

## **Conditions Attached to a Pavement Licence (“The Licence”) granted under the Business and Planning Act 2020**

### **Statutory Conditions:**

1. “No-obstruction condition” - Anything done by the licence-holder pursuant to the holder, or any activity of other persons which is enabled by the licence, must not have one of the specified statutory effects debarring grant of the licence.

### **Newcastle City Council Licensing Authority Conditions:**

2. The Licence will have effect until 30th September 2022, unless surrendered or revoked earlier.
3. The Licence will have an earliest commencement time of 09:00 and latest cessation time of 23:00 unless otherwise determined. (Any application for hours outside of these times will be considered on its individual merits and will take into account the likely impact on persons/businesses/residents in the area).
4. A legible copy of The Licence and licence plan showing the licensed area (“Licensed Area”) must be available for inspection at any time by City Council staff, at the licensed premises.
5. No smoking is permitted in the Licensed Area. These areas are designated as ‘smoke-free’ zones and in accordance with the Smoke-free (signs) Regulations 2012, at least one ‘no smoking’ sign shall be visibly displayed within the Licensed Area.
6. The sale of any alcoholic beverages shall be in accordance with the requirements of any “Premises Licence” issued under the Licensing Act 2003. The grant of The Licence shall not discharge the licensee from the separate obligation to apply for and comply with the terms of a “Premises Licence” issued under the Licensing Act 2003.
7. The Licensed Area shall be vacated immediately if requested by the Council, Northumbria Police or other emergency service, statutory undertaker etc. without any liability for compensation, refund of application fee, or damage arising.
8. The Council reserves the right to temporarily or permanently revoke or vary the terms of The Licence in the event of the site to which it relates becoming unsatisfactory for the purposes of trading because of building or development works or any other significant change of circumstances without any liability for compensation, refund of application fee, or damage arising.
9. The Licence shall be rendered invalid should The Licensee cease to own the premises or cease employment.
10. Any damage to the highway arising from the operation of The Licence is to be restored and made good at the cost of the Licensee, to the reasonable satisfaction of the Director of Operations & Regulatory Services. Should the Licensee not complete such works within 14 days of being requested to do so by the Director of Operations & Regulatory Services, the Council reserves the right to complete the works itself and recharge all associated costs to The Licensee.
11. The Licensee shall indemnify and keep indemnified the Council from and against all actions, demands, costs, charges or expenses arising out of or in connection with The Licence. For this purpose, the Licensee shall take out a Third party public liability insurance policy in at least the sum of £10,000,000 (Ten million pounds) for any one accident, without limiting the number of claims arising out of any one accident, with an insurance company to be approved by the Council, and shall produce such policy and the receipt for the premium thereof to the Council. For premises outside of the city centre parking meter zone (PMZ) the Third-party public liability insurance policy can be in the sum of £5,000,000 (Five million pounds).

12. Where the Council has received representation from Northumbria Police or an authorised officer of the Council, and believes that any breaches of conditions are serious enough in nature to warrant it, and could lead to public disorder, or affect public safety, revocation or suspension of the permission may take immediate effect.
13. Upon expiry or revocation of The Licence, The Licensee shall remove any structures from the highway and reinstate the highway to its former state and condition and in default thereof, the Council will be empowered to carry out such work of reinstatement and recover the expense in so doing from The Licensee.
14. The Licensee shall comply with any directions as to the external lighting of The Licensed Area as the Director of Operations & Regulatory Services shall reasonably require.
15. The Licensee shall ensure that The Licence operates in a safe and efficient manner ensuring that there is no safety risk or nuisance caused to customers and users of the public highway or nearby premises. The Licensee shall ensure that all patrons shall behave in a manner so as not to give cause for complaint or annoyance to any persons in the vicinity.
16. For streets with footways and carriageways where the footway is not planned to be widened into adjacent parking bays on a temporary basis, a minimum unobstructed footpath width of 2.0 metres must be provided for safe and convenient pedestrian movement. This distance being, measured from the edge of the licensed area to any significant amount of street furniture (such as lamp posts, bollards, parking meters etc.). Where there is a heavy pedestrian footfall additional footpath space may be required.
17. For streets with footways and carriageways where the footway is being extended into adjacent parking bays on a temporary basis, the licensed area may occupy the full width of the permanent footway subject to approval from the Highway Authority.
18. Tables, chairs, furniture, fittings and barriers associated with The Licence or otherwise under the control of The Licensee shall not encroach onto the highway beyond The Licensed Area. The whole of the adjacent highway shall remain open for pedestrian use at all times and shall not be obstructed. Free and unobstructed passage of pedestrians on the highway must be maintained at all times so as not to cause any nuisance annoyance or obstruction thereof. Free and unobstructed passage of pedestrians on the highway must be maintained at all times so as not to cause any nuisance annoyance or obstruction thereof and the Operator shall:-
  - a) ensure that all persons using the pavement café do not encroach beyond the Designated Area and are seated at a table.
  - b) be responsible for the conduct of all persons within the Designated Area.
19. The Licensee will need to define the boundary of The Licensed Area by a barrier and details of this should be included in the application. The entire Licensed Area (apart from entrances) shall be enclosed in its entirety with a suitable barrier. Barriers should have a tapping rail for blind or partially sighted pedestrians, and barriers at the end of The Licensed Area should be placed at a 45-degree angle to help guide blind or partially sighted pedestrians away from The Licensed Area.
20. Furniture shall be durable and suitable for outside use. The design of all chairs, tables, umbrellas, etc. shall be subject to the approval of the Director of Operations and Regulatory Services.
21. The playing of any amplified sound is not permitted within The Licensed Area.

22. The Licensee shall ensure that customers conform with the latest guidance on social distancing and any reasonable crowd management measures needed as a result of a Licence being granted and businesses reopening.
23. No gas heaters or fire pits shall be used within The Licensed Area. No electrical cables shall be run along the ground in such a way that they create a trip hazard or are susceptible to mechanical damage
24. The Licensed Area is to be kept in a clean and tidy condition during its operation and used glasses, plates, cutlery, containers, papers and all other articles thereon shall be removed on a regular basis and at the close of business each day and all refuse shall be removed and the area cleansed. The Licensee must ensure that spillage is cleaned away as soon as it occurs and take appropriate precautions to prevent the immediate highway from becoming littered or marked as a result of trading activities.
25. There must be adequate provision made for the collection and containment of general waste and recycling. The Licensee must provide suitable litter bins, where directed.
26. Outside the times of The Licence, temporary tables, chairs, umbrellas and any other moveable equipment must be wholly removed from The Licensed Area and stored off the public highway in an appropriate secure place with due consideration being given to the health and safety of staff and public. The Licensee will be allowed up to 30 minutes from the closure of The Licensed Area to undertake this removal.
27. The Licensee shall at all times when The Licence is in operation make available for customers toilets and hand washing facilities, to wheelchair accessible standards where it is practicable and reasonable to do so. Toilet provision should be in accordance with Newcastle City Council Statement of Licensing Policy 2018 – 2023.
28. No glass shall be taken into The Licensed Area after 7pm and any glass and glass materials shall be removed from the Licensed Area by 8pm. The type of drinking vessels and drinks containers taken into the Licensed Area before 7pm or used in that area prior to 8pm shall be at the discretion of the Council (note – different requirements may apply to individual premises).
29. No signage, flags, banners, "A" boards or advertisements shall be displayed or placed in on or around The Licensed Area in, on or over the highway without the prior authorisation of the Director of Operations & Regulatory Services.
30. In strong winds or other adverse weather conditions umbrellas should be removed from The Licensed Area, in particularly poor weather all furniture should be removed.
31. Where The Licensed Area requires the suspension of Council owned parking bays (to either facilitate pedestrian access around The Licensed Area, or to accommodate patrons within The Licensed Area), The Licensee must ensure that any associated costs or fees are paid to the satisfaction of the Highways Authority and/or Council Parking Services. 1

**1 (Fees, for administration purposes, will be charged in respect of suspending parking bays to extend footway into them so that the pavement cafes can take up more footway. Fees will be charged at £5.00/day/bay anywhere in the city. The charge will be made for each individual parking bay used. Permission will be granted for a minimum of 12 months, with a quarterly review point in terms of how it is working for all interested parties (Licensee, Council, Police, NE1). It is proposed that charges will be paid in advance, on a quarterly basis. Parking Services will be responsible for administering the charge)**