Street Cafés
Permission and Management Guidelines

1. Introduction
Street cafés are now a common and accepted feature of our city. Bars, cafés, restaurants etc utilise the public realm to develop their business which in turn animates our streets providing a vibrant and lively dynamic to our city.

Liverpool City Council supports the use of street cafes as we aim to grow and support the City’s economy.

These guidelines have been produced to advise and guide applicants on how to obtain permission to place a café on the street and once permission is granted how the café should be managed and maintained to ensure high operational standards of cleanliness, appearance and safety.

Permission to place a café on a street can only be granted by the Council. The permission is granted in the form of a highway licence called a ‘Street Café licence’. This guide will explain what you need to do to make an application and the criteria a café needs to meet to be granted permission.

There are fees for granting permission which are detailed in the body of this guidance.

This guidance replaces the previously issued ‘pavement cafes guidelines’. In producing these revised guidelines the Council has aimed to simplify the application process and provide first hand assistance and guidance on how to obtain permissions and how applicants can meet the street café criteria.

In most cases Street Cafés will not be required to obtain planning permission however if it is required for your application you will be advised upon application for a highway licence.

Street Cafés share the public realm with many varied users e.g. shoppers, residents and other businesses. Working in partnership with businesses the Council wish to ensure that Street Cafés are seen as a positive addition to the street scene, being well managed, attractive and considerate of the community they operate in.

It is advisable that applicants read this guidance and discuss any issues they have with officers of Transportation before purchasing street café furniture.

2. What is a Street Café?
A street café is one or more tables and chairs placed on the street that is serviced from a building for the purpose of allowing patrons to sit, eat and drink.

A street café can serve any type of business which serves refreshments, food, drink etc.

A street café is not intended to be a ‘smoking area’ or to encourage a standing ‘gathering point’ for patrons of the establishment which it serves, its layout must meet the ‘non smoking’ legislation if it is intended that smoking will be permitted within it e.g. not enclosed.

A street café can include the sort of features associated with cafes; menu boards, planters; however some features are not permissible such as heaters, music systems, awnings etc. For clarification please contact Transportation - see contact details.

A street cafe cannot be used for advertising other than the name of the establishment it serves. That is to say any part of the structure that forms the permitted street café cannot be used to attach or be adorned by any form of commercial advertising.

3. Why is Permission Required?
The Council must ensure that cafés are appropriate, safe and well managed; they must not unreasonably interfere with other highway users or result in nuisance to neighbours, and must allow for all highway users to freely pass, particular those in wheelchairs or with child buggies, prams etc.

Tables and chairs cannot legally be placed on the highway without prior official consent from the Council, even if it is just for short periods during good weather.

What is highway permission?
The term ‘Highway’ is used to describe a street, pavement, road etc over which the public have a right of way.
The authority of the Council to grant permission is provided by Section 115 of the Highways Act 1980, under which a licence may be given for the placing of tables, chairs and barriers on a highway, but not on areas where motorised vehicles are permitted to pass and re-pass.

In granting permission the Council not only addresses the requirements of the Highways Act, but also assesses the proposed café, ensuring it is appropriate for the area, laid out safely and enables all highway users to have sufficient space to pass safely and unobstructed.

The process also enables conditions to be placed on the 'Licensee' to ensure the café is managed properly and adheres to any requirements the Council deems appropriate for the granting of permission.

Permission will be granted in the form of a highway licence. The ‘Licensee’ is the person(s) named in the highway licence who will be granted the permission and who will be responsible for managing the café and ensuring the conditions are complied with.

Do I need planning permission?
For most applications for a highway licence prior planning permission will not be required. Where planning permission is necessary, you will be advised upon application for a highway licence.

If planning permission is required you will be instructed to contact the Planning Department and they will advise you accordingly. When planning permission is required a highway licence cannot be issued until planning consent is granted.

4. Criteria for a street café
For a proposed street café to receive permission it must usually meet the following criteria. The following points must be addressed in your application. If not your application will not be processed

General criteria
• The layout of the café must retain an unobstructed minimum 2 metres of footway around the café.

• If the location receives high levels of foot fall such as the city centre or district centre, the Council will require a minimum of 3 metres free unobstructed footway, unless the Council considers 2 meters is acceptable.

• The Council may consider that a location requires more than the stated minimum unobstructed for example pedestrianised areas where 5 metres clearance is required to facilitate emergency service vehicles.

• If a piece of street furniture prevents the required clearance being achieved and if it can be relocated, the Council may consider moving the furniture, however this will be at the Licensees cost prior to a highway licence being issued.

• A pavement café must normally abut the building line of the establishment that it is serves.

• The times when a café can be on the highway will be restricted (see operating times)

• The quality and type of furniture that can be used for the café and placed on the highway

Furniture and equipment
• To ensure the right quality and appearance, tables and chairs should match and be in metal or timber. They should be of sufficient weight to withstand windy conditions. Plastic, gardentype furniture is not acceptable.

• Where parasols are permitted, these should be in nonreflective fabric, and should not form a continuous, uninterrupted canopy. Colours should not be garish or considered to be visually obtrusive. Limited advertising of the premises is allowed on parasols, but should not be too dominant and generally not exceeding 450x150mm in size.

• Parasols should be wholly contained within the enclosure and not extend beyond it.

• To help ensure a high quality character and image for the city, cutlery and crockery should not be plastic, however if deemed appropriate the Council can request that plastic glasses are used.

• Furniture and equipment shall be of a type that can be readily removed from the highway at short notice if instructed to do so by the Council and/or the Police.

Means of enclosure
• Boundaries should be demarcated with minimal impact on the street, both physically and visually.

• Boundaries should not be permanent structures, but should consist of stainless steel, chrome or black uprights not more than 1000mm in height.

• Solid bases should be heavy enough to withstand high winds and be contained within the Street Café area.

• Horizontal stiffening rails linking the uprights should also be of the same material and colour, and fastened at top and bottom to give some rigidity. The horizontal rails can be used to affix fabric sheets or banners to give further enclosure and definition. The upper rail should be set between 800 to 1000mm, with a lower tapping rail 150mm above the street surface. Rope barriers are considered inappropriate.

• Sheets should also be secured at top and bottom to the vertical posts to give extra stability and prevent billowing. They should not be used for advertising, although the name of the coffee shop/bar/restaurant could be displayed

• Colour is an important consideration and such sheets should be of a single block, not garish, with any lettering not occupying more than 50% of the area.
• Full enclosure to define the area is not normally appropriate, and the preferred approach is to define the outer corners of the enclosures in a right-angled, L-shaped arrangement.
• Low level planters may also be used to define the boundary, but should be maintained and taken inside the premises outside hours of operation.
• Outside licensed hours of operation all boundaries and furniture shall be removed and stored inside, leaving the public realm clear and completely free from obstruction.

Operating Times
The Street Café can only be operational during the hours as stated in the formal permissions, during application period the Council will consider the request for operation times and assess what would be appropriate for the nature and environment of the café. The applicant should note that the licensed hours may not match the opening times of the business or any planning permission previously granted.

Additional Information
There may be areas of public open space in the City, such as a public square, where alternative arrangements for tables and chairs on the public highway will be considered. Similarly, innovative pavement café set ups may be suggested for consideration.

Liverpool aspires to be a smoke-free environment, and where practicable a third of the area within the enclosure should be designated as no-smoking areas. The ‘criteria for Street Cafes’ is not exhaustive and application may be assessed against additional criteria depending on location, usage etc.

5. Application Process
A highway licence will generally last for 3 years from the date of issue. Upon completion of the specified period the permission will have ceased and the Licensee must re-apply for permission to retain the café on the highway. It is advisable the application for renewal is made 10 weeks before the end of the permission.

The history of the Licensees management of the café will form part of the consideration to grant a highway licence renewal.

Any previous permission granted under planning or as part of a previously issued highway licence will not apply once the life of that permission has expired. For any renewal application for permission this guidance will be applicable.

Application procedure
STAGE 1
Applicant obtains a highway licence application form. An application form should be inserted within this document, if not please contact Transportation (see contact details)

Note: It is recommended the applicant discusses the application with officers of Transportation prior to submission to see if permission is feasible or discuss any aspects such as operation times, furniture to be used etc. If required an officer of Transportation will visit you on site and discuss and advise on your application prior to submission.

STAGE 2
The applicant submits the application form together with payment of application fee.

STAGE 3
The application will be Assessed and if necessary further information may be requested from the applicant.

STAGE 4
Transportation will make a decision whether to grant a highway licence. (Please note where planning permission is a requirement a licence will not be issued until planning permission is granted).

Statutory consultation
Before consideration to grant a highway licence a statutory 28 day period of public notification is required which will invite comments on the proposal from; the public, ward members, police, emergency services, licensing authorities and appropriate council departments. If representations/objections are received in relation to the proposals then they will be considered by officers or a committee of members before a decision is reached whether to approve an application or not.

If a committee is held to hear objections, the applicant will be invited to attend and make representations.

Please note if objections are received to a proposal this will add time to the overall permission process.

6. Conditions of a ‘Street Café Licence’
The Highway permission will take the form of a licence which when issued must be displayed in a prominent position in the street café or premises and be visible from the highway for inspection by Council officers.

The Licence will be likely to contain a number of conditions, examples of which are:
• The Licensee shall carry public liability insurance and will indemnify the Council against any claims that might arise in respect of injury, damage or loss arising out of the grant of permission unless such arise out of negligence of the Council.
• The licence will limit the hours during which the tables and chairs may be placed on the highway.
• Outside the permitted hours of operation, all café furniture must be removed and stored off the highway by the Licensee.

**Important note for Applicant:** As part of the conditions of granting permission the applicant must be able to demonstrate that there are sufficient facilities for storage of the street café furniture off the highway and outside the permitted hour of operation. This is particularly important if the primary business continues to operate outside the street café licensed hours, without the Street Café facility. If the applicant is unable to demonstrate this then the application cannot be processed.

• The cleaning, maintenance, appearance of the café and the licensed area of highway is the specific responsibility of the licensee during the hours of operation of the licence. The Council consider this an important feature on granting a licence and this aspect will be regularly monitored and enforced by the Council. Failure to comply satisfactorily with this may result in the Council withdrawing the highway licence and permission to place the café on the highway.

Outside of the agreed hours of operation for the Street Café, the licensee must revert the Street Café area to normal highway use in a clean unobstructed state.

7. **Fees**
The Council’s basic fee for granting permission for street cafés and issuing a highways licence, is currently set at £580 for a 3 year licence period. Please note this figure will be reviewed annually and you should check the current fee before making any payment.

**Cafes on Council land**
For the locations where the Council is land owner (such as in the City Centre) it shall apply the following charges in addition to the basic fee For each Table (or similar structure) - £10 per annum.
For each chair (or similar) or number of persons to be seated on a bench - £5 per annum,

**Important note for applicant:** This rent is to be paid annually upon demand and once approval in principle is confirmed and before issuing of the highway licence. Failure to pay within 10 working days of notification may result in the highway licence permission being withdrawn.

Liverpool City Council will review the level of rent Charge annually and if there are to be any changes to the rent amount this will come into effect on the anniversary of the granting of the licence.

Where the Council is not the sub soil owner we shall not charge a rental fee.

8. **Management and Enforcement of Street Cafés**
It is the Licensee’s responsibility to ensure the café is cleaned, maintained and kept in good order daily during the hours of operation. The licensee must ensure that staff are available to maintain the condition of the café.

It is the responsibility of the licensee that the café is used by patrons for the purpose it is laid out for and in particular that it’s not used as a focal point for groups of people using the café as a congregation point, especially for standing on the footway around the café and causing obstruction to passing highway users.

Council officers will regularly inspect Street Cafes to ensure the conditions of the licence are upheld. If it is found the Licensee is not complying with the conditions of the licence then the Council may withdraw permission for the street café.

The Licensee will receive a verbal notification in the first instance from a Council Officer. Following this, should the Council be required to revisit the café to reinforce compliance with the licence conditions the Licensee will receive a written notification that they must ensure the conditions of the licence are adhered to. Should the Licensee continue with non compliance with the conditions of the licence then the council may move to withdraw the highway licence and the associated permission.

In the event of the Council moving to withdraw the highway licence the Licensee will have the right to appeal to an officer or committee of members.

If a street café is placed on the highway without explicit permission from Transportation the Council will move to have the café removed.

Failure to comply with an instruction to remove a street café facility, may influence the consideration to grant a licence should a formal application be made.

9. **Contact details**
If you wish to discuss any of the guidance please contact the following:

**Highways & Transportation**
Liverpool City Council
Cunard Building
Water Street
Liverpool
L3 1AH

Telephone 0151 233 3001
Email hdc@liverpool.gov.uk