



**HIGHWAYS ACT 1980
PART VIIA: SECTION 115C**

**GUIDANCE NOTES TO APPLICANTS FOR A
PAVEMENT CAFÉ LICENCE**

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INTRODUCTION

This guidance is to assist applicants in lodging their application. It should be read alongside the current Pavement Café Policy.

LEGISLATION

The controls relating to pavement cafes are governed by Section 115c of Part VIIA of the Highways Act 1980. (See Appendix 1 for the full regulation).

Warrington Borough Council will administer applications relating to pavement cafes in accordance with the above Act and as a result the provision of providing refreshment facilities on a highway will only be allowed in the Borough with the written consent of the Council.

APPENDICES

- Appendix 1 Extract from the Highways Act 1980
- Appendix 2 Application for a New Pavement Café Licence
- Appendix 3 Application for the Transfer of a Pavement Café Licence
- Appendix 4 Fees
- Appendix 5 Mandatory Conditions
- Appendix 6 Public Notice

LICENCES-GENERAL

- Pavement café licences can only be granted where the proposed area is on the highway, adopted by the Council.
- Pavement cafes, whose area falls within private land ownership, do not require a licence.
- Pavement café licences can only be applied for by those persons aged 18 and over.
- Pavement café licences will be issued indefinitely beginning on the date the licence is first granted.
- Pavement café licences must be displayed on the premises where the pavement café is situated.
- A licence may be suspended or revoked at any time by the Council.

ENFORCEMENT

- Persons trading without a licence and who are not exempt (see section 4 of the Pavement Café Policy) will be the subject of enforcement action.
- Each pavement cafe will be the subject of compliance checks. The Council will respond to any complaints from other businesses, residents, ward members and other interested parties about the operation of a pavement café as soon as practicable.

- Licence holders must allow access to an authorised officer of the Council or a member of Cheshire Constabulary and Cheshire Fire Authority at all times.

REQUIRED PERMISSIONS

It should be noted that in addition to the pavement café licence, applicants may require further consent from other departments of the Council. This can include, but not be limited to:

The Planning Authority

Applicants should contact the Development Control Section on 01925 442819 to enquire about planning consent for a proposed pavement café before applying for a licence. If Listed Building Consent is also required, the Development Control Section should again be contacted. Applicants can also obtain further information from the website at www.planningportal.gov.uk

Food Safety and Health & Safety Registration

All businesses supplying refreshment in the form of food and drink should contact the Council's Food Safety Team to ensure that they are properly registered. Please contact 019215 442645.

The Licensing Authority

Applicants who would like to sell alcohol or trade between 23.00 and 05.00hrs in hot food or drink should apply for a Premises Licence under the Licensing Act 2003. Please contact 01925 984728 for details on how to apply for a premises licence.

PRIVATE LAND OWNERS CONSENT

The café should obtain the private landowners consent. The Café should also bear in mind that the Council may also be a private landowner, where it owns non adopted land adjacent to the highway, and a separate landlord's consent or licence may be required.

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.

PUBLIC LIABILITY INSURANCE

It is a requirement of all pavement café licences that applicants demonstrate to the Council that they have taken out third party public liability insurance for their business. The insurance should cover the pavement café area and be no less than £5,000,000.

Applicants who fail to supply the Council with a validated public liability certificate will have their application rejected.

OTHER CONSIDERATIONS

Defining the pavement café area

Outdoor seating areas should be located to minimise disturbance to pedestrians and their needs must be paramount. Areas should not conflict with access or dropped crossings which must be kept free for normal road users.

The proposed area will only be approved if adequate provision has been made for customers with disabilities.

The proposed area must be enclosed by barriers to contain tables, chairs and other furniture associated with the pavement café.

Applicants should allow at least a 2 metre wide route to allow pedestrians free access on the highway.

Applicants should ensure that all emergency exits and routes are kept clear.

Furniture

The furniture used should be of a high quality and uniform style and should be designed for outdoor use.

White plastic tables and chairs will not normally be approved.

The Council will assess the proposed furniture to be used, and where necessary, reserves the right to reject an application that proposes to use inappropriate furniture.

Umbrellas and parasols may be used as part of the pavement café area, as long as they are positioned in such a way that they do not impair vehicle sight lines and do not overhang the enclosed area.

Applicants that wish to use fixed canopies as part of the pavement café must consult the Council's Development Control section first to ensure the correct consents are in place before the application is submitted.

Non-Furniture Items

Outdoor heaters are permitted but must be specified as part of the application process and their proposed locations shown on the site layout plan.

It is a mandatory condition that where mobile gas heaters are to be used, the regulator, hose & clips must be fit for purpose and checked on a regular basis.

The applicant is expected to provide adequate litter bins that will be used solely for the patrons of the pavement café.

For those applicants wishing to trade after dusk, additional lighting may be required and will need to be detailed on the application form and site plan.

Menu boards, A-Boards, signs or any other unacceptable clutter or obstructions are prohibited.

Trading Hours

Pavement café licences will normally only be granted between the hours of 09.00 and 22.00hrs Monday to Sunday.

Applicants wishing to trade outside these hours will need to demonstrate a justified business reason to the Council for doing so.

Applicants will need to consider the local area when requesting opening hours.

The Council reserves the right to alter the trading hours on a licence at any given time and if deemed appropriate, may grant trading hours that are less than those applied for.

Pavement cafes must have all furniture and non-furniture items removed from the highway within 30 minutes after the closing time of the café.

Smoking

The Council recognises that it is ultimately a commercial decision for each business, having regard to the wishes of their patrons and their own policies as to whether to allow smoking within the pavement café area; however we would encourage all businesses to introduce appropriate plans to ensure that patrons are protected from second hand smoke, and that no- smoking areas are introduced where it is appropriate to do so.

It is illegal to smoke or allow smoking in 'enclosed' or 'substantially enclosed' premises, therefore any smoking shelter or covered area has to be less than 'substantially enclosed'. This means that more than 50% of its sides must be permanently open.

APPLICATIONS

New Applications

Applicants will be required to provide the following documents and fee with their application form:

- A completed and signed pavement cafe application form (See Appendix 2).
- A cheque or postal order (made payable to Warrington Borough Council) or;
A debit/credit card payment for £200 (Please phone 01925 984728 to make a payment over the phone). Final Approval Fee (upon successful application) £31
- A detailed site layout plan to scale 1:100 clearly showing the following information:
 - (a) Access points
 - (b) Entrances/exits to the premises within or adjacent to the proposed area
 - (c) Position of the building line
 - (d) Boundaries
 - (e) Position of the kerb line adjacent to the proposed area
 - (f) Dimensions of the seating area
 - (g) Table and Chair arrangement
 - (h) Location of trees, lamp posts and other street furniture within 2 metres of the proposed area
 - (i) Plan and elevation of barriers/enclosure
 - (j) Details of any additional lighting to be used
 - (k) Umbrella/parasol arrangement
 - (l) Outdoor heater arrangement
 - (m) Litter bins within 2 metres of the licensed area
 - (n) Commercial Waste bins where they fall outside the licensed area.
- Photographs of all proposed furniture (tables, chairs and barriers).

- Photographs of any proposed additional lighting to be used.
- Photographs of any proposed heating appliances to be used.
- Copy of any planning consent granted in respect of the proposed area.
- Copy of any listed building consent granted in respect of the proposed area.
- Copy of your Public Liability Insurance covering up to £5,000,000.
- A copy of the landlords consent, lease or licence if the land includes any private non adopted land.

Consultation

The Licensing Authority will consult on behalf of an applicant with relevant consultees (see Section 8 of the Pavement Café Policy).

Public Notice

Applicants are also required to publicise their application by attaching a public notice to the premises for a period of 28 consecutive days beginning with the day after the application is submitted to the Licensing team. Please see Appendix 6 for the public notice.

Processing the application

Once received and verified, the licensing team will issue you with a receipt for your fee and an acknowledgement of your application.

The application will be consulted upon for a period of 28 consecutive days beginning the day after your application is received by the licensing team.

Once the 28 day consultation period has ended, and as long as there are no relevant objections received, the licence will be granted as soon as possible.

Should your application receive any relevant objections, then your application will be forwarded to the Licensing Sub-Committee for determination. Please see Section 12 of the Pavement Café Policy for details on the Licensing Sub-Committee and its process.

If a licence is granted, applicants will be sent the following documentation:

1. Pavement café licence (which must be displayed on the premises at all times).
2. Site Plan (which forms part of the licence).
3. Mandatory Conditions attached to the licence (See Appendix 6).
4. Where applicable-Additional conditions (Please see Appendix 1 of the Pavement Café Licence Policy for the definition of an additional condition).

Renewal Applications

There is no official process for the renewal of a pavement café licence.

Licences are issued for an indefinite period, and licences will be renewed automatically without the need for a formal application form to be submitted.

It should be noted however, that where any complaints or enforcement issues have been taken in respect of the pavement café, the licence may not be renewed.

Licence holders are reminded of the need to have up to date public liability insurance at all times the café is operational. It is up to individual licence holders to forward copies of updated certificates as required.

Licences may be re-issued where a change to the current licence holders name or address changes.

Transfer Applications

Licence holders who would like to sell their business, including the licensed pavement café area, must ensure that any new owners apply to the Council to transfer the pavement café licence.

Please note that a pavement café licence CANNOT be transferred from one business premise to another.

Applicants will need to submit the following documents with their application form:

- A completed and signed pavement café licence transfer application form (See Appendix 3).
- A cheque or postal order (made payable to Warrington Borough Council) or;
A debit/credit card payment for £75 (Please phone 01925 984728 to make a payment over the phone).
- Copy of the Public Liability Insurance certificate covering up to £5,000,000 (which must be in the name of the new licence holder).
- The original pavement café licence.

Processing the application

Once received and verified, the licensing team will issue you with an acknowledgement of your application.

The application will be forwarded to Cheshire Constabulary for consultation by the licensing team on behalf of the applicant.

The application will be consulted upon for a period of 14 consecutive days beginning the day after your application is received by the licensing team.

Once the 14 day consultation period has ended, and as long as there are no relevant objections received, the licence will be transferred as soon as possible.

Should your application receive any relevant objections, then your application will be forwarded to the Licensing Sub-Committee for determination. Please see Section 12 of the Pavement Café Policy for details on the Licensing Sub-Committee and its process.

If a licence is transferred, applicants will be sent the following documentation:

1. Pavement café licence (which must be displayed on the premises at all times).
2. Site Plan (which forms part of the licence).
3. Mandatory Conditions attached to the licence (See Appendix 6).
4. Where applicable-Additional conditions (Please see Appendix 1 of the Pavement Café Licence Policy for the definition of an additional condition).

Variation Applications

There is no facility under the Highways Act to vary any part of a Pavement Café Licence.

Any variation must be dealt with via a new application.

Extract from the Highways Act 1980

Part VIIA: Provision of Amenities on Certain Highways

Section 115C: Provision of recreation and refreshment facilities by Councils

- (1) Subject to subsection (2) and (3) below, a Council shall have the power to provide, maintain and operate facilities for recreation or refreshment or both on a highway to which this part of this act applies.
- (2) A Council may not exercise the powers conferred by this section on a walkway unless they have first obtained walkway consent.
- (3) Where subsection (4) below applies, a Council may not exercise the powers conferred to by this section unless that have first obtained the consent of the frontagers with an interest.
- (4) This subsection applies where the facilities are to be provided –
 - a. On a footpath; or
 - b. On a bridleway; or
 - c. On a footway in relation to which no pedestrian planning order or traffic order is in force.

**A full copy of the Highways Act 1980 can be obtained from the Legislation.gov website at the following address: <http://www.legislation.gov.uk/> **

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**HIGHWAYS ACT 1980
PART VIIA-PROVISION OF AMENITIES ON CERTAIN HIGHWAYS
SECTION 115C: PROVISION OF RECREATION & REFRESHMENT FACILITIES
APPLICATION FOR A NEW PAVEMENT CAFÉ LICENCE**

APPLICANTS DETAILS

Full Name of Applicant	
Home address of applicant (please include your postcode)	
Telephone Number	
Mobile Number	
E-mail address	
Date of Birth	

ORGANISATION/BUSINESS DETAILS

Name of Business / Organisation	
Address of Business / Organisation (Head Office-if applicable)	
Registered Company Number (if applicable)	

N.B. Any changes to the above information should be notified to the Council in writing as soon as possible.

REQUIRED PERMISSIONS

<p>LICENSING ACT 2003 PREMISES LICENCE</p> <p>Do you hold a licence to sell alcohol or late night refreshment under the above act?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes please provide your licence number</p> <p>_____</p>
<p>FOOD, HEALTH & SAFETY REGISTRATION</p> <p>Have you registered your business with the Council's Food Safety Team?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, what date did you register?</p> <p>_____</p>
<p>PLANNING PERMISSION</p>	

Have you obtained planning permission for the proposed pavement café area?	Yes <input type="checkbox"/> No <input type="checkbox"/> Not required <input type="checkbox"/>
LISTED BUILDING CONSENT Have you obtained listed building consent for the proposed pavement café area?	Yes <input type="checkbox"/> No <input type="checkbox"/> Not required <input type="checkbox"/>
PUBLIC LIABILITY INSURANCE Have you obtained public liability insurance covering your business, including the proposed pavement café area, for up to £5,000,000?	Yes <input type="checkbox"/> No <input type="checkbox"/>

N.B. You should supply copies of any certificates/permissions with your application where you have answered yes to any of the above questions.

DEFINITION OF THE PROPOSED AREA

Please provide the full address of the proposed pavement café	
Please briefly describe the proposed area	
Have you enclosed a site plan scale 1:100 detailing the proposed area including all required information?	Yes <input type="checkbox"/> No <input type="checkbox"/>

DETAILS OF ADJOINING PROPERTIES

Please provide the full address (if known) of all the properties that adjoin the premises	Property No. 1
	Property No. 2

FURNITURE

Please detail the number of tables you wish to provide at the pavement café	<input type="text"/>
Please detail the number of chairs you wish to provide at the pavement café	<input type="text"/>
Do you intend to provide umbrellas and/or parasols?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Do you intend to use a canopy fixed to your premises for use with the pavement café?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Do you intend to provide any outdoor heating appliances?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Please detail the number of bins you intend to provide	<input type="text"/>
Please provide details of any other items of furniture you intend to use as part of the pavement café (e.g. barriers, lighting equipment)	

N.B You must provide details of all furniture to be used as part of the pavement café, including pictures and dimensions along with any other supporting documentation.

TRADING DAYS & HOURS

<p>Please tick the days when you would like the pavement café to be open</p>	<p> Monday <input type="checkbox"/> Tuesday <input type="checkbox"/> Wednesday <input type="checkbox"/> Thursday <input type="checkbox"/> Friday <input type="checkbox"/> Saturday <input type="checkbox"/> Sunday <input type="checkbox"/> </p>																								
<p>Please indicate the times when you would like the pavement café to be open (please use 24hr clock).</p> <p><i>**Pavement Café licences will normally only be granted between the hours of 9.00 and 22.00hrs. If you would like to operate outside of these times, you must give a justified business reason below**</i></p>	<table border="1"> <thead> <tr> <th>DAY</th> <th>OPEN</th> <th>CLOSE</th> </tr> </thead> <tbody> <tr> <td>Mon</td> <td></td> <td></td> </tr> <tr> <td>Tues</td> <td></td> <td></td> </tr> <tr> <td>Weds</td> <td></td> <td></td> </tr> <tr> <td>Thurs</td> <td></td> <td></td> </tr> <tr> <td>Fri</td> <td></td> <td></td> </tr> <tr> <td>Sat</td> <td></td> <td></td> </tr> <tr> <td>Sun</td> <td></td> <td></td> </tr> </tbody> </table>	DAY	OPEN	CLOSE	Mon			Tues			Weds			Thurs			Fri			Sat			Sun		
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<p>Reasons for requesting to trade outside of permitted hours</p>																									

MANAGEMENT PLAN

Please use the boxes below to detail how you propose to manage the pavement café if a licence is granted. Please use additional sheets of paper if necessary.

PUBLIC ORDER	
PUBLIC NUISANCE	
PUBLIC SAFETY	
CRIME & DISORDER	

FEE

The fee for a new application for a pavement café licence has been set at £200. This must accompany your application form. Upon successful application a further £31.00 will be required.

I confirm I have enclosed a cheque or postal order made payable to Warrington Borough Council	Yes <input type="checkbox"/> No <input type="checkbox"/>
I confirm that I will make payment via debit or credit card once my application has been submitted	Yes <input type="checkbox"/> No <input type="checkbox"/>

PUBLIC NOTICE

I confirm that I will display the required public notice on my premises for a period of 28 consecutive days beginning with the day after I submit my application to the Licensing Section.

Yes

I hereby apply to **Warrington Borough Council** for and on behalf of the above named Business/Organisation under the Highways Act 1980, Part VIIA: Provision of Amenities on Certain Highways: Section 115c: Provision of recreation and refreshment facilities by Councils for a new application for a pavement café.

I declare that to the best of my knowledge and belief the above particulars are correct and that I will comply with the terms and conditions of any pavement café licence issued by Warrington Borough Council as a result of this application. I confirm that I am over 18 years of age.

**SIGNED
(Applicant)**

DATED

Please note that a licence will be valid indefinitely from the date of issue and will be automatically renewed each year.

Please ensure that you have enclosed the following documentation with your application:

1. Application Fee of £200.00. Final Approval Fee (upon successful application) £31
2. Confirmation of your registration with the Council's Food Safety Team.
3. Copy of your planning permission (if applicable).
4. Copy of your listed building consent (if applicable).
5. Copy of your Public Liability Insurance certificate.
6. Site plan on scale 1:100 detailing the proposed area along with dimensions.
7. Photographs and dimensions of all furniture to be used (including tables, chairs & barriers).
8. Photographs and dimensions of any outdoor heaters to be used (if applicable).
9. Photographs and dimensions of any additional lighting equipment to be used (if applicable).
10. Photographs and dimensions of all litter bins to be used.
11. Copy of the public notice to be displayed on the premises.

Failure to supply any of the required documentation or fee could result in your application being rejected.

There is a 28 day consultation period on all new applications after which the Licensing Section will inform you of the outcome of your application.

PLEASE RETURN YOUR COMPLETED APPLICATION FORM & SUPPORTING DOCUMENTS TO:

Licensing Section, Town Hall, East Annexe, Sankey Street,
Warrington, WA1 1UH

Should you wish to contact the Licensing Section directly please call 01925 984728 or e-mail pavementcafe@warrington.gov.uk

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**HIGHWAYS ACT 1980
PART VIIA-PROVISION OF AMENITIES ON CERTAIN HIGHWAYS
SECTION 115C: PROVISION OF RECREATION & REFRESHMENT FACILITIES
APPLICATION FOR THE TRANSFER OF A PAVEMENT CAFÉ LICENCE**

NEW APPLICANTS DETAILS

Full Name of Applicant	
Home address of applicant (please include your postcode)	
Telephone Number	
Mobile Number	
E-mail address	
Date of Birth	

OLD LICENCE HOLDER DETAILS

Full Name of Applicant	
Home address of applicant (please include your postcode)	
Telephone Number	
Mobile Number	
E-mail address	
Date of Birth	

ORGANISATION/BUSINESS DETAILS

Name of Business / Organisation	
Address of Business / Organisation (Head Office-if applicable)	
Registered Company Number (if applicable)	

N.B you are unable to change the business address where the pavement café is registered.

REQUIRED PERMISSIONS

<p>PUBLIC LIABILITY INSURANCE</p> <p>Have you obtained public liability insurance in your name, covering your business, including the pavement café area, for up to £5,000,000?</p>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<p>PAVEMENT CAFÉ LICENCE</p> <p>Have you enclosed the original pavement café licence to be transferred?</p> <p>What is the pavement café licence number?</p>	Yes <input type="checkbox"/> No <input type="checkbox"/> <hr/>
<p>If you have not enclosed the original licence please give reasons why.</p>	

FEE

The fee for the transfer of a pavement café licence has been set at £75. This must accompany your application form.

<p>I confirm I have enclosed a cheque or postal order made payable to Warrington Borough Council</p>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<p>I confirm that I will make payment via debit or credit card once my application has been submitted</p>	Yes <input type="checkbox"/> No <input type="checkbox"/>

I hereby apply to **Warrington Borough Council** for and on behalf of the above named Business/Organisation under the Highways Act 1980, Part VIIA: Provision of Amenities on Certain Highways: Section 115c: Provision of recreation and refreshment facilities by Councils for the transfer of a pavement café licence.

I declare that to the best of my knowledge and belief the above particulars are correct and that I will comply with the terms and conditions of any pavement café licence issued by Warrington Borough Council as a result of this application. I confirm that I am over 18 years of age.

**SIGNED
(Applicant)**

DATED

Please ensure that you have enclosed the following documentation with your application:

1. Fee of £75.
2. Copy of your Public Liability Insurance certificate.
3. The original pavement café licence.

Failure to supply any of the required documentation could result in your application being rejected.

There is a 14 day consultation period on all applications for transfer after which the Licensing Section will inform you of the outcome of your application.

PLEASE RETURN YOUR COMPLETED APPLICATION FORM & SUPPORTING DOCUMENTS TO:

Licensing Section, Town Hall, East Annexe, Sankey Street,
Warrington, WA1 1UH

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PAVEMENT CAFÉ LICENCE FEES

The fees below have been set by the Full Council following consultation and will be reviewed annually.

Fees are applicable for the period **1 APRIL 2017 – 31 MARCH 2018**

New Application

£200.00 plus a further £31.00 upon successful application.

Transfer Application

£75.00

The fee must be submitted in full with the relevant application form. Payment by instalment is not permitted for a pavement café licence.

The fee may be paid by cheque or postal order made payable to Warrington Borough Council or;

Credit/Debit card payment over the phone by calling 01925 984728.

Failure to Pay

If a bank dishonours a cheque, this will result in the rejection of the application by the Council, unless payment of the outstanding fee is made by credit/debit card or cash.

Refunds

Applications that are rejected either by delegated officers of the Council or by members of the Licensing Sub-Committee, will be entitled to a refund of the application fee.

Partial year refunds will not normally be offered for those applicants whose licences are surrendered or revoked part way through the licence period.

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 stonage, 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 with 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.

**HIGHWAYS ACT 1980
PART VIIA: PROVISION OF AMENITIES ON CERTAIN HIGHWAYS
SECTION 115C: PROVISION OF RECREATION &
REFRESHMENT FACILITIES BY COUNCIL**

PUBLIC NOTICE
APPLICATION FOR A NEW PAVEMENT CAFÉ LICENCE

Notice is hereby given that I _____

have made an application for a new pavement café licence at premises known as:

on the _____ to Warrington Borough

Council to allow tables and chairs to be placed on the highway.

The application, if granted, will authorise the use of the pavement café for the following days and times:

A consultee or any other person may make representation which must be in writing about this application to the following address no later than:

To the Licensing Section, Town Hall, East Annexe, Sankey Street, Warrington, WA1 1UH

A record of the application is contained in the licensing register kept by Warrington Borough Council which is available for inspection free of charge at the above address or at www.warrington.gov.uk between 09.00am and 16.00pm Monday to Friday

This notice must be displayed continuously on or near the premises to be licensed, where it can be read outside the building, for a period of 28 days from the date of the application.

DISCLAIMER

The information provided in this document is provided for the assistance of applicants and other persons and represents a summary of the relevant legislation at the time of publication. Interpretation of the legislation is ultimately a matter for the courts, and applicants and other persons must take their own professional and legal advice where appropriate.