

PAVEMENT CAFES

Guide to applying for a licence to place tables and chairs on the public highway in Leicestershire.

Introduction

Pavement cafés are considered to be tables and chairs placed on the public highway, where food and/or drink may be consumed. They will need to be licensed by your local highway authority, Leicestershire County Council, by the granting of a Highways Amenities Licence under Section 115E of the Highways Act 1980, inserted by the Local Government (Miscellaneous Provisions) Act 1982 (c.30), Schedule 5. The Licence is renewable annually and it will be the responsibility of the applicant to ensure that a valid Licence is held if he/she is to continue to operate in this manner.

It is the applicant's responsibility to ensure that any necessary planning permission is obtained from the local planning authority District Council. However, applicants are recommended to contact Leicestershire County Council in the first instance for initial highway comments and then the local planning authority to avoid abortive planning costs.

It is the applicant's responsibility to ensure that licences relating to the sale and consumption of food and alcohol, or similar, are sought or amended as required by the proposed pavement café.

The role of the public highway is to allow the public to pass and re-pass. In granting permission for pavement cafés, it is important to ensure that these rights are not detrimentally affected. They must be located and managed in a manner that protects the rights and safety of all users. The Licence application process therefore involves specific procedures, set out in the guidance in this brochure and on the application forms which need to be completed by all applicants.

If the conditions of the Licence are not fully complied with, the County Council will take enforcement action based on the following procedure:

A letter reminding the trader of the conditions of the Licence, and detailing the specific infringement.

The local highways office is available to discuss with the trader how arrangements may be altered to ensure compliance with the Licence.

Continued infringements of 14 or more days after the letter will be legally enforced by the County including removal of chairs and tables if necessary and revocation of the licence.

Local Restrictions

There are a number of streets/areas where pavement seating cannot be accommodated due to width restrictions, other obstructions or very heavily pedestrianised routes. In addition, pavement seating may not be permitted on:

- Any carriageway or 'shared use surface'
- Any highway verge
- Prohibited streets (where street trading is prohibited by the District Council)

Each individual application will be considered on its own merits.

The County Council reserves the right to refuse applications.

Restrictions of Operation

There will be no compensation or liability for loss of business resulting from a temporary restriction on occupation of the highway or operation of the pavement café by a legitimate authority (e.g. Police, Statutory undertakers, County Council or local District Council) or for any other reason.

The County Council (in its capacity as local highway authority) and others will need access at various times (including emergencies) for maintenance, installation, special events, improvements, etc. Wherever possible, advance notice will be given.

The local District Council may also require daily access for cleaning the highway, usually in the morning before 9 am, but the applicant should check local arrangements with the District Council.

Size and Layout

Outdoor seating areas should be located outside/clear of the lines of main pedestrian movement and a clear pedestrian route must be maintained. Where the pedestrian desire line on the street follows the building line, a clear pedestrian route (normally not less than 2.1 metres wide) shall be maintained on the highway adjacent to the building line. Where suitable recesses exist along the building line, or where the pedestrian desire line is away from a building's frontage, seating areas may be located adjacent to the building line. Each outdoor seating area will be considered individually on its own merits, and the minimum 2.1 metres wide pedestrian route adjacent to the building line will be introduced where appropriate to ensure that pedestrians will not have their route obstructed by the street café. In areas of high pedestrian flows, it may be necessary to leave a clear route of greater than 2.1 metres in width.

The area to be used must take into account other needs in the immediate vicinity e.g. kerbside parking, bus stops, and pedestrian crossings. In any event, a minimum distance of 1.8 metres must be kept between the kerb line of regularly trafficked routes and the pavement café boundary.

The layout of furniture and means of enclosure will only be approved if adequate provision has been made for customers with disabilities.

All emergency exits and routes must be kept clear.

If the proposed area fronts or is adjacent to other properties, then prior consent of these owners/occupiers will be required.

Means of Enclosure

When the pavement café is in use, a temporary enclosure will be required to demarcate the licensed area which contains the tables and chairs and clearly identify the café's boundaries. This is to be a portable barrier which is of a suitable colour and construction so as to be distinguishable to other pavement users, and particularly to assist blind and visually impaired pedestrians i.e. detectable with a stick and of a contrasting colour, whilst complimenting the surrounding area (see also notes on furniture).

The enclosure shall be removed outside the licensed periods or when the pavement café is not intending to operate within the licensed period, including the end of every trading day. The materials should, therefore, be lightweight in construction and portable enough to be removed quickly in the event of an emergency, but stable enough to prevent collapse if accidentally walked/stumbled into.

The design of the barrier should compliment the character of the surrounding area and in any event must have solid bars/elements at around 100mm and 1000mm above ground level. Rope barriers are not considered suitable.

Planters can be particularly attractive and can be used as part of the means of enclosure, but must be removed from the highway outside of the licensed period.

Any proposed means of permanent enclosure will require planning consent in addition to other approvals.

In certain circumstances, existing street railings may be utilised as a suitable means of enclosure.

Furniture

The furniture should be of a high quality and uniform style within the licensed area and should compliment the surrounding area. White plastic and/or picnic tables will not normally be approved.

Umbrellas will be permitted where they do not obstruct pedestrian or vehicle visibility. Where umbrellas are used, these must be fabric type (i.e. not reflective). They may display a small logo up to 150 mm x 450 mm in the size of the establishment's name, but there may be local restrictions preventing the display of brand names or brewery logos. Umbrellas are to be positioned so as to avoid overhanging outside the enclosure or impairing vehicle/pedestrian sight lines.

Non-furniture items e.g. menu boards, signs and portable gas heaters also need to be approved as part of the enclosed licensed area and any unacceptable clutter or intrusion into sight lines will need to be removed if it is seen to be causing a problem.

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.

No signs, displays, balloons, promotional items or bindings for the purpose of support are to be attached to street furniture.

Environmental Requirements

In certain areas, the quality of air from traffic fumes makes it inappropriate to site pavement café operations. Please consider the nearness of the bus stops and taxi ranks from the customer's point of view.

It will be the responsibility of the pavement café operator to keep the area clean, tidy and free of litter during licensed/operational hours and also to address any café related litter issues on areas adjacent to the cafe.

All food premises are registered by the local District or Borough Council. All pavement café operations must comply with the relevant food safety requirements.

Additional/adequate toilet provisions relating to occupancy numbers may also need to be borne in mind.

Tables must be served by waiter/waitresses.

Conditions of Licence

The granting of a Highways Amenities Licence applies only to the applicant in respect of the premises concerned and is outside of and in addition to a licence to sell liquor.

Any changes to any part of the pavement café operations (including furniture, other items, and area of operating hours) must be notified to the County Council in writing and may be the subject of a new or revised Licence.

All the licences are issued in the name of the operator/licensee. If the operator/licensee changes the licensee is obliged to notify the County Council in writing of any changes. A transfer of the Highways Amenities Licence to the new operator/licensee must then be arranged. A charge of £175.00 is applied for a license transfer.

The Highways Amenities Licence will normally operate from 9.00 am to 11.00 pm. In certain area, there may be reductions on those hours due to specific local highway requirements.

The proprietor must hold third party Public Liability Insurance cover to a minimum of £5 million for the licensed area to indemnify the highway 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 can 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 that the operator's/licensee's Public Liability Insurance is current. Yearly checks are charged at £100 per premises.

APPLYING FOR A LICENCE

In the first instance, please telephone Leicestershire County Council,
Environment and Transportation Department on:
0116 3050001

The application form for the Highways Amenities Licence needs to be completed
and submitted with the enclosures detailed on the next sheet to either:

Highwayscustomerservices@leics.gov.uk

Or

Leicestershire County Council.
Administration and Enforcement Team
Arbor Road
Croft
LE9 3GE

Fees for applications/renewals are as follows:

Fee for applying for a new Highways Amenities Licence	£175
Fee for annual renewal/transfer of Licence to new licensee	£100

LOCATION PLAN

Please supply an A4 location plan, clearly outlining the premises and location of proposed outdoor seating area. Suggested scales 1:1250/1:500. The location plan may be included as part of the larger site plan.

SITE PLAN

Please supply 4 copies of site plan with the following information:
Suggested scales 1:1250/1:100

- Access points
- Building lines
- Boundaries
- Kerbs
- Dimensions of seating area
- Table and chair arrangement
- Other furniture/items layout
- Plan and elevations (1:50) of barriers/enclosure

PAYMENT

Please enclose your cheque made payable to:

Leicestershire County Council

INSURANCE

Please supply evidence of £5 million Public Liability Insurance cover.

DETAILS OF FURNITURE, MEANS OF ENCLOSURE AND OTHER PROPOSED ITEMS

NOTE: Applicants are requested to supply as much detail as possible, for all items proposed. Photographs, sketches, clear photocopies and technical details (dimensions/colours/materials etc) are welcome. All items need to be specified/detailed on the main site plan.

ENQUIRY NUMBER

ADDRESS WHERE PAVEMENT LICENCE IS REQUIRED

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DETAILS OF PROPOSED STREET FURNITURE

- I. **Please give brief description and suppliers/technical details where appropriate proposed furniture:**

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DETAILS OF PROPOSED BARRIERS

- II. **Please give brief description and suppliers/technical details where appropriate of proposed barriers:**

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DETAILS OF ANY OTHER ITEMS TO BE INCLUDED IN PAVEMENT SEATED AREA

- III **Please give brief description and suppliers/technical details where appropriate of proposed furniture/items:**

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