

# **The Royal Borough of Windsor and Maidenhead**

## **Goods Display & Street Cafes on the Highway Licence**

### **Guidance Notes**

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## **A Guide for applicants wishing to operate a Goods Display & Street Café outside their premises**

Following the receipt of an application, and upon confirmation of payment, a range of Council departments and organisations are consulted to ensure that your proposal is acceptable to them. These include:

- The Borough Access Officer
- Planning and Conservation
- Town Centre Management
- Legal Services
- Environmental Health
- Waste Management
- Thames Valley Police
- Royal Berkshire Fire and Rescue Service
- Royal Berkshire Ambulance Service
- Chambers of Commerce
- Ward Councillors
- Parish Council

A public notice will also be displayed on site or close to your proposed site so that local people can comment if they wish. After the consultation exercise, a decision will be reached based on the responses received and if a licence is granted you will need to provide evidence that you have a minimum Public Liability Insurance cover of £5,000,000 which is an important requirement of the licence

### **Licence conditions**

Each application is considered on its merits and its suitability to the local environment. When a licence is granted, the licence holder must adhere to the conditions set out in this guide and on the licence itself, otherwise the Royal Borough will have no choice but to remove any furniture causing an obstruction and may have to consider revoking the licence.

### **Conservation Areas**

It is a condition of each new application for a Goods Display & Street café in a Conservation Area (such as most of central Windsor, most of Eton and some parts of Maidenhead Town Centre) that the applicant make contact with the Borough's Conservation Officer to agree the style and design of any goods displayed & street furniture prior to lodging their application.

Please email: [conservation.maidenhead@rbwm.gov.uk](mailto:conservation.maidenhead@rbwm.gov.uk) or contact her at the Town Hall, St Ives Road, Maidenhead, SL6 1RF

### **Size, Layout and Means of Enclosure**

The Council appreciates that people will want to organise their goods display & street cafe in a way that is attractive and will encourage customers to shop, enjoy food and drink from their premises. However, the following factors have to be taken into consideration when planning the goods shop & cafe layout:

- Available space
- Type of premises
- Street width
- Street character
- Number of passers-by
- Existing street furniture, e.g. benches, planters, lamp posts etc.
- Other goods & street cafes nearby
- Residential properties.

The needs of people using the highway are of paramount importance when considering the size and layout of your street café, and it's important to ensure clear access and freedom of movement for the disabled, pedestrian flows, and access for emergency vehicles. The layout, goods, type and colours of the tables and chairs used, along with access points and the way the goods display or cafe is enclosed also need approval and you must provide this information as part of the application. It is essential that the goods display & cafe does not cause an obstruction or inconvenience to members of the public, particularly people who are disabled, so adequate space must be left between goods, tables and chairs for wheelchair access. When the goods displayed & cafe is in use during licensed hours, it must be enclosed by a removable barrier of approved design (with access points) to separate it from the main thoroughfare. Outside licensed hours, the barriers and all goods display within them must be removed to allow free access to the highway.

## **Things to remember when planning a goods shop or street cafe**

Every goods display & street cafe should be organised according to these important key principles:

- People walking past the premises should ideally have at least 2 metres of clear footway between the edge of the carriageway and the boundary of the shop. This is to ensure that pedestrians, particularly the visually impaired, are not obstructed.
- In a very busy street it may be necessary to leave more than 2 metres of footway space for pedestrians.
- The way goods, tables and chairs are set out should not prevent or discourage people from using the footway - the route available to them must be straightforward, obvious and unobstructed.
- Unless agreed otherwise, the shop should be located immediately outside the front of the applicant's building so that staff and customers do not have to cross the normal flow of pedestrians.
- In pedestrianised areas these principles will generally apply, although the special nature of these areas means that applications will be considered on an individual basis.
- In pedestrianised areas a minimum 3.5 metres will generally be required to allow access for emergency vehicles.
- The goods display & street café (if comprised of a single line of tables and chairs) must have barriers at either end. If the street cafe comprises two or more lines of tables and chairs it must be surrounded by a physical barrier on all sides open to the highway. The barrier should be of a style, height, material and colour sympathetic to the local environment.
- The barrier should be either continuous to the ground or incorporate a lower rail or tap board to help people who are visually impaired.

## **How a decision is reached**

When the Highways Department considers an application, it needs to ensure that the goods display & street café meets the following requirements:

- Goods display & Street cafes will normally only be allowed on pavements where a minimum width of 2 metres can be left clear and unobstructed for pedestrians.
- All goods & furniture must be removed from the street outside the times permitted in the licence.
- Goods, tables and chairs must not be placed in the way of vehicle movements - this is to ensure free and unobstructed access by the emergency services.
- Toilet facilities must be provided for customers. If the facilities are not suitable for wheelchair users, customers must be made aware of this.
- Removable barriers must be used to set your shop & cafe apart from the street and these barriers should complement the character of the area.
- Barriers must be no more than 1 metre high and have a lower tap rail within 0.25 metre of ground level. They should not have sharp edges or protruding parts and should be of lightweight construction so that they are not too visually dominant and can be easily dismantled - although they need to be strong enough to withstand outdoor public use. In

some parts of the Royal Borough (e.g. Conservation Areas) barrier design will be particularly important and come under the Rights of Way Panel's scrutiny;

- All furniture, displays and umbrellas must be kept inside the barriers. Goods & Street furniture provided by the Council, e.g. benches, lighting, bollards etc. may not be incorporated into a licensed area.
- Use of planters with shrubs, flowers and ornamental trees is encouraged.

## **Furniture and Visual Impact**

The Royal Borough is keen to see goods display & street cafes as an integral and attractive part of the town centre scene and to achieve this we expect the design of outdoor furniture & goods to be of a high quality and made of durable materials. The type of goods & street furniture proposed must be submitted as part of the application and if it is considered unsuitable the application may be refused.

The Council also reserves the right to require certain items of goods & furniture to be removed if they are considered inappropriate, even though they were approved in the original licence application. This could happen if the goods & furniture becomes:

- Unsightly or unsafe through poor maintenance
- Inappropriate because of new development in the vicinity
- Unless agreed, goods & furniture must be removed from the highway outside the times of the licence.

## **Goods**

To maintain and enhance the high standards in our town centres the Council expects the shops to display quality items that are well co-ordinated and organised. Applicants are advised to seek advice by contacting the Conservation Officer to ensure that the goods display complies with Conservation requirements.

## **Tables and Chairs**

To maintain and enhance the high standards in our town centres the Council expects street cafes to use quality tables and chairs that are stylish and well-co-ordinated and in colours that are not garish, bright or overly reflective. White plastic garden-type furniture is not appropriate. Table design should allow use by people in wheelchairs so this needs to be taken into account when considering the clearance under table tops, position of table legs etc. Applicants are advised to seek advice by contacting the Conservation Officer to ensure that the design of street furniture items complies with Conservation requirements.

## **Umbrellas**

If umbrellas are to be used they must be specified as part of your licence application, including where they are to be placed, their material and colour. They must be positioned so that, when open, they cannot spread outside the licensed area and create a potential danger to passers-by or vehicles.

New products coming onto the market, such as all-in-one outdoor gas heating units, must be authorised by the Highways Department as part of the application.

Limited advertising of the premises or a supplier may be permitted on umbrellas but this must not be dominant and will be limited to logos of no more than 150mm x 450mm.

## **Litter/Cleansing**

Servicing is a major factor in the appearance of a goods shop & street cafe and the licence will require tables to be cleared as soon as they become vacant and the area as a whole kept clean, tidy and litter-free. The items and furniture area and at least 0.5 metres surrounding it must be swept and kept free of litter and debris at all times.

## Noise

The Council must ensure that your goods & street cafe proposal will not result in noise nuisance to nearby residential accommodation or other noise sensitive premises, e.g. solicitors, counselling or therapy services. In certain circumstances this may mean that a cafe can only operate within restricted hours - or, indeed, may not be allowed at all.

No outside music is allowed - either played within the licensed area or conveyed to it from inside your premises.

## Other requirements

Some or all of these may be needed, depending on your individual application:

**CEREMONIAL EVENTS:** Some areas of the Royal Borough are required for ceremonial events. If your shop or café is likely to be affected special conditions may be applied to any licence if granted.

- Waiter/waitress service must be used.
- Where alcohol is served within the licensed area, a member of staff must manage the area at all times.
- Where alcohol is served, unbreakable glass should be used and be of no more than 1/2 pint measures. Bottles will not be permitted.
- Remember the need for a clear, visible price list which can be easily read by potential customers, as required by the Price Marking (Food and Drink Premises) Order 1979.
- Customers must be seated. The cafe is approved in terms of the number of seats and when these are full and customers stand in the licensed area it increases patronage beyond that approved under the terms of the licence. Failure to comply with this, and on recommendation of the police, could result in the licence being revoked.

Lighting and heating arrangements for the cafe must be submitted as part of the application. Permanent lighting is not acceptable in the licensed area or the highway. It's worth remembering that lighting may need separate planning permissions which are not covered in the granting of a street cafe licence. No exposed cabling will be permitted across the highway.

The licencees should ensure that they have Public Liability Insurance to a minimum value of £5 million. Evidence of this must be submitted if the application is successful. A copy of the insurance certificate is sufficient. The licensee will indemnify the Royal Borough as the Highways Authority against any claims that may arise and is also expected to clear the licensed area for normal highway use outside the times of the licence.

Proof of related approvals, such as a Liquor Licence, will be required as part of the application. Statutory undertakers (gas, electricity and water) have the right to carry out work within the highways, so the licensed area must be made available to them at any time.

It is the responsibility of the licensee to ensure that the conditions of the licence are adhered to. The Royal Borough, under the Highways Act 1980, has powers to ensure compliance with the terms and conditions of the licence and to recover any expenses incurred.

No items, including food or drink of any description, may be sold on to the public highway from within the approved area.

Street cafes will be expected to enhance the local area. Applications that simply seek to place tables and chairs outside without any effort to meet the required standards are likely to be refused.

Additional guidelines may be added to licences as and when necessary.

Licences are generally granted for a three year period, although they may be for a shorter period if there are particular concerns.

Details of current fees are shown on the application form.

If any alterations to the highway or to street furniture provided by the Council are required to accommodate the licence they will be paid for by the applicant, e.g. re-location of public seating.

## **REFUSAL**

If any applications are refused the applicant may appeal via the next scheduled Rights of Way and Highway Licensing Panel.