



Conditions of permission for placing tables and chairs on the highway

1.0 General matters

- 1.1 The fee for the granting of the permission shall be paid in advance.
- 1.2 The tables and chairs shall at all times be well maintained and kept in a clean and tidy condition.
- 1.3 The tables and chairs shall not be placed in any other area than that stated in the permission. They shall be placed in an area delineated by a suitable temporary barrier which is positioned to the satisfaction of the Assistant Director Environmental Maintenance.
- 1.4 Furniture and temporary barriers shall be in accordance with the attached specification (*Pavement tables and chairs design guide*).
- 1.5 The person to whom the permission is granted shall ensure that the tables and chairs so far as reasonably practicable, and the persons using the tables and chairs, do not at any time obstruct the passage of or cause danger to persons lawfully using the highway on which they are situated.
- 1.6 The permission may be suspended by the council at any time in the event of work being carried out in, under or over the highway on which the tables and chairs are situated or any adjacent highway.
- 1.7 The person to whom the permission is granted shall indemnify the council against any costs, claims, actions or damages arising out of the placing of the tables and chairs on the highway.
- 1.8 The person to whom the permission is granted shall bear absolute responsibility for ensuring that adequate public liability and products liability insurance is held in respect of the permitted area and the cover obtained shall be not less than £5,000,000, any one claim, in respect of public liability and not less than £5,000,000 in the aggregate during any one period of insurance in respect of products liability. Evidence of such public liability and products liability insurance shall be provided to the satisfaction of the council before the permission can be exercised.
- 1.9 The permission is not assignable.
- 1.10 The council may at any time vary the permission or conditions thereof:
- 1.11 If the person to whom the permission is granted breaches any one or more of the conditions thereof, the council may serve a 'default' notice requiring the breach of conditions to be remedied in a particular way within a stated time and should it be necessary in order to remedy the default, the council may require the tables and chairs, temporary barriers and other furniture to be removed from the highway either temporarily or permanently.

- 1.12 (a) The person to whom the permission is granted shall ensure that the tables and chairs and use thereof by members of the public are at all times supervised so as to avoid nuisance being occasioned to:-
- (i) members of the public lawfully using the highway
 - (ii) local residents
 - (iii) other local businesses.
- (b) The person to whom the permission is granted shall ensure that glasses, crockery, napkins, cutlery and any other item placed upon the tables and chairs by the person to whom the permission is granted or by any other persons, when the tables and chairs are in use, are removed from the tables and chairs when they are not in use.
- 1.13 The person to whom the permission is granted shall not allow music to be broadcast on to the street.
- 1.14 The person to whom the permission is granted shall ensure that customers consuming food or drink outside the premises do not move beyond the demarcated area.
- 1.15 It shall be the duty of the person to whom the permission is granted to clean the section of the highway in respect of which permission is granted to the specification of the Assistant Director Public Protection.
- 1.16 The permission does not authorise the holder to allow alcoholic drinks to be served or consumed at the tables and chairs. It is the responsibility of the person to whom the permission is granted to check with the Licensing Justices that the liquor licence for the premises allows such activities to take place.

2.0 **Design specification**

2.1 **Means of enclosure**

- 2.1.1 When in use the pavement area will need to be enclosed, to demarcate the permitted area and contain the tables and chairs, thus making it distinguishable to other pavement users, and particularly to assist blind and visually impaired pedestrians.
- 2.1.2 The layout of furniture and means of enclosure will only be approved if adequate provision has been made for customers with disabilities.
- 2.1.3 The enclosure shall be removed outside the hours of operation or when it is not intended to operate on the pavement within that period. The materials should therefore be lightweight in construction and portable but stable enough to prevent collapse if accidentally walked/stumbled into.
- 2.1.4 The design of the barrier should complement the character of the surrounding area and in any event must have bars/elements at around 100mm and 1,000mm above ground level.
- 2.1.5 Planters can be particularly attractive and can be used as part of the means of enclosure but must be removed from the highway outside of the hours of operation.
- 2.1.6 Notwithstanding the contents of paras. 2.1.1 - 2.1.5 above the enclosure shall comply, in all respects, with the provisions of the council's design guide.

2.2 **Furniture**

- 2.2.1 The furniture should be of a high quality and uniform style within the permitted area. White plastic and or picnic tables will not normally be approved.
- 2.2.2 Where umbrellas are used these must be fabric type (ie non reflective) and display only limited advertising or logos up to 150 x 450 mm in size. Umbrellas are to be positioned so as to avoid overhanging, outside the enclosure or impairing vehicle sight lines.
- 2.2.3 Non furniture items, eg menu boards, signs and portable gas heaters also need to be approved as part of the enclosed area, and any unacceptable clutter or intrusion into sight lines will need to be removed if it is seen to be causing a problem.
- 2.2.4 All items need to be portable enough to be brought in at the end of the permitted period of each working day or in the event of an emergency.