



# KENTISH COUNCIL POLICY

## STREET DINING POLICY

### Policy Number 06:02:2004

<b>POLICY NUMBER</b>	06:02:2004
<b>OBJECTIVE</b>	To regulate and ensure that on-street dining does not interfere with the use of footpaths by the general public and that it operates in accordance with the licence issued by Council.
<b>STATUTORY AUTHORITY</b>	Local Government (Highways) Act 1982 Traffic Act 1925 Vehicle and Traffic Act 1999
<b>POLICY</b>	Adopted 17/08/2004      Minute 9.a.6 Updated 20/03/2007      Minute 7.2.5 Updated 20/10/2015      Minute 11.4.2
<b>REVIEW</b>	The effectiveness of this Policy will be reviewed every 2 years.

#### 1. INTRODUCTION

The Council has approved street dining in any urban area where there is an adequate and properly formed footpath and roadway adjacent to the premises making application in accordance with the following policy.

#### 2. METHOD OF CONTROL

- Street dining is to be controlled by the issue of licenses from Council, to be known as Pavement Encroachment Licenses.
- Licenses are to specify the conditions of use outlined in these guidelines.

- Licenses will only be issued to food premises complying with the public Health Act requirements and can only be used on pavement immediately outside the premises.
- Notwithstanding the fact that guidelines can be satisfied Council is under no obligation to issue a license for street dining, and each license is issued solely at Council's discretion.
- Licences may be terminated if guidelines are not complied with, following due warning for non-compliance.
- Licenses will be issued or renewed annually from 1<sup>st</sup> July each year.

### 3. GUIDELINES FOR PLACEMENT OF FURNITURE

1. Street dining is permitted in two zones:
  - ~ In a strip 1m wide parallel to a shopfront and also
  - ~ In a strip 900mm back from the kerb to a distance of 2.7m from a shopfront.A minimum clear footway width of 2m shall be maintained at all times between the two zones and between any free standing signs and/or any street vending equipment for Main Street, Sheffield (between Duff Drive and Henry Street) and Foster Street, Railton (between Crocker Street and Esplanade). All other streets shall have a minimum footway width of 1.5 m

Street dining may be allowed to within 600mm of a kerb where no parking occurs. Where parking occurs a width of 1.2m shall be maintained every 6m to allow access from parked vehicles to the footpath. Where street crossing points occur a 2m wide unobstructed access is to be maintained.

2. No encroachment is allowed beyond the side boundaries of any property without the written approval of the occupier of the adjoining property, and in any case no further than the adjoining property frontage on either side.
3. No furniture is to be placed within 1m of any street furniture or street tree.
4. The permit holder is responsible for maintaining the required clearances at all times.
5. Outdoor dining is not permitted adjacent to loading zones, bus stops or taxi ranks.
6. Notwithstanding the above, where clearances specified cannot be achieved, Council may allow the placement of dining furniture if the applicant can demonstrate to Council's satisfaction that it will not cause danger or obstruction to footpath users.

### 4. FURNITURE DESIGN PARAMETERS

1. (i) Tables & Chairs  
Tables and chairs to be strongly constructed and designed for a public environment (preferably timber or metal) finish to be durable and colour to be compatible with street furniture.
- (ii) Screens  
Screens defining the outer dining areas to be based on removable post, set in sockets provided by Council or secured to the satisfaction of Council.



Posts and screen frames to be colour compatible street furniture. Screen material to be durable vinyl or other approved material, colour compatible with frames and other street furniture. Details of posts and sockets are available from the Council.

(iii) Umbrellas

Umbrellas to be of durable construction, designed for a public environment and set in approved weighted bases capable of maintaining hold-down in strong winds.

2. Advertising, logos may be permitted on umbrellas, screens and chair backs.
3. Special furniture or furniture not complying with guidelines may be submitted for consideration

## 5. INDEMNITY

License holders are to hold a public and products liability insurance cover extending over the area designated for street dining. The cover is to provide a “principals indemnity extension” to the Council with a minimum cover of \$10 million.

A certificate of insurance must be produced which covers the term of the license proposed, and must not be cancelled during the duration of the licence.

## 6. OPERATIONAL REQUIREMENTS

- All pavement encroachments to be removed at cessation of each day’s trading by the license holder including screens and support posts, footpath sockets to be plugged.
- Umbrellas must be removed or lowered if weather renders them potentially unsafe.
- The license holder must maintain dining furniture in a clean condition and comply with all reasonable requirements of Council’s Environmental Health Officer.
- The licensee must maintain all areas adjacent to and including areas where the encroachment is located in a clean and sanitary manner including, but not limited to, emptying waste bins, washing pavements on a daily basis, and promptly cleaning and washing away any liquid, food, debris, broken glass or waste from the area.
- The existing street rubbish bins are not to be used by the licensee for disposal of table waste.

## 7. RECOMMENDED RENTAL LEVELS

The applicable fee will be reviewed by Council on an annual basis in accordance with the Schedule of Fees and Charges.



## 8. HEALTH AND OTHER REGULATIONS

- Licenses are to be issued only to premises having kitchens licensed by Council's Environmental Health Officer under the *Public Health Act 1999*.
- Any other permits required by law must be obtained by the licensee, who is also responsible to comply with other Council regulations.

## 8. APPLICATION PROCESS

- 1 An applicant is required to submit the following:
  - ~ a written application together with a plan to a suitable scale showing the size, number, colour and location of table and chairs proposed, including photographs or other illustrations of furniture.
- 2 When all information has been received Council's Manager of Engineering Services will decide within fourteen (14) days to issue a license. In the event of approval the applicant will have to meet all the requirements of the license before commencement of street dining. When an application is refused Council will provide grounds for refusal.
- 3 In the event of an application being refused the applicant has the right to appeal to the General Manager for a review of the decision.