

SCHEDULE OF CONDITIONS
for the control of Street Cafés on the Highway
SECTION 115E HIGHWAYS ACT 1980 – PART VIIA



1. The Notes for Guidance are considered to form part of these Conditions
2. Permission is personal to the Licensees
3. The Street Café will not extend beyond the approved limits which may be marked with some method of demarcation by Devon County Council
4. The tables and chairs shall be of such a design as may be approved by the County Council, District Council, Town Council or Parish Council and shall be kept in good repair and condition at the Licensees' expense
5. The Licensee will ensure the area permitted to be used is kept clean and tidy at all times and nothing will be permitted to encroach beyond the agreed area
6. The Licensees shall make no permanent or temporary fixtures to or excavations of any kind in the surface of the highway which shall be left undisturbed when the tables and chairs are not in use
7. The Licensees shall make no claim or charge against the Council in the event of the chairs or tables or other objects being lost stolen or damaged in any way from whatever cause
8. The Licensees shall indemnify the Council against all actions proceedings claims demands and liabilities which may at any time be taken made or incurred in consequence of the use of the tables and chairs and other objects. For this purpose the licensees must take out, at the Licensees' expense, a policy of public liability insurance approved by the Council in the sum of at least £5 million in respect of any one event and must produce to the Council on request the current receipts for premium payments and confirmation of the annual renewals of the policy.
9. The street café area will be suitably managed by staff, i.e. to control the use of the outside area, to return trays and to maintain the area to as high a standard as is required inside the premises
10. The area permitted to be used must be used solely for the purpose of consuming refreshments during the usual opening hours of the Premises and no unauthorised obstructions are to be placed in the said area or on the adjacent public highway
11. No charge shall be made by the Licensees for the use of the tables and chairs and other objects
12. Waste from the Licensees' operations must not be disposed of in the permanent litter bins provided by the Council
13. Refuse and litter deposited on the highway in the vicinity of the tables and chairs and other objects must be removed each day by the Licensees at the Licensees' expense or at more frequent intervals as may be required by or under the Environmental Protection Act 1990
14. The Licensees shall remove the tables and chairs and other objects from the highway outside specified trading hours and immediately if required to do so as to permit works in or the use of the highway by:

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- 16.1 the County, District or Town Council the police fire and ambulance services any statutory undertaker or telecommunications code operator or
- 16.2 builders' vehicles hearses and furniture removal vans
15. No alcohol shall be consumed on the highway unless a licence has been issued by the relevant authority
16. The Licensees shall be responsible for any rates taxes and other outgoings which may be charged
17. The fee for the provision of this permission shall be based on the current DCC schedule of charges, in respect of legal and other expenses incurred by the Council in connection with the grant of permission in default of such payment the Council may at its discretion withdraw the permission
18. The permission hereby granted shall run for a term of one year and shall remain in force only for such period of time as the Licensees remain the occupier of the Premises or until withdrawn by the Council under the Act or surrendered to the Council by the Licensees, subject to annual renewal
19. The Licensees shall ensure that at all times a minimum footway width of 2.0 metres is maintained on the highway
20. Where the Council deem it necessary to place demarcation studs on the highway surface, the Licensee will be liable for the costs incurred and for the maintenance and replacement costs which will be undertaken by the Council.
21. Musical entertainment will not be permitted in the approved area without specific approval.
22. Failure to comply with the terms of the permission may result in the Council serving notice on the Licensee to rectify the fault. Costs incurred may be recharged to the Licensee. The licence could be withdrawn at the discretion of the County Council.
23. No refunds are given.

DO NOT PLACE FURNITURE ON THE HIGHWAY WITHOUT LAWFUL AUTHORITY.