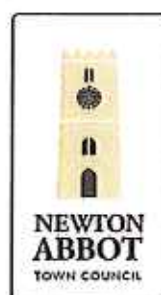


Street Café Guidance

A guide for applicants

July 2010



1. Introduction

Devon County Council (DCC) and Newton Abbot Town Council support the principle of establishing street cafés to improve the vitality of streets within the district's towns. Street cafés can make a positive contribution to the street-scene and to the vitality of shopping and tourist area, bringing life, colour and interest onto the street.

Street cafés may be sited on the public highway (paved or pedestrianised areas) and are authorised by the granting of an annually renewable License. Seated areas that are sited on privately owned land or to the rear of buildings or other courtyard areas do not require a License.

Planning permission may not be required for a street café, in addition to this license, if the main premises has either A3 (Restaurants & Cafés) or A4 (Drinking Establishments) use. Planning permission may be necessary, however, if the café is on privately owned land or if permanent fixtures are proposed.

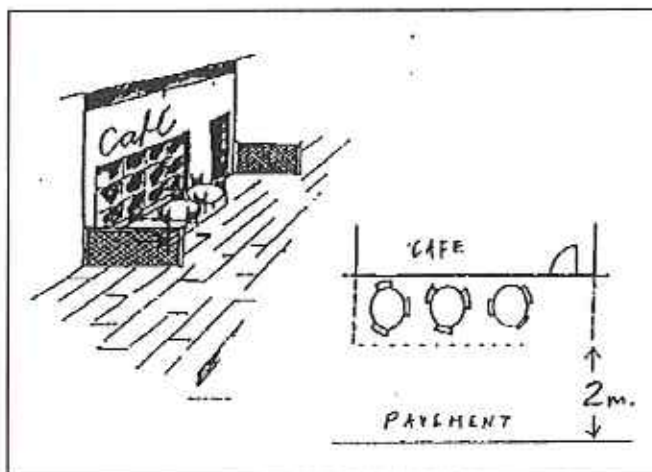
It is advisable to have an informal discussion with Newton Abbot prior to submitting a full application in order to determine the suitability of the proposal. There is a statutory notice period of 28 days, during which time Newton Abbot Town Council will consult with affected parties following which objections may be lodged. It is the applicants' responsibility to resolve any objections to the satisfaction of the Council.

Please note that applications will normally only be considered for areas immediately adjoining or opposite the frontage of permanent premises.

2. Layout

Where street cafés are to be located on a main pedestrian thoroughfare, you may be required to provide a moveable means of enclosure in order to allow for easy pedestrian movement and to contain the street café area. Spacing must allow for wheelchair and pram access, and adequate emergency service and Highway Authority access must be permitted at all times. All emergency exits and routes from buildings and those associated with the highway must be kept clear. All layout options are subject to officer approval

Café Furniture directly fronting the shop front



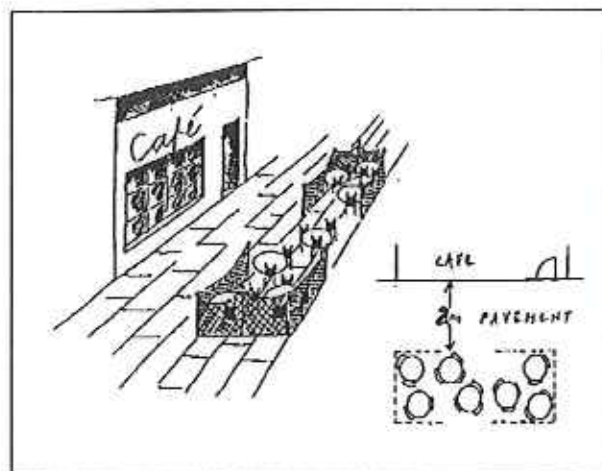
Normally a 2 m minimum width corridor to the shop entrance must be provided – this must remain unobstructed at all times.

A physical barrier may be needed either end of the areas of tables and chairs to serve as a guide to

the visually impaired. Chairs and tables must be kept within the confines of the barrier. A minimum of 2 m width of footway must remain available to passing pedestrians (taking into account telephone boxes, streetlights, etc.)

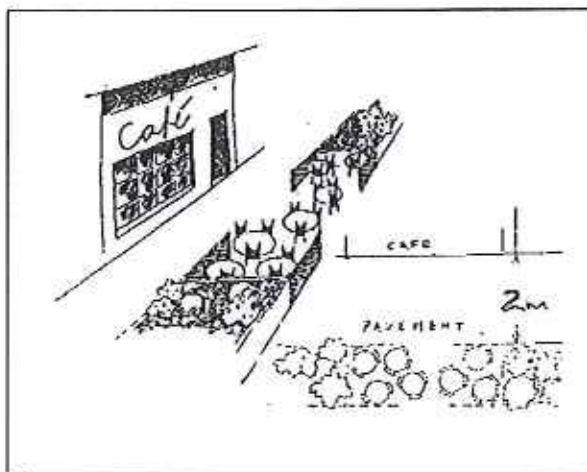
Café Furniture sited away from the shop front

You must leave no less than 2 m width of unobstructed footway between the front of your premises and the outermost boundary of the street café. You will be responsible for cleaning this area regularly throughout the day.



The tables and chairs may need to be enclosed by physical barriers in order to act as a guide for the visually impaired. Where vehicles are alongside, you must maintain 0.5m clearance. Where the site is in the pedestrianised area there must be 2m clear either side of the café furniture.

Café Furniture and existing features



Where possible, you must take advantage of the existing structures within the street scene, e.g. planters and other landscaping features, when setting out your tables and chairs. In some cases, you may not need to erect barriers (this can be considered in pre-submission discussions).

Where vehicles are alongside 0.5m clearance must be maintained.

Requirements may vary from one café to another so applicants must agree details with the DCC.

3. Means of Enclosure

You may be required to provide a moveable means of enclosure for any furniture sited outside your premises. This is primarily to guide the visually impaired.

Barrier designs which are not acceptable

- **Post and Chain barriers** – potentially hazardous to pedestrians, particularly the visually impaired
- **Hoop top garden fencing** – too flimsy and not very tall posing a serious trip-hazard
- **The use of a variety of small plant tubs** – untidy and inadequate as a means of enclosure or guide for the visually impaired.

Ideal barriers

- **Stable and sturdy**, not flimsy; but light in weight (for ease of movement/storage as they will be taken in and out each day)
- **Light in colour** (painted, natural colouring or similar) – a contrast to the café furniture
- **Close textured**, fence like in appearance, with a tapping rail (i.e. length of wood positioned at the base of the barrier, designed to assist the visually impaired)
- **Barriers must be removable at all times** – not permanently fixed to the ground.

The enclosure should be no more than 800mm high, no less than 100mm high with no more than 150mm between the base rail and the ground. The foot or base plate of the barrier should not produce a trip hazard any greater than 20mm from the surface. Furniture must be sturdy enough to be able to resist pedestrian collision. All items including planters must be removed when the premises are closed. They also need to be in keeping with the visual appearance of the area.

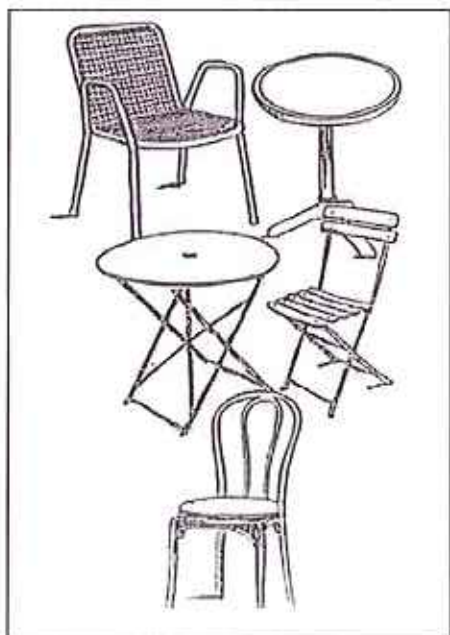
4. Furniture & Equipment

The positioning of tables and chairs outside your premises must relate to the existing street-scene and movement of pedestrians. It must be seen as an integral part of the main café rather than an unrelated after-thought.



The choice of tables and chairs for use outside your premises must reflect the quality of and enhance the street environment outside.

Newton Abbot Town Council has invested in and is committed towards a quality street environment and will approve the type and colour of furniture.



Various styles of seating and tables are available to complement both a commercial and a more historic conservation area setting.

Your choice of furniture should be appropriate for the surface on which it will stand.

Tables and chairs need to be selected to ensure:

- the comfort of your customers
- that you can store them securely on your premises
- that their visual impact is in keeping with the area
- they are easy to clean, and are kept clean

Furniture must be of a high quality uniform style and suitable for outside use. Plastic garden furniture and/or picnic tables will not be permitted.

All items contained within the enclosure must be portable enough to be brought in at the end of the licensed period of each working day, or to be moved quickly in the event of an emergency.

You may wish to consider the use of parasols as part of your street café. In some cases this may be for reasons of hygiene, for example where tables are positioned under trees. During the summer, parasols may also provide a convenient and colourful means of shade for your customers. Parasols made of wood and canvas are likely to be more acceptable than garden style umbrellas, and all umbrellas must be firmly secured. Parasols need to be high enough (minimum 2.1m) not to injure pedestrians and should not overhang the highway beyond the licensed area.

Designs for all items must be agreed with the Council.

- Select furniture
- Send images of the furniture to officer handling your pre-submission enquiry or along with your licensing application to Newton Abbot Town Council
- Await agreement from Newton Abbot Town Council before ordering any furniture

5. Storage of furniture and barriers

Street café furniture **must not** be stored on the highway when the premises are closed. When premises are open, tables, chairs and barriers must be fully set up ready for use **or** stored within the premises. The latter is preferred when it is not intended or practical to use these tables.

In order to facilitate storage of furniture and barriers, no equipment can be permanently fixed to the ground.

6. Advertising



You may wish to incorporate an element of advertising in the establishment of your street café, for example in any decoration included in the design of the means of enclosure or on parasols. Any advertising on the street furniture must relate to the premises and not any products/services

that may be available from the street café premises. The advertisement on the barriers must be no more than 4.6 sq metres in area, with each character/symbol no more than 0.75m in height.

No other advertising will be permitted on the furniture, parasols, or barriers.

7. Hygiene, amenity and public health

It is your responsibility to ensure:

- The defined area and the area between the premises and the furniture is kept free of litter.
- Spillage of any kind is removed immediately and the surface washed if necessary.
- Waste bins are stored inside your premises, not within the outside seating area and emptied regularly.

8. Licensing Issues

Licenses are issued by Newton Abbot. Licenses are renewable annually.

- Current fees are based on the current DCC schedule of charges.

You must provide detailed plans clearly showing the extent of the area you wish to use including dimensions. The suggested scale of the site plan is 1:1250. It is suggested that the following information is included:

- | | |
|------------------|------------------------------|
| ▪ Access points | ▪ Kerbs |
| ▪ Building lines | ▪ Dimensions of seating area |
| ▪ Boundaries | ▪ Table & chair arrangement |

- Other furniture/item layout
- Plan/elevation of barriers/parasols/enclosures (1:200)

If you are licensed premises you will need to ensure that the area is properly licensed under the provisions of the Licensing Act 2003. It is suggest that you contact the Licensing Department at your local Council before using the area

The tables chairs and other items may need to be removed at any time to allow for work or activities to take place in the highway. This may be required at short notice.

FORMAT FOR LOCAL USE

How to contact us –

Devon County Council

If you have any queries or would like to discuss this further please contact our **Customer Service Centre on 0845 155**

1004 who will be happy to guide you,

alternatively you can look on our website

www.devon.gov.uk/roads/licenses

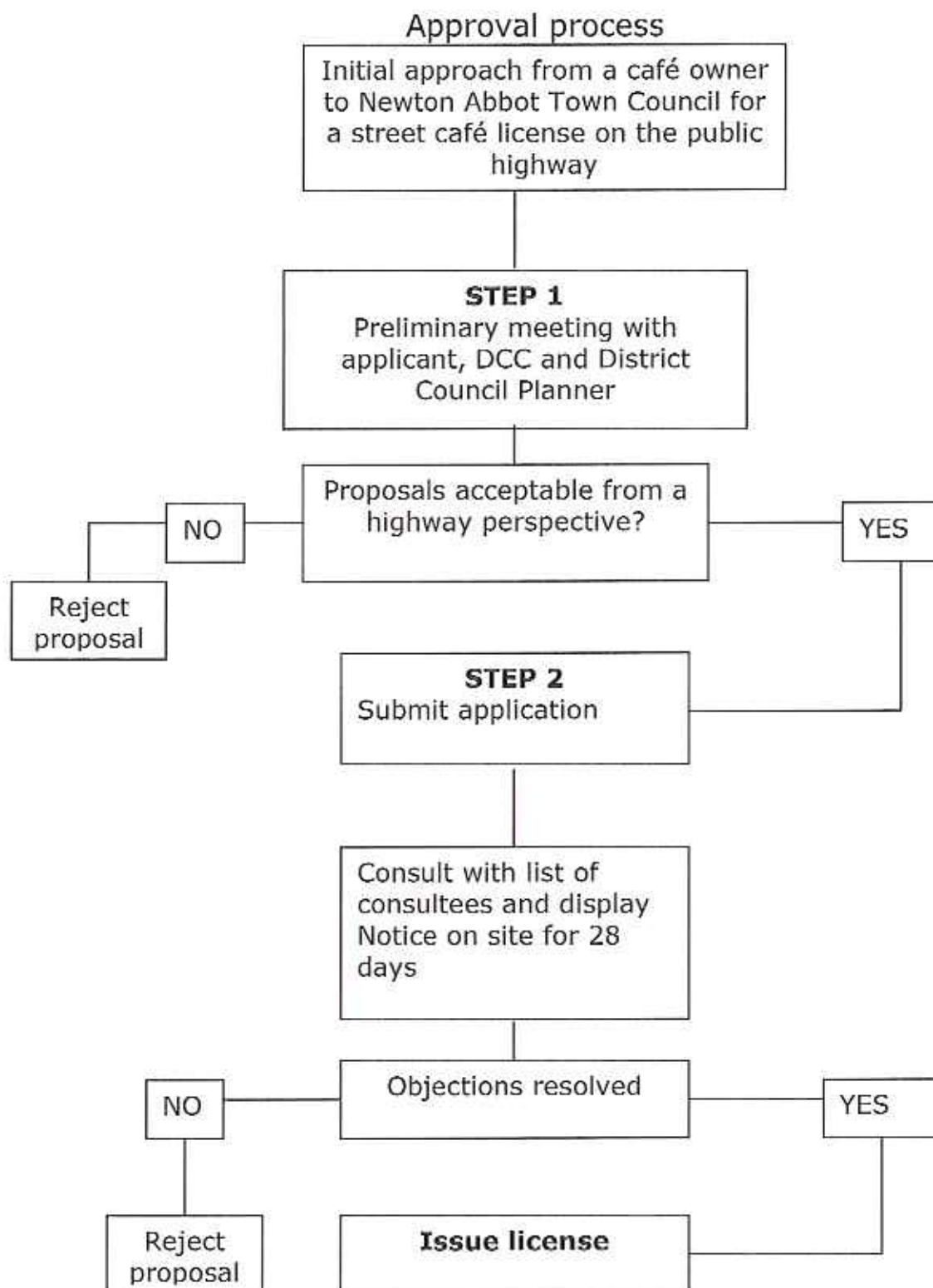
or you can e mail us at customer@devon.gov.uk

Newton Abbot Town Council

01626 – 20 11 20

info@newtonabbot-tc.gov.uk

www.newtonabbot-tc.gov.uk



SCHEDULE OF CONDITIONS
for the control of Street Cafes on the Highway
SECTION 115E HIGHWAYS ACT 1980 – PART VIIA



1. The Notes for Guidance are considered to form part of these Conditions
2. Permission is personal to the Licensees
3. The Street Café will not extend beyond the approved limits which may be marked with some method of demarcation by Devon County Council
4. The tables and chairs shall be of such a design as may be approved by the County Council, District Council, Town Council or Parish Council and shall be kept in good repair and condition at the Licensees' expense
5. The Licensee will ensure the area permitted to be used is kept clean and tidy at all times and nothing will be permitted to encroach beyond the agreed area
6. The Licensees shall make no permanent or temporary fixtures to or excavations of any kind in the surface of the highway which shall be left undisturbed when the tables and chairs are not in use
7. The Licensees shall make no claim or charge against the Council in the event of the chairs or tables or other objects being lost stolen or damaged in any way from whatever cause
8. The Licensees shall indemnify the Council against all actions proceedings claims demands and liabilities which may at any time be taken made or incurred in consequence of the use of the tables and chairs and other objects. For this purpose the licensees must take out, at the Licensees' expense, a policy of public liability insurance approved by the Council in the sum of at least £5 million in respect of any one event and must produce to the Council on request the current receipts for premium payments and confirmation of the annual renewals of the policy.
9. The street café area will be suitably managed by staff, i.e. to control the use of the outside area, to return trays and to maintain the area to as high a standard as is required inside the premises
10. The area permitted to be used must be used solely for the purpose of consuming refreshments during the usual opening hours of the Premises and no unauthorised obstructions are to be placed in the said area or on the adjacent public highway
11. No charge shall be made by the Licensees for the use of the tables and chairs and other objects
12. Waste from the Licensees' operations must not be disposed of in the permanent litter bins provided by the Council
13. Refuse and litter deposited on the highway in the vicinity of the tables and chairs and other objects must be removed each day by the Licensees at the Licensees' expense or at more frequent intervals as may be required by or under the Environmental Protection Act 1990

SCHEDULE OF CONDITIONS
for the control of Street Cafes on the Highway
SECTION 115E HIGHWAYS ACT 1980 – PART VIIA



14. The Licensees shall remove the tables and chairs and other objects from the highway outside specified trading hours and immediately if required to do so as to permit works in or the use of the highway by:

14.1 the County, District or Town Council the police fire and ambulance services any statutory undertaker or telecommunications code operator or

14.2 builders' vehicles hearses and furniture removal vans

15. No alcohol shall be consumed on the highway unless a licence has been issued by the relevant authority

16. The Licensees shall be responsible for any rates taxes and other outgoings which may be charged

17. The fee for the provision of this permission shall be based on the current DCC schedule of charges, in respect of legal and other expenses incurred by the Council in connection with the grant of permission in default of such payment the Council may at its discretion withdraw the permission

18. The permission hereby granted shall run for a term of one year and shall remain in force only for such period of time as the Licensees remain the occupier of the Premises or until withdrawn by the Council under the Act or surrendered to the Council by the Licensees, subject to annual renewal

19. The Licensees shall ensure that at all times a minimum footway width of 2.0 metres is maintained on the highway

20. Where the Council deem it necessary to place demarcation studs on the highway surface, the Licensee will be liable for the costs incurred and for the maintenance and replacement costs which will be undertaken by the Council.

21. Musical entertainment will not be permitted in the approved area without specific approval.

22. Failure to comply with the terms of the permission may result in the Council serving notice on the Licensee to rectify the fault. Costs incurred may be recharged to the Licensee. The licence could be withdrawn at the discretion of the County Council.

23. No refunds are given.

PLEASE DO NOT PLACE FURNITURE ON THE HIGHWAY WITHOUT LAWFUL AUTHORITY