

A photograph of a street café. The building facade is made of ornate, teal-green metalwork with intricate scrollwork and decorative panels. Several windows are visible, some with reflections of the street. In the foreground, there are several wooden tables and metal chairs with black seats, arranged in a row along the sidewalk. The overall scene is bright and colorful.

Street Cafés, Shop Displays and A-Boards on the Highway

Guidance 2015



Stockton-on-Tees
BOROUGH COUNCIL

Economic Regeneration and Transport

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Introduction

The aim of this guidance is to assist businesses to thrive by permitting the use, where and when it is appropriate to do so, of high quality street cafés, shop displays and advertising boards (A-boards) upon the public highway (carriageways and footways), whilst safeguarding highway users and protecting their right to pass along a highway unhindered.

It is important that the Council manages the positioning of items within the highway so that everyone can benefit. Without controls, these items may cause an obstruction or unnecessary hazards to the public, which would be unacceptable. This guidance is designed to promote a vibrant street scene whilst making sure the streets are uncluttered and safe places for all highway users.

This guidance does not apply where a business has its own forecourt adjacent to the highway. However, it is advisable to check whether planning consent is required for any advertising in such places by contacting the local Planning Authority.

For the purpose of this guidance street cafés, shop displays and A-boards upon the public highway are referred to as private furniture.

Objectives

- Encourage the development of a street café culture across the Borough.
- Support local businesses by ensuring compliance with legislation.
- Ensure public safety by preventing obstruction of the highway.
- Improve the quality of the street scene.
- Ensure access to the highway and highway furniture.
- Ensure that powers contained with the Highways Act (1980), Road Traffic Regulations Act (1984), Town and Country Planning Act (1990) and Town and Country Planning (Control of Advertisements) Regulations (2007) are applied fairly and consistently, and in the public interest.

Liability

The Council has duties and responsibilities to ensure public safety and unobstructed passage along the highway.

It is the responsibility of the owner of the private furniture to obtain appropriate legal cover. It is advised that all private furniture positioned on the public highway is covered by Public Liability Insurance for at least £5,000,000.

Any liability arising from an incident involving private furniture remains firmly with the owner of these items.

General Guidance

- Planning permission will be required to position a street café on the Highway. Granting of planning permission will be seen as tacit Highway consent.
- A minimum 2 metre unobstructed zone should be maintained, between any private furniture and the kerb or existing highway furniture.
- Private furniture should not be positioned within 3 metres of a signal controlled pedestrian crossing point.
- Private furniture should be set out in the same location each time to provide consistency and to aid those with visual impairment.
- Private furniture shall not be attached to the highway or highway furniture or obstruct access to highway furniture or utility service covers.
- Private furniture should be positioned against the building line.
- Private furniture should not obstruct visibility at junctions or be a distraction to highway users.
- Private furniture shall be of a high quality construction, be stable, freestanding and suitable for the surface on which they are positioned e.g. not propped up against a wall or chained to highway furniture.
- Private furniture should be removed from the highway at the end of the working day or when not in use (i.e. at times of inclement weather conditions).
- Entrances and emergency exits should not be obstructed, particularly for disabled customers and the emergency services.

Specific Guidance for A-boards

- Other means of advertising should be considered in the first instance to avoid any need for A-boards.
- Only 1 A-board will be allowed per premises.
- A-boards should be positioned immediately in front of the premises.
- Where there is more than one business operating from a building, shared A-boards should be considered.
- A-boards should not be positioned away from the business premises. For businesses located in alleyways/ginnels or on a quiet side road, which cannot be seen from the main street it may be acceptable to position an A-board at the entrance to the alleyway/ginnel or on the main street. Where there is more than one business with the alleyway/ginnel a shared A-board should be considered.
- A-boards should not exceed 1.2 metre high and 0.75 metre wide.
- The colour and design of A-boards should take into consideration the needs of people with visual impairment, there should be an appropriate colour contrast between the furniture and surroundings.
- Content deemed by the Council to be offensive or provocative will not be permitted.
- Rotating or swing A-boards will not be permitted.

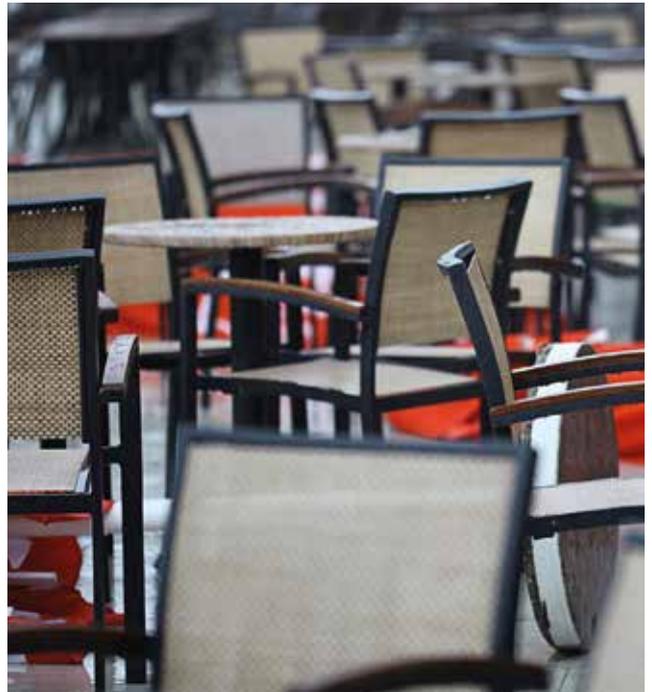


Specific Guidance for Displays of shop goods

- Display furniture should be stable and suitable for the surface on which they are being used and robust enough not to be easily moved or displaced by unauthorized persons.
- The display area should be suitably enclosed with the installation of temporary barriers, which include tapping rails.
- No selling or trading will be permitted on the highway. All transactions should take place within the trading establishment.

Specific Guidance for Street Cafés

- Any applications for an alcohol license under the Licensing Act 2003 should be directed to the Licensing Authority <http://www.tradingstandards.gov.uk/stockton/needlic.htm>
- The street café must be maintained in a clean and tidy condition and the operator should ensure that litter does not stray onto neighbouring areas and all spillage and staining is effectively cleaned up.
- Street café furniture must be of a high quality construction – plastic garden furniture is not acceptable.
- Street cafés should preferably be positioned next to the building to make the servicing by staff easier.
- The street café must not extend beyond the limits of the premises frontage unless with the express consent of neighbouring properties.
- The street café must be suitably enclosed with the installation of temporary barriers, which include hand and tapping rails to assist people with impaired vision. Well maintained temporary planters may be acceptable but rope barriers are not acceptable.
- The layout of the street café and means of enclosure must provide sufficient circulation space for staff and customers including wheelchair users and those with buggies.
- Business staff should periodically check the positioning of the street café furniture to ensure that customers have not moved the furniture beyond the extent of the approved café layout.
- The street café must be for the exclusive use of paying customers, who must use the furniture provided.
- The colour and design of the street café furniture must take into consideration the needs of people with visual impairment and the surrounding street scene. There should be an appropriate colour contrast between the furniture and surroundings.
- Advertising if appropriate should be incorporated into the enclosure barriers to remove any need for A-boards.
- No selling or trading will be permitted on the highway. All transactions should take place within the trading establishment.



Enforcement

This guidance applies to all existing and any new street cafés shop good displays and A-boards positioned on the highway.

Compliance with the guidance will usually mean the positioning of private furniture is acceptable, but the Council reserves the right to take enforcement action where compliance is not achieved.

The first steps to ensure that the private furniture is set out in an appropriate manner will be to engage with the businesses and local trade associations to raise awareness of the issues the positioning of their furniture is have to passing pedestrians.

Any private furniture positioned on the highway, which does not comply with the guidance would prompt the following steps:

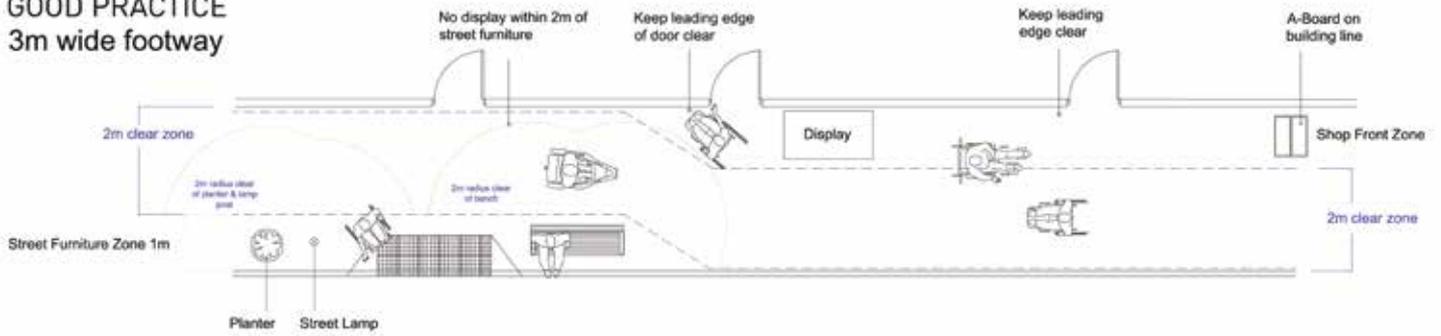
- Education and awareness raising with the business owner and with the local trade/business association.
- Written warning advising offender of their obligation to remove or remedy items which do not follow the guidance.
- Serving a statutory notice detailing the offence, timescale to remove or remedy the items which do not follow the guidance and consequence of non-compliance.
- Removal of offending items and disposal if not recovered by business (storage costs will be charged).

Any item of private furniture that constitutes an immediate danger will be removed from the highway straightaway.

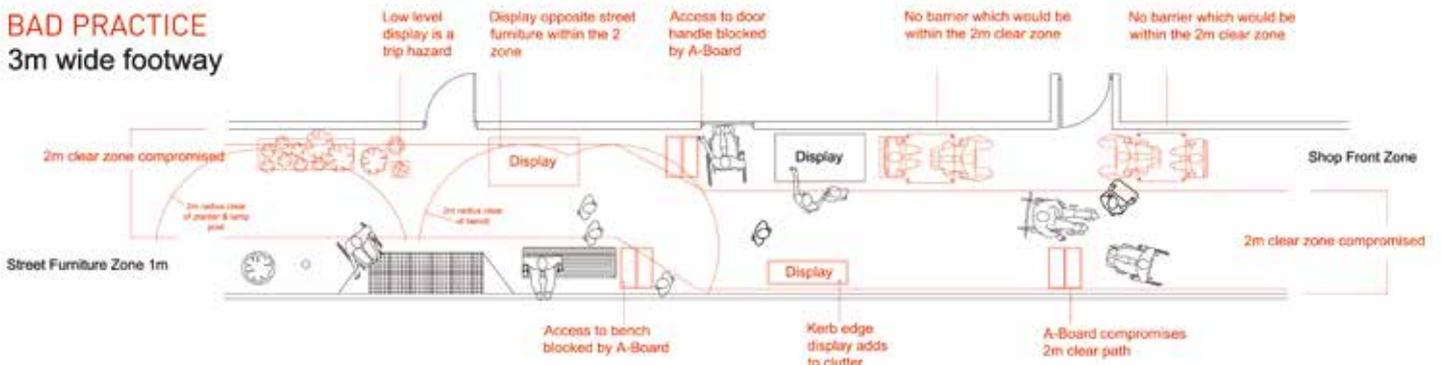
Where appropriate any costs incurred will be recovered from the owners.

Examples of Good and Bad Practice

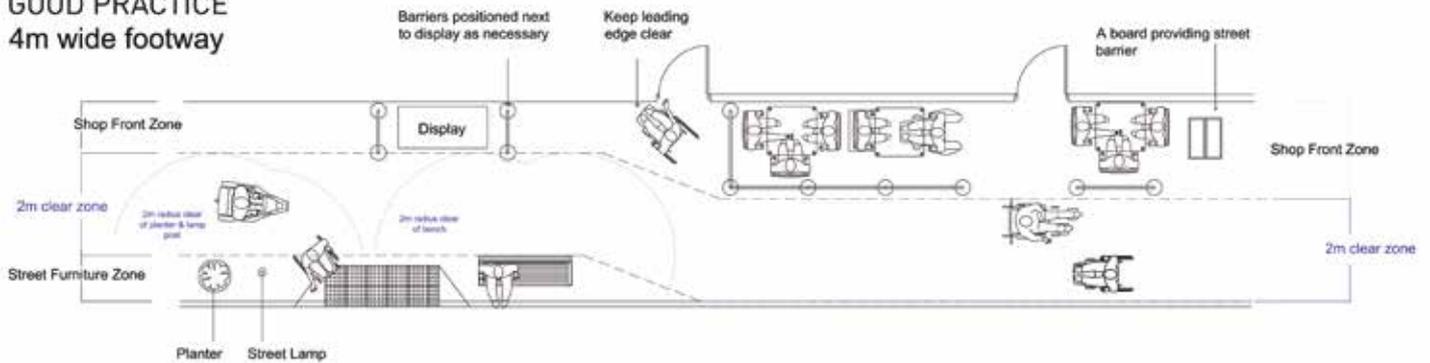
GOOD PRACTICE 3m wide footway



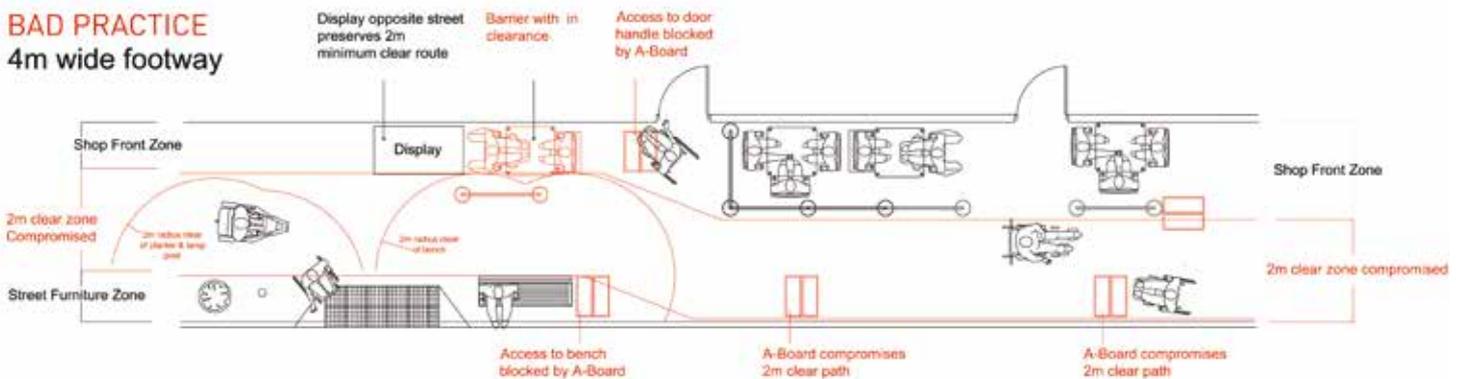
BAD PRACTICE 3m wide footway



GOOD PRACTICE 4m wide footway



BAD PRACTICE 4m wide footway



Further Guidance

Any questions should be addressed to

Highways, Transport & Environment

PO Box 229, Kingsway House
West Precinct
Billingham
Stockton-on-Tees
TS23 2YL

Email: EGDS@stockton.gov.uk

Telephone: 01642 526709

Planning Development Services

Municipal Buildings
Church Road
Stockton-on-Tees
TS18 1LD

Email: developmentsservices@stockton.gov.uk

Telephone: 01642 526022

Trading Standards and Licensing Service

Stockton-on-Tees Borough Council
PO Box 232, 16 Church Road
Stockton-on-Tees
TS18 1XD

Email: licensing.services@stockton.gov.uk

Telephone: 01642 526558

Acknowledgement

This policy and guidance was prepared with advice from Burdus Access Management along with the following document:

[Inclusive Mobility – A guide to best practise on access to pedestrians and transport infrastructure \(DfT, 2002\)](#)

Useful Reading

[Who put that there? – RNIB February 2015](#)



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