

APPLICATION FOR PERMISSION TO OCCUPY THE ROAD WITH A STREET CAFE

Roads (Scotland) Act 1984 Section 59

Schedule of Charges: £150.00 (temporary fee during Covid – 19 restrictions)

Applicant and Business Name			
Address			
Post Code			
Tel No		Fax No	
Mobile No			
E-Mail			
Out of Hours Contact Name		Out of Hours/Emergency Contact No	
New Application (Y/N)		Renewal (Y/N)	
Address or Location of Proposed Cafe			
New Applications – Please provide 2 sets of drawings clearly showing the location and extent of the proposed occupation.			
Planning Consent ref if applicable			
Start Date		End Date	
Proof of Public Liability Insurance must be provided at time of application. Failure to provide this will result in the application being rejected.			
Insurance Co. name	Policy No.	Renewal Date	Attach copy of Certificate of Insurance

IMPORTANT: NO OCCUPATION SHOULD TAKE PLACE UNTIL YOU RECEIVE OFFICIAL PERMISSION FROM THE HIGHLAND COUNCIL

Declaration – I hereby apply for permission to occupy part of the adopted road as detailed above for the purposes of a street cafe. I confirm that I have read and understood the Guidance Notes and Conditions for Granting of Permission relevant to this application and agree to be bound by these should this application be successful. I have in place Public Liability Insurance and will continue to have this in place throughout the duration of any permission granted. I have attached a copy of the current Public Liability Insurance Certificate.

Applicants Signature		Print Name	
Date			

Please check you have

signed the form ☐ included a copy of your Insurance Certificate ☐ included a location sketch ☐

and return completed application form to :- street.spaces@highland.gov.uk or

Business Support (Roads & Transport), Finance Service, The Highland Council, Council Offices, High Street, Dingwall IV15 9QN

STREET CAFES

NOTES FOR GUIDANCE AND CONDITIONS FOR GRANTING OF PERMISSION

Permission to use any part of the adopted road, including the footway and/or footpath, for a pavement cafe 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. Tables and chairs placed on any part of the adopted road, footway or footpath without permission constitute an obstruction and the Council reserves the right to take enforcement action in such cases.

The granting of permission under Section 59 of the Act only permits the occupation of the road, footway and/or footpath and applicants must 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, footway and/or footpath will be permitted by the Roads Authority.

Street cafes will be considered on footpaths, footways, parking bays and carriageways and other areas where there is public access. The area to be occupied by the street café must be clearly defined at the time of application and this area must not be exceeded at any time except with the prior written consent of the Roads Authority. There must be an adequate width of unobstructed space for pedestrian usage, either on the footway, or where the footway is occupied by a street café, on an adjacent parking bay or carriageway. On streets with high pedestrian usage, and in pedestrianised areas, the minimum unobstructed space will be such greater width as determined by the Roads Authority. Each application will be considered individually and the unobstructed space required by the Roads Authority will be determined according to the street type and frequency of pedestrian usage.

The street café 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. 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. Tables, chairs and associated barriers must be removed from the area promptly after trading hours. Where it is proposed that the carriageway and/or parking bays are to be utilised for a Street Café, or for diverted pedestrian usage, this will be dependant on the provision of an adequate and acceptable barrier system to separate the seating/pedestrian area from the live carriageway and may also require the promotion of an order to reduce the speed limit in the vicinity.

It is a condition of any permission issued that applicants agree to the removal, at short notice, of all tables, chairs and associated structures at any time that they are requested to so do by the Roads Authority, any Statutory Undertaker or by the emergency services. The Roads Authority reserves the right to suspend any permission at any time to allow access for street works or for any other competent reason.

Permission for a street café will normally be granted for an initial 12 month period. The Roads Authority will monitor the operation of the facility and to ensure that these guidelines and any conditions are being adhered to. Applicants will be expected to reapply on an annual basis confirming that the area to be occupied has not changed. **It is a condition of the granting of permission that operators of street cafes have in place public liability insurance in the sum of £5 Million. Applicants for all street cafes will be required to provide to the Roads Authority a copy of their certificate of public liability insurance with cover up to £5 million for any one event prior to placement of any tables, chairs and associated structures on the footway, footpath, carriageway or public space. Operators are required to maintain such cover throughout the duration of any permission and must provide a copy with all subsequent applications to renew, or at any other time as requested by the Roads Authority. In the event that the Roads Authority establishes that such cover is not in place all permissions in terms of this agreement will be rescinded and the operator will require to remove all tables, chairs and associated structures forthwith.**

The fee associated with the temporary establishment of a street café will be invoiced once the application has been approved.