

## **Street Café (Table and Chairs) Permit**

### **Terms and Conditions**

Cardiff County Council supports and encourages the provision of street cafes in the city centre, as they make a positive contribution by adding vitality, colour, life and interest to the street scene. They can help maximise the use of public spaces, aid the local economy and add to the facilities offered to people who visit, live, and work in Cardiff.

Whilst the provision of street cafes is encouraged, it is important that they are properly administered and managed to ensure that they meet the high standards expected in Cardiff. They should not obstruct the highway or create a hazard. Please see below the Terms and Conditions of the Permit.

1. Street café permits will only be issued to cafes, restaurants, public houses or other catering establishments that serve food and drink within the premises.
2. Before agreeing to permit a street café on a highway, the Council must ensure that the public's rights to use the highway are not detrimentally affected.
3. The Council's bye-laws, policies and standards also need to be complied with for health, safety and environmental reasons.
4. This guide relates only to the possible establishment of a street café on a highway. (Cafes on private land are not covered by this guide. They do not need a street cafe permit, although they will require planning permission.) You should check with the Council to establish the status of the land in question. Land which you consider to be private may in fact have become highway if the public have enjoyed access over it for at least twenty years or if the Council have formally adopted the land.
5. Permissions to use the highway for street cafes are granted by the issue of permits by the Council as the Highway Authority under Section 115E of the Highways Act 1980. Tables and chairs placed on the highway without permission are an illegal obstruction and the Council will take enforcement action in such cases.
6. A proposal to extend the street café beyond the width of your own frontage also needs the express consent of any other interested frontager who is affected by the proposal.
7. If you wish to serve alcohol for consumption in the defined area for seating, you will need a premises licence which allows for OFF sales and consumption in that defined area. A premises licence can be applied for or varied through the local licensing authority, Cardiff County Council.

8. If the applicant is a limited company or LLP then upon dissolution, administration or insolvency of that company / partnership, the Permit will become void and the use of the defined area will not be permitted. The permit cannot therefore be transferred. A new permit will have to be applied for by a new operator.
9. If the applicant is a sole trader or an unincorporated partnership, upon the bankruptcy of that person or partner, the permit will become void and the use of the defined area will not be permitted. The permit cannot therefore be transferred. A new permit will have to be applied for by a new operator.
10. The applicant / operator for the street café permit can only be the current premises licence holder (if the premises has a premises licence). No third party operators will be accepted.
11. The street café should generally occupy an area directly in front of and be visible from your existing premises.
12. The needs of other users of the highway should be taken into account e.g. pedestrians, tradespeople, adjacent businesses.
13. A clear pedestrian route of a minimum of 2metres must be maintained at all times.
14. Emergency exit routes from your own and adjacent buildings should not be obstructed by the street café and emergency service vehicles must have access along all streets at all times, even in pedestrianised streets.
15. It is not appropriate to set a standard size for street cafés. Each application will be evaluated on its merits taking account of the site characteristics, the space available and the proposed layout.
16. The layout of the café's furniture and means of enclosure must provide adequate access and circulation space for all customers.
17. Tables and chairs should not be located where they will impede drivers' sight lines or obscure highway signs.

18. If it is intended to operate the café during the hours of darkness the applicant should consider the level of lighting in the proposed café area. Whilst this may be perfectly adequate for a highway it may need supplementing to allow your café to operate safely.
19. Once the size and layout of a street café is agreed it is important that it is adhered to at all times. All activities associated with the café must be contained within the agreed boundary including all tables, chairs, parasols, planters, barriers/fencing etc.
20. In all instances, unless it is inappropriate or impracticable, you will have to provide a portable means of enclosure for the street café area such as barriers or planters. These should be stable and sturdy, not contain protruding parts and have a tapping rail. Limited advertising may be permitted on the enclosures but will be restricted to the name of the café only. They must not be used to advertise services or products sold.
21. When the area of a street café has been agreed a definitive plan of the area showing the boundaries and the dimensions will be attached to, and form part of, the Permit. A copy of the Permit and associated plan must be displayed at the front of the premises at all times and be available for inspection.
22. This guide does not wish to define a standard style of furniture for street cafes but the furniture should be designed for commercial use and comply with:
  - BS EN 16139:2013 Test level 1 – 'Furniture – strength, durability and safety requirements for non-domestic seating'.
  - BS EN 15372:2008 Test level 2 – 'Furniture – strength, durability and safety requirements for non-domestic tables'.
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23. If intending to use parasols, they must when opened, should be safely secured and contained entirely within the boundaries of the street café to ensure they do not cause an obstruction or present a danger.
24. South Wales Police will be consulted on all street café applications as part of the application process.
25. The licensee will be responsible for the cleanliness of the street café area at all times. Care should also be taken to ensure that litter does not stray or get blown further afield.

An area of approximately five metres around the site should be kept clear of any stray or windblown litter from the café.

26. The area should be swept when necessary to keep it clear of litter and refuse. Spillages and breakages, especially of glass and crockery, should be cleared up immediately. The café area should be thoroughly washed down at the end of each trading day and all discarded cigarette stubs must be cleared.
27. At least one suitable litterbin must be provided within the café area at all times of operation. Wheelie bins are not suitable for this purpose.
28. Failure to comply with the cleaning requirements will jeopardise renewal of the permit and may result in a Fixed Penalty Notice.
29. The Council will not permit any fixtures to or any excavation of any kind to the surface of the highway.
30. Every effort should be made to avoid causing damage to the highway or adjacent property. The cost of rectifying any damage to the highway surface or to street furniture caused by any activity connected with the street café operation may be recharged to the licensee.
31. The licensee will be required to indemnify the Council against all actions, demands, costs, charges or expenses arising from using the highway under the permission granted.  
The Council will, therefore, require the licensee to take out third party public liability insurance in the sum of at least £5,000,000.  
Details of the third party liability insurance should be enclosed with the street café permit application.
32. Granting a permit to operate a street café does not imply an exclusive right to the area. The operator of the café should be aware that the Council reserves the right to gain access to the café area for cleaning, repairing and maintaining the highway or street furniture. Other organisations, such as statutory undertakers, may also require access for maintenance and repair of their equipment. The Council therefore reserves the right to suspend the permit temporarily if, for any reason, it becomes necessary.
33. The hours of operation for a street café permit are between 7am and 11pm.
34. Under the terms of the Highways Act 1980 the Council has to advertise applications for street café permits for not less than 28 days by posting notices in the vicinity of the proposed street cafe. These notices set out details of the proposals and invite representations to be made by people who may be affected.

35. The fee for processing an application for a street café permit covers the administrative and legal costs incurred in the preparation and issue of the permit. It is based on the number of Tables & Chairs applied for.
36. Once your application has been processed and approved you will be contacted by a finance officer for payment for the permit. The Permit is not issued until full payment has been received. The Officer will send an e-copy of your permit showing exactly what the permit covers and the expiry date.
37. Permits are granted for 12 months. The Expiry date will be stated on the permit. The permits are renewable at the discretion of the Council.
38. The Council will carry out periodic inspections to make sure that all the terms and conditions of the Permit are being adhered to. The Council may suspend or terminate a permit if any of the conditions of the permit are breached.
39. If it is considered that a criminal offence has been committed involving the holder of the permit and related to the permit under the Highways Act 1980 then the permit holder will be firstly offered a fixed penalty notice of £100 to remedy the situation on a civil basis. If the fixed penalty notice is not accepted or another offence is committed then the matter will be referred for a criminal prosecution.
40. If the operator of the street café operates a street café without a valid permit, then the furniture may be removed and stored at a fee until either a permit is granted or the furniture is collected by the operator.

**Please send your completed application form with your attached documents to:**

**NeighbourhoodServices-BusinessSupport@cardiff.gov.uk**

**Cardiff Council  
Neighbourhood Services,  
Room 301, County Hall,  
Atlantic Wharf,  
CARDIFF  
CF10 4UW**

**Please advise this office should there be a change to an operating or administrative address.**

**“This form is available in Welsh / Mae’r ffurflen hon ar gael yn Gymraeg.”**