



Application form & Guidance notes for **Street Cafés Licence**

Street Cafés – A New Opportunity

Street Cafés, on pavements next to established food and drink businesses, are an opportunity to breathe new life and interest into the streets of the City and make those businesses more attractive.

The City Council has prepared this guide to show you how to apply for a licence and how to operate a Street Café. The Council wants to work closely with potential operators.

The main principles of Street Cafés are:

- the proposal for a street café should relate to its surroundings;
- the size and design should be right for the existing building and area;
- quality furniture and facilities should be provided; and
- the layout should not create any danger for users of the café or the adjoining road/pavement.

When judging proposals, the City Council will be flexible but all the above principles must be satisfied and proposals cannot be justified solely on commercial grounds.

If you are interested, contact us today!

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Introduction

Stoke-on-Trent City Council is keen to promote Street Cafés where appropriate. They offer an exciting, extra dimension to food and drink establishments and create vitality in the street scene. They maximise public spaces and create a relaxed and sociable style of eating and drinking – found in many continental towns and cities.

This Guide has been produced to help food and drink operators understand:

- the opportunity afforded by Street Cafés;
- appropriate locations;
- good layout and design aspects; and
- how to apply for a licence.

If you want to set up a Street Café, check that your proposal meets all the criteria mentioned in the guidance notes and then arrange to discuss it with staff from Licensing Services (see 'Useful Contacts' section at the end of this Guide). **The City Council retains the right to refuse to determine applications that, in its opinion, are totally inappropriate and not in accordance with the guidance.**

For general information please contact *Licensing Services* on 01782 232774. A list of other useful contacts is also provided in the 'Useful Contacts' section at the end of the Guidance.

What permissions do you need?

To use the highway for a Street Café you need to apply to the City Council for a licence under Section 115E of the Highways Act 1980. An Application form is enclosed with this Guidance. Further copies are available from the useful contacts section listed at the end of this Guidance.

You don't normally need separate planning permission for a Street Café provided the existing premise has an approved food and drink use. You may need planning permission if there are permanent fixtures associated with the Street Café, or if external alterations are proposed to the existing building(s). Advice is available from the useful contact section at the end of this Guidance.

If your business is in a listed building or within a conservation area, more care with design sensitivity needs to be taken. Please contact a Design and Conservation Officer (North Staffordshire Regeneration Partnership) on 01782 232154 for further advice.

If you sell alcohol a premises licence or a variation to an existing premises licence, in addition to the Street Café licence, will be needed from the Licensing Authority. Advice on this is available from the useful contacts section at the end of this Guidance.

The City Council's Public Protection Department must register all food premises. All Street Cafés must comply with food safety and food hygiene legislation, which includes adequate customer toilet and washing facilities. Advice on food safety and food hygiene legislation is available from the useful contacts section at the end of this Guidance.

Tables and chairs placed on the highway without permission are illegal obstructions and the Council will take immediate action to have them removed. If unauthorised use occurs again the Council will take legal action and seek costs.

Size and layout of the Street Café

There are no standard sizes or rigid styles for Street Cafés. Each case will be dealt with on its own merits. There are however, a few basics:

- The Street Café should relate well to the main premises and normally be in front. It may be possible to extend beyond the accepted frontage but you would need the written permission of adjoining users and this should be supplied as part of your application;
- The Street Café must not hinder passers by and visitors to neighbouring premises. A walkway of at least 1.8 metres wide must be left and in areas of high pedestrian flows it should be wider;
- Café furniture should never be positioned within 0.5 metre of the edge of the road kerb;
- Furniture must not obscure views for drivers or obscure road signs;
- You must ensure emergency access to the main entrance of the premises is clear at all times. Also furniture should be spaced to allow access for all users including those in wheelchairs. The layout must comply with the provisions of the Disability Discrimination Act 1995 (Part 3 – Access to Goods and Services). See 'Boundaries' section.

Boundaries

You must enclose your Street Café within a barrier. The barrier is required to make the café clearly seen, avoid it 'sprawling' out onto other parts of the pavement. It must be portable yet sturdy enough to avoid accidental collapse. This is for the benefit and safety of other pavement users, particularly the visually impaired and the blind. The barrier must include 'tapping rails' 150mm above the ground and 50mm wide. Barriers should be one metre high and of good visual contrast to the background against which they are seen to prevent the barrier from becoming a tripping hazard. (For further information, please contact the Access Officer listed in the useful contacts section at the end of the Guidance).

Rope barriers are not suitable. Planters however, can be an attractive feature of an enclosure.

The enclosure, and the other Street Café furniture, must be removed outside the licensed period or when the café is not intending to operate. The materials should therefore be portable, but be strong enough to resist bad weather.

If permission for a Street Café is granted, the Council will provide a plan showing its boundaries and dimensions. The plan will form part of the licence and a copy must be kept on the premises at all times and be available for inspection. The Council will also supply a licence detailing the agreed hours of usage of the café and the expiry date.

Once the size and layout of the Street Café is agreed it must be adhered to. All activities must be contained within the agreed boundary, including tables, chairs, parasols (including their coverage), planters, barriers, boards and any other item.

Furniture

There is no standard style for furniture, but quality and appearance are key issues. When considering applications the Council will look closely at the quality of the furniture. 'Themed furniture' i.e. of a similar colour or material is encouraged. Cheap plastic, damaged or dirty furniture is not acceptable.

In particularly sensitive areas such as a conservation area, near a listed building, or within a 'regenerated' area like the City Centre Cultural Quarter, a Street Café and its furniture should reflect the status of the area.

The same applies to parasols. Thought must be given to colour and quality. Some limited advertising on parasols and other furniture may be allowed, but this will depend on its design and the sensitivity of the location. Generally any adverts must not be done over dominant or garish and should be sympathetic to the setting. Canopies and awnings that are attached to the building will probably need a separate advertisement consent and/or planning permission (advice can be obtained from the useful contacts section).

Items such as menu boards, signs, A-boards, planters and portable gas heaters need to be located within the licensed area. For safety reasons they will not be allowed on other parts of the highway.

The level of lighting for use after dark should be indicated on the application form. Lighting attached to building may need planning permission.

Before buying any furniture, talk to the Council about aspects of design etc. Advice can be obtained from the useful contacts section at the end of this Guide.

Management of the Street Café

Service and Safety

The operator must ensure safety and efficiency. Waiters or waitresses would generally therefore be needed (except in the case of some fast food outlets), as customers should not be encouraged to carry food and drinks through the premises and onto what is still the pavement. On average, one waiter per 5 tables is recommended depending on how busy the period is. Such details should be described in the application.

Tables must be serviced from the premises immediately adjacent, where food is prepared and sold. You will not be able to sell food or drink from temporary pavement stalls or outdoor sale points. In addition, ice cream and drinks vending machines or stalls will not be allowed on the highway.

You can advertise your menu on barriers, screens or A-boards, but only within the curtilage of the café for safety reasons.

All furniture and barriers etc. must be portable enough to be stored in a dedicated area within the premises in case of an emergency, at the end of each licensed period or when they are not in use. The storage facilities also need to be submitted as part of the licence application.

Music levels must be reasonable and must not cause noise nuisance to anyone. The Council therefore also reserves the right to remove or refuse to renew a licence in case of noise nuisance.

The Police Authority also reserves the right to request the removal of the street café for any reason. They also state that a licensee is not permitted to operate a street café on the days when Stoke City Football Club or Port Vale Football Club have home fixtures or when licensed premises are being used as a venue to show national or international sporting events on screen

When considering licence applications the Council will work closely with the Police. Notwithstanding this, you will be responsible for the conduct of people in your Street Café. Rowdy or unruly behaviour may lead to the withdrawal or non-renewal of the licence. This would take place after discussions between the Council and the Police.

Hygiene

You must comply with the relevant food safety and food hygiene legislation and it is your responsibility to register in accordance with the Food Safety Act 1990 and the Food Hygiene (England) Regulations 2006. The City Council's Regulatory Services Department registers all food premises and their Commercial Team will be consulted on any licence application. Advice regarding food hygiene issues can be obtained from the useful contacts section at the end of this Guidance.

You are responsible for collecting all litter caused by your operation. At least one suitable bin must be provided within the café area at all times of operation, and details should be submitted with the licence application.

The Street Café area must be carefully cleaned at the end of each trading day.

Emergency Access to the Highway

From time to time the Council and other service providers need access to the highway for cleaning, maintenance and repairs. The Council will try to give reasonable notice but, in unavoidable circumstances reserves the right to suspend the licence temporarily for any reason, without notice. No compensation claim can be made for any effect on the business resulting from such works.

Insurance

You must take out adequate third party public liability insurance to indemnify the Council against all actions, costs, claims and demands arising from using the highway under the permission granted. The level of such insurance should be at least £5,000,000 (five million pounds). A copy of this insurance must be provided to the City Council prior to the use of the Street Café commencing.

Hours of Operation

The proposed hours of operation should be stated in the licence application. It is expected that in most cases the Street Café operation will cease by 21:00 hours. In each case the Council will consult with the Police.

The Licence Application

Who will deal with the application?

Licensing Services will deal with the licence application after consulting other bodies including: the Police, the Local Planning Authority and the Council's Commercial Team.

Applying for a licence?

You need to complete one copy of the application form (enclosed with this Guidance).

The application should be supported by graphic details of the furniture and the means of enclosure (barrier), in order for its appearance and impact to be established (photographs/catalogue items etc can be used). Refuse storage arrangements, serving arrangements etc and letters of support from other frontages should also be included.

One copy of the following plans also needs to be supplied:

- Location plan (scale 1:1250) showing the outline (to be edged red) of the premises and the proposed location of the street café*;
- Site plan (scale 1:100) showing the proposed boundary, kern and building lines, points of access, seating/table layout, key dimensions and any other similar information.

* Location plans can be obtained from the City Council, for a small fee, when submitted as part of a licence application.

Before applying you should seek the advice of the City Council. In the first instance contact Licensing Services on 01782 232774.

How long will it take to assess the application?

The target date is eight weeks from the receipt of the application to its determination. This time includes a period of not less than 28 days when the City Council, under the requirements of the Highways Act 1980, will provide notices describing the proposals and offering those affected the opportunity to make representations.

Nominated officers of the Council who have delegated powers to make the decision will assess each application on its merits. If objections are received, it may be referred to elected members for their decision. If the application conforms to the good practice principles contained in this Guidance and all the proper plans, agreements, etc. have been provided, then the time taken is likely to be reduced.

If the application is approved it is likely to be subject to a number of terms, one of which will be that a copy of the certificate of the third party insurance be submitted for approval of the Council before the Street Café starts. The Council has a procedure to deal with appeals by unsuccessful applicants (details on how to appeal will be included on the decision notice).

What will it cost?

1. Street Café with one table (4 seats)	-	£150
2. Each subsequent table within the same application	-	+ £50
The renewal of any Street Café Licence	-	£150* (subject to review)

Renewals

Licences are granted for a maximum period of one year, but to assist licensees (who will need to invest in furniture etc) there is a presumption in favour of annual renewal, unless there is a significant detrimental change to the furniture or operation of the café. **Applicants must apply to renew an existing licence before that licence expires, otherwise the full application fee will be charged.** Renewal applications should be submitted to Licensing Services including a location plan, details of any proposed alterations and the previous application number.

Conditions of the Licence

Licences are not transferable and cannot be varied.

The licence will include terms and conditions based on the principles in this guide and the Council will carry out inspections to check they are being adhered to.

If any minor or occasional breaches are found, the Council will try to rectify the situation by negotiation with the licensee. If the situation continues, the Council may withdraw the licence. In the case of major or persistent breaches the licence may be withdrawn immediately.

A licence holder may terminate a licence at any time by informing the Council in writing.

Useful Contacts

Licensing Services

01782 232774

Highway Issues

01782 237061

Planning Issues

01782 234567 and ask for the Duty

Planning Officer

Access Team

01782 232236

Conservation Officer

01782 232154

Commercial Team

01782 232065



MAU Ref:



City of
Stoke-on-Trent

**APPLICATION FOR A LICENCE TO OPERATE A STREET CAFÉ
ON THE HIGHWAY IN STOKE-ON-TRENT**

Highways Act 1980

Before completing this form, please ensure you are familiar with the requirements detailed in the Street Café Guide.

I/We apply under the provision of the above act for a Street Café licence.
I submit the following particulars (please use BLOCK CAPITALS)

1. GENERAL DUTIES

Applicant's Full Name:

Trading Name (if any):

Address of premises for
proposed Street Café:

Type of Business:

(eg Wine Bar, Sandwich Bar)

Tel. No.

e-mail.

Name & address of agent
or address for
correspondence
(if different from above)

Tel. No.

e-mail

General description of
Food/drink to be served:

(Eg alcoholic beverages, hot meals, etc)

2. DETAILS OF FURNITURE, MEANS OF ENCLOSURE & OTHER

Note: Applicants are required to supply a specification for all items proposed. This should be supported by photographs, sketches, clear photocopies and/or technical details (dimensions / colours / materials etc.).

DETAILS OF PROPOSED STREET FURNITURE

Proposed No. of Tables

Proposed No. of Chairs

Please give description and supplier / technical details of proposed furniture (continue on a separate sheet if necessary)

DETAILS OF PROPOSED BARRIERS

Please give description and supplier / technical details of proposed barriers (continue on a separate sheet if necessary)

DETAILS OF ANY OTHER ITEMS TO BE INCLUDED IN PAVEMENT SEATED AREA

Please give description and supplier / technical details of proposed furniture / items (continue on a separate sheet if necessary)

3. STREET CAFÉ OPERATION

DETAILS OF SERVICING ARRANGEMENTS

Please give details of customer toilet facilities and also furniture storage facilities (continue on a separate sheet if necessary)

Proposed **Weekday** opening hours From To

Staff on duty during the above opening times Existing Proposed

Proposed **Saturday** opening hours From To

Staff on duty during the above opening times Existing Proposed

Proposed **Sunday** opening hours From To

Staff on duty during the above opening times Existing Proposed

Are you registered with Stoke-on-Trent City Council for food sales (Food Hygiene (England) Regulations 2006)?

Yes / No

Do you intend to allow alcoholic beverages to be consumed in the area(s) concerned?

Yes / No

If yes, please give further details & premises licence number

I declare that I am over 18 years old and I certify that, to the best of my knowledge & belief, the above particulars are correct.

Signed

Print name

Dated

CHECKLIST

A. LOCATION PLAN*

Please supply a A4 plan clearly marking in red the premises and location of the proposed outdoor seating area.

Suggested scales 1:1250 / 1:500

B. SITE PLAN*

Please a detailed site plan (no larger than A3) at scale of 1:200 or 1:100 with the following information.

- access points
- building lines
- boundaries
- kerbs
- dimensions and seating area
- table & chair arrangement
- other furniture / items layout

C. INSURANCE

Please supply evidence of £5,000,000 (five million pound) **Public Liability Insurance** cover.

D. THIRD PARTY

Please supply letter(s) from interested frontager/s if applicable.

E. PAYMENT

By post - enclose a cheque made payable to: 'Stoke-on-Trent City Council'

By Appointment - pay by cheque, credit card or cash

* **O.S. location and site plans** are available from the City Council, for a small fee, when submitting an application.

4. SUBMISSION

- **By Post** - send all of the above to: Licensing Services, Hanley Town Hall, Albion Street, Hanley, ST1 1QL
- **By Appointment** – Call 01782 232774 and book an appointment, bring all of the above to the appointment