

**WORCESTER CITY COUNCIL
STREET AMENITIES LICENCE (CONTROL OF
STREET FURNITURE) POLICY
AND
LICENCE CONDITIONS FOR STREET AMENITY
LICENCES**

POLICY

1. The Worcester City Council have much to offer by the way of creating an ambiance that makes the area attractive to visitors and residents alike.
2. It is the Council's aim to have, weather permitting, good quality pavement cafes, pubs and restaurants, contributing to a relaxed and sociable style of eating and drinking.
3. The purpose of this policy is twofold:
 - To highlight the requirements and standards expected of pavement cafés, pub and restaurant operations in the town centre
 - To guide those wishing to establish and/or operate pavement cafes, pubs and restaurants, through the licensing process
4. The Council licenses street cafes which are not situated on privately owned land, by the granting of a Highways Amenity Licence. The Licence is renewable annually.
5. A Licence Fee will be charged by the Council on an annual basis to include all inspections and monitoring. The fee will be set annually by the Council as part of its review of fees and charges.
6. The Licence application process involves specific procedures following the guidance in this policy. There is an application form which needs to be completed by all applicants.
7. It will not normally be necessary to obtain planning permission for outdoor street cafes on the public highway, provided that the main existing premises have the appropriate planning permission and all facilities are portable, however, planning permission will be necessary if there is either some

form of permanent development associated with the pavement café, or if permanent barriers are proposed.

8. Upon receipt of an application, it should normally take two months for the application to be determined.
9. Some areas in the town centres of Worcester may be appropriate for street furniture, others may not; however each individual application has to be considered on its own merits using the criteria set out in this document.
10. The Council therefore reserves the right to refuse applications if they are considered to be inappropriate.
11. The Licence will relate purely to the use of the public adopted Highway land in relation to the premises that is the subject of the Licence. It specifically does not relate to the use of any other external areas which may be within the ownership and / or control of the Licence holder.

The Criteria for Considering Applications Size and Layout

12. Ancillary street furniture will only be allowed outside the premises with which it is associated. Where the width of pavement outside the building is 2 metres or less, no furniture will be permitted. When the width of the pavement is greater than 2 metres, furniture will only be permitted when safe pedestrian access can be maintained. This will normally be a minimum of 2 metres clear, unimpeded access clear of the carriageway used by vehicular traffic
13. Furniture must not impede access and egress associated with other needs in the immediate vicinity e.g. kerbside parking, bus stops, taxi ranks and pedestrian crossings.
14. The layout of furniture and means of enclosure will only be approved if provision has been made for customers with disabilities.
15. All emergency exits and routes must be kept clear.
16. Furniture must be located directly outside the premises with which it is associated. Consideration must be given to the operational requirements of neighbouring premises and their view will be sought on any applications made.

Furniture

17. The furniture should be of a high quality and uniform style within the licensed area, appropriate for outdoor use. Plastic and/or picnic tables will not be approved.
18. Where umbrellas are used these must be fabric type (i.e. non reflective). Umbrellas are to be positioned so as to avoid overhanging outside the enclosure or impairing vehicle sight lines.
19. Non-furniture items such as menu boards, signs and portable gas heaters also need to be approved as part of the enclosed licensed area, and any unacceptable clutter or intrusion into sight lines will need to be removed if it is seen to be causing a problem.
20. All items need to be portable enough to be brought in at the end of the licensed period of each working day, for street cleansing purposes, or in the event of an emergency.

Environmental and Other Requirements

21. All pavement café operations must comply with the relevant food safety requirements. Enquiries to 01905 722233.
22. Litterbins, of an approved type, for the deposit of cartons, wrappers, containers and similar discarded items, shall be provided to ensure the area is kept clean and tidy at all times.
23. The bins will be emptied, by the applicant, daily and more often when required.
24. It shall be the duty of the person to whom the permission is granted, to clean the section of the highway in respect of which permission is granted, to a standard to be determined by the Head of Cleaner and Greener Services.

Means of Enclosure

25. When in use the pavement café area will normally need to be enclosed, to demarcate the licensed area which contains the tables and chairs, thus making it distinguishable from other pavement users, and particularly to assist blind and visually impaired pedestrians.

26. The enclosure shall be removed outside the licensed period or when the pavement café is not intending to operate within the licensed period. The materials should therefore be lightweight in construction and portable, but stable enough to prevent collapse if accidentally walked/stumbled into. They must also be capable of withstanding wind conditions.
27. The design of the barrier should complement the character of the surrounding area and in any event must have solid bars/elements at around 100mm and 1000mm above ground level. Rope barriers are not considered suitable, as they are not readily identifiable by the partially sighted.
28. Planters can be particularly attractive and can be used as part of the means of enclosure, but must be removed from the highway outside of licensed period.
29. In certain circumstances existing street railings may be utilised as a suitable means of enclosure.

General

30. The granting of a Street Amenity Licence applies only to the applicant in respect of the premises concerned and is outside of and in addition to a licence to sell liquor off premises, and any entertainment consents.
31. Licences have various conditions which can vary between locations. Failure to comply with the licence conditions may lead to the withdrawal of the consent or refusal to renew the licence in future years.
32. The provision of street furniture must be primarily in connection with the service of food and or drink from the premises with which it is associated and shall not be solely for the use of smokers.
33. Any changes to any part of the pavement café operations (including furniture, other items, area or operating hours) must be agreed in writing with the Council and may need to be the subject of a new or revised licence.
34. The Highways Amenity Licence will normally operate from 9.00am to 9.00pm. In certain areas there may be reductions on those hours due to specific local highway requirements.
35. Public Liability Insurance cover to £5m will be required for the licensed area and evidence of this must be provided to the

Council upon renewal and at such other times as the Council may request.

36. Any objections need to be resolved prior to the Licence being granted.
37. All Licensed areas are checked yearly by the Council to ensure the street furniture is acceptable and that the Operator/Licensees Public Liability Insurance is current.
38. The Council will take advice from the Police regarding the potential for anti social behaviour at establishments and, if so advised, may require the use of plastic drinks containers for outside use.