

# LANCASTER CITY COUNCIL

## FOR OFFICE USE

Application No...

Date...

Fee Paid...

Receipt No...

### Application for a Licence to use the Highway for a Street Café Highways Act 1980 Section 115C-E

Please read the notes and answer all the following questions

#### Question 1

Your Name and Address

Postcode

Tel. No.

#### Question 2

Name and address of any person acting for you

#### Question 3

Describe the proposed location for the street café and address if different from the address in Q1 above.

#### Question 4

Please state the main proposed materials (for example: furniture, umbrellas, boundary markers, colour, type, styles) and show them on your detailed layout plan.

#### Question 5

Do you intend to alter any of the building and/or building frontage to accommodate the proposal? If YES, please show details of the alterations on your plan.

YES/NO

#### Question 6

Are there any lighting columns, litter bins, road signs, public seating, trees, etc. on the site within the boundary of the area proposed for the street café?

If YES, please show them on your plan.

YES/NO

#### Question 7

Is proper sanitary accommodation available within the building to be used to service the Street café?

YES/NO

**Question 8**

Is it intended to seek a licence to serve alcohol within the street café area?

If YES, please answer Q9 below.

YES/NO

**Question 9**

What range of drinks (alcoholic and non-alcoholic) is it intended will be served within the street café area?

Give details below.

The applicant should be aware that the granting of a licence does not permit the sale of alcohol within the outdoor café area. Separate licensing arrangements apply for the sale of alcohol and the applicant should check the conditions on the Premises Licence or consult the Licensing Authority.

**Question 10**

Please read and sign the following statement.

I wish to apply for a licence to use the highway fronting the above named property for the purpose of a street café as described in this application and the accompanying plans and enclose the required fee.

Signed.....

Date.....

## Guidance Notes – Street Café Licence Application

Applications should be made to the Licensing Manager, Licensing Section, Lancaster City Council, Town Hall, Lancaster, LA1 1PJ and accompanied by:

- Four complete copies of this form.
- Four location plans to Ordnance Survey quality to show the proposed area for the street café at 1:1250 scale.
- Four detailed plans (to show the proposed street café) at a scale of 1:50 or 1:100
- Full manufacturers' literature/details of the furniture/equipment to be used.
- An example of the menu of foods to be served.
- Details of the management arrangements for the street café.
- The standard fee.
- Proof of indemnification against all claims, injuries or accidents, with cover up to £2 million.

### Before you apply

You are strongly advised to discuss your proposals informally with licensing staff and your neighbours before making your submission. You should also seek professional help when attempting to illustrate your proposals.

You can contact us for advice by calling 01524 582033 or emailing [licensing@lancaster.gov.uk](mailto:licensing@lancaster.gov.uk)

### Submitting plans

You will need two types of plans:

- **Location plan** – to show where your proposal is situated in relationship to the surrounding area. You must clearly edge the site boundary in red. The plan should be of 1:1250, to Ordnance Survey quality.
- **Detailed plan (with elevations)** – to show the proposed street café and its relationship to existing buildings and features. The plan should be a metric scale of 1:50 or 1:100 and the main dimensions should be clearly stated. It should include all the information required by the questions above.

### Additional notes

- **Planning consent** – If you propose to alter the elevation of the property to enable the street café Planning Consent may be required.
- **Listed Building Consent** – If your building is included in the list of Buildings of Special Architectural or Historic Interest, or your proposal could affect the setting of such a building, you may need Listed Building Consent in addition to planning permission and to submit an application form LB1.
- **Conservation Area Consent** – If you propose the alteration of any building or part of a structure in a conservation area, you may need Conservation Area Consent in addition to planning permission and make an application for Conservation Area Consent.



## **Application for a pavement cafe licence**

- 1.0 A Pavement Cafe Licence ('the Licence') is granted by Lancaster City Council ('the Council') as the licensing authority for the Lancaster district.
- 2.0 Applications should be submitted by the prospective Licensee.
- 3.0 A pavement café licence permits the approved Licensee to operate a pavement café serving food and beverages within a defined area ('the Licensed Area') and to a defined list of general conditions regarding use as set out within this document.
- 4.0 Notice of any application for a new licence shall be displayed in the window of the premises to which it relates for a period of no less than **28** days.
- 5.0 No licence will be granted if the effect of this licence and any other extant license for premises in the same street, would be:
  - that in that street the length of licensed pavement café would result in a continuous section in excess of 50 metres, or,
  - where the public highway concerned is a paved island or square, the licensed area and any previously licensed area would occupy more than 33% of the publicly available space.
- 6.0 If the proposed Licensed Area is situated adjacent to any other property than the applicant then the written consent of the interested frontages is required, under Section 115 of the Highways Act 1980.

## **Conditions Attached to the Licence**

### **General**

- 7.0 The Licence will have effect for 12 months, unless surrendered or revoked.
- 8.0 The issue of a License does not give, or imply any permission to supply intoxicating liquor in the street.
- 9.0 The Licence shall be displayed in the window of the premises to which it relates.
- 10.0 The use of the Licensed Area shall cease before 20.00 hours each day and shall not commence prior to 10.00 hours.
- 11.0 The Licensed Area shall be vacated immediately if requested by the Council, Lancashire County Council as Highway Authority, Lancashire Constabulary or other emergency service, statutory undertaker etc. without any liability for compensation, refund of application fee, or damage arising.
- 12.0 The Council reserve the right to request the clearing of the licensed area if required for special one-off events for public safety
- 13.0 The Licence shall be rendered invalid, should the Licensee cease to own the premises or cease employment.

- 14.0 The Licensee shall indemnify the Council and shall produce to the Council's Licensing Manager for inspection a policy of insurance indemnifying himself and the Council against any injury or damage to any person or property and against any claim liability expense or damage arising by reason or in consequence of the permission granted. The policy shall provide cover of not less than £2,000,000 in respect of any one accident or series of accidents arising from one incident unlimited during the period of the insurance.
- 15.0 Where the Council has received representation from the Lancashire Constabulary 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 effect public safety, revocation or suspension of the permission may take immediate effect.
- 16.0 Upon expiry or revocation of the permission 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.

### **Operational**

- 17.0 For streets with footways and carriageways, the maximum width of any licensed area shall not exceed one third of the usable width of the footpath. A minimum unobstructed footpath width of 1.8 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 flow additional footpath space may be required.
- 18.0 For pedestrianised streets a minimum width of 1.8 meters or two thirds of the total width of the public highway, whichever is the greater, must remain free and unobstructed to facilitate pedestrian movement. This figure may be increased where there is a heavy pedestrian flow. The unobstructed route shall fall equally either side of the centre line of the highway to ensure the space available for tables and chairs is shared equally between premises on each side of the street.
- 19.0 A clear direct pathway of at least 1.2 metres wide shall be maintained to allow entry and exit from building premises.
- 20.0 Only the Licensed Area shall be used for trading.
- 21.0 Where tables and chairs are proposed directly outside a shop front, a well designed and constructed physical barrier or roped area of approximately 0.8 metres in height is required to designate the area and to guide persons with sight disability around the use. Such barriers must not be permanently fixed to the ground and must be of a style, design and type to be agreed by the Council (Head of Regeneration and Policy). The barriers should produce a colour contrast to be agreed by the Council's Access Officer.
- 22.0 Only tables, chairs and umbrellas associated with tables shall be placed within the Licensed Area. No other furniture other than receptacles shall be placed within this area.



- 23.0 Tables and chairs shall be durable and suitable for outside use. No damaged furniture should be used.
- 24.0 The design of all chairs, tables, umbrellas, etc. shall be subject to the approval of the Council's Head of Regeneration and Policy and such street furniture together with associated outdoor and pavement areas including an area of 1 metre around the Licensed Area must be regularly cleansed and floor debris and other waste immediately removed to the satisfaction of the Council's Head of Environmental Services.
- 25.0 Tables, chairs and umbrellas shall not be positioned so as to obstruct sight lines for drivers of vehicles at junctions.
- 26.0 No canopy or umbrella shall be lower than two metres in height and shall be adequately secured.
- 27.0 All street cafe furniture, including barriers shall be removed at the end of trading each day, or at the end of the approved trading hours as defined by the Licence, whichever is the earliest.
- 28.0 Suitable storage for street café furniture shall be identified by the applicant at the time of application for a license.
- 29.0 There must be adequate provision made for the collection and containment of litter and, where directed, the Licensee must provide suitable litter bins.
- 30.0 The Licensee will ensure that the designated area is maintained in a clean and tidy condition. The Licensee shall also take appropriate precautions to prevent the immediate highway from becoming littered as a result of trading activities.
- 31.0 The Licensee shall at all times when the pavement cafe 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.
- 32.0 The Licensee will be responsible for the conduct of customers. They must not be a nuisance or annoy users of the highway or tenants of adjoining premises.
- 33.0 No speakers or playing of music shall be permitted.
- 34.0 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.
- 35.0 No tables and chairs (street furniture) to be placed so as to cause an obstruction or nuisance to any Charter Market stall holder.  
N.B. This may mean that a Street Café Licence can not be used whilst the market is taking place.

#### **Alcohol licenses only**

- 36.0 Where intoxicating liquor is permitted to be served or consumed in the licensed area polycarbonate glasses must be used at all times.
- 37.0 Where intoxicating liquor is permitted to be consumed in the Licensed Area this may only be served and consumed when accompanying a substantial meal. This does not include bar snacks such as crisps, nuts etc. All patrons consuming intoxicating liquor must be seated at a table within the licensed area, there will be no parallel drinking whatsoever.

### **Guidance**

- 38.0 The Council's Head of Governance acts for the Council in all matters unless otherwise stated
- 39.0 Since at most locations, problems with pigeon or starling droppings are likely, umbrellas or retractable canopies may need to be provided with the tables. Advice on canopy design should be sought from the Council's Head of Regeneration and Policy to ensure they meet the Councils' requirements.
- 40.0 Planning permission must be obtained for the change of use of the highway for a pavement café and for any structural alterations to the building or its appearance. This includes the fitting of electrical signs and canopies.