

Agenda Item	8
Report No	TEC 56/13

Managing Obstructions within the Adopted Road

Report by the Director of Transport, Environment and Community Services

Summary

This report presents the outcome of the consultation in relation to managing obstructions in the adopted road (including footways and verges), and invites Members to approve the Policies in relation to managing obstructions in the road as set out in **Appendices A to D**.

1. Background

- 1.1 The Transport, Environment and Community Services Committee considered report (TECS-10-13) "Draft Policies in relation to Managing Obstructions within the Adopted Road" on the 17 January 2013 and approved that a Consultation was undertaken on the Management of Obstructions within the Adopted Road.
- 1.2 This report presents the results of the Consultation and invites Members to approve a number of policies for managing obstructions within the Adopted Road.
- 1.3 The placing of the objects covered by this report in the adopted road (including footways and verges) is an offence under the Roads (Scotland) Act 1984 unless they are authorised in writing by the Roads Authority.
- 1.4 The Highland Council is the Road Authority for the local road network. The proposed policies would not apply to the Trunk Road network, which come under the responsibility of Transport Scotland.
- 1.5 The Highland Council has a number of policies which deal with different aspects of obstruction, some of which are applicable Highland-wide and some of which apply only in Inverness. There is at present no policy controlling advertising signs in verges.
- 1.6 This report sets out four policies in relation to managing obstructions in the adopted road (including footways). These are:
 1. Signs on footways and footpaths
 2. Signs in roadside verges
 3. Display of goods for sale
 4. Street cafes.
- 1.7 The proposed Policies are set out in **Appendices A to D**.

2. Consultation with Stakeholders

- 2.1 A consultation with stakeholders was undertaken in May and June 2013. In total 197 stakeholders were issued with consultation documents. These consisted of the 152 Community Councils, individuals and organisations covering tourism, business and commerce, economic regeneration, road safety, planning, access and disability discrimination.
- 2.2 The consultation was also sent to all Members.
- 2.3 Three options were consulted on for the control of advertising signs:
- A. Maintain the status quo
 - B. Zero tolerance of all obstructions
 - C. Authorise certain types of obstruction in controlled circumstances and subject to defined conditions
- 2.4 Responses were received from 34 organisation and individuals. Community Councils account for 23, Disability Access Panels for 3, Council Members and Staff 6 and Business/Commerce for 2. This gives a response rate of 17.3%. A further 10 responses were received from businesses and individuals not originally included in the consultation. Including these the response rate rises to 22.3%.
- 2.5 Analysis of Questionnaire

Question 1.

Do you agree that The Highland Council should authorise certain types of obstructions in controlled circumstances and subject to defined conditions?

Yes	-	25	=	55% of responses
No	-	5	=	11% of responses

Question 2.

Do you agree with the conditions set out in Appendix A – Draft Policy for Signs (and Obstructions) on Footways and Footpaths?

Yes	-	20	=	44% of responses
No	-	10	=	22% of responses

Question 3.

Do you agree with the conditions set out in Appendix B – Draft Policy for Signs in roadside Verges?

Yes	-	20	=	44% of responses
No	-	10	=	22% of responses

Question 4.

Do you agree with the conditions set out in Appendix C – Draft Policy for the Display of Goods for Sale?

Yes	-	19	=	42% of responses
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No - 8 = 18% of responses

Question 5.

Do you agree with the fees proposed in Appendix C?

Yes - 15 = 33% of responses

No - 13 = 29% of responses

Question 6.

Do you agree with the conditions set out in Appendix D – Draft policy for Street Cafes?

Yes - 20 = 44% of responses

No - 7 = 15% of responses

Question 7.

Do you agree with the fees proposed in Appendix D?

Yes - 13 = 29% of responses

No - 15 = 33% of responses

3. Options for Advertising Signs

- 3.1 The preferred method of advertising should always be the use of fascia or projecting signs fixed to buildings above head height, and for rural areas the use of approved Brown Tourist Signs or signage outside the adopted road boundary. The former are controlled through the Visit Scotland rules of eligibility and the latter signage through the Planning Permission and Advertising Sign Consent processes. There are also options in pedestrian areas to erect a single information board containing a range of information about the shops etc.
- 3.2 Such signs and displays can present a danger for pedestrians, especially the blind and partially sighted those with disabilities, wheelchair users and those with prams and pushchairs. It is therefore necessary to ensure that any advertising signage and other commercial items are located such as to present no or minimal risk to the public. Also the uncontrolled proliferation of signage and other obstructions within both town centres and rural areas can have a negative impacted on the visual environment, especially in tourist areas.
- 3.3 The Council requires a policy in order to authorise the placement of any form of obstruction within the adopted road boundary in compliance with any conditions it chooses to impose.
- 3.4 Several respondents have preferred an approach based on maintaining the Status Quo under Option A. Whilst this would be the simplest and least confrontational approach it does not accord with the legislative requirement for written authorisation stated in paragraph 1.3; nor does it provide clear guidance either to businesses or enforcement staff.
- 3.5 From a road maintenance and operational perspective the preferred option remains a zero tolerance especially on verges subject to regular grass cutting. Option B which provides a simple and clear position. Anticipated resource input

required for Option B would be the lowest. The Access Panels indicated support for this approach.

- 3.6 It is recognised in the present economic climate that businesses need to advertise to attract custom. It is known that “A” Board signs serve a useful purpose both in rural and urban settings. Replies from business representatives including Inverness BID and rural businesses support this which would lead to the adoption of Option C. However the uncontrolled proliferation of signs can have an adverse environmental impact.
- 3.7 There was general support for the proposals for controlling the placement of advertising signs and support that permission should be free. However there was concern that an approval system whilst supported would introduce additional administration for businesses. To provide support to businesses and avoid whole scale sign removals, it is proposed that the policy is applied with a retrospective permission process, **Appendix A** has been modified include this.
- 3.8 Planning & Development have confirmed that Advertising Sign Consent is required for all advertising boards placed within the adopted road. To avoid additional administration and application costs TECS and Planning & Development have agreed that the TECS approval process in **Appendix A** will also include application for advertising sign consent.
- 3.9 The attachment of signs and bicycles with signs to public bicycle racks is an additional concern especially in Inverness. Bicycle racks are provided to for public use not to facilitate commercial bicycle hire or advertising. An additional condition has been added to **Appendix A**.
- 3.10 The proposals for control of signs in verges again produced strong objection from the rural business community. Many rural businesses reply on passing trade with Advertising boards used to notify their presence, a practice that has been permitted to continue for many years. Responses from the Tourist Officer support the continued use of such advertising. Preventing the use of roadside signs may have an adverse effect on some businesses. It is recommended that a mechanism to provide for approvals of signs in rural verges is provided.
- 3.11 Planning and Development have indicated that placement of advertising signs placed in rural road verges may still require separate Advertising Sign Consent for which there is a separate cost.
- 3.12 It is therefore proposed that; where rural businesses are unable to comply with the conditions referred to in paragraph 3.1, consideration needs to be given to the permission of signs placed in verges. It is suggested that those rural businesses that are unable to meet Visit Scotland or Advertising Consent for signs out with the adopted road are provided with an approval process for “A” Boards place in the verge. **Appendix B** has been modified accordingly. It is recommended that **Appendix B** is approved subject to confirmation of Advertising Sign consent requirements by Planning and Development.

4. Fees and Enforcement

- 4.1 A majority of responses from rural businesses felt strongly that the proposals were geared towards, and more suited to, urban locations. However, Inverness BID's response indicated that they considered proposals were not wholly suited to the urban environment. Several responses suggested that fees should be restricted to urban areas with no fees being applied in rural locations.
- 4.2 It should be noted that only Question 7, the charging of fees for Street Café's had a majority against charging. The present policy applies to Inverness only which has 13 licenced Street Cafes operating under licenses since 2011. Objection to the introduction of a uniform highland wide fee associated with the policy is considered to be due to the proposed change from the present uncontrolled "free" unofficial system operating outside of Inverness. Consideration could be given to an introductory period of lower or no fee, however no such grace period applied in Inverness and it is not recommended that differing fee levels should apply in different areas.
- 4.3 Support for the fees for "Goods for Sale" under Question 5, was marginally in favour of charging. Responses requested both zero and lower fees proportional to the turnover or size of display. An assessment of the inspection requirements and staff costs has been undertaken. To cover costs, a lower application fee than for the £120 Street Café fee, based upon the initial Street Work inspection fee of £33 would be appropriate. However it is recommended that a zero fee, which would provide assistance to businesses, is adopted at this stage with a further review of charges in 12 months. **Appendix C** has been revised to show a zero fee in relation to the display of goods.
- 4.4 The existing level of enforcement is considered to be manageable within the existing resource levels if standard guidance is followed for all areas. Within Inverness, due to the large volume of advertising signs the retrospective application process will be promoted with forms issued to the business community. It is intended to work in liaison with the BID and Ward Managers during the approvals phase. The impact on resource levels across RCW will be monitored and reviewed.
- 4.5 To deliver the policies a joint Operating Procedure between TECS and Planning & Development for implementation and enforcement of the policies is now being drafted.

5. Policies for Approval

- 5.1 The proposed policies to permit certain obstructions in a controlled manner are set out in **Appendices A, B, C and D**.

Appendix A refers to signs on footways and footpaths

Appendix B to signs in roadside verges

Appendix C to display of goods for sale

Appendix D to street cafes.

- 5.2 **Appendices C and D** are based on the notes for guidance already approved by TECS Committee on 19 November 2009, amended to include the additional recommendations approved by Inverness City Committee on 4 October 2010 and results of the consultation.
- 5.3 **Appendix A.** It is not proposed to charge a fee for permissions for signs at this stage, however if the level of applications and enforcement action proves to be excessive it may be necessary to consider a fee in future, to cover the staff time incurred in implementing the policy.
- 5.4 **Appendix C.** Following consultation it is recommended that a zero fee for the display of goods and wares, which would provide assistance to businesses, is adopted at this stage.
- 5.5 **Appendix D.** At the time of introduction the fee for street cafes was an administration fee of £100 and an annual charge of £15 per square metre of occupation. These have increased in line with all Council fees, and for 2013/14 the fees are £120 and £17 respectively. It is proposed these remain unchanged.

6. Implications

- 6.1 The recommended options are cost neutral and authorisation and enforcement will be managed within existing resource levels.
- 6.2 The proposed policy complies with the requirements of the Roads (Scotland) Act 1984. The adoption of a highland wide policy will reduce the risk of challenge from applying different standards in different areas and will ensure the uniform application of legislation.
- 6.3 There are no climate change implications arising from this report.
- 6.4 The introduction of an approvals process for signs will assist to reduce the impact of signs on those with mobility or sight difficulties.
- 6.5 There are no risk implications arising from this report.

7. Recommendations

- 7.1 Members are invited to approve the Policies in relation to managing obstructions in the road as set out in **Appendices A, C and D**.
- 7.2 Members are invited to approve the Policy for managing the placement of advertising signs in road verges as set out in **Appendix B**, subject to Planning and Development confirming the requirements for Advertising Sign Consent.
- 7.3 Members are invited to agree that no fee should be charged for signs on footways, footpaths and verges, or for display of goods and wares, at this time, and that a review of the need to introduce fees is reviewed in 12 months.
- 7.4 Members are invited to approve that the level of fees presently charged for street cafés in Inverness remains the same and is applied across Highland.
- 7.5 Members are invited to approve that the policies contained in this report are introduced from 1 October 2013.

Designation: Director of Transport, Environmental and Community Services

Date: 2 August 2013

Author: Robin Pope

Background Papers:

Report TECS 10/13 – Draft Policies in relation to Managing Obstructions within the Adopted Road

Report ICC 38/10 - Street Scene Control within Inverness City Centre 4th October 2010

Report TECS 99/09 – Recovery of Costs in Connection with Requests to Occupy the Road 19th November 2009

Report ICC 41/09 Pavement Cafés – A Guide for Local Businesses in Inverness City Centre 8th June 2009

Report ICC 71/08 City Centre – Street Furniture and Advertising Boards 15th September 2008

Appendix A

POLICY FOR SIGNS ON FOOTWAYS AND FOOTPATHS

Obstructions on footways can cause great difficulty for some sections of our communities, especially the blind and partially sighted, those with disabilities, wheelchair users and those with prams and pushchairs.

Any obstruction placed on the footway without written authorisation from the Roads Authority constitutes an offence. Authorisation will not be given for any obstruction which, in the opinion of the Roads Authority, creates or has the potential to create a hazard.

Notwithstanding the above, on the basis that such obstructions will be transitory, advertising on public footways by means of "sandwich boards", "A-frames" etc will be permitted by The Highland Council with prior written approval from the Area Roads and Community Works Managers in accordance with the following conditions:

- a) In seeking approval the owner of the sign must indemnify the Council against any third party claims so that the sign owner takes full liability for any damage or personal injury caused by placing the sign in the footway or the road. Should an obstruction on a footway be a contributory factor in an accident those persons responsible for erecting or placing it could be liable for damages.

It is a requirement that sign owners have adequate indemnity insurance against such claims. Proof of indemnity must be provided if requested by the Council.

- b) All boards/advertising etc must:
- be placed at the rear of the footway i.e. adjacent to the building line.
 - present no hazard to pedestrians or wheelchair users
 - have no sharp edges, protruding nails or rotating parts
 - be no more than **750mm** wide and **1m** in height (subject to available space).
 - Be capable of detection by the visually impaired using a stick
 - be sufficiently stable to withstand being easily knocked or blown over
 - be removed when premises are closed
 - not reduce visibility for road users at a junction, access or bend
 - not obscure any road sign or interfere with any pedestrian facilities
 - not be fixed to street furniture, railings
 - not be fixed to bicycles which are parked in bicycle racks or attached to street furniture
 - not reduce the remaining available footway width between carriageway and front of display/sign below **1.8m** (note, for footway width of less than 1.8m refer to c) below)
 - for streets with high pedestrian usage - not reduce the remaining available footway width between carriageway and front of display/sign below **2.75m**
 - for Pedestrianised Areas - not reduce the remaining available footway width between carriageway and front of display/sign below **3.5m**
 - Not be contrary to planning, conservation area or listed building policies.

- Not to cause offence or a hazard to the road user
- c) Only one such object will be permitted for each premises and must be located within the frontage of the premises or in specific circumstances a location as agreed by the approving officer.
For premises located in side alleys off of a main thoroughfare consideration will be given, subject to meeting all other conditions, to locating a sign in the vicinity of the junction.
Where space is limited, businesses will need to consider shared signage.
- d) Permission will be granted for a period of 12 months, after which a reapplication can be made. All permissions will be subsequently reviewed annually.
- e) **Fees:** There is no charge for an application.
- f) The completed application form should be submitted to the TEC Services Area Office covering the location of the proposed advertising sign.
- g) A business with an approved sign will be issued with an identification tag which must be attached to the approved sign. Signs displayed without such an identification will be considered unapproved.

Enforcement and sign removal

All obstructions which do not comply with these conditions will be treated as unauthorised and the owner asked to remove them or apply for retrospective permission, unless the signage presents a safety hazard when removal will be immediate. Failure to comply with this request will mean the signs will be dealt with as detailed in the procedures for unauthorised signs in accordance with the Road (Scotland) Act 1984.

Notice of removal will only be given if the person responsible for the signage or obstruction can be traced.

Timescales for removal in order of priority:

High = 24 hours or immediate

Signs/obstructions which

- Constitute a danger
- Obstruct visibility
- Distract road users
- Don't leave sufficient width on pavements for the safe passage of pedestrians, prams and wheelchairs

Medium = within 1 week

Signs/obstructions which

- Are fixed to Council property, eg poles, lighting columns, railings, bicycle racks
- Cause a nuisance or offence

Low = at the discretion of the Roads Authority

Signs/obstructions which

- Are unlikely to cause offence
- Are likely to be removed by person responsible no later than 48 hours after the event and erected no more than one week in advance
- Leave sufficient space for safe passage of pedestrians, prams and wheelchairs

Removed signs will be taken to a secure storage area.

Action may be taken to recover any associated costs. Return of a sign will be conditional upon payment of any invoiced costs.

Signs not collected within 28days will be regarded as abandoned and will be disposed of.

Subsequent use of non-approved signs by the same business will be treated in the same manner and removed.

Appendix B

POLICY FOR SIGNS IN ROADSIDE VERGES

1) COMMUNITY EVENT SIGNAGE

- Only signs promoting a short duration event (for example, Highland Games) organised by a properly constituted community group or charity will be authorised.
- In seeking approval the owner of the sign must indemnify the Council against any third party claims so that the sign owner takes full liability for any damage or personal injury caused by placing the sign in the verge.
Should an obstruction on a pavement be a contributory factor in an accident those persons responsible for erecting or placing it could be liable for damages.
It is a requirement that sign owners have adequate indemnity insurance against such claims. Proof of indemnity must be provided if requested by the Council.
- Contact details must be provided on the back of any signage
- Signs and locations to be approved by the Area Roads and Community Works Managers
- Signage for annually recurring events may be approved for 3 years at a time.
- Signage will be permitted up to 8 days prior to an event.
- Signage must be removed within 2 days of an event.
- Large events which would generate high vehicular volumes would be expected to apply for temporary direction signs such as “AA” signing.
- No signs will be permitted to be fixed to any street furniture, including railings and street lighting columns.
- There is no charge for an application.

2) COMMERCIAL SIGNS

In general non-prescribed signs shall not be permitted in verges.

Qualifying businesses and organisations should be encouraged to apply for prescribed Brown Tourist signage or to apply for Advertising Sign Consent for signs out with the road boundary. (Visit Scotland rules of eligibility for Brown Tourist signs – January 2011.)

Where a business is ineligible for Brown Tourist signage and satisfactorily demonstrates it is not practicable or feasible to apply for Advertising Sign Consent to erect signs out with the road boundary, they may be able to apply for permission to place an advertising sign in the road verge.

The conditions of approval would be the same as per for the approval of signs and obstructions in footways and footpaths under Appendix A.

In these cases Advertising Sign Consent for placement in the verge may also be required.

There is no charge for an application.

Appendix C

POLICY FOR DISPLAY OF GOODS FOR SALE

NOTES FOR GUIDANCE AND CONDITIONS FOR GRANTING OF PERMISSION

1. Introduction

Displays or goods for sale on public footways can add vitality, colour, life and interest to the street scene and they can also be good for business.

However, it is also important that they are properly administered and managed to ensure that they meet the high standards expected in the Highlands. They should not obstruct the footway or create a hazard for pedestrians, especially for blind, visually impaired and other disabled people.

The purpose of the following guidelines is to ensure that goods displayed for sale are done so in a safe manner and are attractive additions which enhance the quality of the area.

2. Legislative Requirements

Permission to use any part of the adopted road, including the footway and in rural areas the verge, for the display of goods or wares for sale 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. Any racking, shelving stalls or barriers and associated signage (referred to below as furniture) placed on any part of the adopted road or footway without permission constitute an obstruction and the Council will take enforcement action in such cases.

The granting of permission under Section 59 of the Act only relates to occupation of the road and applicants will need to ensure that they obtain all other necessary permits and permissions eg planning consent, alcohol licensing etc. The granting of other relevant permits/consents should not be taken as an indication that occupation of the road will be permitted.

3. Access Requirements - General

Display of goods will be considered on footways, carriageways and other areas where there is public access. The minimum width of unobstructed space between the carriageway and the front of the display must be maintained at no less than 1.8m. On streets with high pedestrian usage, and in pedestrianised areas, the minimum width will be greater, as shown in the table below. Each application will be judged on its merits and the unobstructed space will be set according to the street type and frequency of pedestrian usage. If the display 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.

Minimum Standard	1.8m clear width between the carriageway and the front of the display
Streets with high pedestrian usage	2.75m clear width between the carriageway and the front of the display

Pedestrianised areas	4.5m clear width must be available for permitted traffic (eg emergency and delivery vehicles) between the fronts of the displays (or cafes) on either side of the road
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4. Facilities for the disabled

The display 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. Gaps in barriers are permissible where customers are able to penetrate eg between racks of goods. 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. Furniture and associated barriers must be removed from the area promptly after trading hours.

5. Access for streetworks

It is a condition of consent that applicants agree to the removal, at short notice, of all furniture at any time that they are requested to so do by the Council, any Statutory Undertaker or by the emergency services. Applicants should also note that consent may be suspended by the Council at any time to allow 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.

6. Duration of Permission

Permission for a display or of goods for sale will normally be granted for a 12 month period to allow the Council to monitor the operation of the facility and to ensure that these guidelines and conditions are being adhered to. Applicants should reapply on an annual basis confirming that the area to be occupied has not changed.

7. Insurance

Applicants must obtain insurance indemnity cover of up to £5 million, for any one event, against all claims, injuries or accidents, prior to placement of any furniture or associated structures on the footway. Proof of indemnity must be provided if requested by the Council.

8. Fees

There is no charge for an application.

The completed application form should be submitted to the TEC Services Area Office covering the location of the proposed goods for sale.

Appendix D

POLICY FOR STREET CAFES

NOTES FOR GUIDANCE AND CONDITIONS FOR GRANTING OF PERMISSION

1. Introduction

Street Cafes on public footways can add vitality, colour, life and interest to the street scene and they can also be good for business.

However, it is also important that they are properly administered and managed to ensure that they meet the high standards expected in the Highlands. They should not obstruct the footway or create a hazard for pedestrians, especially for blind, visually impaired and other disabled people.

The purpose of the following guidelines is to ensure that street cafes are created in a safe manner and are attractive additions which enhance the quality of the area.

2. Legislative Requirements

Permission to use any part of the adopted road, including the footway, for the street cafes 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. Any tables and chairs or barriers and associated signage (referred to below as furniture) placed on any part of the adopted road or footway without permission constitute an obstruction and the Council will take enforcement action in such cases.

The granting of permission under Section 59 of the Act only relates to occupation of the road and applicants will need to ensure that they obtain all other necessary permits and permissions eg planning consent, alcohol licensing etc. The granting of other relevant permits/consents should not be taken as an indication that occupation of the road will be permitted.

Planning permission will also be required if the pavement café is to be in use for more than 28 days in any calendar year. Permanent fixtures such as canopies will also require planning permission. Compliance with any existing planning, conservation area or listed building conditions or consents must still be adhered to.

3. Access Requirements - General

Street Cafes will be considered on footways, carriageways and other areas where there is public access. The minimum width of unobstructed space between the carriageway and the front of the cafe must be maintained at no less than 1.8m. On streets with high pedestrian usage, and in pedestrianised areas, the minimum width will be greater, as shown in the table below. Each application will be judged on its merits and the unobstructed space will be set 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.

Minimum Standard	1.8m clear width between the carriageway and the front of the street cafe
Streets with high pedestrian	2.75m clear width between the carriageway and

usage	the front of the street cafe
Pedestrianised areas	4.5m clear width must be available for permitted traffic (eg emergency and delivery vehicles) between the fronts of the cafes (or displays) on either side of the road

4. Facilities for the Disabled

The street cafe 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. Gaps in barriers are permissible where customers are able to enter the street cafe. 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. Furniture and associated barriers must be removed from the area promptly after trading hours.

5. Access for Streetworks

It is a condition of consent that applicants agree to the removal, at short notice, of all furniture at any time that they are requested to so do by the Council, any Statutory Undertaker or by the emergency services. Applicants should also note that consent may be suspended by the Council at any time to allow 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.

6. Customer Health and Safety

Pigeons, seagulls and other birds could be a potential health hazard in some areas of a city or town centre. Table-umbrellas or canopies may be used to minimise this risk. Staff and customers should be actively discouraged from feeding the birds.

It is also important to keep a street café looking neat and tidy to attract customers. Tables, chairs and the street café area must be cleaned regularly and food debris and other waste removed immediately.

Food and drink must be transferred from indoor premises to the outdoor area by waitress or waiter service.

Noise disturbance, litter or smells, which are a nuisance to other premises, are not acceptable and amplified music will not be permitted.

All tables, chairs and structures relating to the street café must be of a high standard and suitable for commercial outdoor use.

7. Duration of Permission

Permission for a street café will normally be granted for a 12 month period to allow the Council to monitor the operation of the facility and to ensure that these guidelines and conditions are being adhered to. Applicants should reapply on an annual basis confirming that the area to be occupied has not changed. **Applicants must obtain insurance indemnity cover of up to £5 million, for any one event, against all claims, injuries or accidents, prior to placement of any furniture or associated structures on the footway. Proof of indemnity must be provided if requested by the Council.**

8. Fees

Appropriate fees will be payable as specified on the Application Form. An invoice will be issued for this charge. **Cheques and cash cannot be accepted.**

The completed application form should be submitted to the TEC Services Area Office covering the location of the proposed street café.