



Pavement Licence Local Guidance

1 September 2024

Introduction

This guidance sets out the framework for the management of pavement licences in the Borough of Brentwood.

The purpose of this guidance is twofold:

- (i) to provide a fair and transparent decision-making framework and process for the determination of applications for pavement licences; and
- (ii) to support the pavement licence environment which is sensitive to the needs of businesses and the public (including local residents) provides diversity and consumer choice, and enhances the character, ambience and safety of local environments.

The Council recognises the valuable contribution that pavement licences can make to the local culture and economy. This guidance intends to promote a flexible approach, within the legal framework, in relation to applicants seeking to operate a pavement licence whilst endeavouring to ensure that the activities do not cause nuisance or annoyance to the people in the area. The scheme and its associated conditions aim to ensure local businesses, local communities and visitors are not adversely affected by pavement licences. The scheme aims to prevent the obstruction of the streets and minimise the risk to public or harm to the environment caused by pavement licences. Uncontrolled and inconsiderately sited tables, chairs, barriers or other furniture on the highway can be unsightly, cause nuisance, be an obstruction and can create an obstacle or danger to people with impaired vision or mobility difficulties.

This guidance ensures the use of outside space is supported, but in a way that does not create a negative impact on the local area. This includes consideration of locality issues, for example the potential impact on any local conservation areas.

The Council's decisions will have regard to the views of our consults: the previous history of the business concerned particularly in relation to noise or Licensing related issues (including any relevant conditions already in place in relation to a premises licence), and the potential impacts on residents, other businesses and users of the local vicinity arising from any proposals. We will have regard to the relevant government guidance in terms of when to issue a licence and when to withhold or revoke it to ensure that the balance of interest for the applicant business, other nearby businesses, other visitors, and resident amenity continues to be maintained.

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1. Definition of a Pavement Licence

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

Any licence applications for activities licensable under pavement licensing legislation in the Business and Planning Act 2020 will be granted under the Business and Planning Act 2020 (as amended by section 229 of and schedule 22 to the Levelling Up and Regeneration Act). They will not be granted under the Highways Act 1980.

Applicants will still need to apply for permission to carry out activities not licensable under the Pavement Licensing regime, under the Highways Act 1980. Example of such activities include the placement of furniture that is not removeable, such as bolted to the ground or cannot be reasonably removed, or placement of furniture other than tables, chairs, or stools on the highway.

2. Eligible Businesses

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 including where such uses form an ancillary aspect of another use, for example supermarkets, or entertainment venues which sell food and drink.

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.

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

3. Type of Furniture Permitted

The furniture which may be placed on the pavement include:

- 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 and related to the serving, sale and consumption of food or drink. We will take a pragmatic approach when determining what is 'removable' but in principle this means it is not a permanent fixed structure, and is able to be moved easily, and stored away at night.

4. Type of Furniture Not Permitted

Furniture that is not removable and used in connection with the outdoor selling or consumption of food or drink are not permitted by a pavement licence.

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.

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

5. Planning Permission

Once a 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.

6. Other Regimes

It's important to note the grant of a pavement licence only permits the placing of furniture on the highway. Other regulatory frameworks still apply such as the need for alcohol licences and the need to comply with registration requirements for food businesses.

7. Barriers

When tables and chairs are in place a barrier system should be considered. The function of the barriers is to demarcate and contain the tables and chairs but also to

give a clear warning particularly to people with visual impairments. Further guidance can be found under the Inclusion and Diversity section of this guidance.

The barriers shall be secured by design and weighted to prevent being knocked or blown over. Barriers should be of a design to complement the character of the surrounding area.

Where planters are proposed as barriers, they must be capable of being removed at the close of business each day.

8. Times of Operation

The tables and chairs can be placed on the highway only when the premises are open for business and in any event not before 7.00 am and normally until the close of business.

Where nuisance is likely to be caused to residents e.g. late at night, businesses may be required to remove the tables and chairs before the close of business.

9. Inclusion and Diversity

The no-obstruction condition is a condition that the licence must not have the effects set out in section 3(6) of the 2020 Act. When determining whether furniture constitutes an unacceptable obstruction in light of the no-obstruction condition, the provisions require that local authorities consider the needs of disabled people. In order to do this, authorities should consider the following matters when setting conditions, determining applications (in the absence of local conditions), and when considering whether enforcement action is required:

- Section 3.2 of [Inclusive Mobility](https://www.gov.uk/government/publications/inclusive-mobility-making-transport-accessible-for-passengers-and-pedestrians) <https://www.gov.uk/government/publications/inclusive-mobility-making-transport-accessible-for-passengers-and-pedestrians> - gives advice on the needs of particular pavement users sets out a range of recommended widths which would be required, depending on the needs of particular pavement users. Section 4.2 of Inclusive Mobility sets out that footways and footpaths should be as wide as practicable, but **under normal circumstances a width of 2000mm is the minimum that should be provided**, as this allows enough space for two wheelchair users to pass, even if they are using larger electric mobility scooters. Local authorities should take a proportionate approach if this is not feasible due to physical constraints. A minimum width of 1500mm could be regarded as the minimum acceptable distance between two obstacles under most circumstances, as this should enable a wheelchair user and a walker to pass each other.

- any need for a barrier to separate furniture from the rest of the footway so that the visually impaired can navigate around the furniture, such as colour contrast and a tap rail for long cane users. In some cases, it may be appropriate to use one or more rigid, removable objects to demarcate the area to which the licence applies, for example wooden tubs of flowers. However, as these are not necessary for the consumption of food, this will need to be balanced to ensure any barriers do not inhibit other street users, such as the mobility impaired, as such barriers may create a further obstacle in the highway. Advertising boards are not included in the definition of furniture within the pavement licensing regime, therefore, should not be used as a barrier;
- any conflict of street furniture with the principal lines of pedestrian movement particularly for disabled people, older people and those with mobility needs. The positioning of furniture should not discourage pedestrians from using the footway or force pedestrians into the highway. The available route must be entirely clear for pedestrians to use and not be impeded with tables and chairs;
- the cumulative impact of multiple pavement licences in close proximity to each other and if there is specific evidence that this may create a build-up furniture in a particular area and potentially cause obstruction on the footway for certain pavement users, such as disabled people;
- so that where possible furniture is non-reflective and of reasonable substance such that it cannot easily be pushed or blown over by the wind, and thereby cause obstruction – for example, the local authority could refuse the use of plastic patio furniture, unless measures have been taken to ensure it is kept in place.

10. Other Permissions

For any facilities falling outside the pavement licensing scheme, such as permission for non-removable furniture, an application must be made under the Highways Act 1980. Applications for these permissions must be made using our online application form which can be found here <https://www.brentwood.gov.uk/pavement-licence>.

Brentwood Council does not currently consider applications for Advertising Boards.

11. Application for a Pavement Licence

An application for Pavement Licence must be made to the Council using the online form which can be found here <https://www.brentwood.gov.uk/pavement-licence>

The following will be required to be submitted with the application:

- A completed Application Form.
- The required fee, paid by credit or with debit card or on-line.
- A plan showing the location of the premises shown by a red line, so the application site can be clearly identified.
- A plan clearly showing the location of the current boundary of the premises and 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, together with any other items that the applicant wishes 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.
- The proposed days of the week on which, and the times of day between which, it is proposed to put furniture on the highway.
- Photos or brochures showing the proposed type of furniture and information on potential siting of it within the area applied.
- 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.

12. Fees

Details of the current fees payable can be found online at <https://www.brentwood.gov.uk/licensing-fees-and-charges>

13. Consultation

Once the application is submitted to the Brentwood Borough Council Licensing, the authority has 28 days from the day after the application is made (excluding public holidays) to consult on and determine the application.

This consists of 14 calendar days for public consultation, and then 14 calendar days to consider and determine the application after the consultation. If the local authority does not determine the application within the 14-day determination period, the application will be deemed to have been granted subject to any local conditions published by the local authority before the application was submitted.

The Council will publish details of the application on its website at <https://www.brentwood.gov.uk/applications-under-consultation>

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

- Essex County Council Highways.
- Brentwood Borough Council Environmental Health Service (including the Noise and Food and Safety Teams)
- Brentwood Borough Council Planning
- Essex Fire & Rescue Service
- Essex Police Community Safety Team
- Essex Police Licensing Team

Members of the public and others listed above can contact the Council to make representations. Members of the public will be made aware of the application by way of the site notice.

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

14. Site Notice

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 duration of the public consultation period which is the period of 14 days beginning with the day after the day the application is submitted to the authority. When counting 'days' public holidays are not included. Applicants are encouraged to keep evidence of this.

Applicants are encouraged to engage with any services operated in the vicinity for vulnerable customers, for example, care home or disability organisations nearby where individuals may be at particular risk.

The Site Notice must:

- State that the application has been made and the date on which it was made.
- State the statutory provisions under which the application is made.
- State the address of the premises and name of the business.

- Describe the proposed use of the furniture.
- Indicate that representations relating to the application may be made to the Council during the public consultation period and when that period comes to an end.
- State the Council's website where the applications and any accompanying material can be viewed during the consultation period.
- State the address to which representations should be sent during the consultation period; and
- The end date of the consultation. A template Site Notice is shown as Appendix 1.

15. Determining Applications

Brentwood Borough Council will consider the following when determining an application:

- public health and safety including security – for example, any reasonable crowd management measures needed as a result of a licence being granted;
- public amenity – will the proposed use create nuisance to neighbouring occupiers by generating anti-social behaviour, and litter;
- accessibility – taking a proportionate approach to considering the nature of the site in relation to which the application for a licence is made, its surroundings, and its users, taking account of:
- considerations under the no-obstruction condition including the cumulative impact of multiple pavement licences in close proximity, in particular 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 fixed structures in place on the footway that already reduce access; and
- other users of the space, for example if there are high levels of pedestrian or cycle movements.
- 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 publication www.gov.uk/government/publications/inclusive-mobility

16. Public Health and Safety Including Security

When considering public health and safety, local authorities should seek to ensure a balanced consideration for security implications, particularly the risk to groups of people from interaction with hostile vehicles, and the creation of large crowds in new public spaces. The impact of several pavement licences in an area may result in larger, distributed, or dense crowds of people. Local authorities should factor this into the security planning process and ensure the overall security arrangements for an area are adapted as appropriate <https://www.protectuk.police.uk/> Examples of appropriate measures could include increased CCTV surveillance, manned guarding, vehicle security barriers and ACT (Action Counters Terrorism) training for businesses. Find more information about [ACT Awareness Products](https://www.protectuk.police.uk/catalogue) <https://www.protectuk.police.uk/catalogue>.

Additional [guidance is available for managing the most common security implications](https://www.protectuk.police.uk/advice-and-guidance/risk/pavement-licences-how-can-local-authorities-consider-security) <https://www.protectuk.police.uk/advice-and-guidance/risk/pavement-licences-how-can-local-authorities-consider-security> and how to protect crowds and [queues of people](https://www.protectuk.police.uk/advice-and-guidance/risk/pavement-licences-how-can-local-authorities-consider-security). <https://www.protectuk.police.uk/advice-and-guidance/risk/pavement-licences-how-can-local-authorities-consider-security> This includes information on suggested Counter Terrorism licence considerations, which local authorities are encouraged to consider when determining pavement licence applications.

Once the application is submitted the Council has 28 days from the day after the application is made (excluding public holidays) to consult on and determine the application. This consists of 14 days for public consultation, and then a further 14 days to consider and determine the application after the consultation.

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, and impose conditions, or
- refuse the application.

If the local authority does not determine the application within the 28-day period, the application will be deemed to have been granted. Tacit consent therefore applies.

17. 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 2. Our standard conditions also include any National Conditions set out by relevant legislation.

Additional conditions may be attached if the Council considers it appropriate in the circumstances of any particular case. This will be determined when assessing any application, on a case-by-case basis.

18. Duration of Licences

Pavement licences will be granted for a 2-year period. The Council will however exercise its discretion to grant a licence for a shorter period if deemed appropriate.

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 two years starting with the first day after the determination period. However, if, when implemented, a licence that has been deemed granted does not meet the conditions set out in the legislation or any local conditions, it can be revoked at any time on the grounds that it has breached the conditions.

19. Refusal of Applications

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

20. Appeals

Whilst there is no statutory appeal process against a decision to refuse an application, in the interest of fairness and transparency Brentwood Borough Council will have an internal appeal process.

An appeal against the initial decision to refuse in whole or part of application must be made in writing within 14 days of the decision letter. Appeal will be heard by the next available Licensing Sub Committee.

There will be no further internal appeal following the decision of the Licensing Sub Committee.

21. Enforcement

If a condition imposed on a licence is breached, Brentwood Borough Council will issue a notice requiring the breach to be remedied. If the licence-holder fails to remedy the breach, Brentwood Council may amend the licence, with the consent of the licence-holder, revoke the licence or itself take steps to remedy the breach and may take action to recover any costs of so doing.

Brentwood Borough Council may revoke a licence, or amend it with the consent of the licence holder, in the following circumstances:

1. If it considers that the highway is no longer suitable for the use as granted by or deemed to be granted by the licence. For example, the licenced area (or road adjacent) is no longer to be pedestrianised.
2. Or if there is evidence that:
 - there are risks to public health or safety – for example where it comes to light that there are significant security risks which have not been sufficiently considered, or addressed in a proportionate fashion (this should be reassessed as necessary, particularly in the event of changes to the terrorism threat level);
 - this use of the highway is causing an unacceptable obstruction, breaching the no-obstruction condition – for example, the arrangement of street furniture prevents disabled people, older people or wheelchair users to pass along the highway or have normal access to the premises alongside the highway; or
 - the use is causing, or risks causing, 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.

The local authority may revoke a licence in the following circumstances:

1. For a breach of condition, (whether a remediation notice has been issued or not) or
2. 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
3. The applicant did not comply with the requirement to affix the notice to notify the public of the application or secure that the notice remains in place until the end of the public consultation period.

22. Furniture Removal

In cases where furniture which would normally be permitted by a pavement or other licence has been placed on a relevant highway without the required licence Brentwood Borough Council may 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.

If furniture continues to be placed on the highway, in violation of the notice Brentwood Borough 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.

If within 3 months of the notice, the costs are not paid, the Brentwood Borough Council may dispose of the furniture by sale or other means and retain the proceeds.

23. Guidance Change Log

Date	Change Log	Version No.
1 September	Publish Date	1 – Sep 24

Public Notice of Application
Pavement Licence.
Section 2 Business and Planning Act 2020.

I/We (1),
give notice that on (2) [I/we]-applied to (3) for a ‘Pavement
Licence’ at: (4)

known as (5)

The application is for: (6)

Any person wishing to make representations regarding this
application may do so by email
to: licensing@brentwood.gov.uk

by: (7)

The application and information submitted is published
<https://www.brentwood.gov.uk/applications-under-consultation>

Signed

Dated (8)

Guidance notes:

Substitute the numbers with the following information:

- (1) name of applicant*
- (2) date the application is made (i.e. submitted)*
- (3) name of local authority*
- (4) postal address of premises*
- (5) name premises is known by*
- (6) brief description of application (e.g. outdoor seating to the front of the premises for serving of food and drink)].*
- (7) last date for representations being the date 14 days after the date the application is submitted to the local authority (excluding public holidays)*
- (8) date the notice was first displayed (must be the same date as (2))*

Appendix 2

Standard Pavement Licence Conditions

1. Permission to operate a pavement licence does not imply an exclusive right to the area of public highway. The licence holder must be aware that Brentwood Borough Council and others (e.g. police, highways authority, statutory undertakers or telecommunications code operators) will need access at various times (including emergencies) for maintenance, installation, special events, improvements etc or any other reasonable cause. This may mean that the pavement licence will need to cease operating and/or be removed for a period of time. On these occasions there will be no claim against Brentwood Council or Essex County Council for any loss of revenue.
2. Brentwood Borough Council requires evidence that the licence holder has Public Liability Insurance for the operation of and throughout the duration of the pavement licence. This must indemnify Brentwood Borough Council and Essex County Council against all actions, proceedings, claims, demands and liability which may at any time be taken made or incurred arising out of the grant of this permission and for this purpose must take out at the licensee's expense a policy of public liability insurance to the sum of at least £5 million in respect of any one event.
3. Tables and chairs must not be placed in position outside of permitted days and times. When the licence is not in use, all tables and chairs and other furniture must be stored securely inside a premises away from the highway.
4. Brentwood Borough Council and/or Essex County Council are empowered to remove and store or dispose of furniture from the highway, at the cost of the licensee, if it is left there outside the permitted hours, or should any conditions of the licence be ignored. The Council will not be responsible for its safekeeping.
5. The licence holder is not to make or cause to be made any claim or charge against Brentwood Borough Council or Essex County Council in the event of any furniture or other objects being lost, stolen or damaged in any way from whatever cause.
6. An unimpeded pedestrian route must be maintained at all times for people wishing to use the footway as per the National Licence Conditions. The licensee shall not place furniture on the highway outside the permitted area of use.
7. Despite this consent, the authorised area shall always remain part of the public highway and users of the highway are still entitled to exercise their right of passage over them.

8. The Licensee is responsible for ensuring that no statutory undertakers apparatus is affected by the exercise of this consent.
9. A safe pathway for pedestrians must be maintained at all times. Under normal circumstances a width of 2000mm is the minimum that should be provided, if this was not feasible due to physical constraints when the application was granted. A minimum width of 1500mm as the minimum that should be provided.
10. Emergency routes to the premises and adjacent buildings must not be obstructed by the Pavement Licence (Pavement Permit), which should not, in normal circumstances, extend beyond the width of the premises frontage. Neither the barriers, or tables and chairs must obstruct entrances into or out of the establishment.
11. Tables and chairs should be of an approved type and should be kept in a good state of repair. Furniture should be placed so as not to obstruct driver sightlines, or road traffic signs. Placement of tables and chairs must allow pedestrians to use the footway parallel to the frontage of the premises. Care should be taken in the use of hanging baskets, awnings, protruding umbrellas etc. Alternative items may not be used without first seeking the written authority of the Council.
12. All potential obstructions must be removed from the public highway when the premises are closed to prevent a safety hazard to pedestrians, particularly during the hours of darkness. No furniture is to be placed or kept on the permitted area when the premises is not open or trading, nor placed on the highway other than in the layout shown on the approved plan.
13. The licensee should ensure that the area operates in a safe and orderly manner, thereby ensuring that any safety risk or nuisance to customers, other users of the public highway or any adjacent land or premises, is minimised. The authorised area shall be supervised by competent staff or the Licensee at all times during the exercise of this consent who shall take all reasonable steps to ensure compliance with these conditions.
14. The permitted area shall be used solely for the purpose of consuming refreshments by persons seated at tables within the permitted area.
15. No charge shall be made by the Licensee for the use of the furniture.
16. The Licensee shall not permit or suffer the removal of any glassware used for the supply of refreshment by the public from the permitted area.
17. The operation of the area must not interfere with highway drainage arrangements.

18. The licence holder must ensure that any tables are cleared in an efficient manner during the hours of operation.
19. All detritus (food and drink remnants, spillages, bottles, cans, wrappers etc) must be regularly removed from the footway surface to reduce hazards to pedestrians. The licence holder must make arrangements to regularly check for and to remove litter and rubbish on pedestrian walkways, caused by persons using the Facility, for a distance of up to 10 metres from the boundary of the Facility.
20. The licence holder must ensure the licensed area and surrounding highway is to be washed down at the completion of each day's usage using a method sufficient to remove food debris, grease and other spillages that may occur.
21. Commercial waste from the licence holder's operations must not be disposed of in the litterbins situated on the highway for use by the public provided by the Council.
22. The licence holder is not permitted to make any fixtures, or excavations of any kind, to the surface of the highway which shall be left entirely undisturbed. Any costs incurred because of damage to the highway, due to the positioning of tables and chairs etc, will be recovered in full, from the licence holder by Brentwood Borough Council or the Highway Authority.
23. The Licensee of a premises not authorised under the Licensing Act must not allow the consumption of alcohol within the licensed area.
24. The Licensee of a premises authorised under the Licensing Act 2003 must not allow the consumption of alcohol within the facility outside the hours in force for the premises itself.
25. No amplified music is allowed in the area subject to the pavement licence.
26. The licence must be displayed on the premises with a plan of the agreed layout of the pavement café.
27. The Licence holder is to use the highway solely for the purpose of the licence in line with the provisions of this licence and for no other purpose whatsoever. The use of the pavement licence must not compromise the licence conditions imposed under any other legislation.
28. The licence holder must remove any tables, chairs and other furniture immediately at the end of the licence period or on revocation of the licence.
29. Brentwood Borough Council reserves the right to revoke this licence at any time if any of the above conditions are not fulfilled and maintained.

National Conditions

30. The Secretary of State publishes these conditions in exercise of his powers under clause 5(5) and (6)] of the Business and Planning Act 2020:

Condition relating to clear routes 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](http://www.gov.uk/government/publications/inclusive-mobility) www.gov.uk/government/publications/inclusive-mobility

Guidance on the effect of this condition

- To the extent that conditions imposed or deemed to be imposed on a pavement licence do not require the licence holder to require clear routes of access to 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](http://www.gov.uk/government/publications/inclusive-mobility), the licence is granted subject to those requirements.
- To the extent that a licence is granted subject to a condition which imposes requirements to maintain clear routes of access that are inconsistent with the requirements set out in this condition this condition is not imposed on the licence.

Condition relating to smoke-free seating:

Where the furniture to be put on the relevant highway consists of seating to be used by persons for the purpose of consuming food or drink, the licence holder must make reasonable provision for seating where smoking is not permitted. Designation of Smoke-free (Signs) Regulations 2012. No ash trays or similar receptacles to be provided or permitted to be left on furniture where smoke-free seating is identified. Licence holders should provide a minimum 2 metre distance between non-smoking and smoking areas where-ever possible.