

Summary of proposed changes to Pavement Café Policy

Proposed change	Rationale
Update of introduction to take into consideration the protection of Publicly Accessible Spaces (PALS)	This will need to be considered in all applications as Local Authorities will take over this responsibility from the police in the coming months
Mandatory cycle lanes not to be used for outside space	Taking into account changes to the transport infrastructure
Advertisement of gambling services and vaping products to be prohibited	Representations from Public Health and Trading Standards due to the harms they can cause to vulnerable people
A-boards or advertising signs or any other unsightly or unapproved items are not to be placed on or adjacent to the pavement café area or in lieu of the café area not being utilised.	Representations from disability groups and this would not be in keeping with the vision for Darlington Town Centre
High quality furniture made from a composite material may also be considered on a case by case basis.	Composite materials have developed in recent years and can provide a good alternative to metal or wood
Tables, chairs, parasols, barriers, etc. shall not be stored on the highway when the pavement café is not open or when the furniture is not in use unless, in exceptional circumstances where permission has been granted following consultation with key stakeholders.	There may be circumstances in the future development plan where this may be acceptable on a case by case basis
In some circumstances, it may be appropriate for larger freestanding parasols or outdoor shade structure covering several tables at once to be used	Covid restrictions demonstrated that the use of gazebos were effective and viable alternative to parasols in some locations
The use of electric heaters will be considered subject to a risk assessment taking into account the siting of the heaters, location of electrical points, cables and protection from the weather.	There are occasions where these can be safely used and help reduce emissions
A collaborative approach may be considered where a number of small pavement cafes wish to combine their space into one pavement café area provided they all consent, and this will only be subject to approval if all key agencies agree. Where granted, should problems occur because of this agreement the Council reserves the right to require barriers to delineate each pavement café.	As the town centre develops, smaller areas i.e. the Yards will not be disadvantaged
Soft drinks may be allowed in bottles on the provision that they are removed and safely disposed of immediately after the contents have been consumed.	This supports families using pavement cafes, where alcohol is not the main feature

<p>There will be a zero tolerance no smoking policy for all pavement cafes. A no smoking sign will be displayed at the entrance and a sign will be placed on each table. This ban is to include the use of vaping products.</p>	<p>Representations from Public Health and this may also be a mandatory condition of any pavement café if the Business and Planning Act becomes permanent</p>
<p>In an initial application for a pavement café licence, applicants will be asked to identify an area where they will direct smokers to.</p>	<p>Whilst accepting that some people will still want to smoke, this area will be considered acceptable if it is away from those who may be affected</p>
<p>Litter bins should have a lid to prevent the contents being blown by the wind and prevent flying insects being attracted to the location.</p>	<p>A cheap and effective way of controlling litter and reducing unpleasant smells, which can attract insects whilst people are eating.</p>
<p>The issuing of this licence does not in any way permit the playing of live or recorded music or use of sound amplification equipment such as radio or television receiving sets for the entertainment of customers using the external area</p>	<p>Prevent issues of noise nuisance and allow the public to enjoy the outside space</p>
<p>Television screens will not be positioned to make them visible from the pavement café unless otherwise agreed in writing by the Council following consultation with key agencies. Where consent has been granted, the Council reserves the right to withdraw this at any time where there are concerns for public safety.</p>	<p>Live sports can present challenges for police and local authority, adversely affecting those wanting to enjoy the outside ambiance. There remains a flexibility on a case by case basis for these to be permitted provided all key agencies are in agreement</p>