

Essential Reference Paper 'C'

Licence Number

PAVEMENT LICENCE HIGHWAYS ACT 1980 PART VIII A

Definitions

“Defined Area A” – the area shown on the agreed plan delineated in red where tables, chairs and other furniture as agreed by the Council may be placed on the highway

“Defined Area B” – the area shown on the agreed plan delineated in blue where tables, chairs and other furniture as agreed by the Council may be placed on the highway

“Operational Margin” – an area the Defined Area A to a distance of 2.4 metres (or less where this would be to a building line or to a point midway to an adjoining Defined Area

Recitals

In accordance with the Highways Act 1980 Section 115 K (1)(a) and (b) the Watford Borough Council (“the Council”) grants permission to

XXXXXXXXXX (‘the Licensee’)

of **XXXXXXXXXX**
XXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXX

to use **XX tables and XX chairs**

only on the highway outside

XXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXX
XXXXXXXXXX (“the Premises”),

within the Defined Areas.

Duration and times of licences

1. The permission shall run until **XX XXXX 2015** but may be renewed on payment of the annual fee as may be notified from time to time by the Council.
2. The Licensee to use the Land for the placing of tables and chairs in the course of his business only between

Mon, Tues, Weds, Thurs, Fri, Sat, Sun

09:00 - 23:00

except that the tables and chairs shall be removed from the Defined Areas whenever the Premises are not open to the public.

Use of Land

3. The permission is personal to the Licensee.
4. The Licensee to use the Defined Areas for the purpose of consuming refreshments in connection with his restaurant business only and not for any other purpose whatsoever.
5. No tables, chairs or barriers may be placed in the Defined Areas until the Council has given its approval as to the type and designs to be used and the tables, chairs and barrier must be kept in good repair and condition at the Licensee's expense.
6. No charge shall be made by the Licensee for the use of the chairs and tables.
7. No other furniture or objects may be placed on the highway other than that expressly permitted in this licence. This Licence does not allow the use of loudspeakers, amplification or other equipment externally to the premises.

Barrier around the tables and chairs

8. The Licensee must ensure that the Defined Areas are clearly delineated in a manner acceptable to the Council before tables and chairs may be placed on the highway;
9. (a) The Licensee must provide a sign to read:
"These tables and chairs are for customer's use only".

(b) Where alcohol is to be consumed, the Licensee must provide a sign to read:

"Drinking up time

Alcohol must not be consumed during the last thirty minutes that this area is allowed to be used as a pavement café."

Access to the Land

10. The Licensee shall, if required to do so by a Statutory Undertaker, in order that access may be obtained to equipment under or near the footway or highway or if

the Council requires access to the Defined Areas for any reason whatsoever, remove the tables and chairs from the Defined Areas.

10. (1) Where the Licensee is given at least seven days' written notice by either (a) the Council or (b) a police officer of at least the rank of Inspector, he shall remove the tables and chairs from the Defined Area A for the period of time as will be specified in the notice.

(2) During the period stated in the notice issued under paragraph 10(1) the Licensee may, at the Council's discretion and where it is safe to do so, allow tables and chairs to be placed in Defined Area B or another acceptable location that is safe and not likely to cause nuisance, obstruction or annoyance.

Sale of alcohol

- 12 (1) Alcohol (as defined in the Licensing Act 2003) may only be served to customers using the tables and chairs if the Licensee holds an appropriate premises under the Licensing Act 2003.

(2) The Licensee shall ensure that soft drinks and water are available to be purchased by customers using the tables and chairs.

(3) No alcohol may be consumed in the Defined Area during the last thirty minutes of the hours allowed each day by this Licence.

Cleanliness and Hygiene

13. The Licensee shall:

(1) ensure that all litter arising from the operation of this licence shall be disposed of as the Licensee's trade waste and not in permanent litter bins provided by the Council;

(2) prior to placing furniture on the highway the Operational Margin shall be swept free of all litter and debris to a reasonable standard;

(3) clear litter and food debris, and wash all spillages and grease, from the Operational Margin during the period of use immediately after the tables and chairs are removed from the Defined Areas;

(4) ensure so far as possible that customers eating or drinking outside the Premises do so only at the tables provided and at the times specified in condition 2, and that the numbers of customers drinking outside the Premises are restricted to the number of chairs provided and which the Licensee is allowed to place outside the Premises.

Cutlery, Crockery, Condiments etc

14. A flame-retardant receptacle for litter and ash shall be provided within the Defined Areas.

15. No paper cups, disposable sachets or containers shall be provided within the Defined Area.
16. All menus shall be enclosed in weighted folders.
17. Serviettes shall be enclosed within a dispenser and be specifically identifiable to the Premises.
18. No leaflets or other forms of advertisement or other printed material shall be left or distributed within the Defined Area or Operational Margin.

Good Order

19. The Licensee must ensure that good order and behaviour is maintained at all times by people using the tables and chairs. Where the Licensee employs any person to ensure the safety and security of the Premises and its customers, such persons must be licensed by the Security Industry Authority.

Costs

20. The Licensee shall be responsible for any rates, taxes and other outgoings which may be charged.
21. The fee for the provision of this permission shall be **£XXX.XX**.

Termination

22. The Licensee may surrender this licence at any time.
23. The Council may withdraw this licence at any time if it appears to the Council that the conditions by which it is granted are not being complied with, providing that the Licensee is first given an opportunity to make representations to the Council as to why the licence should not be withdrawn.
24. The following enforcement regime will apply to pavement licences:
 - (1) on the first breach of a licence condition a warning will be issued and the licensee requested to comply with the conditions within one hour of the warning. Failure to comply with the warning will lead to the licence being suspended until satisfactory compliance can be demonstrated;
 - (2) a second written warning within a four week period will result in the suspension of the licence pending liaison with the licence-holder concerned and any further investigation if needed. The licence will be restored once the licence-holder has agreed to comply with the relevant conditions;
 - (3) a third breach of condition within a six-week period from the lifting of the suspension in (2) above will result in the licence being revoked.
25. Once a licence has been revoked, any re-application will only be considered if the premises has had a change of owner/manager, or a period of one year has elapsed from the date of revocation.

Indemnities and Insurances

26. The Licensee 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.
27. The Licensee shall indemnify and keep indemnified the Council against all actions proceeding claims demand and liability in respect of personal injury, damage to goods or property, or any loss arising out of the grant of this licence and the Licensee's use of the Land and for this purpose must take out at the Licensee's expense a policy of insurance approved by the Council in the sum of at least £1 million in respect of any one event.
28. The Licensee's attention is drawn to the Highways Act 1980 Section 155k (failure to comply with terms of permission).

Dated: **XXX XXXX XXXX**

Signed for the Council: