

HIGHWAYS ACT 1980 PART V11A SECTION 115E (1) (a) and (b)

APPLICATION FOR A LICENCE TO PLACE CHAIRS AND TABLES ON THE HIGHWAY

Notes for Guidance

1. Temporary consent under the Business and Planning Act 2020 is required from the Highway Authority to place amenities such as chairs and tables on the public highway.
2. For applications for consent in West Berkshire, West Berkshire Council is the authority to which both of these applications should be made.
3. There is a £100 fee payable for any temporary licence issued for any period between 30th Sept 2022 and 30th Sept 2023.
4. Please provide an A4 plan clearly outlining the premises and the location of the proposed outdoor seating area and its overall dimensions
5. This permission is personal to the Licensee.
6. The chairs and tables must be safe and suitable for their purpose, clean, tidy and maintained to a high standard.
9. The chairs and tables shall be free standing and the Licensee shall make no fixtures to or excavations of any kind in the surface of the highway which shall be left entirely undisturbed.
10. The Licensee shall make no claim or charge against the Council in the event of the chairs or tables or other objects being lost, stolen or damaged in any way from whatever cause.
11. The Licensee shall indemnify the Council against all actions, proceedings, claims, demands and liability which may at any time be taken, made or incurred in consequence of the use of the chairs and tables and other objects and for this purpose must take out at the Licensee's expense a policy of insurance approved by the Council in the sum of at least £5,000,000.00 in respect of any one event and must produce to the Council on request the current receipts for premium payments and confirmation of the annual renewals of the policy.
12. The licensed area must be used solely for the purpose of consumption of food and drink by customers seated at tables.
13. Waste from the Licensee's operations must not be disposed of in the permanent litter bins on the highway provided by the Council.
14. The Licensee must ensure all refuse and litter deposited on the highway in the vicinity of the chairs and tables and other objects must be removed each day by the Licensee at the Licensee's expense or at more frequent intervals as necessary or as instructed by an authorised officer of the Council. The Licensee shall be responsible for the cleaning, maintenance and appearance of the licensed area during its trading hours.
15. The Licensee shall refund to the Council any costs the Council incurs as a result of the Licensee failing to comply with the terms of this Licence or any other obligation placed upon them.
16. The Licensee shall remove the chairs and tables from the highway outside the permitted trading hours stated below or immediately if required to do so to permit works in the highway by the Council, the police, fire and ambulance services, utilities providers or any statutory undertaker.

17. The Council reserves the right to restrict the number of days when this licence may be used. The Council will give the Licensee at least 48 hours' notice of any restricted days when the Licensee will not be permitted to place tables and chairs on the highway in accordance with this licence.
18. The tables and chairs shall be partially enclosed by barriers so as to separate the seating area from the footway, prevent any furniture from straying outside of the licensed area and to serve as a tapping rail for those with visual impairments.
19. MARKET PLACE (CENTRE), NEWBURY ONLY
 - 19.1. The chairs and tables may not be placed on the highway during the following hours on restricted days without prior written permission from Highways and Transport:
 - 19.1.1. On Charter Market days between 09.00 and 18.00.
 - 19.1.2. On Farmers Market days between 09.00 and 13.30.
 - 19.1.3. On other restricted days at times to be advised depending on the event.
 - 19.2. There must be waiter/waitress service only at the tables in the centre of the Market Place.
 - 19.3. Notice of the restricted days (market days, etc.) will be given to the Licensee but may be subject to subsequent variation – see condition 17.
20. The Licensee is responsible for ensuring all conditions of any Planning Permission, Highways Licence and Premises Licence are adhered to, where applicable.
21. In the event of the Licensee failing to comply with the conditions of this Licence the Council may withdraw the Licence
22. The Council and the Licensee can terminate this Licence by giving the other party one calendar month written notice.
23. The chairs and tables may be placed within the pedestrianised area of Newbury Town Centre between the hours of 10.00 and 23.00 on the days permitted. Chairs and tables may be placed outside of the pedestrianised area of Newbury Town Centre between the hours of 09:00 and 23:00 on the days permitted.
24. Drinks served at the chairs and tables authorised by this licence must be served in Food and Drug Approved (FDA) polycarbonate containers only. [It should be noted that this condition will not be applied unless particular concerns arise at the time of the application].

Highway Guidelines

24. Pedestrians must have a sufficiently wide, unobstructed and clearly defined footway. This is especially important for such people as wheelchair users, those with disabilities and the visually impaired as well as for people with push chairs.
25. Emergency access routes must be kept clear.

General Requirements applying to all locations:

26. Chairs and tables should be placed adjacent to the premises or within designated areas as outlined by the Council.
27. A minimum distance of 1 metre from face of the building is required to satisfactorily accommodate chairs and tables plus seated persons.

28. The positioning of chairs and tables should never discourage pedestrians from using the footway; the viable route must be straight forward; obvious and unobstructed.

Requirements applying to specific types of location:

Pedestrianised Streets

29. Normally a 5 metre corridor should remain clear as a route for pedestrians and emergency services vehicles. This is except where obstructions such as bollards or nibs reduce the carriageway to less than this; and the proposed pavement café area is protected by these obstructions. A greater width may be required in certain circumstances such as areas with very high pedestrian flow.
30. If streets are capable of providing space for pedestrians and emergency services vehicles as well as pavement cafés; pavement cafés will normally be allowed to operate throughout the day. If there is not enough space, pavement cafés will normally be able to operate at all times when vehicle access is not allowed. In these cases the hours of permission will usually start at least 30 minutes after the hours of vehicular access ends and similarly end at least 30 minutes before opening to vehicular access.
31. Even during hours when vehicles are normally not included chairs and tables should not be in the area used for vehicular movement – this is to allow for emergency services vehicles.

Streets with a Footway and Carriageway

32. A minimum width of 2 metres measured from the edge of carriageway is required for pedestrian movement.
33. Where there is a significant amount of street furniture; 2 metres is required from the line of the street furniture rather than the edge of carriageway.
34. If there is heavy pedestrian flow, more footway space may be required.

Special Areas

35. There may be other areas of public open space in the District, such as Market Place in Newbury Town Centre, where other arrangements for chairs and tables on the public highway will be looked at.

Please submit your completed application, site plan, public liability insurance and photo of consultation notice to:

trafficroadsafety@westberks.gov.uk

OR

Traffic & Road Safety Team
Transport & Countryside
West Berkshire Council Offices
Market Street
Newbury
Berkshire
RG14 5LD