

## Street Café Licence Standard Conditions

1. The Holder(s) of this Permission shall not exercise privileges granted by this Permission otherwise than strictly in accordance with this Permission.
2. The Holder(s) shall produce this Permission on demand when so required by a Police Officer or a duly authorised Officer of the council.
3. The Holder(s) shall return this permission to the Office immediately on revocation of this Permission.
4. The Holder(s) shall not cause any unnecessary obstruction of the highway or danger to persons using it and shall not permit persons to gather so as to cause a nuisance or annoyance or danger to any person lawfully using the highway. A clear width of 1.8m of footway is to be left for the safe passage of pedestrians.
5. The Holder(s) shall not use or allow to be used any music playing, music reproduction or sound amplification apparatus or any musical instruments, radio or television receiving sets whilst exercising privileges granted by this permission unless otherwise agreed with the Council in writing.
6. The Holder(s) shall not make any excavation or indentations of any description whatsoever in the surface of the highway or place or fix any equipment of any description on the said surface.
7. The area permitted to be used must be used solely for the purpose of consuming refreshments and not for any other purpose whatsoever.
8. The Holder(s) shall have full responsibility for the designated café area, which must be directly outside the premises. Total number of customers using café area must be monitored in order to prevent overspill outside the designated area.
9. The Holder(s) shall not exceed the hours of **09:00hrs** to **23:00hrs** for displaying the tables and chairs, unless specific times are stated as special conditions.
10. The Holder(s) shall, whilst members of the public are using the facilities provided for the consumption of intoxicating liquor, provide in a prominent position to the satisfaction of the Councils' representatives, notices in the form approved concerning the provisions required by the Council relating to the consumption of intoxicating liquor in public places.
11. If food and drink is required to be served waiter style to the tables then a separate liquor licence will be required. Before introducing this type of service a liquor licence is to be obtained from the Licensing Authorities.
12. The Holder(s) shall not place on the Highway any furniture or equipment or advertisement other than as permitted by the Council and must maintain the same in a clean and tidy condition and not place them so as to obstruct the entrance or exit from any premises. Such furniture shall be to an agreed standard and themed with accessories around a colour scheme.

13. The Holder(s) shall make no claim or charge against the Council in event of the chairs or tables or other objects being lost, stolen or damaged in any way from whatever cause.
14. The Holder(s) 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 or neighbouring premises or to members of the public.
15. The Holder(s) shall not assign, underlet or part with any interest or possession given by this Permission or any part thereof but the Holder(s) may surrender it at any time.
16. The Holder(s) shall observe and comply with any directions in relation to the use of the highway given by relevant Officers of the Council. In particular, access shall be provided at all times for highway works including public utility plant.
17. The application must make clear the area in which tables and chairs are to be placed, not merely the number of tables and chairs proposed. If umbrellas are proposed, this should also be specified. Plans submitted with the application must identify the location of the building line in a pedestrian priority zone, together with dimensions of the area for tables and chairs. The plan should also show any entrance to premises within or adjacent to this area plus any area which may be considered to be private forecourt, location of trees, lamp columns and other street furniture. Any application without such a detailed plan will be treated as invalid and will not be dealt with until such a plan has been supplied.
18. The Holder(s) shall maintain the area as shown on the plan attached to this Permission and edged in red and the immediately adjacent, in a clean and tidy condition during the permitted hours and shall leave the same in a clean and tidy condition and unobstructed which shall include (1) washing down the area, at the end of each daily period of use and (2) removing any refuse and litter deposited on the highway in the vicinity of the tables and chairs.
19. The area of the café shall be defined with planters or ropes or other suitable equipment to contain the tables and chairs to within the boundary and assist people with visual impairment to recognise the boundary. Such furniture to be an agreed standard and themes to match the rest of the café furniture.
20. The Holder(s) shall provide litterbins or similar receptacles for the deposit of cartons, wrappers, containers and similar discarded items if required and ensure that the same are emptied daily. Waste from the Holders operations must not be disposed of in the permanent litterbins provided by the Council within the highway.
21. The Holder(s) shall remove all furniture or equipment, litterbins or other articles placed on the highway in accordance with this permission at the expiry, surrender or revocation of the permission and at the end of each working day in accordance with permitted times.
22. The Holder(s) 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 Holder(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 must

produce to the Council on request current receipts for premium payments and confirmation of annual renewals of the policy.

23. The Council may revoke the permission at any time and the Council shall not in any circumstances whatsoever be liable to pay any compensation to the Holder(s) in respect of such revocations.
24. Nothing herein shall be construed as the granting or purported granting by the Council of any tenancy under the Landlord and Tenant Act 1954 or any permission under the Town and Country Planning Act 1990 or any statutory modification or re-enactment thereof for the time being in force.
25. The Holder(s) shall be responsible for any rates, taxes and outgoings, which may be charged.
26. The fee for the provision of the Permission shall be £100 per annum, renewable on the 31<sup>st</sup> March each year.
27. The Holder(s) attention is drawn to section 115k of the Highways Act 1980 which provides as follows: -
  - (1) If it appears to a council that a person to whom they have granted a permission under section 115E above has committed any breach of the terms of that permission, they may serve a notice on him requiring him to take such steps to remedy the breach as are specified in the notice within such time as is so specified.
  - (2) If a person on whom a notice is served under subsection (1) above fails to comply with the notice, the council may take the steps themselves.
  - (3) Where a council have incurred expenses in the exercise of the power conferred on them by subsection (2) above, those expenses, together with interest at such reasonable rate as the council may determine from the date of service of a notice of demand for the expenses, may be recovered by the council from the person on whom the notice under subsection (1) above was served.
28. The Holder(s) must be aware of any potential conflict and must not interfere with special cyclic events on the highway including but not limited to **Markets, Fairs, Seasonal Events, Sporting Events, Local Events**
29. Failure to comply with any conditions of the Permission will require the Council to consider whether any subsequent Permission should be granted to the Holder(s) of this Permission.
30. If the licensee ceases to trade during the permit period, no refund will be issued under any circumstances.