



St Helens Council Highways Pavement Café Policy

1. Policy Vision

- 1.1. As part of its commitment to developing a more vibrant town centre, St Helens Council and St Helens Town Centre Partnership wish to encourage the introduction of Pavement Cafes. Amongst other things, a vibrant town centre is about creating an environment which is attractive, one which makes people want to stay, sit down and take part in community events.
- 1.2. Pavement cafes have already proved to be a popular element of life in many British cities and towns. St Helens Council, along with many local businesses, believes Pavement Cafes could, and should play a part in St Helens street life.
- 1.3. These guidelines have been drawn up to advise and guide those considering setting up a Pavement Café.
- 1.4. While the Council wishes to encourage Pavement Cafes, it must also ensure that the needs of other users of the street continue to be met.
- 1.5. The proposal must meet Environmental Health Requirements associated with eating and drinking establishments, the chief areas of concern being: Toilets, hygiene and noise. The Council's Environmental Health Section will advise on matters relating to Public Health Legislation
- 1.6. The proposal should also take into account the Disability Discrimination Act 1995 and the Merseyside Code of Practice on Access and Mobility.

2. Issues

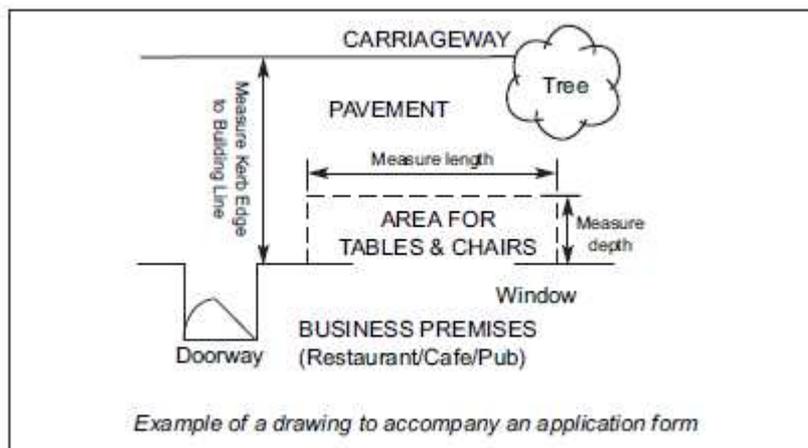
- 2.1. The council works closely with local businesses and retailers through a wide range of measures to ensure that these centres retain their on-going vitality as well as helping the business look more welcoming and more attractive together as a town. St Helens Council understands and recognises the positive effects chairs and tables placed on the highway can have for cafes and other food outlets.
- 2.2. This type of expansion increases the risk of inappropriately placed tables and chairs on the highway. This causes problems to pedestrians, particularly the visually impaired, wheelchair users and those with prams or buggies. The presence of on-street seating in relation to public housing may also have an impact in terms of the increase of potential for anti-social behaviour within the town centre and throughout the borough.
- 2.3. St Helens Council have worked to produce this policy and related guidelines to:
 - Support and guide those interesting in establishing and / or operating a pavement café in an appropriate area
 - Detail the requirements and the standards expected of operating a pavement café, and
 - Help reduce the number of obstruction to the highways and control the impact they have on pedestrian's safety.

3. Procedures for submitting and determining applications

- 3.1. The application should include a location plan at 1:1250 scales, a layout plan at 1:100 scales together with specification of all furniture to be provided on the licensed area. If umbrellas are proposed, this should be specified. Plans submitted with the applications must identify the



location of the building line and kerblines adjacent to the proposal or the opposite building line in a pedestrianised street, together with dimensions (see diagram for guidance) of the area for tables and chairs.



3.2. The plans should also show any entrances to premises within or adjacent to this area plus that area which is considered to be private forecourt, location of trees, lampposts and other street furniture. Applications should specify the hours during which they would wish to put out tables and chairs.

4. Highways Act 1980

4.1. Highways Act 1980 Section 115 – tables and chairs on the highway require approval from the Highway Authority. Under Section 149, a Highway Authority has the power to immediately remove anything from the highway which they consider to be a danger to highway users or a nuisance, in removing the danger the costs can be recovered. Under Section 137 of Highways Act 1980 a highway authority can prosecute any person who obstructs the free passage of the Highway Authority.

4.2. Anything that is deemed acceptable within a Pavement Licence conditions is not designed to apply to other forms of potential obstructions.

4.3. The policy is only relevant when the land in which the pavement café is situated on is Public Adopted Highway. It does not apply when the land is privately owned these included privately owned frontages. Other regulations may apply so you should seek advice from the Planning Department

5. Background

5.1. Planning Permission is required before a Pavement Café Licence is considered. Planning Permission is required for the change of use from Highway land to outdoor café. Bearing in mind the use is not every day, (less likely to be used in the winter months and poor weather). Planning will determine the times that the café should run from and till.

5.2. Once permission has been granted, premises should comply with the design guidance; this can be seen with particular reference to the requirement of a suitable enclosure and with the furniture quality requirements



- 5.3. Under the provisions of the Highways Act, the Council cannot grant a licence unless it obtains consent of all interested frontages who would be materially affected by the proposal
- 5.4. A site notice will be published giving details of the application and affixed at or near to the site. A copy of this notice will be served on all frontages and owners of other premises whom it is considered are likely to be materially affected by the proposal.
- 5.5. The frontages will be advised that their consent is requested with or without conditions. There is a 28-day period to reply stating their reasons why they intend to refuse consent, in the absence of a response it will be deemed that the application should precede.
- 5.6. In considering applications for Highway Licences, officers may, if necessary make arrangements to meet representatives on site from Merseyside Police and if need be, the applicant.
- 5.7. There is no right of appeal if the Highway Licence is refused, although the decision could be challenged by way of a judicial review.
- 5.8. The statutory undertakers have the right to carry out utility service works on the Highway. The granting of a Highway Licence will not affect this.
- 5.9. The minimum needs of people in regards to usable footway space are:

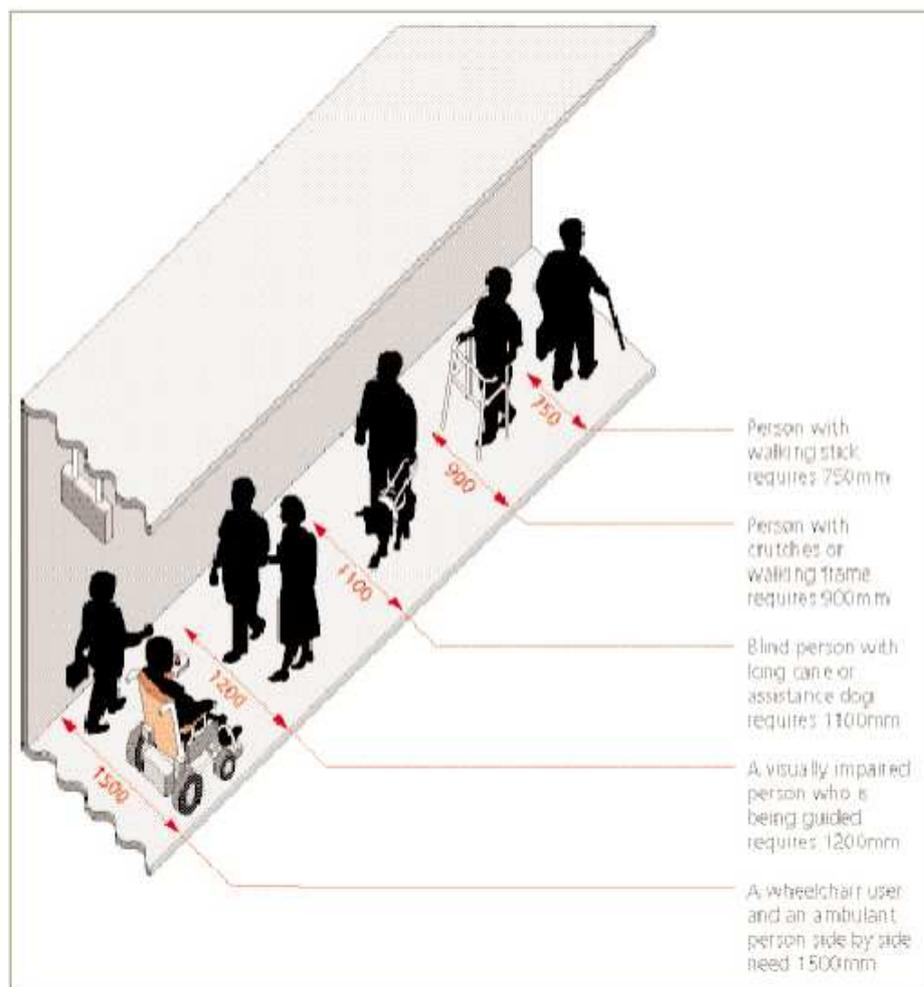


Diagram to show the space required for different users



5.10. The minimum accepted space which is required for the footway to be left clear is 1.5 metres clear.

5.11. In order to protect the blind and the visually impaired from risks the following guidelines on protective barriers should be used for the production of enclosures.



Image of 1 meter high barrier with top rail 50mm from the ground

6. Policy Principles

- 6.1. The council will issue licences outlining clear requirements and restrictions for the placement of the furniture and equipment on the highway.
- 6.2. Only issue licences where there is definitive amount of space available to incorporate the café equipment and furniture
- 6.3. Ensure that the café furniture is in line with the licence and is in use for the times specified
- 6.4. Deal with licence applications / renewals within five weeks of receipt,
- 6.5. Take into account any changes of circumstances that may make the furniture more or less acceptable in a particular location. This could include changes to the road layout which means there would no longer be space to have café furniture on the highway.

7. Charges

- 7.1. In order to finance the issuing of the licence along with the monitoring of the café furniture and equipment on the highway, licence fees will apply,
There are two types of licence fees, they will be:
 - An initial licence application – (this will also apply where the layout of the café is amended)
 - A renewal licence application.
- 7.2. Fees will be reviewed annually and published on the Council's Fees and Charges
- 7.3. It is the responsibility of the licensee to ensure that the licence is up-to-date and renew as required



7.4. The licence is also responsible for obtaining any other licence or approval necessary

8. Consultation

8.1. As part of the application process the Council will consult the following:

- **St Helens Council**
 - Planning Department
 - Licensing
 - Transport Department
- **Other Agencies**
 - Merseyside Police Neighbourhood Team

9. Appeals

9.1. Any appeals raised against the decision of the licence will be looked into and investigated by the appropriate Council Committee.

10. Monitoring

10.1. The following aspects will be monitored annually:

- The number of licences issued
- The number of non-compliant licensees

11. Contacts

General Information

Contact Centre

Wesley House, Corporation Street, St Helens, WA10 1HF
Tel: 01744 676789

Planning Section / Disability Advice,

Chief Executive's Department
Town Hall, Victoria Square, St Helens, WA10 1HP
Tel: 01744 676169

Highways Section

Place Services
4th Floor, Wesley House, Corporation Street, St Helens, WA10 1HF
Tel: 01744 673368

Licensing and Land Charges Department

3rd Floor, Wesley House, Corporation Street, St Helens, WA10 1HF
Tel: 01744 676770