



Guidelines for placing Tables and Chairs on the Highway under Section 115 Part VIIA of the Highways Act 1980

Consultation

Applicants should informally discuss their requirements with officers in Safer Communities or Town Centre Management before submitting their application.

Before issuing a licence the Council has a statutory duty to consult both the Highway Authority (Essex County Council), the neighbouring properties and obtain the consent of all frontagers with an interest. It is therefore advisable to speak to your neighbours regarding your proposal before submitting the application to the Council. On receipt of your application the Council will consult with the Highway Authority.

Type of Permission

Under the current highways legislation, the Council can only grant a personal licence, usually to the manager of the premises. This means that the licence cannot be assigned to anyone else.

Cost

There is an application fee and an annual renewal fee. Details can be found on the application form and Chelmsford City Council website.

Times of Operation

You will need to inform the Council of your actual or proposed opening times. The tables and chairs can be placed on the highway only when the premises are open for business and in any event not before 6.00 a.m. until the close of business.

Area Permitted

There are agreed areas within the town centre where licences will be considered. Details of these areas can be obtained from Safer Communities or Town Centre Management.

A plan (which must include dimensions) of the area outside your premises where you intend to place the tables and chairs will need to be submitted to the Council if you proceed with an application.

Once the area has been approved by the Council and following the licence being issued, the area will be demarked by metal studs being placed in the highway.

The Licence holder must remove any furniture if required to do so to permit works in or the use of the highway by the Council, the County Council, the emergency services any statutory undertaker or telecommunications code operator or where the Licence holder has been notified of a special event taking place.

Structures Permitted

Seating, tables and, if required, umbrellas and heaters (together with a secure base) as well as any proposed barriers to enclose the seating area. The heaters must be to BS Standards (BS EN 60529:1992 (Electric heaters) and BS EN 14543:2005 (Gas heaters)) Access to the controls/ pipe/ cylinder on the heaters must be restricted to authorised employees of the premises only. No fixtures to, or excavations of any kind, shall be made to the surface of the highway.

The structures are for the use of customers who have been supplied with food and/or drink from within the particular premises having the benefit of the permission.

It is a requirement that all structures must be removed at the close of trading each day and only left outside whilst the premises are open and trading.

All barriers must be of a certain height and colour for health and safety reasons and will need to be approved by the Council.

If additional heaters and umbrellas are to be added after permission has been given, written approval from the Council is required.

Furniture

The Council must approve the design and size of the proposed tables, chairs, umbrellas, heaters and barriers. The furniture must be maintained to a satisfactory condition.

No charge can be made by the Licence holder for the use of the furniture.

Insurance

Operators must indemnify both Chelmsford City Council and Essex County Council in respect of injury, damage or loss arising out of the grant of permission (unless such claims arise out of the Councils' negligence). All operators must have public liability insurance in the sum of £5,000,000 in respect of any one event. A copy of this insurance must be produced to the Council before a licence will be issued.

Expiry dates of insurance details will be monitored to ensure insurance cover is current.

The Licence holder shall make no claim or charge against the Council in the event of the furniture or other objects being lost, stolen or damaged in any way.

Music

No regulated entertainment within the licensed area unless authorised.

Litter

Refuse and litter deposited on the highway in the vicinity of the chairs and tables must be collected at not less than hourly intervals (or more frequent intervals if required under the Environmental Protection Act 1990).

Litter is not to be placed in the litter bins situated on the highway for use by the general public, but in the trade refuse bins.

All tables must be cleared as soon as practicable after being vacated by customers to avoid litter being deposited unnecessarily on the highway.

Glass

Any use of glass for the consumption of food or drink in the area covered by the permission must be made of toughened glass or of plastic.

Sanitary Appliances

The number and type of public sanitary accommodation provided by a business is based on the number of potential customers. The applicant should ensure that the sanitary provision remains appropriate for the increase in customer numbers resulting from additional seating.

Food Preparation

No outdoor food preparation will be permitted under the terms of this licence.

Planning

The need for planning permission depends upon the main use of the building which the table and chair area will serve. As a general rule if the area is within the curtilage of the site and is for a use ancillary to the main use, then, permission would not be required. If the area is within the highway then different considerations may apply. Each application will be checked to see if planning permission is required. The Director of Sustainable Communities can be contacted for a view prior to the making of the licensing application.

Enforcement

Ongoing enforcement of the licensed area will be carried out to make sure the conditions of the licence are not being broken.

Termination

Failure to comply with the terms and conditions of the licence may result in the licence being suspended or revoked.