

# Pavement café licences standard conditions

If you wish to create a pavement cafe in the highway you will need to apply for a licence. **The application fee is non-refundable** so it is advisable to discuss any proposals with the Highway Authority, the Local Planning Authority and the local Premise Licensing Authority before making a formal application. Each application will be treated on its own merits and the County Council reserves the right to refuse applications or to apply such conditions as it thinks fit. Applicants should be aware that it will be necessary to consult with neighbouring properties.

1. **Sole Purpose of the Licence:** - The Pavement Café must be used solely for the purpose of consuming refreshments and not for any other purpose
2. **Production of the Licence on Demand:** - The Licence shall be displayed in the window of the premises to which it relates. It shall be available for inspection by a Police Officer or a duly authorised Officer of Nottinghamshire County Council (or its Agent) if required.
3. **Site Constraints:** - 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
4. **Defining the Pavement Café Area:** - The County Council (or its Agent) may, if necessary, discreetly mark on the highway the extent of the Pavement Café area to ensure its accurate location.
5. **Furniture:** - 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 compliment 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. The specification of all furniture must be approved by the County Council or its Agent.
6. **Barriers:** - 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. The specification of the barriers must be approved by the County Council or its Agent.
7. **Emergency Exits:** - All emergency exits and routes from buildings must be kept clear.
8. **Hours of operation:-** These shall be specific to the Licence but will not be outside of 9am until 11pm
9. **Removal of Furniture:-** 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.
10. **Other Licences/Permissions:** - 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.
11. **Obstruction/Danger/Nuisance on the Highway:** - 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.
12. **Noise/Nuisance Control:** - 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.

13. **Cleansing of the 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
14. **Surface of the Highway:-** The Licence Holder shall not undertake any alterations to the highway surface.
15. **Insurance/Liability/and Indemnity:-** 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 authorized officer of Nottinghamshire County Council (or its Agent). The Licence Holder is required to produce proof of valid insurance to the County Council or its Agents on an annual basis
16. **Consumption of Alcohol:-** The Pavement Café Licence does not give, or imply any permission to supply intoxicating liquor in the street.
17. **Advertising:-** Advertising of alcoholic or smoking products or their manufactures will not be permitted on the barriers or furniture within the Pavement Café area. Advertising may only relate to the premises or business and will require the approval of the County Council (or its Agent).
18. **Temporary Suspension of Permission:-** 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.
19. **The Pavement Café Licence is non-transferable:-** The Licence is not a transferable asset.
20. **Failure to Comply with the Licence Conditions:-** Failure to comply with any of the above conditions will result in the County Council (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 County Council 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 County Council (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 County Council (or its Agent) shall remove the Pavement Café and recover its reasonable costs from the Licence Holder.

### **Licensing authorities**

#### **For Bassetlaw, Newark, Ashfield and Mansfield**

Cheques should be made payable to Nottinghamshire County Council

#### **Completed application forms should be returned to:**

Highways North Area Office  
 Nottinghamshire County Council  
 Highways Management  
 Welbeck House  
 Darwin Drive  
 Sherwood Energy Village  
 Ollerton  
 Nottinghamshire  
 NG22 9FF

#### **For Rushcliffe, Gedling and Broxtowe**

Cheques shall be made payable to Nottinghamshire County Council

#### **Completed application forms should be returned to:**

Highways South Area Office  
 Nottinghamshire County Council  
 Highways Management  
 Trent Bridge House  
 Fox Road  
 West Bridgford  
 Nottingham NG2 6BJ