

Draft Conditions for Outside Drinking/Eating Areas

The outside area must be used solely for the purpose of consuming refreshments and not for any other purpose.

The Street Café area should be used for the service and consumption of food and drink only. There should be no preparation or storage of food or drink outside the premises where there is a risk of contamination. The Street Café must not operate a 'Takeaway' facility. All food/drink consumed in the Street Café area should be ordered and purchased there.

The Issuing Authority (or its Agent) may, if necessary, discreetly mark on the highway the extent of the Pavement Café area to ensure its accurate location.

The Licence will only be granted if planning permission has been obtained, if required.

The Pavement Café Licence only permits tables, chairs, umbrellas and barriers to be placed in the highway. No other items, for example space heaters, are permitted. Furniture must be of high quality, uniform style and should complement the surrounding area. The use of plastic garden furniture or picnic tables will not be permitted. Furniture must be in a clean and serviceable condition at all times.

A barrier approximately 1.0m high incorporating a tapping rail not more than 150mm above the ground must be provided to guide persons safely around the Pavement Café. Barriers must not be permanently fixed to the ground where this is public highway. The barriers shall be designed to resist collapse or movement by being blown over or accidentally stumbled into.

All emergency exits and routes from buildings must be kept clear.

The area upon which the proposed seating and other furniture may be sited ("the Licensed Area") will be defined on a plan attached to the licence and shall be used solely for the purpose of consuming refreshments. No unauthorised obstructions are to be placed in the Licensed Area or on the public highway

The hours of operation shall be specific to the Licence but will not be outside of 9am until 11pm

Furniture and barriers must be removed from the designated area at the end of the working day and shall not be stored on the highway.

It is the responsibility of the Licence Holder to obtain all other consents necessary to extend their business onto the highway including where appropriate, any amendment to their existing liquor licence or change of use consent.

The Licence Holder shall not cause any obstruction or danger to people using the highway. The Licence Holder is responsible for the conduct of people within the Pavement Café, allowing rowdy or unruly behaviour may lead to the withdrawal of the licence.

Noise, disturbance, smells or litter which cause a nuisance to the owners or occupiers of any adjacent premises or to members of the public are not acceptable. Amplified music will not be permitted.

The Licensed Area will be suitably managed by staff to ensure the orderly conduct of customers. Standards of cleanliness and tidiness must be maintained to the satisfaction of the Environmental Health Department of the District/Borough Council.

The layout should consider the need for litter bins or similar receptacles for the deposit of cartons, wrappers, containers or similar and similar discarded items and ensure that where these are provided that they 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 the District Council/Town Council within the highway, but in bins provided by the applicant inside the licensed area.

The Licence Holder will ensure that the Pavement Café is maintained in a clean and tidy condition and they shall take all necessary precautions to prevent the highway from becoming littered as a result of their trading activities

Activities shall be restricted to within the Licensed Area and controlled by the Licensee such that people do not congregate outside the Licensed Area.

The Licence Holder shall not undertake any alterations to the highway surface.

The Licence Holder is required to have valid third party public liability insurance to the value of £5,000,000 for any one incident. This insurance shall be applicable to the Pavement Café area. Evidence of valid insurance shall be made available when demanded by a duly authorised officer of the licensing authority (or its Agent). The Licence Holder is required to produce proof of valid insurance on an annual basis.

The Pavement Café Licence does not give, or imply any permission to supply intoxicating liquor in the street.

All necessary items shall be removed from the highway if requested by a police officer, an authorised Council officer or representative of a public utility. These items shall remain off the highway for as long as is required.

The Licence is not a transferable asset.

A minimum clear width of 2.1m in town centres and 1.8m elsewhere must be maintained between the boundaries of the pavement café and the street furniture / kerb line at all times. In a Pedestrianised area there must be at least 3.5 metres of unobstructed space in front of the pavement café so that large vehicles such as delivery lorries and fire appliances can pass. The pavement café shall not obscure sight lines for any highway user, interfere with drainage or conflict with dropped crossings

A copy of the Licence shall be kept on the premises at all times. It shall be available for inspection by a Police Officer or a duly authorised Officer of the Licensing Authority (or its Agent) if required.

Failure to comply with any of the above conditions will result in the Licensing Authority (or its Agent) serving a notice stating what remedial action is required and a timescale for this action. Failure to comply with the notice may result in the Licensing Authority taking action, for which it will recover all reasonable expenses. Failure of the licence holder to comply with any notice may result in the revocation of the licence. The Licensing Authority (or its Agent) will order the immediate removal of the Pavement Café if it presents a hazard, if the Licence Holder fails to respond the Licensing Authority (or its Agent) shall remove the Pavement Café and recover its reasonable costs from the Licence Holder.

The Licensee shall make no claim or charge against the Council in the event of the Equipment being lost, stolen or damaged in whatever way from whatever cause.

The Licence shall run for one year from the date agreed between the Licensing Authority and the Licensee and shall remain in force only for such period of time as the Licensee remains the occupier of the Premises or until withdrawn by the Licensing Authority or surrendered to the Licensing Authority by the Licensee, subject to annual renewal.