

Proposed changes to the existing Street Café Policy

Introduction

We are carrying out a consultation exercise on the existing Street Café Guidance for Applicants. The following sections describe the changes we are proposing to make. We would welcome feedback from both permission holders and others regarding the changes we are proposing to make. Further details are given at the end of this document on the timescales for the consultation being carried out and how to contact the Licensing Team.

1. CHANGES TO THE GUIDANCE NOTES SECTION

1. **Introduction** - this section to be re-written to “set the scene” and explain the purpose and audience for which the guidelines are written for.
2. **Paragraph 9 (barriers)** – to be deleted on the basis that paragraph 18 contradicts the requirements in paragraph 9.
3. **Paragraph 26 (advertising)** – to be deleted and included in the policy section on third party advertising.
4. **Alcohol Sales** – insertion of a new section giving advice on the requirements of the Licensing Act 2003 in relation to the sale of alcohol in permitted outside seating areas.

2. CHANGES TO THE POLICY STATEMENT SECTION (APPENDIX 1)

It is proposed to insert or update the following policy requirements:

1. Pedestrian access and safety

Permissions to place tables and chairs on the section of Regent Street in Weston-super-Mare between the junction with High Street and the sea front will not be granted on the grounds that this is strategic pedestrian thoroughfare between the main shopping area of the town and the sea front. **(new requirement)**.

4. Management and other issues

To insert the following paragraphs under this section:

1. In all cases the transfer of food and/or drink to the outdoor area must be through the use of a waiter/waitress table service. It will be a requirement that the permission holder should operate a table service within the main premises and this facility must be extended to cover the street café area.
2. No alcohol or food shall be served to persons who are not properly seated and persons shall not be allowed to congregate standing and drinking in the permitted area.

3. In order to achieve the right mix of clientele, the Council will require that all customers are offered the choice to purchase both food and drink at a Street Café. An application for the sale of drinks and particularly the exclusive sale of alcoholic drinks will not normally be approved.
4. Table menus should be available, although menu boards can supplement these. The boards should be of an acceptable size and sympathetic to the overall character of the Street Café and building. Listed Building Consent may be required.
5. A suitable litter/refuse bin(s) must be provided within the Street Café area at all times of operation. The proprietor will be responsible for the removal and collection of all waste material in an approved way.
6. The area must be regularly swept, avoiding nuisance to customers, and kept clear of all litter/refuse. The operator must deal with spillages etc. as soon as they occur. The Pavement Café area must be carefully washed down at the end of each trading session ensuring any grease deposits are removed.
7. Tables should be cleared of uneaten food, scraps and other waste etc immediately on departure of the customer, in the interests of hygiene and to discourage birds etc.
8. The consent holder will be required to remove tables, chairs and other associated structures from public highway no later than 15 minutes after the terminal hour of the permission granted. In addition, street café furniture should not be stacked on the highway when not in use, e.g. during inclement weather.
9. The general times for the operation of a pavement café shall be between 8.00 am and 11.00 pm. These times may be varied depending on the nature of the pavement café and its location. For premises within the Weston super Mare Town Centre area the operating times shall be 8.00 am to 10.00 pm.
10. Toilet facilities must be available within the main premises for use by customers using the street café area. If the toilet facilities are not suitable for wheelchair users, customers must be made aware of this.
11. The granting of permission to operate a Street Café does not imply an exclusive right to the area. The operator of the Pavement Café should be aware that the Council will need access to the public highway at various times for cleaning, repairs and access to equipment, e.g. lighting columns, traffic signals, control equipment etc. In addition to this others may require access for maintenance, repairs etc. In particular statutory undertakers (electricity, telephone, gas etc) have rights which may require the Pavement Café to cease for a period if maintenance or repairs to their apparatus is needed.
12. An advertising "A" board may be used to advertise the premises but it must comply with the Council's "A" Board policy shown at Appendix 7
13. Advertising of the business name operating the street café is acceptable along with third party product advertising. To maintain a high quality street environment the contents of any advertising proposed should be discussed and approved by the Council prior to ordering signage, barriers etc.

5. Requirements for submitting applications

This section to be updated to include a list of all the documents, plans, photographs etc. which are required to be submitted with the completed application form.

6. Application procedure

To include a new paragraph explaining that agreement must be obtained with any interested frontager to place tables and chairs on the highway prior to permission being granted.

New policy requirement sections

1. Renewal of permissions

Insertion of the following additional policy requirement:

Prior to renewing permission a review will be undertaken of the previous year in terms of operation and compliance of the permission granted. If there have been no compliance issues then the permission will be renewed on a delegated basis by officers. If repeated non compliance issues have been noted or there are outstanding non compliances of the permission granted then the renewal of the permission will be referred to the Council's Licensing Sub-Committee for determination.

2. Planning permission

Insertion of the following additional policy requirement:

The issue of any street café permission in relation to any particular land does not constitute the grant of any permission under the Town & Country Planning Act 1990 or any other legislation for the use of the land for that purpose. Use of the land for trading may, therefore, amount to a material change of use for which planning permission is required notwithstanding that a street café permission may have been granted. You should contact the Council's Development Control Group and seek advice as to whether an application for planning permission needs to be made in respect of the proposed use of the land. Planning enforcement action could be taken in situations where planning permission is required but not obtained.

3. Compliance with conditions

Insertion of the following additional policy requirement:

Failure to comply with the cleaning requirements under the Highways permission will result in the serving of a Notice requiring compliance with the terms of the permission. In the event of failure to comply with the Notice, the Council will carry out the work deemed necessary and recover costs from the operator. Repeated failure to comply with the cleaning requirements may result in revocation of the Licence.

4. Enforcement Procedures

Insertion of a new section setting out the Council's enforcement procedures with reference to:

- (a) The Departmental Enforcement Policy

- (b) Confirmation that the guiding enforcement principles will be based on openness, helpfulness, proportionality and consistency.

5. Committee Procedures

Insertion of a new section setting out how new applications and reviews of existing permissions will be dealt with by the Licensing Sub-Committee.

3. OTHER CHANGES

Appendix 2 – Standard conditions attached to permissions granted

These will be updated once the final policy requirements have been determined following consultation with interested parties.

New Appendix 7 – “A” Boards Policy

Insertion of the Council’s “A” Board Policy, copies of which can be obtained from the Licensing Team on request.

4. CONSULTATION INFORMATION

Period of Consultation

This consultation is taking place for a period of six weeks between the 17 October 2011 and the 25 November 2011.

How to forward your views on the proposals being made

We would welcome your views on the proposals being made. If you wish to make comments, please forward your observations in writing by either letter or email to the Licensing Team, before the end of the consultation period.

Contact Details

The Licensing Team can be contacted as follows:

Postal Address: The Licensing Team
 Warne Road Depot
 Warne Road
 Weston-super-Mare
 BS23 3ND

Telephone: 01934 426 800

Fax: 01934 426 230

Email: licensing@n-somerset.gov.uk