

**THE HIGHLAND COUNCIL**

**INVERNESS CITY COMMITTEE – 8 June 2009**

Agenda Item	<b>10</b>
Report No	<b>ICC 41/09</b>

**Pavement Cafés - A Guide for Local Businesses in Inverness City Centre**

**Report by Area Planning and Building Standards Manager**

**SUMMARY**

This report updates Members with progress on the development of a guide for businesses which will explain the Council's proposed framework for establishing and managing pavement cafés within Inverness City Centre.

The Committee is invited to consider and comment on the proposed framework and guidance.

*This initiative supports the following Local Outcomes for the Highland SOA2:*

- 2. People are, and feel, safe from crime, disorder and danger*
- 4. Public services are delivered effectively, efficiently and jointly*
- 7. The impact of the recession is limited and sustainable economic growth is supported*

**1. Introduction**

- 1.1 The ethos behind the £6m Streetscape Project in Inverness is to make the City Centre more people-friendly. New pavement surfaces in natural stone and street furniture such as seating, bus shelters and information boards have been installed. Partly as a response to these improvements, more local cafés and restaurants are looking to take advantage of the opportunities they provide for outdoor seating and eating areas for their customers.

As a result of this interest, the Inverness City Action Group (an officer group lead by the City Manager) has been tasked with producing guidance which will support such initiatives, but which will also provide the Council with a framework to regularise and manage the implementation of Pavement Cafés within the City Centre. A copy of the previous report specifically addressing the issue of enforcement against inappropriate street furniture is attached for information.

**2. Progress to date**

- 2.1 A desktop review of existing Pavement Café guidance produced by other Local Authorities was undertaken to help identify good practice. Draft guidance was developed and circulated to members of the City Action Group (CAG), which includes a representative from the Inverness Business Improvement District (BID), for review and comments. In addition, the views of the RNIB were sought, and their suggestions, together with the views of CAG members, were incorporated into the revised guidance for presentation to the Inverness City Committee ( Appendix 1).

- 2.2 The Guidance is intended to be a brief, user-friendly introduction to the process for businesses, to help them understand what is required and potential issues that they need to consider in advance. The proposed approach is, in effect, a joint application for Planning Permission (if the café will be in place for more than 28 days a year) and a Pavement Café Permit. This enables the whole process to be managed under one application, rather than requiring businesses to make two separate applications.
- 2.3 Members should note that a separate report on fees is being prepared by Transport, Environmental and Community Services, the results of which will inform the level of fee proposed for the Pavement Café Permit. The fee will, however, be based on a fixed cost per square metre.

### **3. Next Steps**

- 3.1 Comments and suggestions forthcoming from the Committee will be reviewed by the City Action Group and incorporated into the Guidance where necessary. Once the fees have been agreed, and contact details for the administration of the permits confirmed, the completed draft guidance will be placed before the Transport, Environmental and Community Services (TECs) and Planning, Environment and Development (PED) Committees for endorsement as a pilot prior to being rolled out across Highland.

### **4. Resource Implications**

- 4.1 There are no resource implications resulting from this report.

### **5. RECOMMENDATION**

- 5.1 The Committee is invited to consider and comment on the proposed framework and guidance for Pavement Cafés in Inverness City Centre, noting that the view of the Committee will be taken into account, with the proposals being subject to the approval of the TECs and PED Committees.

Signature:

Designation: Area Planning and Building Standards Manager

Date: 25 May 2009

Report Author Neil Huggan, Graduate Planner

Background Papers Report ICC 71/08 Street Furniture & Advertising Boards - 15 September 2008 (re-circulated)

# **PAVEMENT CAFÉS - A SPECIAL INVERNESS CITY CENTRE MANAGEMENT INITIATIVE**

## **NOTES FOR GUIDANCE**

This leaflet is designed to give a guide to the requirements for pavement cafés, but is not intended to establish the complete list of requirements that need to be fulfilled.

If you are interested in opening a pavement café, you are advised to email \_\_\_\_\_ or telephone \_\_\_\_\_ after reading these notes.

### **1. INTRODUCTION**

Pavement cafés can add vitality, colour, life and interest to the street scene in Inverness, and they can also be good for business.

Highland Council and the Inverness Business Improvement District (BID) are keen to work with café and restaurant owners who wish to make use of the pavements and areas adjacent to their premises to create street cafés.

However, it is also important that they are properly administered and managed to ensure that they meet the high standards expected in the City of Inverness. They should not obstruct the footway or create a hazard for pedestrians, especially for blind, partially sighted and other disabled people.

The purpose of the following guidelines is to ensure that pavement cafés are safe and attractive additions which enhance the quality of the city centre.

### **2. LEGISLATIVE REQUIREMENTS**

For the purpose of this guide pavement cafés are considered to be tables and chairs placed on the footway where food and drink can be consumed by customers.

Before agreeing to permit a pavement café on a footway, the Council must ensure that the public's rights to use the footway are not detrimentally affected. We also need to consider the impact of a pavement café on neighbouring activities, in particular if there is likely to be an impact on residential amenity.

The Council's policies and standards also need to be complied with for health, safety and environmental reasons.

This guide relates only to the possible establishment of a pavement café on a footway. Cafés on private land are not covered by this guide - they do not need a pavement café permit, although they will require planning permission.

You should always check with the Council to establish the status of the land in question. Land which you consider to be private may in fact have the status of a footpath if the public

have enjoyed access over it for at least twenty years or if the Council have formally adopted the land.

Permissions to use the footway for pavement café are granted by the issue of permits by the Highland Council as the Roads Authority under Section 59 of the Roads (Scotland) Act 1984. Tables and chairs placed on the footpath without permission are an illegal obstruction and the Council will take enforcement action in such cases.

A proposal to extend the pavement café beyond the width of your own frontage also needs the express written consent of any other neighbouring premises which are affected by your proposal.

Planning permission will also be required if the pavement café is to be in use for more than 28 days in any calendar year. Permanent fixtures such as canopies will also require planning permission.

### 3. SAFETY AND ACCESS FOR PEDESTRIANS

Outdoor cafés will generally be acceptable on pavements and other areas where there is public access. However, the following **minimum** standards for unobstructed space will be required:

Minimum Standard	1.8m clear width between the carriageway and the front of the pavement café
Streets with high pedestrian usage	2.75m clear width between the carriageway and the front of the pavement café
Pedestrianised areas	3.5m clear width between the carriageway and the front of the pavement café

Each case will be judged on its merits, and the unobstructed space will be set according to the street type and frequency of pedestrian usage.

If your pavement café is directly in front of your premises there must be a 1.5 metre wide unobstructed corridor to the entrance at all times.

Physical barriers must be erected of not less than 0.6 metres in height 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. Examples could include ropes and posts, planting boxes and flower tubs. Note that physical barriers should have a low down kick rail or similar that can be detected by the visually impaired using a stick, and there should be no free-standing signs or other impediments placed outwith this barrier.

Tables, chairs and any associated structures must be removed from the area promptly after trading hours each day, or at any time if required in an emergency.

#### **4. CUSTOMER HEALTH AND SAFETY**

Pigeons, seagulls and other birds could be a potential health hazard in some areas of the city centre. Table-umbrellas or canopies may be used to minimise this risk. Staff and customers should be actively discouraged from feeding the birds.

It is also important to keep an outdoor café looking neat and tidy to attract customers. Tables, chairs and the outdoor café area must be cleaned regularly and food debris and other waste removed immediately.

Food and drink must be transferred from indoor premises to the outdoor area by waitress or waiter service.

Noise disturbance, litter or smells, which are a nuisance to other premises, are not acceptable and amplified music will not be permitted.

All tables, chairs and structures relating to the pavement cafés must be of a high standard and suitable for commercial outdoor use.

#### **5. GENERAL CONDITIONS**

Pavement café permits will initially be granted for a 12-month period to enable the Council to ensure that these guidelines are being followed.

The granting of a permit for establishing an outdoor café does not allow the sale or consumption of alcohol within the outdoor café area. **Separate alcohol licence arrangements will apply.**

You may also wish to review the terms, conditions and coverage of your indemnity insurance with regard to the extension of your business operations to an outdoor café area.

Highland Council will not be liable for any loss of business or other disruption caused by third parties including private contractors or works by utility services companies.

The permit holder is responsible for the satisfactory conduct of people within the pavement café. Rowdy or unruly behaviour may lead to the suspension or termination of the permit.

#### **6. FEES TBC**

These will be based on a fixed cost per square metre and will be approved by the TEC Services Committee.

## **HOW TO APPLY**

Initially email or write to the Council explaining your proposal and enclosing a sketch plan of your café layout showing the measured dimensions of the site. We will contact you to agree the details and provide you with an application form.

Email the Council at:

Write to the Council at:

Telephone \_\_\_\_\_ and ask for \_\_\_\_\_