



ST HELENS
BOROUGH COUNCIL

Application for a Pavement Café Licence

Before completing this form please read the standard conditions at the end of the form.

If you are completing this form by hand, please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

I/We

.....
(Insert name(s) of applicant)

apply for a Pavement café licence under the Business and Planning Act 2020

Part 1 – Premises Details

1.1 Name of premises	
1.2 Address of premises	
1.3 Postcode of premises	
1.4 Premises phone number	

Part 2 - Applicant Details

2.1 Full Name of applicant(s)	
2.2 Applicants address	
2.3 Applicants mobile number	
2.4 Applicants email address	

Part 3 – Occupation of the highway

3.1 Describe the area where you wish to place the furniture (a detailed plan must be attached with your application)
3.2 For what purposes will the furniture be used for? (e.g. the consumption of food or drink)
3.3 Give the dimensions of the area you wish to occupy Length: _____ Width: _____
3.4 Give the total width of the pavement at this location

3.5 State the times you propose to place table and chairs on the pavement (Must be within the times of 08.00 to 23.00)		
Day	Start	Finish
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		

3.6 Details of furniture	
Tables Amount _____ Chairs Amount _____ Litter Bins Amount _____ Parasols / Umbrellas Amount _____	Planters Amount _____ Space Heaters Amount _____ Litter Lighting Amount _____ Barriers / Balustrades Amount _____

3.7 List of furniture details (include the composition of the materials)	
3.8 Height and composition of Barriers/ Balustrades	
3.9 Do you propose any advertising on furniture, if so, please provide details	

Part 4 - Checklist

Please read the checklist below and tick to confirm you have enclosed all of the required information / documents:

1. I have made or enclosed payment of the fee (application fee £100)
2. I have enclosed a layout plan of the pavement café area.
3. I have enclosed a copy of the Public Liability Insurance (minimum value of £5,000,000), this must explicitly state that the proposed outside area on the public highway is included.
4. I have read and fully understand the standard conditions of the application form.
5. I understand the purpose of the pavement café licence are— (a) use of the furniture by the licence-holder to sell or serve food or drink supplied from, or in connection with relevant use of, the premises; (b) use of the furniture by other persons for the purpose of consuming food or drink supplied from, or in connection with relevant use of, the premises.

Part 5 – Declaration

I declare that the details in this application are true to the best of my knowledge and belief and acknowledge that if there are any omissions or incorrect statements of a serious nature this may result in the application being refused.

I have read and agree to abide by the terms and conditions of this licence.

Signature of applicant or applicant's solicitor or other duly Authorised agent. If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Position	

Privacy Policy – St. Helens Council, Licensing Service

Here at St. Helens Council we take your privacy seriously. We will only use your personal information to administer your application and provide the products and services you have requested from us.

From time to time we may need to contact you with details of the service or information we require from you and we will do this using the contact information you provided on your application form. This can either be by post, email, telephone or text message.

The Council has a duty to protect the public and we implement a number of security measures to maintain the safety of your personal information. Please be aware however that the information you provide on this application may be shared with other public bodies where required, such as Council Departments and Government Services, which may be used for the prevention of fraud or other serious offences.

If you require a copy of the data we hold or believe it to be inaccurate please contact the Council's Data Protection Officer by email on dataprotection@sthelens.gov.uk.

Any further information held by the Council about individuals will be held securely and in compliance with the law. Information will not be held for longer than required and will be disposed of securely. Further information regarding retention periods is available on the Council's website at <https://www.sthelens.gov.uk/Licensing>.

Important

1. The Pavement café area must be on a relevant part of the highway adjacent to the premises,
2. The Council will not issue a licence where it considers that the location of any items may constitute a danger on the highway. As part of the Council decision making process it will consider the effects on visibility and sight lines and access for all users of the highway. Items will not be permitted in locations at or very near to junctions, traffic signals or pedestrian crossing points. The Council requires there to be a through route for pedestrians that does not require detours or sharp changes of direction.
3. You must comply with the social distancing guidelines set out by the government, 2m or 1m with risk mitigation where 2m is not viable, is acceptable, along with any amendments to this guidance

Standard Conditions

The following standard conditions will apply to all licences granted:

- 1 The granting of a pavement café licence applies only to the applicant in respect of the premises concerned and is 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 licence granted will conform with all Government Guidance published in relation to social distancing,
- 3 Any changes to any part of the pavement café (including but not limited to furniture, barriers the area or operating hours) is strictly prohibited under the terms of this licence.

- 4 All customers using the pavement café will be required to be seated.
- 5 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.
- 6 Where emergency repairs 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 such works are 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 No items such as but not limited to tables and chairs are not permitted to be affixed to the highway, street furniture, post or column.
- 9 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.
- 10 The Council accepts no liability for items that are lost, stolen or damaged.
- 11 Outside of the permitted hours of the licence all tables, chairs, barriers, portable planting and any other external free-standing equipment shall be removed and stored clear of the public highway.
- 12 The licence can be suspended for such part of the area defined in the plan as may be required at any time by any Statutory Services (e.g. water, gas and electricity) in execution of their duties.
- 13 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 will necessitate a temporary suspension.
- 14 The licence holder shall be permitted to set out furniture in the area as outlined on the plan attached to the licence. The subletting of the permission granted by the licence is prohibited. Only those items detailed in the application submitted to the Council may be used as part of the pavement café.
- 15 The Council reserves the right to suspend/revoke the licence in the event of any breach of any term or condition of the licence.
- 16 The licence holder shall ensure that the pavement café area is always properly supervised by a member of staff the pavement café is open.
- 17 All pavement café licences are subject to inspection by an authorised officer of the Council to ensure compliance with conditions. 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.

- 18 Patrons are prohibited from consuming alcoholic drink bought from the premises, for consumption on the premises, outside of the pavement café area.
- 19 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.
- 20 In premises where alcohol is served, all alcoholic drinks must be served in polycarbonate or shatterproof glasses where available.
- 21 No amplified music or sound is allowed in the pavement café area.
- 22 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 will result in suspension of the licence.
- 23 Where space heaters are used, the connections must be fit for purpose and checked on a regular basis. A risk assessment must be provided for the use of space heaters.
- 24 There should be 2 metres clear space between any item of furniture and the edge of the pavement.
- 25 At least one third of the pavement café licence will be designated a no smoking area and a no smoking sign will be placed on each table in this area. There will be a minimum of 2 metres distance between the smoking and non-smoking areas.
- 26 Further Conditions may be added to the licence as and when the Council considers necessary.

Breach of Conditions

If a condition imposed on a licence (either by the local authority) or nationally is breached, the local authority may revoke the licence or issue a notice requiring the breach to be remedied. The authority can take action to recover any of its costs if action is required in default of the notice

The authority may revoke a licence in the following circumstances:

1. Where:
 - a: Some or all of the part of area covered by the licence has become unsuitable for use as a pavement café
 - b: There is a risk to public health or safety
 - c: Antisocial behaviour or public nuisance is taking place in the pavement café
 - d: There are items placed on the highway causing obstruction that don't form part of the licence
 - e: False or misleading information has been provided by the licence-holder in their application
 - f: The licence holder failed to affix a clear and visible copy of the notice on the premises for the entire public consultation period
 - g: There has been a breach of any of the conditions of the licence