

The Public Highways (Designation of "Al Fresco" Zones and General Conditions) Order, 2022

<i>Made</i>	<i>11th November, 2022</i>
<i>Coming into operation</i>	<i>11th November, 2022</i>
<i>Laid before the States</i>	<i>, 2022</i>

THE STATES COMMITTEE FOR THE ENVIRONMENT & INFRASTRUCTURE, after considering representations sent to the Committee under section 12A(2) of the Public Highways (Temporary Closure) Ordinance, 1999^a and in exercise of the powers conferred on it by section 12A(1) of that Ordinance, and all other powers enabling it in that behalf, hereby orders:-

Designation of "al fresco" zones.

1. (1) Each area outlined in red in the plans contained in Schedule 1 is designated as an "al fresco" zone under section 12A(1)(a) of the Public Highways (Temporary Closure) Ordinance, 1999 for the purpose of Part III of that Ordinance.

(2) The Committee shall ensure that enlarged copies of the plans contained in Schedule 1 are accessible to the general public, and the publishing of such plans on a publicly accessible webpage is sufficient for this purpose.

^a Recueil d'Ordonnances Tome XXVIII, p. 185. This enactment has been amended.

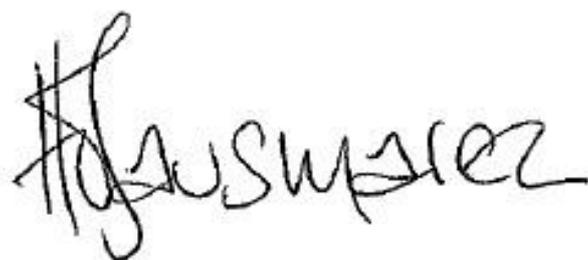
Standard conditions.

2. The conditions set out in Schedule 2 are prescribed as conditions of general application (in respect of each zone designated under Article 1) under section 12A(1)(b) of the Public Highways (Temporary Closure) Ordinance, 1999.

Citation and commencement.

3. This Order may be cited as the Public Highways (Designation of "Al Fresco" Zones and General Conditions) Order, 2022 and shall come into force on the 11th November, 2022.

Dated this 11th day of November, 2022



President of the Committee for the Environment & Infrastructure

For and on behalf of the Committee

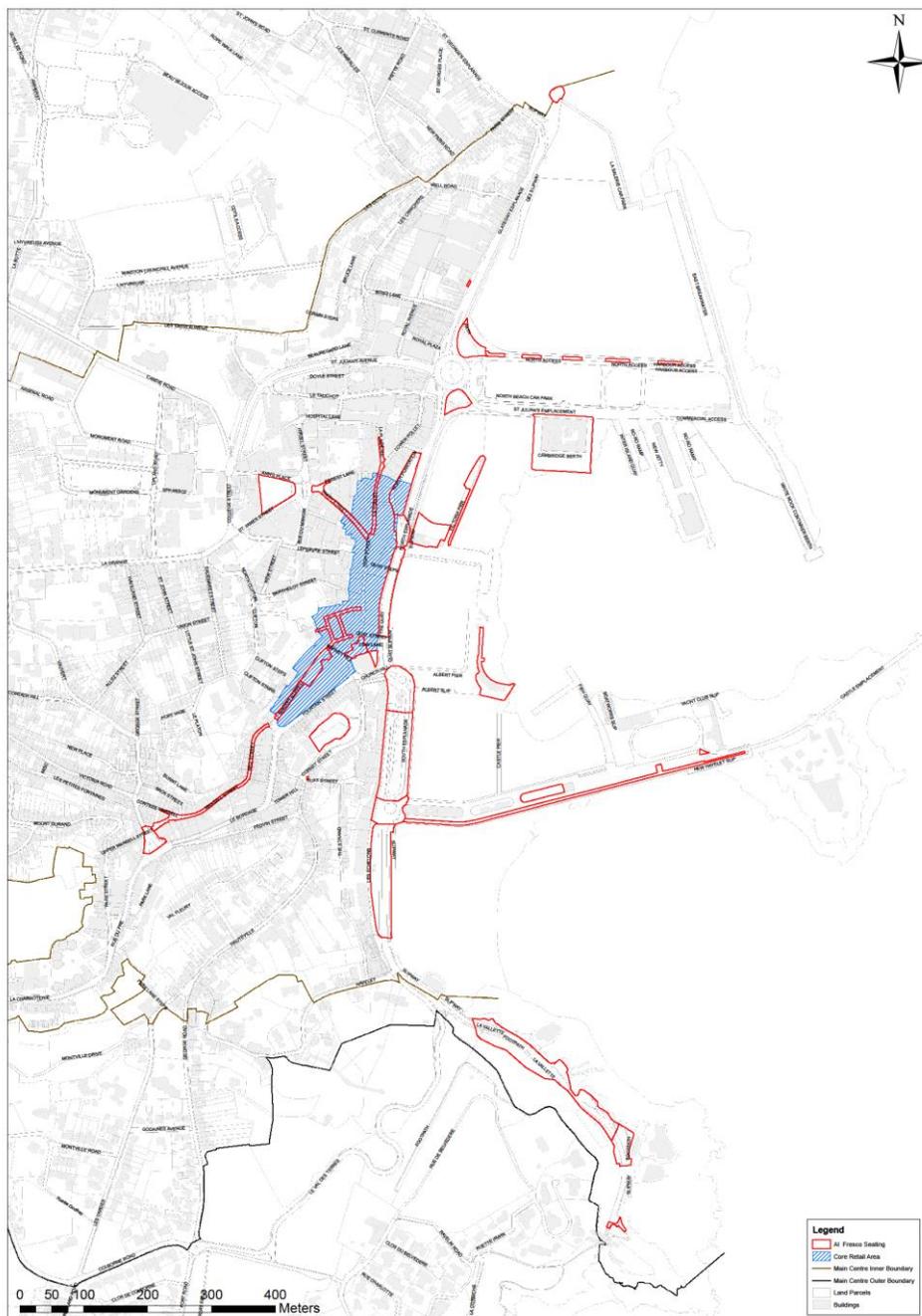
SCHEDULE 1

Article 1(1)

DESIGNATED AL FRESCO ZONES

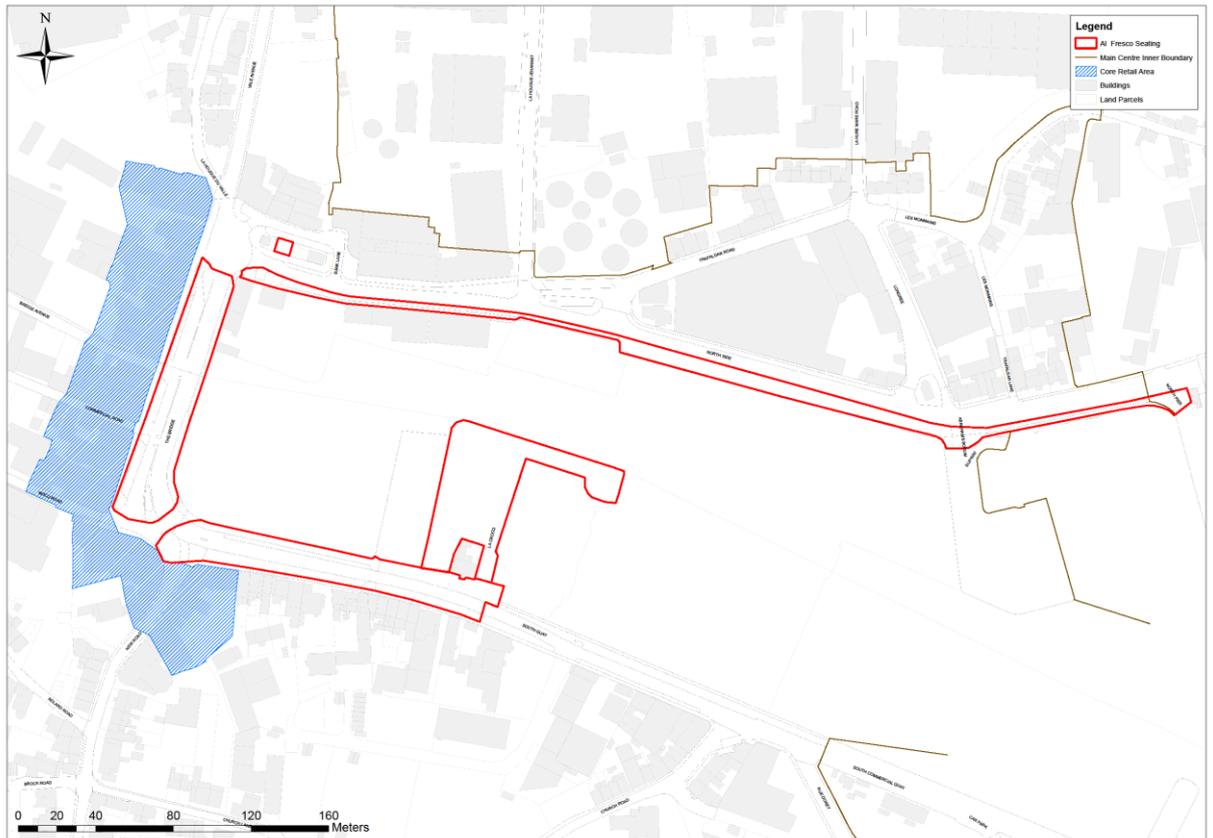
Designated "al fresco" zones in Saint Peter Port

1.



Designated "al fresco" zones in Saint Sampson and Vale

2.



SCHEDULE 2

Article 2

STANDARD CONDITIONS FOR DESIGNATED "AL FRESCO" ZONES

Extent and arrangement of al fresco area

1. The boundaries of the al fresco area shall be as marked on the plans submitted by the permit holder as part of their application and approved by the Committee, and all items used by the permit holder for the purpose of the al fresco area, including furniture, equipment, and temporary fencing, must be placed in the positions indicated on any such plans, and no part of such items may extend beyond the boundaries of the al fresco area.

Maintenance of emergency exits and means of escape from buildings

2. At all times there shall be a clear escape route, starting from an exit of any building situated in the al fresco area and continuing through that al fresco area to a clear exit at the outer boundary of that area, such escape route being of at least the same width as the doors of the exit to the building and, for the avoidance of doubt, "clear" in this paragraph means completely clear of any furniture, equipment or temporary fencing or other item that might impede the means of escape.

Provision of adequate sanitary conveniences

3. Adequate sanitary conveniences must be provided to users of the al fresco area, proportionate to the number of users, and shall comply with the requirements of the Building (Guernsey) Regulations, 2012^b.

Avoidance of hazards to public safety

4. The whole part of any temporary fence, including any base, must be

^b G.S.I. No. 11 of 2012; this enactment has been amended.

situated within the al fresco area.

5. Any protrusions at the base of any temporary fence must be adequately marked so that they are clearly visible.

Clearance of al fresco area

6. All items used by the permit holder for the purpose of the al fresco area, including furniture, equipment and temporary fencing, shall be removed from the al fresco area by the permit holder at the close of each business day and securely stored within business premises.

7. The permit holder must keep the al fresco area clear of any waste and must ensure that waste is disposed of in a manner that is compliant with any other applicable enactment relating to waste disposal.

Visual impact and planning permission

8. Any temporary fence used by the permit holder shall be of plain design, without any lettering or signage displayed, and made of materials that are appropriate to the setting.

9. The permit holder must obtain any planning permission under the Land Planning and Development (Guernsey) Law, 2005^c that is required for the use, or intended use, of the al fresco area and must comply with any conditions that may be attached to such planning permission.

Restriction on Advertisements

10. No advertisements of any sort shall appear on or around any of the furniture, equipment or temporary fencing being used in the al fresco area, which

^c Ordres en Conseil Vol. XLV, p. 272; this enactment has been amended.

includes (but is not limited to) parasols, umbrellas, awnings, canopies, benches and bins.

Granting of Access for Inspection

11. For the purpose of enabling an inspection of the permit holder's compliance with any general or specific condition attached to an al fresco permit, the permit holder, on request by a person appointed by the Committee to carry out such an inspection ("the inspector"), must grant the inspector access to all parts of the al fresco area and allow the inspector to take such measurements as are required for that purpose.

Interpretation

12. In these conditions –

"**al fresco area**" means that part of a designated al fresco zone that the permit holder has permission to use in accordance with an al fresco permit,

"**al fresco permit**" means a permit issued under Part III of the Public Highways (Temporary Closure) Ordinance, 1999,

"**designated al fresco zone**" means a zone designated as an "al fresco" zone under Article 1 of this Order,

"**permit holder**" means a person who has been issued an al fresco permit,

"**sanitary conveniences**" has the meaning given by regulation 2(1) of the Building (Guernsey) Regulations 2012, and

"**temporary fence**" means any fence, barrier, screen or other means of marking out the boundary of an al fresco area established in accordance with, and during the

hours permitted by, an al fresco permit, and "**temporary fencing**" shall be construed accordingly.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision, for the purposes of the Public Highways (Temporary Closure) Ordinance, 1999, for the designation of "al fresco" zones within which an application to the Committee for an al fresco permit may be made instead of an application to the Royal Court for an "al fresco" licence, and to prescribe, in respect of any such zone, the conditions of general application which will normally be attached to permits issued in that designated zone.

This Order comes into force on the 11th day of November, 2022.