

Highways Act 1980 - Section 115C/E

CODE OF PRACTICE AND CONDITIONS FOR PAVEMENT CAFES.

1. General

- 1.1 The applicant will be expected to demonstrate that the pavement cafe will add to the street scene and, where appropriate, demonstrate his/her commitment to the refurbishment of the external appearance of the property, thus ensuring that the principle of a quality environment in Preston is achieved.
- 1.2 Outside cafe areas must be well related to the unit from which it is intended to service the pavement cafe and applicants must be able to demonstrate the integration of their internal and external activities. Applications for pavement cafes not related to the main use of the premises will be refused
- 1.3 Only well-designed proposals will be considered, where quality and consideration of the environment and its surroundings has been demonstrated.
- 1.4 The shop front from which the pavement cafe is to operate must accord with the Council's shop front design guide and, if appropriate, the policy on shelters: if the proposal does not comply, the application will be refused.
- 1.5 The proposal should not hinder reasonable use of the highway, cause nuisance to adjacent frontagers, or interfere with apparatus or access to apparatus in the highway. To this end the applicant shall comply with all statutory requirements and obtain all necessary permissions before the granting of permission.

2. Application for Consent

- 2.1 Applications for consent to use the highway for purposes of operating a pavement cafe must be made on the appropriate application form.
- 2.2 Five copies of the application form should be submitted, together with full details in plan form of the layout etc. of the proposal, in sufficient detail and scale to enable proper consideration of the proposals. Five copies of a block plan should also accompany the application. This should be to a scale of 1/1250, showing sufficient area surrounding the application site to enable consideration of all highway matters.
- 2.3 The application should be accompanied by details of the furniture, chairs, tables, umbrellas, etc. to be used (Manufacturers detailed brochures or extracts would be an advantage)
- 2.4 A statement setting down full details of the proposal, its proposed use, including type of food to be served, method of operation, hours of operation and style of service to the outdoor areas should accompany the application.
- 2.5 Applicants are advised to consult the Planning Division of the Development Directorate before making an application. Under certain circumstances planning permission may be required.
- 2.6 Applications involving the sale of beef burgers, hot dogs and similar hot food usually associated with a hot food take away will not normally be permitted.
- 2.7 No work must be commenced on site prior to the receipt of permission.

3. Administration

- 3.1 Due to the complex nature of applications, all applications will be processed as if they were planning applications and the Director of Environment may submit applications to the relevant cabinet members.
- 3.2 Trading on the highway in such a way requires the Council's permission by virtue of Section 115E of the Highways Act 1980 and the consent of the Highway Authority under section 115H, which will be requested by the Director of Environment.
- 3.3 The Council determines the fee for applications on an annual basis. **The current annual fee is £310.00**

4. Conditions

- 4.1 On a normal street, there must remain at least 1.8 metres (6 feet) of unobstructed space between the carriageway and the front of the pavement cafe to allow pedestrians to pass by safely.
On streets with high pedestrian usage, there must remain at least 2.75 metres (9 feet) of unobstructed space.
Each case will be judged on its merits and the unobstructed space will be set between 1.8 and 2.75 metres according to the frequency of pedestrian usage. Certain exceptions may apply to streets such as Fishergate for example.
- 4.2 In a pedestrianised area there must be at least 3.6 metres (12 feet) of unobstructed space in front of the pavement cafe area.
- 4.3 If the pavement cafe is directly in front of the premises there must be a 1.5 metre wide (5 feet) unobstructed corridor to the shop entrance at all times.
- 4.4 If the pavement cafe is directly outside the shop-front then a physical barrier of not less than 0.6 metres (2 feet) height must be provided to guide people with disabilities around the area. These barriers must not be permanently fixed to the ground or pavement and must be of a design agreed by the Council.
- 4.5 Tables, chairs and any associated structures must be moved from the area after trading, but in any case before 7.00pm.
- 4.6 Pigeons and other birds could be a potential health hazard in some areas of the city centre. In all locations table-umbrellas or canopies will be essential to minimise this risk.
- 4.7 Tables, chairs and the outdoor cafe area must be cleaned regularly and food debris and other waste removed immediately.
- 4.8 Food and drink must be transferred from indoor premises to the outdoor area by waitress or waiter service and must be consumed while seated.
- 4.9 Noise disturbance, litter, or smells, which are a nuisance to other premises, are not permitted.
- 4.10 Amplified music will not be permitted.
- 4.11 All tables, chairs and structures, relating to pavement cafes, must be approved by the Council. Furniture must be regularly inspected and maintained in a clean and safe condition.
- 4.12 For outdoor cafes on pavements, proof of indemnification against all claims, injuries or accidents with public liability cover up to £5 million for any one event will be required.
- 4.13 Preston City Council reserves the right to charge a rental fee if your proposed outdoor cafe is on its land.
- 4.14 The granting of a licence for establishing an outdoor cafe does not permit the sale of alcohol within the outdoor cafe area. **Separate licensing arrangements apply.**

- 4.15 Preston City Council will not be liable for any loss of business or other disruption caused by third parties including private contractors or works by utilities services companies.
- 4.16 Access for emergency vehicle must be maintained at all times.
- 4.17 Existing refuse disposal facilities must be adequate to cope with increased provision.
- 4.18 No cooking or displays of high-risk food outside the premises or outside recognised cooking, storage or serving area will be permitted
- 4.19 Pavement cafes must not obstruct any existing doorway or fire exit whether belonging to the premises or not.
- 4.20 Furniture stored within the premises should not at any time block a fire exit
- 4.21 If any of the above conditions are violated, Preston City Council reserves the right to revoke the licence.
- 4.22 On days when it is inappropriate to set-out a pavement cafe area, for example on very windy days, then all of the pavement cafe furniture / barriers etc must be safely stored within the premises so not to cause an obstruction.