

PAVEMENT LICENCE

LEVELLING UP AND REGENERATION ACT 2023

LEISC5746

LOCAL AUTHORITY



Leicester City Council
Licensing
City Hall
115 Charles Street
Leicester
LE1 1FZ
(0116) 4543030
licensing@leicester.gov.uk

NAME OF HOLDER OF STREET CAFE LICENCE

Merenre Aniba Heru MILLETT

PREMISE DETAILS

Rum and Spice

2 King Street, Leicester, LE1 6RH

PERMITTED TABLES AND CHAIRS

TABLES
18

CHAIRS
36

PERMITTED HOURS

Mon-Sun

Open from
11:00

Open to
23:00

SPECIAL CONDITIONS

All customers using the area covered by the pavement licence will be required to be seated, with the exception of entry and egress.

The licence holder shall ensure that the pavement licence area is supervised by a member of staff at all times when open to the public.

The licence holder will ensure that pavement licence area is covered by the premises CCTV and that any umbrella or parasols are removed if it obscures CCTV coverage and interferes with the detection of crime and disorder.

The licence holder shall ensure the CCTV is retained for a minimum of 31 days and permit the identification of individuals.

The licence holder shall ensure CCTV is provided to an officer from a responsible authority within 7 days of a formal request.

The licence holder shall ensure only drinks supplied by the premises are consumed with the pavement licence area.

LICENCE DETAILS

COMMENCES: 07 May 2024**EXPIRES :** 06 May 2026

NOTES

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(1) IF ANY PERSON NAMED IN THIS LICENCE CHANGES HIS ADDRESS, HE MUST, WITH SEVEN DAYS, GIVE WRITTEN NOTICE THEREOF TO THE COUNCIL.

(2) ANY VARIATIONS TO THIS LICENCE MUST BE APPLIED FOR TO THE COUNCIL.

Authorised by: Deborah Bragg
Licensing Team Manager

PAVEMENT LICENCE

LICENCE No: LEISC5746

Licence commences: 7 May, 2024

Licence expires: 6 May, 2026

STANDARD CONDITIONS

These Conditions apply, save in so far as they are amended by or are inconsistent with any Special Condition and in addition to the National Conditions.

DEFINITIONS

“Licensed Area”: the area licensed by the Council for the pavement licence.

“Licensed Plan”: the plan approved by the Council detailing the Licensed Area and layout of the pavement licence.

“main premises”: the premises connected to the pavement licence.

“pavement licence”: the Licensed Area containing the furniture relating to the pavement licence.

“pavement licence furniture”: includes but is not limited to:

(1) tables, chairs or other forms of seating; and

(2) barriers (or similar structures), planters, parasols, umbrellas, heaters and other articles used in connection with the outdoor consumption of food or drink.

“street furniture”: objects and structures installed on streets and roads for various purposes including, but not limited to, street light columns, sign posts, waste bins, railings, trees, bus shelters, bollards, seats, benches, post boxes and similar items.

RESPONSIBILITY OF LICENCE HOLDER

1 The Licence holder shall be responsible for compliance with the conditions of the Licence at all times.

DISPLAY OF LICENCE

2 The Licence holder shall ensure that a copy of the Licence is displayed in a prominent public position in the premises.

PUBLIC LIABILITY

3 The Licence holder shall ensure that £5 million public liability insurance cover is in effect to cover the pavement licence for the duration of the Licence.

GENERAL

4 The layout of the pavement licence furniture shall at all times conform with the Licensed Plan.

5 The Licence holder shall at all times ensure that the pavement licence furniture is not placed outside of the Licensed Area”.

6 Pavement licence furniture must be sited where it does not impede rights of access, block vehicular sight lines, obstruct fire paths, obstruct emergency access routes or obstruct emergency exits.

7 Pavement licence furniture must not be permanently fixed.

8 A minimum of 2 metres must remain free between the outer edge of the licensed area and the edge of any street furniture or defined carriageway such as cycle lanes.

9 The licensed area must not obstruct the visibility of or for a wheelchair user at any crossing point, including a vehicular access.

10 The licensed area must not obstruct tactile paving.

11 An accessible route must be available into the licensed area, and through the licensed area

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into the main premises.

- 12 Pavement licence furniture must be of good quality and design and must positively enhance the street scene and public space.
- 13 The maximum number of specified items of pavement licence furniture authorised by the Licence must not be exceeded.
- 14 Pavement licence furniture consisting of tables and chairs must be separate and be of a design that allows use by customers who are disabled and/or wheelchair users.
- 15 Pavement licence furniture consisting of parasols must:
 - (1) be at least 2 metres from the ground at their lowest point.
 - (2) be suitably secure at the base, robust and of high quality.
- 16 Pavement licence furniture consisting of umbrellas must be non-reflective.
- 17 Where pavement licence furniture consists of patio heaters, the Licence holder shall notify their insurers of the use of such equipment and ensure that the use is included in the terms of their public liability insurance cover.
- 18 The licensed area shall be contained by means of a barrier or similar structure which itself must remain within the Licensed Area.
- 19 Pavement licence furniture consisting of barriers (or similar structures) and planters must:
 - (1) have a solid horizontal bar / element at an appropriate height above ground level so as to be detectable by a stick ("tapping rail").
 - (2) not be plastic in material unless authorised by the Council
 - (3) have a minimum of two distinct contrasting colours, authorised by the Council, in order to meet the needs of partially sighted people.
 - (4) be a minimum of 1.0 metres and a maximum of 1.5 metres in height unless otherwise authorised by the Council.
 - (5) be removed entirely from the highway outside the hours authorised by the Street Café Licence.
 - (6) be lightweight in construction and portable but robust enough to withstand winds or being pushed over
 - (7) be of a design, authorised by the Council, to compliment the surrounding area.
 - (8) be supported by suitable 'feet' that do not cause a trip hazard to pedestrians and do not protrude outside of the Licensed Area.
- 20 The Licence holder shall remove the furniture from the Licensed Area outside the permitted hours of the Pavement Licence, and: -
 - (1) immediately if required to do so on reasonable request at any time by a Police Officer, Police Community Support Officer or Leicester City Council Licensing Enforcement Officer.
 - (2) as necessary to permit works in, on or over the highway or the use of the highway by
 - (a) the Council, Police, Fire and Rescue service, Ambulance service or any statutory undertakers
 - (b) the following where specifically permitted by the Council as Highway Authority

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(c) vehicles accessing premises for the purpose of loading/unloading of goods

(d) builders' vehicles, hearses and furniture removal vans

- 21 The Licensed Area must be used solely for the purpose of consuming refreshments such as food and/or drink.
- 22 The Licence holder shall provide a waiter / waitress service, where hot drinks are served in open containers.
- 23 The Licence holder shall ensure that the licensed area is kept clean and is kept free from litter at all times.
- 24 The Licence holder shall maintain a twice daily scheduled cleaning record of the licensed area and provide it to Council Licensing Officers on reasonable request.
- 25 Waste from the licensed area must not be disposed of in any permanent litter bins provided by the Council.
- 26 The licence holder shall ensure that that there are clear 'smoking and 'non-smoking' areas with no smoking signage displayed in designated 'smoke free' zones in accordance with the Smoke Free (Signs) Regulations 2012.
- 27 Ashtrays or similar receptacles must be provided in areas where smoking take place.
- 28 No ashtrays or similar receptacles to be provided or permitted to be left on furniture where smoke-free seating is identified.
- 29 Licence holders should provide a minimum 2m distance between non-smoking and smoking areas, wherever possible.
- 30 The layout of the licensed area must ensure that smoke does not enter the main premises.
- 31 There shall be no external public address system within the Licensed Area.
- 32 The Licence holder shall maintain good order and decent behaviour in and around the licensed area at all times it is open.
- 33 The Licence holder shall ensure compliance with all statutory requirements.
- 34 The Licence holder shall ensure that they and appropriate members of staff complete ACT (Action Counters Terrorism) training. This is available online and more details can be found on the Council's website www.leicester.gov.uk (search for "pavement licensing").
- 35 The Licence holder shall ensure that users of the licensed area comply with all current and future Public Health legislation, including Coronavirus legislation and Government guidance and advice issued and given in that respect (particularly, but not limited to, social distancing measures).
- 36 No alcohol shall be sold or consumed within the Licensed Area except in compliance with the Licensing Act 2003 or the 'off sales' element of the Business and Planning Act 2020.
- 37 The existence of the Licence does not authorise the playing of live or recorded music within the Licensed Area. The provision of any such entertainment must be in accordance with the provisions of the Licensing Act 2003.
- 38 The Licence holder shall indemnify the Council against public liability claims arising from use of the pavement licence.
- 39 Any damage to the highway and/or Council property arising from use of the pavement licence shall be repaired by the Council with all costs recharged to the Licence holder. Save where the same is attributable to negligence on the part of the Council or any of its officers, the Licence holder shall make no claim or charge against the Council in the event pavement

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licence furniture is lost, stolen or damaged.

SUSPENSION / REVOCATION OF THE LICENCE

- 40 At any time when £5 million public liability insurance cover is not in force in respect of the pavement licence as required under standard condition 3, the Licence shall be deemed to have been withdrawn by the Council for the period during which such a policy is not in force, and the Licence holder may be liable for obstruction of the highway and prosecution under section 137 of the Highways Act 1980.
- 41 This condition does not in any way prevent the Council from acting in these circumstances to revoke the Licence under standard condition 40.
- 42 The Licence may be suspended or revoked by the Council at any time for breach of the conditions of the Licence, or any other reasonable cause, on giving written notice to that effect to the Licence holder.

By way of example, not limitation, such reasonable cause might exist where:

- (1) some or all of the highway to which the Licence relates has become unsuitable for any purpose in relation to which the Licence was granted.
- (2) as a result of the Licence:
 - (a) there is a risk to public health or safety, or
 - (b) anti-social behaviour or public nuisance is being caused or risks being caused, or
 - (c) the highway is being obstructed (other than by anything done by the Licence holder pursuant to the Licence).
- (3) anything material stated by the Licence holder in their application for the Licence was false or misleading.

This condition does not limit the Council's discretion to deal with any breach of the conditions of the Licence otherwise than by way of suspension or revocation. The full enforcement powers are detailed within the Business and Planning Act 2020.

NATIONAL CONDITIONS

National conditions relating to 'No-Obstruction' and 'Smoke-free seating' will be effective on all licences. Specific Conditions relating to smoke free are:

- (a) Clear 'smoking' and 'non-smoking' areas, with 'no smoking' signage displayed in designated 'smoke-free' zones in accordance with Smoke-free (signs) regulations 2012
- (b) No ash trays or similar receptacles to be provided or permitted to be left on furniture where smoke-free seating is identified.
- (c) Licence holders should provide a minimum 2m distance between non smoking and smoking areas.