

APPENDIX

CONDITIONS FOR PAVEMENT CAFES

General

- Licences will be renewed annually
- The applicant must obtain any necessary planning permission
- The applicant must obtain any necessary licence for the consumption of food and alcohol

Local Restrictions

There are a number of places where pavement seating cannot be accommodated due to width restrictions, other obstructions or very heavily pedestrian routes.

In addition, pavement seating may not be permitted on:

- Any carriageway or 'shared use surface'
- Any highway verge
- Any street where street trading is prohibited by the district council

Each application will be treated on its merits and the County Council reserves the right to refuse applications.

Restrictions of Operation

No compensation will be given or liability accepted if café business is disrupted because the County Council, statutory undertakers or other legitimate authorities require access for works, cleaning or other reasons, but advance notice will be given when possible.

Size and Layout

- Outdoor seating areas should be located clear of main pedestrian movements and a clear pedestrian route must be maintained
- Where the pedestrian desire line follows the building line, a clear pedestrian route, normally not less than 2.1 metres wide, will be maintained on the highway adjacent to the building line
- There must be at least 1.8 metres between the café boundary and the kerb, more where there is parking, a bus stop or pedestrian crossing
- The layout of furniture must allow properly for people with disabilities
- All emergency exits and routes must be kept clear
- Consent of neighbouring properties is needed if the proposed area fronts or is adjacent to these

Means of Enclosure

A suitable portable barrier should be used to mark the café boundary, of appropriate colour and construction to be distinguishable for people with visual impairments. The barrier, and café furniture, should be removed when the café is not trading.

Furniture

- Furniture should be high quality and uniform and should complement the surrounding area; white plastic should be avoided
- Umbrellas can be used if they do not restrict visibility, should not overhang outside the enclosure, should be of fabric construction and may display a small logo up to 150mm x 450mm subject to any local restrictions
- Menu boards, signs and other items need to be approved as part of the licence
- All items need to be portable enough to be brought in at the end of the licensed period of each working day or in the event of an emergency

Environmental Requirements

- In certain areas, traffic fumes will make it inappropriate to site pavement cafés.
- The operator will be responsible for litter in and around the site
- Cafés must be registered with the district council and comply with relevant food safety regulations
- Tables must be waiter or waitress served

Conditions of Licence

- Any changes to the operation must be agreed by the County Council and may require a new licence
- A change of licensee requires notification and a charge will be made for a licence transfer
- Available hours for licensed operation are normally 9am to 11pm, though with restrictions in local circumstances
- The licensee must hold public liability insurance to a minimum of £5m to indemnify the highways authority against any claim
- Applications are advertised on site for 28 days. Any objections need to be resolved prior to the licence being issued
- Where the County Council is the owner of the sub-soil beneath the highway, an annual rental charge may be made on the licensed area in addition to the licence fee
- All licenses are checked yearly by the County Council to ensure the street furniture is acceptable and public liability insurance is in place.