

**CODE OF PRACTICE AND CONDITIONS FOR PAVEMENT CAFES.**

**1. General**

- 1.1 The applicant will be expected to demonstrate that the café 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 within Towns in the Fylde Borough is achieved.
- 1.2 Outside café areas must be well related to the unit from which it is intended to service the café and applicants must be able to demonstrate the integration of their internal and external services activities. Applicants for external 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 proposal should not hinder reasonable use of the highway, cause nuisance to adjacent frontages, or interfere with apparatus or access to apparatus in the highway. To this end the applicant shall comply with all the statutory requirements and obtain all necessary permissions before granting of permission.

**2. Application for Consent**

- 2.1 Applications for consent to use the highway for purposes of operating a street café must be made on the appropriate application form.
- 2.2 Four 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. The application should also be accompanied by four copies of a block plan to 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 would be an advantage).
- 2.4 The application should be accompanied by 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.
- 2.5 Applicants are advised to consult the Planning Department before making an application. Under certain circumstances planning permissions 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**

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 Chief Executive.

- 3.2 The fee for applications is determined by the Council on an annual basis.

#### **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 café to allow pedestrians to pass by safely.
- 4.2 In a pedestrianized area there must there must be at least 3.5 metre (12 feet) of unobstructed space in front of the café area.
- 4.3 If the pavement is directly in front of the premises there must be a 1.5 metre wide (4 feet) unobstructed corridor to the shop entrance at all times.
- 4.4 If the pavement café is directly opposite the shop-front then a physical barrier of not less than 0.9 metres (3 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 removed from the area after trading.
- 4.6 Pigeons and other could be a potential health hazard in some areas of the town centre. In all locations table-umbrellas or canopies will be essential to minimise this risk.
- 4.7 Tables, chairs and the outdoor café area must be cleaned regularly and food debris and other waste must be 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, smells or litter 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 cover up to £5 million for any one event will be required.
- 4.13 Fylde Borough Council reserves the right to charge a rental fee if the proposed outdoor café is on its land.
- 4.14 The granting of a licence for establishing an outdoor café does not permit the sale of alcohol within the outdoor café area. Separate licensing arrangements apply.
- 4.15 Fylde Borough Council will not be liable for any loss of business or other disruption caused by third parties including private contractors or works by utilities service companies.
- 4.16 Access for emergency and maintenance vehicles must be maintained at all times.
- 4.17 Existing refuse disposal facilities must be adequate to cope with the increased provision.
- 4.18 No cooking or displays of high risk food outside the premises or outside recognised cooking, storage or serving areas 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, Fylde Borough Council reserve the right to revoke the licence.