



Street Dining Policy

(Policy Number – K-COMPOL005)
(Policy Type – Council)

1 Aim

The aim of this policy is to provide for the regulation of on-street dining.

2 Policy Statement

Street Dining is an accepted practice which is now widely encouraged around the world.

It is important where street dining occurs that it is regulated to ensure it does not interfere with the use of footpaths by the general public and that businesses comply with any licencing conditions imposed by Council.

3 Policy Detail

Purpose	Description
Method of Control	<ul style="list-style-type: none">Street dining is controlled through the issuing of licences from Council (the Pavement Encroachment Licence).Licences specify the conditions of use outlined in these guidelines.Licences are only issued to food premises complying with the requirements of the <i>Public Health Act 1997</i> and can only be applied to the pavement immediately outside of the food premise.Council is under no obligation to issue a licence for street dining, and each licence is issued solely at the Council's discretion.Licences may be terminated if the guidelines are not complied with, following the issuing of a warning relating to non-compliance.Licences will be renewed annually on 1 July.
Guidelines for the placement of furniture	<p>1. Street dining is permitted in two zones:</p> <ul style="list-style-type: none">(i) in a strip 1 metre wide parallel to a shopfront, and(ii) in a strip 900mm back from the kerb to a distance of 2.7m from a shopfront. <p>A minimum clear footway width of 2 metres will be maintained between the two zones and between any free standing signs and/or any street vending equipment for:</p> <ul style="list-style-type: none">Main Street, Sheffield (between Duff Drive and Henry Street)



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	<ul style="list-style-type: none"> • Foster Street, Railton (between Crocker Street and Esplanade). <p>All other streets shall have a minimum footway width of 1.5 metres.</p> <p>Street dining may be permitted to within 600mm of a kerb where no parking occurs. Where parking occurs a width of 1.2 metres shall be maintained every 6 metres to allow unencumbered access from parked vehicles to the footpath.</p> <p>Where street crossing points occur a 2 metre wide unobstructed access is to be maintained at all times.</p> <ol style="list-style-type: none"> 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 1 metre of any street furniture or street tree. 4. The Pavement Encroachment Licencee (the permit holder) is responsible for always maintaining the required clearances. 5. Outdoor dining is not permitted adjacent to loading zones, bus stops or taxi ranks. 6. 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.
Furniture design guidelines	<ol style="list-style-type: none"> 1. <u>Tables & Chairs</u> <ol style="list-style-type: none"> (i) Tables and chairs to be strongly constructed and designed for a public environment (preferably timber or metal) and finished in a colour which is compatible with existing street furniture. (ii) Screens defining the outer dining areas are 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 with existing 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 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 with the approval of the Council.



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	<p>3. Special furniture or furniture not complying with these guidelines may be submitted to Council for consideration.</p>
Indemnity	<p>A Pavement Encroachment Licencee is 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 \$20 million.</p> <p>A certificate of insurance must be provided which covers the term of the licence proposed and must not be cancelled during the duration of the licence.</p>
Operational Requirements	<ul style="list-style-type: none"> • All pavement encroachments to be removed at the end of each day’s trading by the licence holder including screens and support posts. Footpath sockets are to be plugged. • Umbrellas must be removed or lowered if weather conditions make them potentially unsafe. • The licence holder must maintain dining furniture in a clean condition and comply with all reasonable requirements of Council’s Environmental Health Officer. • The licencee 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/or 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 licencee for disposal of table waste.
Rental (licence fees)	<ul style="list-style-type: none"> • An annual Pavement Encroachment Licence fee will apply. • The licence fee will be reviewed by annually by Council. • A failure to pay the licence fee will result in the licence being rescinded.
Health and other regulations	<ul style="list-style-type: none"> • Licences are to be issued only to premises having kitchens licenced by Council’s Environmental Health Officer under the <i>Public Health Act 1997</i>. • Any other permits required by law must be obtained by the licencee, who is also responsible to comply with any other Council regulations.
Application process	<ol style="list-style-type: none"> 1 An applicant is required to submit 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 Following receipt of all required information, a decision on whether a licence will be issued will be made within fourteen



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	(14) days. In the event of approval the applicant must meet all the requirements of the licence 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.

4 Associated Documents and References

4.1 Other Legislation Reference

Public Health Act 1997

Local Government (Highways) Act 1982

Traffic Act 1925

Vehicle and Traffic Act 1999

4.2 Strategic Plan Reference

Area	4	Development and Regulatory
Program	4.2	Environmental Health Services
Objective	4.2	To promote and maintain public health standards
Strategy	4.2.5	Undertake monitoring compliance, education and licencing to ensure public health and environmental standards are maintained.

APPROVED BY COUNCIL: 23 January 2024

Minute: 12.1

EFFECTIVE DATE: 23 January 2024

ADMINISTERED BY: Manager Development & Regulatory Services

This policy will be reviewed periodically to ensure its relevance in terms of community needs and expectations and Council goals, targets, budget and statutory requirements.