

Cardiff Street Café Licence - Terms and Conditions

06 April 2021

This form is available in Welsh / Mae'r ffurflen hon ar gael yn Gymraeg.

Street cafés can make a positive contribution to the city centre, Cardiff Bay and district/local centres by adding vitality, colour, life and interest to the streetscape. They can help to maximise the use of public spaces, aid the local economy and add to the facilities on offer to people who visit, live and work in the city.

Whilst the provision of street cafés is encouraged, it is important that they are properly administered and managed to ensure that they meet the high standards expected in Cardiff. They must not obstruct the highway or create a hazard.

Terms and Conditions of the Licence

1. Street café Licences will only be issued to cafes, restaurants, public houses or other catering establishments that serve food and drink within the premises.
2. Street cafés will only be permitted where they are for the purpose of people being seated at tables. Areas for standing/vertical drinking are not considered acceptable.
3. Failure to comply with the details set out in the **Cardiff Street Café Design Guide** may lead to the refusal, suspension, termination or non-renewal of the licence.
4. Licensees are reminded that the general use of street cafés can cause noise/disturbance and of the need to respect other businesses and residences nearby. With regard to the 'agent of change' principle, where a street café is proposed, it is the responsibility of the licensee to ensure that solutions to mitigate noise are addressed through their proposals and (where a licence is granted) adhered to during subsequent operation (this may for example include hours of operation). Failure to address such impacts may lead to the refusal, suspension, termination or non-renewal of the licence.
5. Before agreeing to licence a street café on the highway, the Council must ensure that the public's rights to use the highway are not detrimentally affected.
6. The Council's bye-laws, policies and standards also need to be complied with for health, safety and environmental reasons.
7. This guidance only relates to street cafés on the highway. Cafés on private land are not covered by this guide. They do not need a street café licence, although they will require planning permission. You should check with the Council to establish the status of the land in question. Land which you consider to be private may in fact have become highway if the public have enjoyed access over it for at least twenty years, or if the Council have formally adopted the land.
8. A Licence (permission) to use the highway as a street café is issued by the Council as the Local Highway Authority under Section 115E of the Highways Act 1980. Tables and chairs placed on the highway without permission are an illegal obstruction and the Council will take enforcement action in such cases.

9. If you wish to serve alcohol for consumption in the defined area for seating, you will need a premises licence which allows for OFF sales and consumption in that defined area. A premises licence can be applied for or varied through the Local Licensing Authority, Cardiff County Council.
10. If the applicant is a limited company or LLP, then upon dissolution, administration or insolvency of that company/partnership, the street café licence will become void and the use of the defined area will not be permitted. The street café licence cannot therefore be transferred. A new street café licence will have to be applied for by a new operator.
11. If the applicant is a sole trader or an unincorporated partnership, upon the bankruptcy of that person or partner, the street café licence will become void and the use of the defined area will not be permitted. The permit cannot therefore be transferred. A new street café licence will have to be applied for by a new operator.
12. The applicant/operator for the street café licence can only be the current premises licence holder (if the premises has a premises licence). No third party operators will be accepted.
13. It is not appropriate to set a standard size for street cafés. Each application will be evaluated on its merits taking account of the site characteristics, the space available and the proposed layout. More detailed guidance can be found in the **Cardiff Street Café Design Guide**.
14. The street café must generally occupy an area directly in front of and be visible from your existing premises.
15. Any proposal to extend a street café beyond the width of your own frontage will also need the express consent of any other interested frontager who is affected by the proposal.
16. The needs of other users of the highway must be taken into account e.g. pedestrians, tradespeople and adjacent businesses. A clear pedestrian route along the street must be maintained at all times.
17. Street cafés must not be located where they would impede drivers' sight lines or obscure highway signs.
18. Emergency exit routes from your own and adjacent buildings must not be obstructed by the street café and emergency service vehicles must have access along all streets at all times, even in pedestrianised areas.
19. The layout of the street café's furniture and means of enclosure must provide adequate access and circulation space for all customers.
20. If it is intended to operate the street café during the hours of darkness, the applicant must consider the level of lighting in the proposed café area. Whilst this may be perfectly adequate for a highway, it may need supplementing to allow your café to operate safely.
21. Once the area of the street café has been agreed, a definitive plan of that area showing its boundaries and dimensions will be attached to, and form part of, the street café licence. A copy of the licence and associated plan must be displayed at the front of the premises at all times and be available for inspection.

22. It is important that the dimensions and layout of the street café be adhered to at all times. All activities associated with the street café must be contained within the agreed boundary including all tables, chairs, parasols, planters and barriers.
23. Items of street furniture and associated design styles permitted are identified through the **Cardiff Street Café Design Guide**.
24. In all instances, you will have to provide a portable means of enclosure for the street café area. These must be stable and sturdy, not contain protruding parts and include a tapping rail.
25. Limited advertising/signage may be permitted on the enclosures, but will be restricted to the name/logo of the establishment only. They must not be used to advertise services or products sold. The use of Welsh language and bilingual signage is actively encouraged.
26. All furniture must be designed for commercial use and must comply with relevant BS EN standards, including:
 - a) BS EN 16139:2013 Test level 1 – 'Furniture – strength, durability and safety requirements for non-domestic seating'.
 - b) BS EN 15372:2008 Test level 2 – 'Furniture – strength, durability and safety requirements for non-domestic tables'.
27. If intending to use parasols, they must when opened, be safely secured and contained entirely within the boundaries of the street café to ensure they do not cause an obstruction or present a danger.
28. Any form of gazebo or enclosed shelter is not permitted.
29. The use of outside heaters is not recommended. Should the Licensee wish to use outside heaters, the Council accepts no liability in respect of the same and it is the responsibility of the Licensee to assess the health and safety implications of placing said heaters.
30. The Council will not permit any fixtures to, or any excavation of any kind, to the surface of the highway and every effort must be made to avoid causing damage to the highway or adjacent property. The cost of rectifying any damage to the highway surface or to street furniture caused by any activity connected with the street café operation may be recharged to the Licensee.
31. The Licensee will be responsible for the cleanliness of the street café area at all times. Care must also be taken to ensure that litter does not stray or get blown further afield. An area of approximately five metres around the site must be kept clear of any stray or windblown litter from the street café.
32. The street café area must be swept when necessary to keep it clear of litter and refuse. Spillages and breakages, especially of glass and crockery must be cleared up immediately. The street café area must be thoroughly washed down at the end of each trading day and all discarded cigarette stubs must be cleared.

33. Failure to comply with the cleaning requirements will jeopardise renewal of the licence. Neighbourhood Services Enforcement Officers patrol street café areas to ensure compliance with Duty of Care for waste and litter provisions. Failure to comply with waste provisions or contribution to litter may result in a Fixed Penalty Notice.
34. The Licensee will be required to indemnify the Council against all actions, demands, costs, charges or expenses arising from using the highway under the permission granted. The Council will therefore require the Licensee to take out third party public liability insurance in the sum of at least £5,000,000. Details of the third party liability insurance must be enclosed with the street café licence application.
35. Granting a licence to operate a street café does not imply an exclusive right to the area. The operator of the café must be aware that the Council reserves the right to gain access to the street café area for cleaning, repairing and maintaining the highway or street furniture. Other organisations, such as statutory undertakers, may also require access for the maintenance and repair of their equipment. The Council therefore reserves the right to suspend the licence temporarily if, for any reason, it becomes necessary.
36. The maximum hours of operation for a street café licence are between 7am and 11pm, though shorter time spans may be set in certain cases if required (such as delivery requirements, or in order to protect the amenity of surrounding residences/businesses). Such changes to permitted times will be listed on the individual licence.
37. Outside of licenced hours, all barriers and street café furniture* must be stored within the associated premises and off the public highway. *Planters may be stored outside the premises, however they must be securely positioned against the frontage of the premises, must not extend more than 1m into the footway and must not impede access and egress from the premises and neighbouring properties.
38. For some major events, such as a parade, concert or sporting fixture, you may, for reasons of public safety and security, be requested to remove all your outdoor furniture and equipment while the event is taking place, even if it is within your licence times. Where you usually store the furniture inside your premises, you may have to make alternative arrangements for storing while you continue to trade. In these circumstances there is no refund available on the licence fee.
39. Under the terms of the Highways Act 1980, the Council has to advertise applications for street café licences for not less than 28 days by posting notices in the vicinity of the proposed street café. These notices set out details of the proposals and invite representations to be made by people who may be affected.
40. South Wales Police will be consulted on all street café applications as part of the application process.
41. The fee for processing an application for a street café licence covers the administrative and legal costs incurred in the preparation and issuing of the licence. It is based on the number of tables and chairs applied for.

42. Once your application has been processed and approved, you will be contacted by a finance officer for payment of the licence. The licence is not issued until full payment has been received. The officer will send an e-copy of your licence showing exactly what the licence covers and the expiry date.
43. Licences are generally granted for 12 months (unless specifically noted otherwise). The expiry date will be stated on the licence. Licences are renewable at the discretion of the Council.
44. The Council will carry out periodic inspections to make sure that all terms and conditions of the licence are being adhered to. The Council may suspend or terminate a licence if any of the terms and conditions are breached.
45. Failure to have a street café licence or a breach of licence terms and conditions may lead to prosecution for the offence of wilful obstruction under the Highways Act 1980.
46. Should there be a change to an operating or administrative address, please advise:

Neighbourhood Services – Business Support
Cardiff Council, Room 301, County Hall, Atlantic Wharf,
CARDIFF. CF10 4UW

NeighbourhoodServices-BusinessSupport@cardiff.gov.uk