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## **HIGH STREET OUTDOOR TABLES AND CHAIRS: TRIAL PERMIT PROPOSAL**

**Report by Chief Officer - Roads**

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### **EXECUTIVE COMMITTEE**

**1 November 2016**

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#### **1 PURPOSE AND SUMMARY**

- 1.1 **This report proposes the introduction of a 3 year trial permit system, with review after year 1, to allow catering establishments across the Scottish Borders to place tables and chairs temporarily outside their premises.**
- 1.2 The Council's Roads Network section is aware that carefully placed tables and chairs on High Streets can greatly enhance the look and feel of the area, as well as contributing to sustainable economic within the Scottish Borders.
- 1.3 Currently, some establishments apply for permission to place tables and chairs but some do not. Not only does this lead to variations in quality, but it can compromise public safety, especially for those who are visually impaired.
- 1.4 It is therefore recognised that there is a need to have a consistent approach in place to make sure that tables and chairs are placed in a safe and sensible manner and are of a quality that will not be detrimental to the look and feel of High Streets.
- 1.5 This report, based on the temporary placement of tables and chairs as well as the necessary associated temporary barriers, proposes that a 3 year permit trial is undertaken to ensure that streets are kept safe and enhance townscapes across the Scottish Borders.

#### **2 RECOMMENDATIONS**

- 2.1 **I recommend that the Executive Committee agrees to the introduction of a 3 year trial permit system – as detailed in Section 4 of this report - to allow tables and chairs to be placed outside catering establishments, with a review after year 1.**

### **3 BACKGROUND**

- 3.1 Scottish Borders Council is keen to encourage a 'café culture' on High Streets throughout the region and acknowledge that good quality tables and chairs can enhance a townscape.
- 3.2 It is important that the needs of pedestrians, wheelchair users, prams, buggies and in particular those with visual and mobility disabilities are given due consideration when contemplating any items being placed on footways.
- 3.3 At present some catering establishments have sought permission for tables and chairs on a temporary basis, and some have not. This has led to a mishmash of tables and chairs on High Streets of varying qualities and in various locations. Some have appropriate safety barriers with tapping rails for the visually impaired and others do not. Some are at the back of footways, others are at the front of footways and there is an overall lack of consistency.

### **CURRENT SITUATION**

- 3.4 A recent walk about in Galashiels with representatives from the Royal National Institute for the Blind (RNIB) was very informative and the need for consistency in where items are placed on footways was highlighted as a major issue for disabled pedestrians. In a 2014 RNIB survey almost all respondents had collided with at least one obstacle and a third reported suffering injury from a street obstruction.
- 3.5 Current roads legislation states: Roads (Scotland) Act 1984 *nothing may be placed or deposited in the road so as to cause an obstruction except with the written consent of the Roads Authority and subject to any conditions they think fit to attach.* Businesses that apply and successfully adhere with the table and chairs policy will receive a permit and those who do not will have a notice of removal served on them.
- 3.6 Where premises wish to have permanent tables, chairs and barriers outside then they will be advised to apply for formal planning consent as this would likely be viewed as a change of use.
- 3.7 Other authorities have introduced a permit system to allow better management of temporary tables and chairs to ensure that pedestrian safety can be taken into account and that high quality tables and chairs are used.
- 3.8 In August 2016 over 3 sunny days there were approximately 40 traders in the central Borders with tables and chairs outside their premises.

### **4 TERMS AND CONDITIONS OF THE PROPOSED TABLE AND CHAIRS PERMITS**

By carrying out a permit trial for 3 years, with a review after 1, this would allow the Council to gauge the effect and associated costs of such a practice. The following terms and conditions would be applied:

- 4.1 To have tables and chairs outside a business, food must be the main business of the establishment.

- 4.2 A detailed description of barriers, tables and chairs and proposed occupied space must be submitted with the permit application.
- 4.3 Permit holder must provide evidence that their public liability insurance covers external trading.
- 4.4 Table and chairs must be of a good quality and be removed from the footway and stored elsewhere each night. Plastic garden furniture is not acceptable.
- 4.5 A solid barrier of 1metre in height must surround the tables and chairs which may only display the name of the establishment. Canvas barriers are acceptable on the condition that a tapping rail is present. Ropes are not acceptable as they do not provide white cane users the necessary hard surface to determine a boundary. The barrier is to be substantial enough to resist collapse if walked or stumbled into. Parasols are not permitted due to wind loading requirements. Any new awnings will require planning permission and possibly advertising consent. Barriers, like tables and chairs must be removed each night.
- 4.6 A minimum footway width of 1.2 metres must be available for pedestrians to safely pass by.
- 4.7 The applicant must notify all residential properties above, below and to either side of their establishment of their application.
- 4.8 The permit holder must ensure that the area is kept clean and tidy, and that their customers behave in a courteous and responsible manner.
- 4.9 The permit must be displayed in the front window of their premises.
- 4.10 The default location for tables and chairs will be at the rear of the footway, however in exceptional circumstances this can be varied and this must be agreed with the Council Road's section in advance.
- 4.11 Customers will be required to vacate the seating area no later than 21:00 each night and if any other events or utility works require the area to be kept clear.
- 4.12 It is not envisaged a fee will be set as part of the trial, however this could be introduced in future years if necessary.
- 4.13 A permit may be withdrawn if any reasonable complaints received cannot be resolved.

## **5 CONCLUSION**

- 5.1 By introducing a 3 year trial permit system, with a review after year 1, SBC would ensure a consistent approach to allowing tables and chairs to be placed outside catering establishments in a safe way that enhances townscapes across the Scottish Borders and contributes to sustainable economic growth (one of SBC's key priorities).

## **6 IMPLICATIONS**

### **6.1 Financial**

It is expected the costs associated with the permit system will be minimal and an assessment will be made as the trial progresses on how much time is spent on the project to determine future costs.

### **6.2 Risk and Mitigations**

- (a) If the Council do not adopt a policy on tables and chairs it is possible that High Streets may become littered with unsuitable and unsightly garden furniture.
- (b) A permit system will ensure that disabled pedestrians in particular are taken into account when encouraging sensible table and chair use.
- (c) If tables and chairs are not enclosed then there is a risk to the Council of knowingly allowing an obstacle to be placed on the footway and possible liability.
- (d) Traders will be required to protect themselves with adequate public liability coverage of £5million.

### **6.3 Equalities**

- (a) One of the groups who are impacted upon most when considering tables and chairs are visually impaired pedestrians. By permitting only properly barriered areas with sufficient footway width then their risk of tripping and falling into or over tables and chairs should be reduced. Wheelchair users, prams and buggies will equally benefit from the retention of a sensible footway width.
- (b) Equalities Impact Assessment has been carried out on this proposal and it is anticipated that there are no adverse equality implications.

### **6.4 Acting Sustainably**

No impacts anticipated.

### **6.5 Carbon Management**

No impacts anticipated.

### **6.6 Rural Proofing**

No impacts anticipated.

### **6.7 Changes to Scheme of Administration or Scheme of Delegation**

No changes required.

## **7 CONSULTATION**

7.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Chief Officer HR and the Clerk to the Council have been consulted and any comments received have been incorporated into the final report.

7.2 Corporate Communications are aware of the report and need for a good joined up information exercise to traders.

**Approved by**

**David Girdler**  
**Chief Officer - Roads**

**Signature .....**

**Author(s)**

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**Background Papers:** none

**Previous Minute Reference:** none

**Note** – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Philippa Gilhooly can also give information on other language translations as well as providing additional copies.

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