



Northumberland County Council

Pavement Licence

Business and Planning Act 2020, Part 1

Licence no. **XVK1RQ90-101008930815**

1 DEFINITIONS:

- 1.1 **“The Act”** means The Business and Planning Act 2020.
- 1.2 **“The Council”** means **Northumberland County Council**, whose principal offices are at County Hall, Morpeth, Northumberland, NE61 2EF, being the local authority for the purposes of the Act.
- 1.3 **“The Licensee”** means **Mr Paul Smith Kennerley** of 8-10 Marygate, Berwick-upon-Tweed, TD15 1BN.
- 1.4 **“The Premises”** means **Elmo’s Bar Bistro**, 8-10 Marygate, Berwick-upon-Tweed, TD15 1BN.
- 1.5 **“The Use”** of the Premises is its use for the sale of food or drink for consumption on or off the Premises (other than as a public house, wine bar or other drinking establishment).
- 1.6 **“The Furniture”** means the items of removable furniture specified in **Schedule 1** to this Licence.
- 1.7 **“The Relevant Highway”** means that part of the highway adjacent to the Premises as more particularly described in **Schedule 2** to this Pavement Licence and as shown on the plan attached hereto, being a highway:
 - (a) to which Part 7A of the Highways Act 1980 applies; and
 - (b) which is not over Crown land or maintained by Network Rail.
- 1.8 **“The Activity”** permitted under the Pavement Licence is to put the Furniture on the Relevant Highway during the Licence Period at the Permitted Times for the following purposes:
 - the use of the Furniture by the Licensee to sell or serve food or drink supplied from, or in connection with the Use of, the Premises; and

- the 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.

1.9 **“The Licence Period”** means the period beginning on **07 March 2024** and ending on **30 September 2024**.

1.10 **“The Permitted Times”** means the days upon and the times between which the Licensee may place the Furniture on the Relevant Highway for the purposes of the Activity as more particularly set out in **Schedule 3**.

1.11 **“The Licence Conditions”** means the Council’s **Standard Pavement Licence Conditions** which are set out at the following link:

<https://www.northumberland.gov.uk/NorthumberlandCountyCouncil/media/Business/Pavement%20licence/B-2-revised-Standard-Conditions-of-Pavement-Licence.pdf>

together with such other **Specific Conditions** as may be set out in **Schedule 4**.

2 GRANT of Pavement Licence:

In consideration of the **Licence Fee** of **£0:00** the Council **HEREBY GRANTS** to the Licensee this Pavement Licence to put the Furniture on the Relevant Highway during the Licence Period at the Permitted Times for the purposes of the Activity in connection with the Use of the Premises **SUBJECT TO** the Licence Conditions.

3 SURRENDER of Pavement Licence

The Licensee may surrender a Pavement Licence or a Deemed Licence at any time by giving notice to us by completing and submitting the form at the link below:

www.northumberland.gov.uk/NorthumberlandCountyCouncil/media/Business/Pavement%20licence/Pavement-notice-of-surrender-of-Licence.docx

4 NO RIGHT TO ASSIGN

This Pavement License is personal to the Licensee and may not be assigned to any other person.

5 ENFORCEMENT AND REVOCATION

5.1 If the Council considers that the Licensee has breached any of the Licence Conditions, it may:

- (a) revoke the Licence; or

- (b) serve a Notice requiring the taking of such steps to remedy the breach as are specified in the Notice within such time as is so specified.
- 5.2 If a Notice is served under paragraph 5.1(b) above) and the Licensee fails to comply with it, the Council may:
 - (a) revoke the Licence; or
 - (b) take the steps itself and recover the costs of doing so from the Licensee.
- 5.3 The Council may also revoke the Pavement Licence if it considers that
 - (a) some or all of the part of the Relevant Highway has become unsuitable for any purpose in relation to which the Pavement Licence was granted
 - (b) as a result of the Pavement Licence
 - (i) there is a risk to public health or safety; or
 - (ii) anti-social behaviour or public nuisance is being caused or risks being caused;
 - (iii) the highway is being obstructed (other than by anything done by the Licensee pursuant to the licence);
 - (c) anything material stated by the Licensee in the application for a Pavement Licence was false or misleading; or
 - (d) the licence-holder did not comply with the duty in section 2(5) of the Act.

6 DETERMINATION

This Pavement Licence shall absolutely cease and determine in the event that:

- (a) That the Licence Period has expired;
- (b) It has been revoked by the Council;
- (c) It has been surrendered by the Licensee;
- (d) The Licensee has ceased trading or is otherwise no longer responsible for the Premises or the Activity.

This Pavement Licence is dated: **07 March 2024**

Pavement Licence authorised and granted by:

James Richards

Interim Network Manager

Highways and Transport

Northumberland County Council

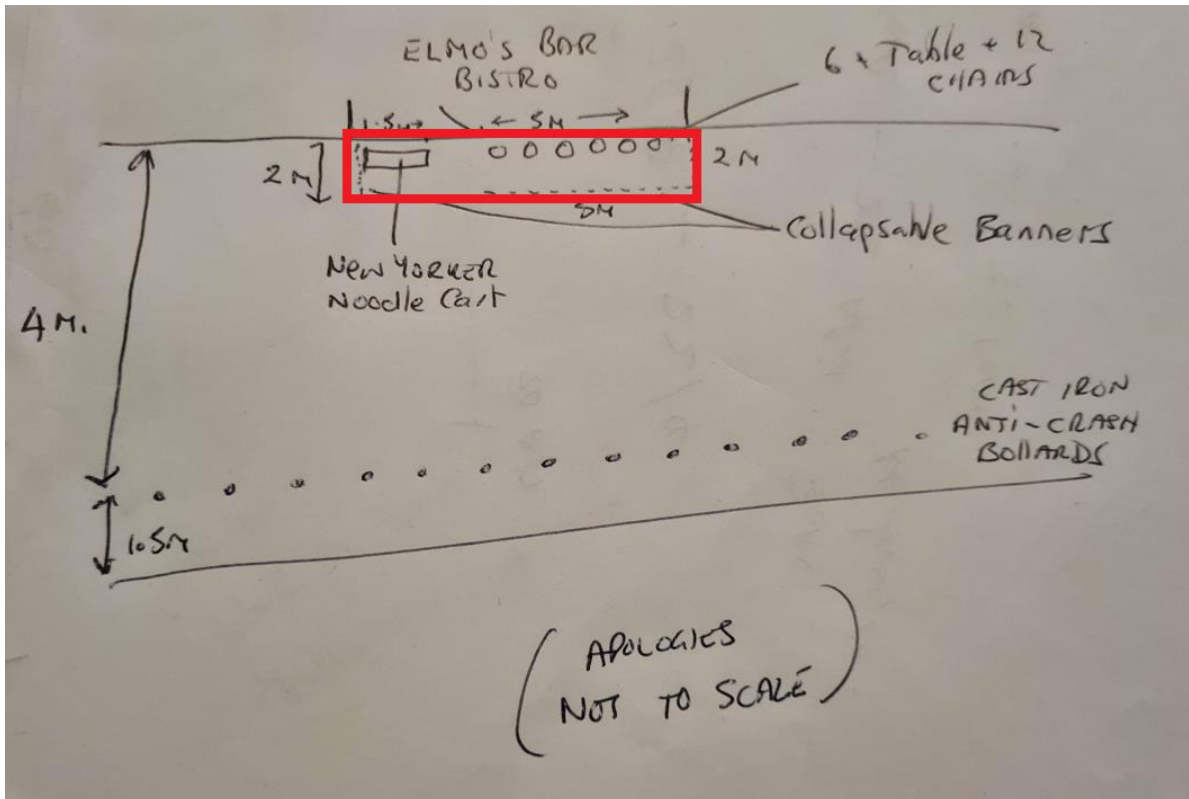
SCHEDULE 1

The Furniture permitted by this Pavement Licence is detailed below	
Type of furniture	Details
Counters or stalls for selling or serving food or drink	1 no. food cart
Tables, counters or shelves on which food or drink can be placed	6 no. tables
Chairs, benches or other forms of seating	12 no. chairs
Umbrellas used in connection with the outdoor consumption of food or drink	1 no. umbrella (over food cart only)
Barriers used in connection with the outdoor consumption of food or drink	1 no. portable barrier (5m length x 2m width)
Heaters used in connection with the outdoor consumption of food or drink	None
Other articles used in connection with the outdoor consumption of food or drink	2 no. A boards

SCHEDULE 2

The Relevant Highway

That part of the highway known as **Marygate** measuring length of 6.5 metres x width of 2 metres as shown edged red on the plan annexed to this Pavement Licence.



SCHEDULE 3

The Permitted Times		
Day	Start time	End time
Monday	09:00	17:00
Tuesday	09:00	17:00
Wednesday	09:00	17:00
Thursday	09:00	17:00
Friday	09:00	21:00
Saturday	09:00	21:00
Sunday	12:00	20:00

SCHEDULE 4

Specific Conditions

The following Specific Conditions (if any are listed below) are imposed **in addition to** the Standard Pavement Licence Conditions.

Where a Specific Condition conflicts with any of the Standard Pavement Licence Conditions then the Specific Condition shall take precedence **unless** it conflicts with a national condition prescribed by the Secretary of State in exercise of his powers under sections 5(5) or 5(6) of the Act and which are set out in paragraphs 4 and 5 of the Standard Pavement Licence Conditions.

The Specific Conditions which shall apply are:

None imposed.