

Pavement Licence national conditions

The following conditions are applied under s(5) of the Act and as explained further in Section 4 of the accompanying [Government Guidance](#).

Smoke-free seating condition

Where 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.:

Ways of meeting this condition may include:

- Displaying clear 'smoking' and 'non-smoking' areas, with 'no smoking' signage in designated 'smoke-free' zones in accordance with Smoke-free (Signs) Regulations 2012.
- Not providing nor permitting ash trays or similar receptacles in areas where smoke-free seating is identified.
- Providing a minimum 2m distance between non-smoking and smoking areas, wherever possible.

No-obstruction condition

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.