

## **STREET CAFES**

### **NOTES FOR GUIDANCE AND CONDITIONS FOR GRANTING OF PERMISSION**

#### **NO OCCUPATION SHOULD TAKE PLACE PRIOR TO APPROVAL**

Permission to use any part of the adopted road, including the footway and/or footpath, for a pavement cafe is granted by the issue of a permit by the Highland Council as the Roads Authority under Section 59 of the Roads (Scotland) Act 1984. Tables and chairs placed on any part of the adopted road, footway or footpath without permission constitute an obstruction and the Council reserves the right to take enforcement action in such cases.

The granting of permission under Section 59 of the Act only permits the occupation of the road, footway and/or footpath and applicants must ensure that they obtain all other necessary permits and permissions eg alcohol licensing etc. The granting of other relevant permits/consents should not be taken as an indication that occupation of the road, footway and/or footpath will be permitted by the Roads Authority.

Street cafes will be considered on footpaths, footways and other areas where there is public access. The area to be occupied by the street café must be clearly defined at the time of application and this area must not be exceeded at any time except with the prior written consent of the Roads Authority. The minimum width of unobstructed space between the carriageway and the front of the street cafe must be maintained at no less than 1.8m. On streets with high pedestrian usage, and in pedestrianised areas, the minimum unobstructed space will be such greater width as determined by the Roads Authority. Each application will be considered individually and the unobstructed space required by the Roads Authority will be determined according to the street type and frequency of pedestrian usage. If the street café is directly in front of the applicant's premises then a 1.5 metre wide unobstructed access corridor to the premise's entrance must be maintained at all times.

The street café must be surrounded by a physical barrier of not less than 0.6m in height to guide people with disabilities around the area and this should include a low level kick board or similar which can be detected by the visually impaired using a stick. These barriers must not be fixed to the ground and must be of a design agreed by the Council. There should be no free standing signs or other impediments placed out with this barrier. Tables, chairs and associated barriers must be removed from the area promptly after trading hours.

It is a condition of any permission issued that applicants agree to the removal, at short notice, of all tables, chairs and associated structures at any time that they are requested to so do by the Roads Authority, any Statutory Undertaker or by the emergency services. The Roads Authority reserves the right to suspend any permission at any time to allow access for street works or for any other competent reason. If consent is suspended for a continuous period of greater than 4 weeks then a refund of fees may be considered.

Permission for a street café will normally be granted for an initial 12 month period. The Roads Authority will monitor the operation of the facility and to ensure that these guidelines and any conditions are being adhered to. Applicants will be expected to reapply on an annual basis confirming that the area to be occupied has not changed. **It is a condition of the granting of permission that operators of street cafes have in place public liability insurance in the sum of £5 Million. Applicants for all street cafes will be required to provide to the Roads Authority a copy of their certificate of public liability insurance with cover up to £5 million for any one event prior to placement of any tables, chairs and associated structures on the footway, footpath, carriageway or public space. Operators are required to maintain such cover throughout the duration of any permission and must provide a copy with all subsequent applications to renew, or at any other time as requested by the Roads Authority. In the event that the Roads Authority establishes that such cover is not in place all permissions in terms of this agreement will be rescinded and the operator will require to remove all tables, chairs and associated structures forthwith.**

Do not send any payment as on approval of your application an invoice will be issued for the appropriate fee as per the charges specified on the application form.

<b>Schedule of Charges: Invoice will be issued - No cheques/cash accepted.</b>
<ul style="list-style-type: none"><li>• Initial Administration Fee of £194.00.</li><li>• Annual Charge of £28.00 per square metre of occupation.</li></ul>
<b>(The initial admin fee is only payable with the first application not on annual renewal of identical permission)</b>