

Highway Amenity Licence Conditions of Licence

1. General

1.1 Term of Licence:

The highway amenity licence will be valid for a period of 2 years commencing on the date of issue, unless surrendered earlier by the Operator or revoked in accordance with conditions 1.4 and / or 1.5 below. At the expiry of this period the licence must be renewed, if still required.

1.2 Setting up of Licence Area:

7 days' notice in writing must be given prior to the commencement of any work on site. All work on the highway shall be carried out at the Operators expense and thereafter maintained to the satisfaction of the Council. All such work must comply with the Council's Code of Practice on Health and Safety (and any statutory requirements in relation to Health and Safety at Work legislation and chapter 8 of the Traffic Signs Manual).

The design of all chairs, tables, umbrellas, and other such structures or equipment placed in the licensed area shall be subject to the prior approval of the Council.

1.3 Insurance:

Public liability insurance to cover £5,000,000 will be required for the licensed area. The Operator shall indemnify the Council and shall take out and maintain throughout the licence period and produce to the Council 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 demand arising by reason or in consequence of the permission granted. The policy shall provide cover of not less than £5,000,000 in respect of any one accident or series of accidents arising from one incident during the period of insurance.

1.4 Revocation of Licence:

Subject to the provisions of condition 1.5 below the Council may revoke the permission by giving 30 days' notice in writing to the Operator:

- (i) where any condition attached to the permission is contravened by the Operator;
- (ii) where revocation is necessary to enable the council to exercise any of its statutory functions;

- (iii) if there is a change in the ownership of the premises to which the permission relates and the Council has not given approval in writing to the proposed transfer (a transfer of the permission will be considered provided that 30 days' notice in writing of the intended transfer is given together with details of the proposed transferee).

1.5 Changes of Furniture / Layout:

The Council may terminate the licence forthwith by notice in writing if the Operator changes any part of the operations including change of or addition of furniture or other items or changes to the licensed area or operating times without first obtaining the approval of the Council.

1.6 Licence Hours:

The highways amenity licence will show the permitted hours of operation, and would normally reflect any restriction shown in the premises licence. In certain areas fewer hours will be allowed due to specific local area requirements for example, markets and fairs.

1.7 Highway Works:

All furniture shall be removed from the licensed area if any statutory undertaker or licensed telecommunications operator requires access to plant on, over or beneath the licensed area and shall not be replaced until works on the apparatus are complete and any necessary re-instatement completed.

All furniture shall be removed from the licensed area if the Council as the Highway Authority requires access to the licensed area to carry out any works whatsoever and shall not be replaced until the works are completed. Wigan Council will not be liable for any resulting loss of business or other disruption to the operators business.

1.8 Cleansing Works:

All furniture shall be removed from the licensed area if the Council requires access to the licensed area to carry out any cleansing related works, and shall not be replaced until the works are completed. Wigan Council will not be liable for any loss of business or other disruption caused by third parties.

1.9 Expiry of Licence:

Upon expiry or revocation of the permission the Operator shall remove any structures from the highway and re-instate 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 its expenses in so doing from the Operator.

1.10 Other Permissions:

The granting of a licence does not obviate the need to gain any other relevant permissions, for example, it does not permit the sale of alcohol within the pavement café area for which separate licensing requirements apply.

1.11 Duties:

Nothing in this licence shall fetter any of the statutory rights or duties for the time being vested in the Council as the local Highway Authority nor shall this licence absolve the Operator from his / her legal responsibilities under the Highways Act 1980 or any other legislation.

2 Highway / Pedestrian Access

2.1 Pedestrian Requirements:

At all times there shall be at least 1.8 metres clear distance to allow pedestrians to pass safely. In certain busy streets a clear depth greater than 1.8 metres may be required between licensed area and kerb.

2.2 Access to Premises:

Where the use directly fronts the premises there must be an unobstructed corridor to the entrance of 1.5 metres.

2.3 Road Safety:

Normal road safety considerations will apply; and in certain circumstances the Council may override the provisions of paragraph 2.1 above. Access for emergency vehicles must be protected at all times.

2.4 Demarcation of Licensed Area:

Where tables and chairs are proposed, a well designed and constructed physical barrier of approximately 0.8 metres (800mm) in height is required to designate the area and to guide persons with sight disability around the use. For amenities other than pavement cafes a tapping rail 100mm above ground is required. 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. The licence area will be demarcated at the far corners with metal studs.

3 Public Health and Amenity

3.1 Public Health:

The licensed area together with associated outdoor and pavement areas including an area of 1 metre around the licence area must be regularly cleansed as specified and floor debris and other waste immediately removed.

3.2 Litter:

There must be adequate provision made for the collection and containment of litter and, where directed, the Operator must provide suitable litter bins.

3.3 Health & Safety:

Licensed areas must not obstruct any existing doorway or fire exit whether belonging to the premises or not.

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Furniture / goods stored within the premises should not at any time block a fire exit.

3.5 Music:

Noise disturbance, smells or litter which cause a nuisance to other premises are not acceptable and music (amplified or otherwise) will not be permitted within the licence area.

3.6 Alcohol:

The terms of any premises licence issued under the Licensing Act 2003 setting out any restrictions in respect of any outside areas must be complied with at all times.

3.7 Amenity:

All structures and equipment used by the Operator in the licensed area must be kept in good repair and condition.

4 Management

4.1 Removal and Cleaning of Structures:

All equipment and structures placed on a public highway must be removed from the highway upon the cessation of the day's trading and the area cleansed to the satisfaction of the Council and in default the Council may itself remove the equipment and structures and recover its expenses in so doing from the Operator.

Note: The Operators attention is drawn to the Highways Act 1980 section 115K (failure to comply with terms of permission). Failure to comply with licence conditions may be taken into account by the Council when it considers whether to grant any subsequent permission to the licence holder.