



HEREFORDSHIRE
COUNCIL

STREET FURNITURE

Information Pack and Guidelines



contact

Herefordshire Council

on 01432 260805 or 260095

Herefordshire Council
Markets, Fairs and Street Trading Section
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Hereford HR4 9ZH

email: kprice@herefordshire.gov.uk

website: www.herefordshire.gov.uk: look at Environment > Trading
Standards > Street Trading

Please keep this booklet for your reference

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Introduction

Hereford City and Herefordshire Market Town Centre's of Bromyard, Kington, Ledbury, Leominster and Ross on Wye have much to offer by way of creating an ambience that makes the area attractive to visitors and residents alike. On pedestrianised areas and weather permitting, the addition of good quality pavement cafes contributes a relaxed and sociable style of eating and drinking indicative of any continental city or town.

The purpose of this guide is twofold:

- *To highlight the requirements and standards expected of the siting of facilities for pavement café operations in the City Centre and Herefordshire Market Towns*
- *To guide those wishing to establish and/or operate pavement cafes through the licensing process*

Pavement cafes in Hereford City and the Herefordshire Market Town Centre's which are not situated on privately owned land are licensed by the Herefordshire Council, by the granting of a Highways Amenities Licence. The Licence is renewable annually and is governed by **Section 115 of the 1980 Highways Act**.

It will not normally be necessary to obtain planning permission for outdoor street cafes on the public highway, provided that the main existing premises have A3 permission (Food and Drink permission). However, planning permission will be necessary in advance if there is either an area of permanent development associated with the pavement café, or if permanent barriers are proposed. If in doubt, please seek guidance from the people listed under useful contacts on page 12.

The licence application process involves both legal and non-legal procedures, hence the need to follow the guidance in this brochure and on the application forms which need to be completed by all applicants.

It normally takes up to 2 months for a licence to be granted, upon receipt of an application but always at least 6 weeks.

Information and Guidance: - please consider the criteria below:

- Size and layout.
- Means of enclosure.
- Furniture.
- Environmental and Other Requirements.
- Applying for a Licence.

Who to Contact

For general advice and information, in the first instance please contact Kevin Price – Licensing Officer, Tel: 01432 260805.

DATA PROTECTION ACT: The information provided when the application is completed will be processed in accordance with the **Data Protection Act 1998**. Please note we may disclose the data to other Council departments in accordance with the act to facilitate the more efficient provision of services

General Considerations

Size and Layout

A clear pedestrian route normally of at least 2 metres width shall be maintained on the highway, preferably adjacent to the building line. Where suitable recesses exist along the building line a clear route shall be provided elsewhere at the front of the seating area. In areas of very high pedestrian flows it may be necessary to leave a clear route of greater than 2 metres in width.

The area to be used must take into account other needs in the immediate vicinity e.g. kerbside parking, bus stops, pedestrian crossings. In any event a minimum distance of 1.8 metres must be kept between the kerblines 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 other properties, then prior consent of these owners/occupiers will be required and obtained through a standard consultation process.

It will be necessary to arrange a site meeting to determine the exact layout of the Street Furniture and a site plan will be jointly produced. You will be contacted on receipt of your application to arrange the site meeting.

Means of Enclosure

When in use the pavement café area will need to be enclosed, to demarcate the licensed area and contain the tables and chairs, thus making it distinguishable to other pavement users, and particularly to assist blind and visually impaired pedestrians.

General Considerations

The enclosure shall be removed outside the licensed period or when the pavement café is not intending to operate within the licensed period. The materials should therefore be lightweight in construction and portable, but stable enough to prevent collapse if accidentally walked/stumbled into.

The design of the barrier should complement 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 to the satisfaction of the Street Trading Panel.

Where umbrellas are used these must be fabric type (i.e. non-reflective) and display only limited approved advertising/logos up to 150x450 mm in size. Umbrellas are to be positioned so as to avoid overhanging outside the enclosure or impairing vehicle 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 deemed to be causing a problem.

General Considerations

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.

The licence holder shall ensure that any equipment used for the purposes of providing these facilities are safe and present no risk to members of the public and in particular:

- (i) that all chairs and tables are in good repair and are stable.
- (ii) any parasols and umbrellas are fully secured to the ground and weighted to prevent them being dislodged by the wind.
- (iii) the area to be used is protected and separated from the rest of the highway in such a way that a blind or visually sighted person runs no risk of injury from their use.

Environmental and Other Requirements

In certain areas of the city and town centre's the quality of air from traffic fumes makes it inappropriate to site pavement café operations. Please consider proximity to bus stops and taxi ranks from the customer's point of view and avoid locating near to know traffic congestion hotspots.

It will be the responsibility of the pavement café operator to keep the area clean and free of litter, during licensed/operational hours.

All food premises are registered by Herefordshire Council, Environmental Health and Trading Standards. All pavement café operations must comply with the relevant food safety requirements. (see useful contacts page 12).

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

Table service should be available and the use of unbreakable glasses and crockery is recommended.

Applying for a Licence

In the first instance contact the Street Trading Department on telephone number 01432 260805.

The guidelines and considerations contained within this document need to have been considered.

The application form for The Highway Amenities Licence needs to be completed and signed before the process of assessing the application can begin.

Your application will be considered by the Street Trading Panel, made up of Senior Council Representatives from Legal, Environmental Health, Highways, Markets and Fairs and Local Development.

The local council elected member will also be consulted and also some external bodies such as the police, fire brigade, etc. may be asked to give their views on the application.

Conditions of Licence

The granting of 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 change of or addition of furniture or other items or changes to licensed area or operating times may be the subject of a new or revised Licence. You must contact us immediately if you propose any changes.

The Highways Amenities Licence will normally operate between 8.00 am to 10.30 pm. Times of use will vary from application to application depending on individual circumstances and location. Each case will be judged on its merits.

Public Liability Insurance cover to £5m will be required for the licensed area and evidence of this will be required in advance before any licence is issued.

Prior to granting the licence, there are two legal consultative requirements as detailed in **the Highways Act 1980**.

1) Once Local Authority approval has been given in principle, the consent of interested frontages in close proximity must be obtained.

2) Once Local Authority approval has been given in principle, a public notice shall be posted on or near the premises for a period of 28 days for the receipt of any representations on the proposals.

A licence shall not be granted until all representations have been considered.

You will be notified of the fee if your application is approved. Each and every application and licence is uniquely assessed so an equitable licence fee is achieved. Factors taken into account include:

- Potential customers,
- Location,
- Amount of competition in proximity,
- Number of tables and chairs involved.

Terms and Conditions

Terms and Conditions of the Licence for your information:

The Council has the power to grant a person consent to provide and operate facilities for refreshment on a highway under **Section 115E of the Highways Act 1980**. Subject to the following criteria a person to whom consent has been granted must be aware of, and comply with, the requirements of the Section.

I hereby consent to the following conditions:

1. The conditions attached to the amenities licence may be varied and added to by the Council at any time.
2. The consent holder must always have a valid insurance policy for public liability for at least £5,000,000, and the consent holder must notify the insurance company of their application and receive confirmation they are covered as required by the Application Form.
3. In considering the applications the Council will take account of the need to maintain emergency vehicle access at all times.
4. The holder of the consent shall not provide any refreshments other than food and non-alcoholic drink normally obtainable within the consent holders premises.
5. Tables and chairs must be sited so that they are clearly visible from inside the premises. Consent holders shall ensure that during the period of use and at the conclusion of any period of use the area of the highway that is the subject of this consent shall be kept clean and tidy and free from litter. All street furniture must be removed from the Highway at the end of the permitted time of opening according to the individual licence.
6. No omission from, or addition to, or variation of, the consent shall be valid of any effect unless it is agreed in writing and signed by the supervising officer of the Council and by the consent holder.
7. The consent holder shall ensure that any equipment used for the purposes of providing these facilities are safe and present no risk to members of the public and in particular:
 - (i) that all chairs are in good repair and are stable.
 - (ii) any parasols and umbrellas are fully secured to the ground and weighted to prevent them being dislodged by the wind.
 - (iii) the area to be used is protected and separated from the rest of the highway in such a way that a blind or visually sighted person runs no risk of injury from their use.

8. The Consent holder shall indemnify the Council against any claim in respect of injury, damage or loss arising out of the grant of the consent except where any claim in respect of such injury, damage or loss is attributable to the negligence of the Council.
9. A clear pedestrian route will be required for those walking past the premises. Emergency exits from adjacent buildings must not be obstructed by a seating area.
10. The layout of the tables, seats, access points and any enclosure will have to be approved by the Herefordshire Council Street Trading Panel made up of senior council representatives. It is essential that the layout of these areas do not provide any obstructions, inconvenience or danger to those customers with disabilities and particularly that adequate space is left between tables for wheelchair access.
11. Any damage to local Authority Property caused as a result of street furniture placed on the highway will be repaired by the Authority with all costs recharges to the business in question.

It must be emphasised that the Council in giving consent cannot, and does not, seek to absolve anyone from any statutory risk which they may incur in placing or depositing any thing on the highway.

Useful Contacts

Herefordshire Council

- Environmental Health and Trading Standards
Markets, Fairs and Street Trading Section
Superintendent Market & Fairs
Jeff Owen
Tel: 01432 260984
- Environmental Health and Trading Standards
Markets, Fairs and Street Trading Section
Licensing Officer
Kevin Price
Tel: 01432 260805
- Environmental Health and Trading Standards
Food and Health and Safety (Commercial) Section
Senior Environmental Health Officer's:
David Stacey
Tel: 01432 261988 or
Catherine Healy
Tel: 01432 260511
- Planning Services
Blueschool House
Blueschool Street
Hereford
Main Reception:
Tel: 01432 260342 or 261967
- Engineering and Transportation
Engineering – Highways Maintenance
Divisional Surveyor
Andrew Culley
Tel: 01432 261955