metres iv. Plans must be to a scale of either 1:100 or 1:50 	

• DATE OF APPLICATION	
Please state the date that this application for a Pavement Licence is being submitted	

• DECLARATIONS BY APPLICANT
<p>I understand that I am required to give notice of my application in accordance with the requirements of the Business and Planning Act 2020 and that failing to do so will lead to the revocation of any licence granted.</p> <p>I understand I must hold and maintain public liability insurance up to a value of £5million.</p> <p>I understand my application will not be considered to be complete until all the required documents and information have been provided and the application fee of £100 has been paid.</p> <p>I understand that the application fee paid is non-refundable if my application is refused or if any licence granted is subsequently surrendered or revoked.</p> <p>I declare that the information given above is true to the best of my knowledge and that I have not wilfully omitted any necessary material. I understand that if there are any wilful omissions, or incorrect statements made, my application may be refused without further consideration or, if a licence has been issued, it may be liable to revocation.</p>
You must complete and display a public notice for a period of 7 days
Signature:
Print Name:
Date:

Data Protection: The London Borough of Brent will use this information for the purposes of The Business and Planning Act 2020 and related purposes. Any member of the public may examine the application form on request. Further information can be found at www.brent.gov.uk/privacy

You are providing your information to Brent Council, contact details business.licence@brent.gov.uk. The council's Data Protection Officer can be contacted via dpo@brent.gov.uk, or 020 8937 1402.

Your information is collected for the purpose of processing your licence application as required to fulfil the council's duties under the following legislation, statutory or contractual requirement or obligation.

Legislation

Business and Planning Act 2020

Context

For the processing of licensing applications and the prevention of fraud

The information may be shared with the Metropolitan Police, London Fire Brigade and teams within Brent Council, as consultees, the Home Office to ascertain the right to work and HM Revenue and Customs, at their request, to identify potential fraud. The information shall be retained until the licence is surrendered and shall be processed in adherence to your legal rights, including but not limited to the right to withdraw consent, right to copies of your information and right to be forgotten. You have a right to lodge a complaint with the Information Commissioner's Office (www.ico.org.uk)

NOTES (see full policy for all details, conditions and requirements)

Designated Trading Area

The designated trading area is the highway immediately outside the premises involved and will be as the plan, which has been agreed by the Council. All furniture under the terms of the licence shall be kept within the area. Any items outside of this area would not be covered by the licence and subject to enforcement for not being licenced.

Footway / Access

At all times, a minimum clear footways of 2 metres must be aimed for. You must take into consideration of the inclusive mobility guidance issued by Government, especially Section 3, that can be found at <https://www.gov.uk/government/publications/inclusive-mobility/inclusive-mobility>

Unforeseen Circumstances

The licensee must remove all furniture upon direction of a Council Officer, Police Officer or Public Utilities Company when circumstances make this necessary.

Change of Licence Details

If the address or particulars of the licensee permanently changes, this must be notified to the Council in writing at once.

Access to Premise

The access through the trading area to the permanent premise shall be no less than the full width of the usable width of the entrance to the premises.

Obstruction to Street Furniture and Apparatus

There shall be no obstruction to sight lines, fire hydrants, manholes or other street furniture, etc. by goods or equipment within the trading area. The Public Utilities Companies, without compensation or refund, will be provided with access for inspection, repair etc.

Cleansing of the Trading Area

The licensee is responsible for keeping the trading area clean during and at the end of trade. All items associated with the trading area must be removed from the highway to the trader's premises or storage area within one hour from the end of trading.

Items affixed to the highway or dangerous protrusions

No items may be affixed by any means to the surface of the highway within or adjacent to the trading area. No dangerous protrusions will be permitted within the trading area, either from the display or the shop premises.

Display of the Licence and Other Documents

The Licence and Third Party Liability Insurance Cover must be displayed in a position which is clearly visible to any person any time the licence is in force, and must be protected from the elements.

Applications

Once a valid application is received, a 7 day consultation period will begin.

The Council will maintain a register of applications on its website

Making a Decision

The Council may determine all applications for a pavement licence under delegated power.. In cases of refusal, the applicant can make written representations within 7 days of refusal being made and being informed of the representation process. Any representation made will be determined by a suitable level of management. This must be in writing, clearly stating the grounds as to why you disagree with the Council's decision to refuse a licence. It should be addressed to Head of Regulatory Services, Brent Council, Brent Civic Centre, Engineers Way, Wembley Middlesex HA9 0FJ or sent to business.licence@brent.gov.uk

APPENDIX B - Public Notice

A copy of the public notice is found on the next page. All sections need to be completed, and displayed within 24 hours of submitting the application to the Council. Failure to display, display for the correct period or not complete correctly will result in the licence being rejected / revoked

NOTICE OF APPLICATION FOR A PAVEMENT LICENCE

BUSINESS AND PLANNING ACT 2020, PART 1, SECTION 1

DATE: _____

Notice is hereby given that

I/We (1), _____

have applied for a Pavement Licence under Part 1 of the Business and Planning Act 2020 on
Date (2) _____ to the London Borough of Brent for the premise at: (3)

The premise is known as: (4) _____

The application is for: (5) _____

Anyone wishing to oppose the application must give notice in writing to:

**REGULATORY SERVICES, BRENT CIVIC CENTRE, ENGINEERS WAY, WEMBLEY, HA9 0FJ or by
visiting the authority's website: www.brent.gov.uk/business/licences/licensing-registers
WITHIN 7 DAYS OF THE DATE OF THIS NOTICE specifying the grounds of opposition. Email:
business.licence@brent.gov.uk
TEL: (020) 8937 5359**

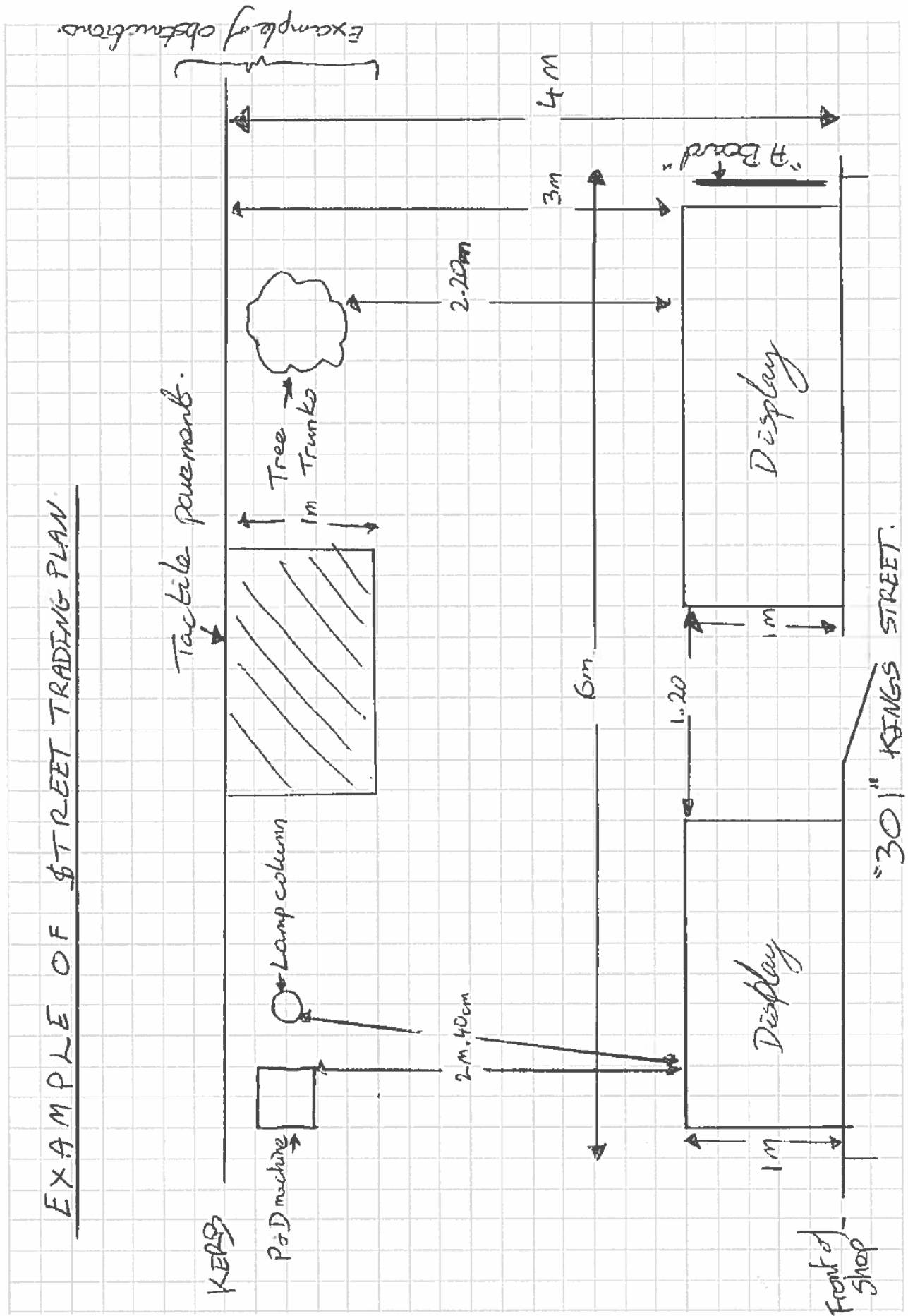
Signed: _____

Dated: (6) _____

GUIDANCE NOTES

- (1) name of applicant*
- (2) date the application is made (ie 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) date the notice was placed (must be the same date as (2)*

APPENDIX C - Example Plan



APPENDIX C - Conditions applicable to all Pavement Licences

Note, other conditions may be added at the discretion of the Local Authority on an individual licence basis if it is felt necessary to fulfil the purpose of meeting the requirements of the licence. Additionally, conditions may be varied.

National Conditions

1. Clear Route 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](#).

2. No Obstruction Clause

In line with Clause 3(6) of the Business and Planning Act 2020, Nothing must be done by the licence-holder to:

- 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.

3. Smoke Free Seating

The Act does permit businesses to allow smoking in certain circumstances in areas subject to this licence enabling both smokers and non-smokers are able to sit outside. However, Brent Council has exercised its discretion to override this consent, following representations made by Action on Smoking & Health (ASH) and that public health data states that only 10% of the adult population in Brent smoke. In view of this, the council intends to apply a local condition to all licences, which requires the licence holder to ensure that smoking is not permitted in any licenced area.

Local Conditions

Duration and Times of Licences

1. The licence holder shall only trade on the days and times stated on the licence.
2. On designated Wembley Stadium event days including all football matches, the outside seated area will not be used. This condition only applies to those businesses within the vicinity of Wembley Stadium.

3. The licence holder shall ensure that a copy of the licence is clearly visible to the public and made available upon request to an authorised officer of the council or the police.

Use of Land

4. The licence holder shall only use furniture stated on the licence.
5. The licence holder shall not carry on business from any vehicle or erect or place any stall or other structure in any street except in the area mentioned in the licence.
6. The licence holder shall make no fixtures to or excavations of any kind in the surface of the highway, which shall be left entirely undisturbed.
7. The licence does not permit the playing of music, singing or performance of entertainments, or the use of an external public address system or speakers, on the highway, including within the licensed area. The licensee is to ensure that any noise disturbance to the neighbourhood, including noise from patrons, is kept to a minimum and does not cause offence.
8. Licences are not transferable and the subletting of any licence is prohibited. The Licensee shall be responsible for any rates, taxes and other outgoings, which may be charged.

Health & Safety

9. Any furniture or equipment must not overhang the designated tables and chairs areas, and be stable enough (e.g. weighted down) to withstand wind or accidental contact. No advertising should be on them apart from that related directly to the name of the company / premise, and this must be pre-approved as part of the application.
10. If heaters are proposed the heaters must meet BS Standards BS EN 60529:1992 (electric heaters) and BS EN 14543:2005 (gas heaters). Any non-furniture item ((e.g. menu boards, heaters etc.) must be approved as part of the enclosed permitted area, and any that cause unacceptable clutter or intrusion of sight lines will need to be removed if deemed to be causing an issue or hazard.
11. At all times, a minimum clear footways of 2 metres must be aimed for. You must take into consideration of the inclusive mobility guidance issued by Government, especially Section 3, that can be found at <https://www.gov.uk/government/publications/inclusive-mobility/inclusive-mobility>
12. An unimpeded pedestrian route must be maintained at all times for people wishing to use the footway as per the National Licence Conditions.
13. During the hours of darkness suitable and sufficient lighting must be provided to ensure safe use of the area. Any proposals to provide additional lighting to the licensed areas must be agreed with the Highway Authority.
14. The operation of the area must not interfere with highway drainage arrangements.
15. The licence holder shall ensure that at all times applicable to the licence, smoking, vaping or the consumption of shisha, should not take place and must not be permitted anywhere within the licenced area.

Food & Drink

16. Only food or drink sold in the relevant premises can be served, and the area so permitted is to be used solely for the purpose of consuming refreshments.
17. No alcohol shall be consumed on the highway unless a licence has been issued by the Local Authority Licensing Team (Existing premises will have this exemption under the Business and Planning Act 2020, but no premise without an existing alcohol licence is permitted to sell alcohol or conduct a licensable activity except the provision of furniture under a pavement licence).

Cleanliness and Hygiene

18. Waste from the licence holders operations must not be disposed of in the permanent litter bins provided by the Council. Any commercial premise must have a trade waste agreement in place and waste receptacles kept within the boundaries of the premises apart from on the day of collection.
19. The licence holder shall be responsible for the temporary storage of refuse, liquid and other material accumulated or created whilst trading and its subsequent removal from the site. The removal and disposal must be to the satisfaction of the council.
20. The licence holder shall ensure that sufficient sanitary accommodation is available for any customer using any chairs or seating provided by the business.
21. Any furniture used in the licensed area must be of sufficient high quality and appearance as not to be detrimental to the area. Any furniture or associated item must be in a good state of cleanliness and repair at all times, and uniform in appearance for the premise.
22. The licensee will be responsible for the cleansing of the trading area to ensure the area is clean and tidy at all times. Any food debris, packaging, wrapping or similar material must be removed at once from the trading area and placed in a suitable bin. If a licensee damages or fails to cleanse the highway or remove refuse from within the trading area, the Council will take remedial action and the cost charged to the licensee.

Conduct

23. The licence holder shall on all occasions, when carrying on business, be strictly, sober and conduct him/herself in a proper, civil and courteous manner, and he/she shall not carry on his/her business in a such way as to cause annoyance to the occupier or person in charge of any shop, business, or any person using the street.
24. The licence holder must comply with any reasonable request of an authorised officer of the Council or a police officer, providing such request does not require excessive additional expenditure.
25. The Council reserves the right to alter or amend these conditions at any time.

Indemnities & Insurance

26. The Licensee shall indemnify the Council against all actions, proceedings, claims, demands and liability which may at any time be taken, made or incurred in consequence of the use of the chairs and tables and other objects and for this purpose must take out at the Licensee's expense a policy of insurance

approved by the Council in the sum of at least £5,000,000 in respect of any one event and produce to the Council on request the current receipts for premium payments and confirmation of the annual renewals of the policy. A valid Third Party Public liability Insurance certificate shall be held by the licence holder at all times to the satisfaction of the Council.

27. If, during the life of a licence any change occur in the facts of that were supplied with the original application the holder of the licence shall report such changes to the Council within 72 hours of that change.
28. The licence holder shall make no claim or charge against the Council in the event of any item being displayed or used being lost, stolen or damaged in any way from whatever cause.

Termination

29. Brent Council reserves the right to revoke this licence at any time if any of the above conditions are not fulfilled and maintained.