



Leicester
City Council

STREET CAFÉ LICENSING

Guidance, Policy, Application Process and Conditions

www.leicester.gov.uk



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POLICY DEVELOPMENT

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Introduction

Leicester City Council may grant Street Café Licences which permit temporary furniture, such as tables and chairs to be placed on the highway outside restaurants, cafes and public houses. This is to support and encourage the use of amenities on the highway and recognises that their provision can make a positive contribution to the ambience of the city by **providing facilities for people, who visit, work or live in Leicester, aiding the local economy and maximising the use of public space**

The grant of a Street Café Licence is necessary before a street café can operate in the city of Leicester. This policy and guidance is intended to help businesses understand where a street café might be permitted. There must be full compliance with the conditions on which a Street Café Licence is granted.

A street café must be carefully managed to ensure that the public are not put in danger of injury or worse. Street café furniture must be sited where it does not impede rights of access, block vehicular sight lines, obstruct fire paths, obstruct emergency access routes or obstruct emergency exits. Street café furniture must not be permanently fixed and it must be removed outside the hours of operation of the Street Café Licence.

Street café furniture must be of good quality and design and must positively enhance the street scene and public space.

The Licensing Service will administer the licensing scheme in consultation with other agencies and departments of the Council as well as with local residents and businesses. The Licensing Service will arrange for contested applications to be referred to a panel of the Licensing Enforcement Sub-Committee or to the Director of Local Services and Enforcement for determination. There is no right of appeal against their decisions.

Any application that might require planning permission will ordinarily need to be approved by the Planning Authority prior to the submission of an application for a Street Café Licence.

Each application will be considered on its own merits.

Public safety is the paramount consideration.

Any unauthorised highway use constituting an unlawful obstruction will be investigated, and enforcement action will be taken where appropriate. It is important to note that any person who, without lawful authority or excuse, in any way wilfully obstructs the free passage along a highway commits an offence contrary to section 137 of the Highways Act 1980 and is liable to a fine not exceeding level 3 (currently £1,000) on the standard scale.

Legal Information

Sections 115A – 115K of the Highways Act 1980 detail the provisions whereby the Council may grant a person permission to place objects or structures on, in or over a highway to which Part 7A of the Act applies, namely:

- (1) a highway in relation to which a pedestrian planning order is in force;
- (2) a restricted byway;
- (3) a bridleway;
- (4) a footpath (including a walkway as defined in section 35(2) of the Act;
- (5) a footway;
- (6) a subway constructed under section 69 of the Act;
- (7) a footbridge constructed under section 70 of the Act;
- (8) a highway of a description not mentioned in any of the preceding paragraphs of this definition whose use by vehicular traffic is prohibited by a traffic order but whose use by other traffic is not prohibited or restricted or regulated by such an order; and
- (9) a local Act walkway.

Street café furniture includes, but is not limited to, the following:

- Tables, chairs or other forms of seating, and
- Barriers (or similar structures), planters, parasols, umbrellas, heaters and other articles used in connection with the outdoor consumption of food or drink.

The Council cannot grant a Street Café Licence unless it has first obtained the consent (which is not to be unreasonably withheld) of the owners and occupiers of the premises, between which and the centre of the highway, the street café is to be placed.

In cases where there is any doubt about the ownership or responsibility in relation to a highway please contact the Licensing Service/Highways Department or seek your own legal advice prior to making any application for a Street Café Licence.

Street Café Design Guidance

The overall objectives of the Street Café licensing regime will be:

- **to make the city attractive to visitors and residents.**
- **to protect the safety of users of the highway and users of the street café.**
- **to ensure that access for emergency services is maintained.**

Consideration should be given by the applicant to the following issues prior to applying:

- Space
 - Is there enough room for the proposed street café, leaving enough space for the numbers of pedestrians likely to want to pass?
- Environment
 - Is the area suitable and fit for purpose?
 - Is it a conservation area?
- Other considerations
 - How will other highway users and usage be affected?
 - Will neighbours be affected?
 - Is the area within a Pedestrian Preference Zone (PPZ)? Details can be found here: [ParkingEnforcementPDF](http://www.leicester.gov.uk) (www.leicester.gov.uk)
- Planning consent
 - Is planning required for any furniture e.g. fixed canopy? Check with the planning department.

Space

The size of any area will depend on the type of usage and the available space. There must always be sufficient room for pedestrians and others to use the footway taking into account the street café and any street furniture such as street light columns, sign posts, waste bins, railings, trees, bus shelters, bollards, seats / benches, post boxes and similar items. Access to fire hydrants must also be maintained.

A minimum of 2 metres must be maintained between the outer edge of the street café and the edge of any street furniture or defined carriageway such as cycle lanes. This is to allow safe movement of persons and aids such as wheelchairs or prams. Additional width may be required in areas with high volumes of pedestrian or vehicular traffic.

The area should take into account other needs of the area such as kerbside parking, pedestrian routes, bus stops and crossing points. These must all be identified on the plan which must accompany the application for a Street Café Licence. (See Applications section for further detail).

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Means of Enclosure

The Council requires the street café to be contained within the licensed area by a barrier (or similar structure). This is to:

- contain the tables and chairs so that the area is distinguishable to pavement users;
- prevent “drifting” of the street café outside of the licensed area; and
- assist blind and visually impaired pedestrians.

Barriers (or similar structures) must:

1. have a solid horizontal bar / element at an appropriate height above ground level so as to be detectable by a stick (“tapping rail”)
2. not be plastic in material
3. have a minimum of two distinct contrasting colours in order to meet the needs of partially sighted people. This will need to be authorised by the Council.
4. be a minimum of 1.0 metres and a maximum of 1.5 metres in height unless otherwise authorised by the Council
5. be removed entirely from the highway outside the hours authorised by the Street Café Licence.
6. be lightweight in construction or portable but robust enough to withstand winds or being pushed over
7. compliment the surrounding area. The Council may require a specific design in keeping with the street frontage. Any designs must be authorised by the Council
8. be supported by suitable ‘feet’ that do not cause a trip hazard to pedestrians and do not protrude beyond the licensed area.

All emergency exits must be kept clear.

Design of Street Café Furniture

Tables and Chairs must be robust and of good quality. They must be separate and of a design that allows use by customers who are disabled and/or wheelchair users.

The design must complement the surrounding area. White plastic garden furniture or picnic style tables (with fixed benches) are not acceptable.

Care must be taken that the feet or resting points of street café furniture do not cause damage to the highway or footpath surface. Any repairs to such surfaces will be at the licence holder’s expense.

Planters must comply with the requirements detailed above for barriers (or similar structures).

Parasols must not extend beyond the licensed area. They must be at least 2

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metres from the ground at their lowest point. They must be suitably secure at the base, robust and of high quality. Umbrellas must be non-reflective.

Planning consent may be required for canopies, awnings or blinds which are attached to the main premises. Further information can be sought on the council's website at <https://www.leicester.gov.uk/planning-and-building/planning-applications/apply-for-pre-application-advice/>

It will not normally be necessary to obtain planning permission for a street café provided that the main premises has the appropriate planning consent for the use of the premises. More details on planning issues are available on the council's website at [PlanningGuidance](#)

Patio Heaters – The applicant must seek advice from the Council's Public Safety team if any patio heaters are proposed. It is unlikely that permission will be given for heaters powered by gas or liquid fuel or which have an open flame. The Street Café Licence application must be accompanied by a full description and a detailed risk assessment to include an energy efficiency and environmental impact statement. The heaters must be shown on the plan submitted with the application. It will be the responsibility of the licence holder to notify their insurers of the use of such equipment and to ensure that their use is included in the terms of the required £5 million policy of public liability insurance.

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Street Café Accessibility

It is essential that the highway remains available for use by members of the public, including those who are visually or mobility impaired. A minimum of 2.0 metres of unobstructed footway must remain available.

Requirements to assist visually impaired pedestrians -

- The street café must comply with the requirements for barriers (or similar structures) and planters detailed in Street Café Design Guidance – Means of Enclosure.
- The street café must not obstruct tactile paving.

Requirements to assist mobility impaired pedestrians and wheelchair users -

- Consideration must be given to the likelihood of other obstructions, such as high volumes of pedestrians or people queuing at a bus stop.
- Consideration must be given to the overall layout of the footway, including the position of drain covers, the camber (slope) of the footway and the proximity to any corners.
- The street café must not obstruct visibility of or for a wheelchair user at any crossing point, including a vehicular access.

Requirements to assist disabled users of street cafés -

- Business proprietors must be aware of their obligations under the Equality Act 2010.
- Tables and chairs must be separate, in order to allow mobility impaired customers and customers in wheelchairs to use the street café.
- An accessible route must be available into the street café, and through the street café into the main premises.

Applications

Procedure for applying for a Street Café Licence under sections 115 (E-K) of the Highways Act 1980

NEW APPLICATION

The application, which must be made online, involves both statutory and non-statutory procedures and requirements. Applicants **must** have regard to the guidance contained in this policy document as failure to supply the relevant information may mean that an application is delayed or rejected.

- The application form is available online at <https://www.leicester.gov.uk/business/licences-and-permits/transport-and-street-licences-and-permits/street-cafe-licensing/>
- Applicants must specify the days and times they wish to operate the street café. These times must be covered by the relevant planning permission
- New applications must be accompanied by:
 - A detailed plan with accurate measurements, which identifies all existing street furniture and the proposed position of all items of street café furniture. The plan must also identify kerbside parking, pedestrian routes, bus stops, crossing points and similar facilities. The plan must provide accurate details of the dimensions of the proposed street café. An example of an acceptable plan is available on the council's website at <https://www.leicester.gov.uk/business/licences-and-permits/transport-and-street-licences-and-permits/street-cafe-licensing/>
 - A current PUBLIC LIABILITY insurance certificate / schedule showing a minimum cover of £5 million.
 - Photographic identity document
 - The appropriate fee
- The applicant must allow the Council to display a Notice of the proposal in a conspicuous position at or near the premises for a period of at least 28 consecutive days. The Notice will specify a period (being not less than 28 days after the display of the Notice) during which representations regarding the proposal may be made to the Council. Failure to allow the Notice to be displayed correctly will result in the application being rejected or the 28-day period, in which representations regarding the proposal may be made by others to the Council, being restarted.
- The Council will serve a copy of the Notice of the proposal on the owner and occupier of any premises appearing to the Council to be likely to be materially affected [section 115G(2)] and it will seek the consent of the owners and occupiers of the premises, between which and the centre of the highway, the street café is to be placed [section 115E(2)].
- The Council will consult with interested parties such as (but not necessarily limited to): -
 - Ward Councillors

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- Highway and Traffic Department
- Noise Pollution Team
- Police
- Fire and Rescue Service
- Public Safety Team
- Planning
- Local Residents/Businesses [sections 115E(2) and 115G(2)]
- The consultation period will be 28 days, during which time objections may be received from interested parties, including other businesses and members of the public.
- If objections are received it may be possible to mediate and reach an agreement between the applicant and the objector(s). This could include a reduction in days or times the street café is permitted to operate or the addition of special conditions on the Street Café Licence.
- If objections cannot be resolved, the application will be referred to the Licensing Enforcement Sub-Committee or to the Director of Local Services and Enforcement for determination.
- The applicant and objector(s) will receive a written invitation to attend a formal hearing. They will be provided with the relevant papers. Parties will be able to attend and speak at the hearing if they wish, but attendance is not essential as written submissions may be made, and the application may be determined in the absence of any party. The decision will normally be announced at the end of the hearing, although this is not a statutory requirement. The decision will be confirmed in writing to all parties.

Once a licence has been granted there are several other applications that may subsequently be required.

RENEWAL APPLICATION

Street Café Licences expire 12 months after the date of grant. An online renewal application must be submitted prior to the expiry date.

Renewal applications must be accompanied by:

- A current PUBLIC LIABILITY Insurance Certificate/Schedule demonstrating cover to the value of £5 million.
- A current photo of the street café with all street café furniture in position.
- Photographic identity document.
- The appropriate fee.

If granted, the renewed licence will be posted to the premises. If the renewal application is not submitted before the licence expiry date, the licence will expire, and an application for a new licence will have to be submitted. In that event, the street café cannot operate until such time as a new licence has been granted.

MINOR VARIATION

A minor variation application is required in the following circumstances:

- Change of licence holder's address.

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- Reduction of licensed hours.
- Reduction in size of licensed area.
- Decrease in number of tables/seating capacity.
- Change to authorised street café furniture (including barrier) design or type.
- Change of premises name.

A minor variation application must be made online accompanied by:

- A current PUBLIC LIABILITY Insurance Certificate/Schedule demonstrating cover to the value of £5 million.
- Photographic identity document.
- The appropriate fee.

In addition, the following information / documentation must be provided as appropriate:

- **For a change of licence holder's address** – proof of new address.
- **For a reduction of licensed hours** – proposed days and hours.
- **For a reduction in size of licensed area** – proposed plan, using the example plan on the council's website as a guide
<https://www.leicester.gov.uk/business/licences-and-permits/transport-and-street-licences-and-permits/street-cafe-licensing/>
- **For a decrease in number of tables/seating capacity** - proposed number of tables or seats.
- **For a change to authorised street café furniture (including barrier) design or type** – pictures and details of new designs.
- **For a change of premises name** – new name.

If the minor variation application is granted the amended licence will be posted to the premises, usually within 14 working days.

MAJOR VARIATION

A major variation application is required in the following circumstances:

- Extension of licensed hours.
- Enlargement of the licensed area.
- Increase in number of tables/seating capacity.

In these cases, the application will be processed in accordance with the procedure for a new application for a licence.

TRANSFER APPLICATION

A Street Café Licence is personal to the licence holder in relation only to the premises specified. It is not transferrable to other premises.

Application may be made to the Council to transfer the licence to a third party.

An online transfer application by the licence holder or the third party must be accompanied by:

- The proposed transferee's PUBLIC LIABILITY Insurance Certificate/Schedule

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- demonstrating cover to the value of £5 million.
- Photographic identity document for the proposed transferee.
- The appropriate fee.

A transfer application by the third party must additionally be accompanied by the licence holder's written consent to the transfer or other supporting documentation which satisfies the Council that it is appropriate to transfer the licence.

On submission to the Council of a correctly completed transfer application, the third party may operate the street café pending determination of the application.

The application will be considered by a Licensing Enforcement Officer. The applicant may be requested to provide further information.

If the transfer application is granted, the amended licence will be posted to the premises, usually within 14 working days.

SURRENDER/CANCEL LICENCE APPLICATION

If a Street Café Licence is no longer required, the licence holder can allow it to expire (but the conditions on which it has been granted must continue to be complied with until it expires) or a surrender/cancel licence application may be submitted.

An online cancel/surrender application must be accompanied by:

- Photographic identity document

The application will be considered by a Licensing Enforcement Officer. The applicant may be requested to provide further information.

Cancelled / surrendered licences cannot be reinstated.

PLEASE NOTE:

- All applications must be completed online.
- Applications will only be processed once all required information / documents are received.
- There is no right of appeal against the Council's decision on any application.

Compliance / Enforcement

Environmental Implications

The licensed area and immediate surrounds must be kept clear of litter and must be kept clean at all times, including when the street café is removed at the end of each day. Evidence of a daily scheduled cleaning record shall be provided to Council Officers on request. Ashtrays or similar receptacles must be provided in areas where smoking takes place.

Consideration should be given to the division of the licensed area, where space permits, into smoking and non-smoking sections which are clearly marked.

External public address systems are not permitted. The playing of live or recorded music may require authorisation under the Licensing Act 2003 and applicants are responsible for ensuring that any necessary licences are in place before any regulated entertainment is provided.

Applicants should fully address and control any potential nuisance caused by their patrons. Inappropriate behaviour may lead to enforcement action, including the revocation of the Street Café Licence.

It is imperative that the needs of neighbours, nearby residents or businesses including all agencies are fully considered including utility companies or companies that require access to the highway for maintenance or repair.

All A-Boards must be contained within the licensed area of the street café. More guidance on A-Boards is available on the council's website at <https://www.leicester.gov.uk/media/177540/a-boards-policy-guidelines.pdf>

Smokefree Legislation

The Smoke-free (Premises and Enforcement) Regulations 2006 made under the Health Act 2006, apply to public places and workplaces. These regulations are aimed at protecting people using these places from the effects of second-hand smoke.

The layout of the street café should ensure that smoke does not enter the main premises by virtue of people smoking within the street café. This may be achieved by:

- providing pedestrian routes between the main premises and the street cafe;
- restricting smoking in the areas of the street café that are close to the main premises;
- keeping all opening windows (facing onto the street café) closed;
- providing that any doors facing onto the street café are fitted with self-

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- closing devices;
- taking other equivalent or equally effective measures.

For further information on the Smokefree Regulations please contact the Public Safety Team:

- Email: publicsafety@leicester.gov.uk
- Website: <https://www.leicester.gov.uk/your-council/policies-plans-and-strategies/public-safety/>

Alcohol Guidance

The Licensing Act 2003 provides a regime for the control of the sale by retail of alcohol, the supply of alcohol by or on behalf of a club, the provision of regulated entertainment and the provision of late-night refreshment.

One aim of the street café licensing regime is to attract people to Leicester to enjoy a relaxed and continental style of eating/drinking. The purpose is not merely to extend licensed premises, and this will be borne in mind when applications are considered.

The consumption of alcohol (as opposed to the sale or supply of alcohol) is not a licensable activity. However, licensees may need to apply for variations of Premises Licences under the Licensing Act 2003 to incorporate “additional” areas, such as those provided by street cafes, where a licensable activity is to take place there.

Where drink orders for alcohol are taken by a member of staff in the street café and the member of staff then collects the drinks from the licensed premises and returns to deliver them to the customer, this would be treated as an off-sale and any conditions attached to the Premises Licence which relate to off-sales would apply to the transaction.

If you wish to apply for a premises licence, guidance, information and application forms can be found at:

- Website: [AlcoholLicensingGuidance](#)
- Email: licensing@leicester.gov.uk

Safety

It is the responsibility of the licence holder to ensure that all equipment and services within the street café comply with all relevant legislation and statutory requirements.

Licence holders are responsible for securing **public liability** insurance

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(minimum £5 million) and for indemnifying the Council against public liability claims arising from use of the street café.

Any damage to the highway and/or Council property arising from use of the street café will be repaired by the Council with all costs recharged to the licence holder.

Table service is highly recommended, and customers should be seated. The standard conditions attached to Street Café Licences require the provision of table service where hot drinks are served in open containers.

The Street Café Licence will specify the maximum number of items of street café furniture authorised by the Licence. These numbers must not be exceeded.

General Information

- A Street Café Licence will be issued subject to the Council's standard conditions unless the Council, in the individual circumstances of a matter, decides otherwise. In addition, the Council may attach special conditions to the Licence.
- A street cafés must comply with the Licensed Plan approved by the Council.
- A Street Café Licence may be suspended or revoked by the Council at any time, for breach of the Licence conditions or any other reasonable cause, on giving written notice to that effect to the Licence holder.
- The licence holder must ensure that users of the street café comply with all current and future Public Health legislation, including Coronavirus legislation and Government guidance and advice issued and given in that respect (particularly, but not limited to, compliance with social distancing measures).

Fees and Charges

The fees for Street Café Licences are reviewed by the Council on a regular basis, usually before the start of each financial year. The application fee MUST accompany the online application. Details of current fees are on the council's website at

<https://www.leicester.gov.uk/business/licences-and-permits/>

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Contact us

Website: www.leicester.gov.uk/licensing

Email: licensing@leicester.gov.uk

Telephone: (0116) 454 3040

Postal address: Licensing Authority

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Standard Conditions

INTRODUCTION

The Standard Conditions apply, save in so far as they are amended by or are inconsistent with any Special Condition.

DEFINITIONS

“Licensed Area”: the area licensed by the Council for the street café.

“Licensed Plan”: the plan approved by the Council detailing the Licensed Area and layout of the street café.

“main premises”: the premises connected to the street café.

“street café”: the Licensed Area containing the street café furniture.

“street café furniture”: includes but is not limited to:

- (1) tables, chairs or other forms of seating; and
- (2) barriers (or similar structures), planters, parasols, umbrellas, heaters and other articles used in connection with the outdoor consumption of food or drink.

“street furniture”: objects and structures installed on streets and roads for various purposes including, but not limited to, street light columns, sign posts, waste bins, railings, trees, bus shelters, bollards, seats, benches, post boxes and similar items.

RESPONSIBILITY OF LICENCE HOLDER

1. The Licence holder shall be responsible for compliance with the conditions of the Licence at all times.

DISPLAY OF LICENCE

2. The Licence holder shall ensure that a copy of the Licence is displayed in a prominent public position in the main premises.

PUBLIC LIABILITY

3. The Licence holder shall ensure that £5 million public liability insurance cover is in effect to cover the street café for the duration of the Licence.

CONTINUITY OF CONDITIONS

4. Where a valid renewal application has been made but not determined by the expiry date of the original Licence, these conditions shall be deemed to remain in force alongside the Licence until the renewal application is

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determined.

CHANGE OF LICENCE HOLDER

5. The Licence is personal to the Licence holder. Application may be made to the Council to transfer the Licence to a third party.

GENERAL

6. The layout of the street café furniture shall at all times conform with the Licensed Plan.
7. The Licence holder shall at all times ensure that the street café furniture is not placed outside of the Licensed Area”.
8. Street café furniture must be sited where it does not impede rights of access, block vehicular sight lines, obstruct fire paths, obstruct emergency access routes or obstruct emergency exits.
9. Street café furniture must not be permanently fixed.
10. A minimum of 2 metres must remain free between the outer edge of the street café and the edge of any street furniture or defined carriageway such as cycle lanes.
11. The street café must not obstruct the visibility of or for a wheelchair user at any crossing point, including a vehicular access.
12. The street café must not obstruct tactile paving
13. An accessible route must be available into the street café, and through the street café into the main premises.
14. Street café furniture must be of good quality and design and must positively enhance the street scene and public space.
15. The maximum number of specified items of street café furniture authorised by the Licence must not be exceeded.
16. Street café furniture consisting of tables and chairs must be separate and be of a design that allows use by customers who are disabled and/or wheelchair users.
17. Street café furniture consisting of parasols must:
 - (1) be at least 2 metres from the ground at their lowest point.
 - (2) be suitably secure at the base, robust and of high quality.

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18. Street café furniture consisting of umbrellas must be non-reflective.
19. Where street café furniture consists of patio heaters, the Licence holder shall notify their insurers of the use of such equipment and ensure that the use is included in the terms of their public liability insurance cover.
20. The street café shall be contained by means of a barrier or similar structure which itself must remain within the Licensed Area.
21. Street café furniture consisting of barriers (or similar structures) and planters must:
 - (1) have a solid horizontal bar / element at an appropriate height above ground level so as to be detectable by a stick (“tapping rail”).
 - (2) not be plastic in material.
 - (3) have a minimum of two distinct contrasting colours, authorised by the Council, in order to meet the needs of partially sighted people.
 - (4) be a minimum of 1.0 metres and a maximum of 1.5 metres in height unless otherwise authorised by the Council.
 - (5) be removed entirely from the highway outside the hours authorised by the Street Café Licence.
 - (6) be lightweight in construction and portable but robust enough to withstand winds or being pushed over
 - (7) be of a design, authorised by the Council, to compliment the surrounding area.
 - (8) be supported by suitable ‘feet’ that do not cause a trip hazard to pedestrians and do not protrude outside of the Licensed Area.
22. The Licence holder shall remove the street café furniture from the Licensed Area outside the permitted hours of the Street Café Licence, and: -
 - (1) immediately if required to do so on reasonable request at any time by a Police Officer, Police Community Support Officer or Leicester City Council Licensing Enforcement Officer.
 - (2) as necessary to permit works in, on or over the highway or the use of the highway by
 - (i) the Council, Police, Fire and Rescue service, Ambulance service or any statutory undertakers
 - (ii) the following where specifically permitted by the Council as Highway Authority

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- (a) vehicles accessing premises for the purpose of loading/unloading of goods
- (b) builders' vehicles, hearses and furniture removal vans

23. The Licensed Area must be used solely for the purpose of consuming refreshments such as food and/or drink.
24. The Licence holder shall provide a waiter / waitress service, where hot drinks are served in open containers.
25. The Licence holder shall ensure that the street café is kept clean and is kept free from litter at all times.
26. The Licence holder shall maintain a twice daily scheduled cleaning record of the street café and provide it to Council Licensing Officers on reasonable request.
27. Waste from the street café must not be disposed of in any permanent litter bins provided by the Council.
28. Ashtrays or similar receptacles must be provided in areas where smoking takes place.
29. The layout of the street café must ensure that smoke does not enter the main premises.
30. There shall be no external public address system within the Licensed Area.
31. The Licence holder shall maintain good order and decent behaviour in and around the street café at all times it is open.
32. The Licence holder shall ensure compliance with all statutory requirements.
33. The Licence holder shall ensure that users of the street café comply with all current and future Public Health legislation, including Coronavirus legislation and Government guidance and advice issued and given in that respect (particularly, but not limited to, social distancing measures).
34. The existence of the Licence does not authorise the playing of live or recorded music within the Licensed Area. The provision of any such entertainment must be in accordance with the provisions of the Licensing Act 2003.
35. The Licence holder shall indemnify the Council against public liability claims arising from use of the street café.
36. Any damage to the highway and/or Council property arising from use of

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the street café shall be repaired by the Council with all costs recharged to the Licence holder.

37. Save where the same is attributable to negligence on the part of the Council or any of its officers, the Licence holder shall make no claim or charge against the Council in the event street café furniture is lost, stolen or damaged.

SUSPENSION / REVOCATION OF THE LICENCE

38. At any time when £5 million public liability insurance cover is not in force in respect of the street café as required under standard condition 3, the Licence shall be deemed to have been withdrawn by the Council for the period during which such a policy is not in force, and the Licence holder may be liable for obstruction of the highway and prosecution under section 137 of the Highways Act 1980.

This condition does not in any way prevent the Council from acting in these circumstances to revoke the Licence under standard condition 39.

39. The Licence may be suspended or revoked by the Council at any time for breach of the conditions of the Licence, or any other reasonable cause, on giving written notice to that effect to the Licence holder.

By way of example, not limitation, such reasonable cause might exist where:

- (1) some or all of the highway to which the Licence relates has become unsuitable for any purpose in relation to which the Licence was granted.
- (2) as a result of the Licence:
 - (a) there is a risk to public health or safety, or
 - (b) anti-social behaviour or public nuisance is being caused or risks being caused, or
 - (c) the highway is being obstructed (other than by anything done by the Licence holder pursuant to the Licence).
- (3) anything material stated by the Licence holder in their application for the Licence was false or misleading.

This condition does not limit the Council's discretion to deal with any breach of the conditions of the Licence otherwise than by way of suspension or revocation. Nor does it limit the Council's statutory power under section 115K of the Highways Act 1980 to serve a notice on the Licence holder requiring the Licence holder to take specified steps within a specified time to remedy any breach of the conditions of the Licence. Where the Licence holder fails to comply with the notice, the Council can take the steps and thereafter make demand for payment by the Licence holder of the Council's expenses together with interest.

SPECIAL CONDITIONS [If none, indicate none]

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