

FUNCTION : Corporates Services

PROGRAM Health Services

SUB-PROGRAM : Sidewalk Seating - Food Establishments

Reason for Policy:

Council desires to permit the establishment of sidewalk eating areas in such a manner that the pedestrian uses of the footpath are not impeded and the safety of patrons is not compromised.

To that end, Council resolves that:

The following specification will apply to all such areas:

Contents

- 1.0 APPLICATION OF THE CODE
- 2.0 DEFINITIONS
- 3.0 INFORMATION TO ACCOMPANY EACH APPLICATION
- 4.0 GENERAL DEVELOPMENT STANDARDS
 - 4.1 Spatial Standards
 - 4.2 Proximity to Intersections, Traffic Signals, and the like.
 - 4.3 Pedestrian Density
 - 4.4 Health and Hygiene
- 5.0 MISCELLANEOUS PROVISIONS
 - 5.1 Hours of Operation
 - 5.2 Litter
 - 5.3 Advertising
 - 5.4 Umbrellas
 - 5.5 Furniture
- 6.0 FEES AND PERMITS
- 7.0 PUBLIC RISK
- 8.0 ENVIRONMENTAL SERVICES SECTION
- 9.0 LIQUOR CONSUMPTION AND LICENSING

1.0 APPLICATION OF THE CODE

1.1 This policy applies to all applications for the establishment of Sidewalk Seating Areas, as hereinafter defined, within the Charters Towers Regional Council.

1.2 Council will consider each application in accordance with the provisions of this policy, but notwithstanding this, Council will reject any applications, otherwise complying with the policy, which in its opinion causes substantial detriment to the amenity of the locality.

2.0 DEFINITIONS

NOTE: Definitions are given only insofar as the terms are used in this policy and are not used or may have different interpretation from those prescribed under the Building Act or other Acts, Regulations or Policies.

SIDEWALK SEATING AREA: means a facility, available to the public, sited on a footpath adjacent to, and in association with a Food Premises registered under the "Food Regulation 2006" at which the public may consume a meal purchased in the principal food premises.

SIDEWALK RESERVE: means the area of a public footpath set aside for the purpose of a sidewalk seating area and which shall entirely encompass the tables, chairs and other fittings which form part of the sidewalk seating area whether or not the sidewalk seating area is occupied.

PRINCIPAL FOOD PREMISES: means the food premises in association with which the subject seating is provided.

3.0 INFORMATION TO ACCOMPANY EACH APPLICATION

In lodging an application under this Policy, the applicant shall submit the following documents and information.

- a) The Councils 'Application for Permit' form completed in duplicate.
- b) Two copies of detailed layout plans at a scale of 1:100 indicating the area to be occupied by the tables and chairs and this area's relationship to the building line or shop front, the kerb and any street fixtures or fittings.
- c) A copy of the extension to the public risk insurance policy of the principal premises to cover the occupation of the footpath for the purposes of a sidewalk seating area.

4.0 GENERAL DEVELOPMENT STANDARDS

4.1 *Spatial Standards:*

- 4.1.1 A clear footway with a minimum dimension of 1.8m shall be maintained at all times. A larger minimum dimension may be required where pedestrian traffic density is assessed by Council as requiring an increased clear footway.

- 4.1.2 The sidewalk reserve shall be located adjoining the frontage of the subject premises and at least 0.3m from any street fixture or fitting. Alternative arrangements may be considered by Council on an individual basis on submission of an application specifying all aspects of proposal.
- 4.1.3 The minimum width of the sidewalk reserve shall be 600mm.
- 4.1.4 The sidewalk reserve shall generally not extend longitudinally along the length of the footpath beyond the frontage of the subject Food Premises. Notwithstanding this, subject to the written approval of the adjacent shopkeepers, a more extensive sidewalk seating area or sidewalk reserve area may be approved by Council.
- 4.1.5 On issue of the permit, the extent of the sidewalk reserve shall be marked on the footpath by Council and at the expense of the applicant.

4.2 *Proximity to Intersections, Traffic Signals etc.*

No sidewalk seating area shall be located in a position which, in the opinion of Council, will impair visibility for traffic.

4.3 *Pedestrian Density*

- 4.3.1 In each application and from time to time thereafter Council will assess the pedestrian density in the vicinity of the proposed sidewalk reserve, If in the opinion of Council the traffic density is such that free flow is, or would be, restricted or obstructed by the sidewalk seating area, Council reserves the right to disallow such application or cancel any current permit.

4.4 *Health and Hygiene*

- 4.4.1 The preparation, handling and serving of food and refreshments for patrons of the sidewalk seating area shall at all times be in accordance with the provisions of the "Food Regulation 2006".
- 4.4.2 Table service may only be provided to the sidewalk seating area where the patron orders and pays for the food and refreshment within the curtilage of the principal Café or Restaurant.
- 4.4.3 Condiments, cutlery and the like shall not be left within the confines of the sidewalk reservation, prior to use.

4.4.4 The type of registration accorded shall depend on the principal food premises. The existence of a sidewalk seating may influence such registration.

4.4.5 Toilet facilities adequate for the total seating capacity for the Food Premises are to be provided as required by the Food Regulation 2006 and Council Policy relating thereto. Should adequate toilet facilities not be available on the premises adjoining the sidewalk seating area, Council may consider the use of alternative toilet facilities provided that:

- a) they are located within a reasonable distance; and
- b) are adequate for the proposed additional use.

NOTE: A reasonable distance would be a distance of not more than FIFTY (50) metres.

5.0 MISCELLANEOUS PROVISIONS

5.1 *Hours of Operation*

5.1.1 The sidewalk seating area shall only operate during the business hours of the principal food premises.

5.1.2 All tables and chairs and other fixtures shall be removed from the footpath when the principal food premise is not open for business.

5.1.3 Exemptions from the requirements of clause 5.1.2 may be allowed at the absolute discretion of the Manager Environmental Services.

5.2 *Litter*

The proprietor shall at all times be responsible for the cleanliness of the sidewalk, tables and chairs and its immediate surrounds.

5.3 *Advertising*

Signs on umbrellas and the like, in association with the sidewalk seating area shall be subject to the Council local laws governing signs.

5.4 *Umbrellas*

All umbrellas used at approved tables in a sidewalk seating area shall for safety reasons, have a minimum clearance above the footway of two metres from the lowest point of the extended arms (spokes) of the umbrella.

5.5 *Furniture*

The state of repair and type of tables and chairs provided in the sidewalk seating area shall be specified in the application for permit and shall conform with the general amenity of the neighbouring precinct to the satisfaction of the Manager Environmental Services.

In general, furniture may look new and modern and need not replicate historic furniture. Consideration should be given to the furniture withstanding damage from sunlight and the elements.

Furniture and umbrellas should not have any advertising material on them.

A photograph should be provided to Council of the proposed chairs, tables and umbrellas.

Tables

Tables should be constructed with either a timber top or a laminated plastic top. They should be supported on a simple frame such as a single pedestal casta steel base. Tables shall not be plastic.

Chairs

Chairs should be constructed from aluminium, timber, cane or canvas director chairs. Chairs shall not be plastic.

Umbrellas

Umbrellas should be canvas umbrellas with a timber or steel frame. The canvas should be off white or dark green.

Planter boxes

Planter boxes will be required to separate the sidewalk seating areas from the roadway and adjacent food premises as determined by Council. The boxes will be supplied and planted by Council in an approved plant species.

6.0 **FEES AND PERMITS**

Permit and application fees will be determined from time to time by Council Resolution.

7.0 **PUBLIC RISK**

The proprietor of each Principal Food Premises shall enter into an agreement indemnifying Council against any public risk associated with the conduct of the use or the occupation of the footpath for the purpose of a Sidewalk Seating Area. Before approval of an application can be granted, the applicant must take out a public liability insurance to a minimum value of ten million dollars

and this policy must include Charters Towers Regional Council as an interested party.

8.0 ENVIRONMENTAL SERVICES SECTION

The applicant is advised to discuss any application with Council's Environmental Services, prior to submitting any application to Council.

9.0 LIQUOR CONSUMPTION AND LICENSING

The applicant is advised to discuss the consumption of liquor within the sidewalk seating area with the Liquor Licensing Division of the Treasury Department and that Council will neither condone nor accept any responsibility for breaches of the Liquor Act.

Note: The Licensing Division will not licence any sidewalk seating area for the consumption of liquor unless approval has been given to the applicant by Council.

Legal Parameters:

The Local Laws of the Charters Towers Regional Council

The Local Government Act as amended

The Health Act as amended

The Liquor Act as amended

The Food Act as amended

The Food Regulations as amended

The Litter Act as amended

The Litter Regulations as amended

The Environmental Protection (Interim Waste) Regulations