

**Warrington Borough Council
Mandatory Conditions attached to a
Pavement Café Licence**

1. The granting of a pavement café licence applies only to the applicant in respect of the premises concerned and is outside of and in addition to a licence to sell alcohol. Where alcohol is sold a premises licence under the Licensing Act 2003 will be required.
2. Any changes to any part of the pavement café (including furniture, other items, the area or operating hours) is strictly prohibited under the terms of this licence.
3. All customers using the pavement café will be required to be seated.
4. Pavement café licences are issued in the name of the operator/licence holder. If the operator/licence holder changes, the licence holder is obliged to transfer the pavement café licence to the new operator/licence holder.
5. The licence holder 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 or presence of the chairs and tables and other objects.
6. Where repair or maintenance of the pavement/highway is to be undertaken, the Council will endeavour to give the licence holder notice. The Council will not be liable for any loss of earnings whilst repair/maintenance is carried out. The licence holder must allow the Council reasonable access for such works.
7. The licence holder must, as soon as reasonably practicable upon identification, notify the Council's Highway section of any repair/maintenance work required to the highway surface, up to 1 metre, within or around the licensed area.
8. It will be the responsibility of the licence holder to keep the licensed area clean and free of litter, during licensed/operational hours. Commercial waste from the licence holder's operations must not be disposed of in the litterbins provided by the Council or in the litterbins provided by the licence holder in the licensed area. Licence holders are expected to comply fully with their obligations under the Environmental Protection Act 1990 (section 34 Duty of Care) with respect to commercial waste produced on the premises and receptacles provided for that purpose will not be stored within the licensed area. The Licence holder is responsible for the cleaning of the pavement café area and any area where Commercial Waste bins are stored within 1 metre of the boundary of the licensed area.

9. The Licence holder shall make no claim or charge against the Council in the event of the chairs or tables or other objects being lost, stolen or damaged in any way from whatever cause.
10. The licence holder shall make no charge for the use of the chairs or tables or other objects.
11. Tables and chairs shall not be affixed to the highway and should not be stored on the highway when they are not in use, e.g. during inclement weather or before or after the pavement café is open.
12. Furniture should be safely stored away from public areas in such a location where it is safe, secure and unable to be accessed by members of the public.
13. The licence holder will be responsible for any damage, including staining, to the highway. The permanent surface reinstatement shall be carried out to the requirements of the Highways Assets Department of Warrington Borough Council, at the licence holder's expense and guaranteed for a minimum period of two years.
14. The licence holder shall be responsible for any rates, taxes and other outgoings which may be charged.
15. The licence does not authorise any unlawful interference with the convenience of persons using the highway or affects the rights of owners of the premises adjoining the highway or the rights of the Utility Companies.
16. The Council shall be entitled to suspend the licence on a temporary basis on the occurrence of a special event or any other circumstance, which the Council considers to necessitate a temporary suspension.
17. The licence holder shall be permitted to set out tables and chairs (with or without umbrellas/parasols) in the area as outlined on the plan attached to the licence. The subletting of the permission granted by the licence is prohibited.
18. Any table chair, umbrella or other such item used in connection with the pavement café shall be kept in good condition and so presented as to not detract from the appearance of the street.
19. Only those items detailed in the application submitted to the Council may be used as part of the pavement café.
20. The licence holder shall comply will all statutory regulations including the need to seek the appropriate planning permission.
21. The licence holder shall comply with all statutory regulation including the need to seek the appropriate listed building control consent.

22. The Council reserves the right to suspend/revoke the licence in the event of any breach of any term or condition.
23. The licence holder shall ensure that the pavement café area is properly supervised by a member of staff at all times the pavement café is open.
24. The licence holder may only use the pavement café area for the purposes of consuming refreshments in connection with the business only and not for any other purpose.
25. The licence is granted for an indefinite period and will be renewed annually.
26. All pavement café licences are subject to inspection by an authorised officer of the Council to ensure compliance with conditions.
27. A copy of the pavement café licence must be kept on the premises at all times and be available for inspection by an authorised officer or other authorised person.
28. The licence holder is solely responsible for the conduct of patrons/customers within the pavement café area.
29. Patrons are prohibited from consuming alcoholic drink bought from the premises, for consumption on the premises, outside of the pavement café area.
30. Advertising on barriers and furniture items will be limited to the name of the premises only subject to any Advertisement Consent required from the Council's planning section.
31. In premises where alcohol is served, all alcoholic drinks must be served in polycarbonate or shatterproof glasses where available.
32. No amplified music or sound is allowed in the pavement café area.
33. Licence holders are required to obtain public liability insurance covering the business for up to £5,000,000 at all times the pavement café is operational. It is the responsibility of the licence holder to forward up to date copies of insurance certificates as and when they expire. Failure to comply with this condition can constitute an offence under the pavement café policy and enforcement action can be taken.
34. Where gas heaters are used, the connections, including the regulator, hose & clips must be fit for purpose and checked on a regular basis.

35. The grant of a pavement café licence shall not be deemed to give any approval or consent which may be needed under any byelaw, enactment or regulation other than cafes under section 115c of Part VIIA of the Highways Act 1980. For the avoidance of doubt this includes the requirement to seek and obtain planning permissions and/or advertisement consent.