



Permissions to Place Tables and Chairs on the Public Highway

Guidance Notes

INTRODUCTION

Permissions to place tables and chairs on the highway are granted under Part VIIA of the Highways Act 1980. The scheme relates only to the establishment of tables and chairs on a public highway, (tables and chairs on private land do not require a permit). Permissions for tables and chairs on the highway may only be issued to cafes, restaurants, public houses or other catering establishments that serve food and drink within the premises.

This guide is intended to help businesses understand the permissions required from the Council and contains key points on how the applications will be assessed and how the permit scheme will operate.

DESIGNING THE PERMIT AREA

When planning and designing a permit area, applicants are advised to read this guidance and the terms and conditions of the scheme to ensure that the proposal meets all the criteria required. The Council does not wish to define a standard style of furniture for use in the permit areas, however all furniture must be of a high quality and uniform style.

Full details including metric dimensions, materials and colours of the proposed furniture, accompanied by photographs, illustrations or drawings, will be required as part of the application. Only furniture approved in writing by the Council may be used.

The Council reserves the right to reject applications where inappropriate furniture is proposed. However, the permit holder will be responsible for the safety and suitability of the furniture provided and ensuring that it is sufficiently robust and well maintained for the purpose.

Size and Layout

The size and layout of a permit area will depend upon the characteristics of the site outside each premises, for example the space available, street furniture, type of premises, etc.

The needs of other users of the highway should always be considered. The placing of tables and chairs on the highway will not be granted if it may cause an obstruction, nuisance or danger to pedestrians, trades people, adjacent businesses and/or the emergency services.

Care must also be taken to ensure that the furniture and means of enclosure used provides adequate access and circulation space for all customers including wheelchair users and those with pushchairs, etc.

Emergency routes from your own and adjacent buildings must be kept clear at all times.

<u>Tables & Chairs</u>	All tables and chairs must be uniform in style and manufactured from quality materials preferable metal or wood, for avoidance of doubt plastic patio chairs and table are not acceptable.
<u>Parasols</u>	Parasols may only be used in a permit area with prior written consent from the Council and when opened, they should be safely secured and contained entirely within the boundaries of the permit area.
<u>Boundaries/Partitions</u>	All permit areas must be clearly defined by a portable means of enclosure and all activities associated with the café must be contained within the agreed boundary. Portable barriers/partitions must be stable and sturdy and not less than 800 mm high or contain any protruding parts.
<u>Other Items</u>	Only items that have been approved in writing may be placed in the permit area, this includes items such as bins and 'A boards'.

MANAGING A PERMIT AREA

Service

Customers must be able to purchase both food and drink at all times when the permit area is open. Food and drink must not be consumed outside of the defined permit area.

The permit area should be supervised when it is in use and the permit holder shall be responsible for ensuring that the facilities operate in a manner that do not cause nuisance or annoyance to adjoining premises or members of the public.

Alcohol

No alcoholic drinks shall be consumed within the "permit area" unless the "permit area" is covered by a premises licence issued by the Council allowing the sale of alcohol.

The granting of a permit to place tables and chairs on the highway does not authorise the holder to serve alcoholic drinks or allow the consumption of alcohol in the "permit area" even if they hold a Premises Licence issued under the Licensing Act 2003, as the town centre is subject to a Designated Public Place Order which controls when necessary the use of alcohol. An application would therefore be required to licence the "permit area" for the sale of alcohol. Applicants are advised to contact the Licensing Section for further information.

Where a permit area is licensed for the sale of alcohol please note that all drinks must be served in a polycarbonate/plastic, no bottles or cans are allowed.

Hygiene and cleanliness

When managing a permit area it is essential that particular regard is made to hygiene and cleanliness. On the application form you will be required to provide details of how you will maintain good standards of cleanliness within the permit area.

The terms and conditions of the scheme contain specific requirements in relation to the management of litter, the frequency of cleaning and how spillages should be dealt with during the operation of a permit area. These conditions include the requirement to keep the area free from litter, the provision of at least one litter bin, the clearing tables when they are vacated, removing spillages and breakages immediately and thoroughly washing the permit area at the end of each day.

Smoking

Where smoking is allowed in the permit area an ashtray must be provided on each table which must be emptied each time the table is cleared.

Hours of Operation

The maximum hours during which a permit may operate are Monday to Sunday between 8.00 a.m. and 9.00 p.m. The proposed hours of operation must be included on the application form. The Council reserves the right to stipulate the hours/days which a permit area can operate.

Applicants situated in the pedestrianised areas of the Town Centre are advised to take particular consideration to the vehicle access restrictions within the street the business is located. It may be necessary to restrict the opening hours when vehicle restrictions are not in place if it may cause an obstruction to the free flow of traffic or cause a risk to public safety.

All street furniture must be removed from the permit area when the permit is not in operation, failure to comply with this requirement may result in the Council removing, storing and disposing of any items left on the highway.

Market Days

If your premises is situated in Market Square, Graham Street or High Street permits for street trading may be restricted where interference with main market operations is likely. The main market currently operates on Tuesdays, Saturdays and two weeks leading up to Christmas Day, but can be subject to change.

APPLYING FOR A PERMIT

To apply for a permit to place Tables & Chairs on the Public Highway your premises must be located within the area covered by the permit scheme and be a café, restaurant, public house or other catering establishment that serves food and drink inside the premises.

All applications are required to meet the minimum requirements set out in the terms and conditions of the scheme.

To make an application you must be over 18 years old, and submit the following to the Licensing Section:

- An application form
- A plan of the proposed area
- Photographs and/or pictures of the proposed furniture
- Public Liability Insurance to the value of £5,000,000
- The required fee

Once a complete application has been accepted by the Licensing Section a 28 day statutory consultation period begins, whereby a notice must be placed at the premises, and a copy of the application will be sent to the following individuals/bodies seeking their consent/objection:

- Environmental Health Manager
- Highways Network Group Manager
- Head of Town Planning
- Town Centre Manager
- South Wales Police
- South Wales Fire Service
- Owners/Occupiers of premises to be materially affected by the application

Where an application meets the minimum requirements set out the scheme's terms and conditions and no objections are received in respect of the application, the licence will be granted for a period of 12 months.

The Council may impose individual conditions where it is deemed necessary for the safe operation on the permit scheme.

Where objections are received in respect of the application, the application will be determined by the Licensing Sub Committee. There is no right of appeal against a refusal of an application to place tables and chairs on the highway.

Plans

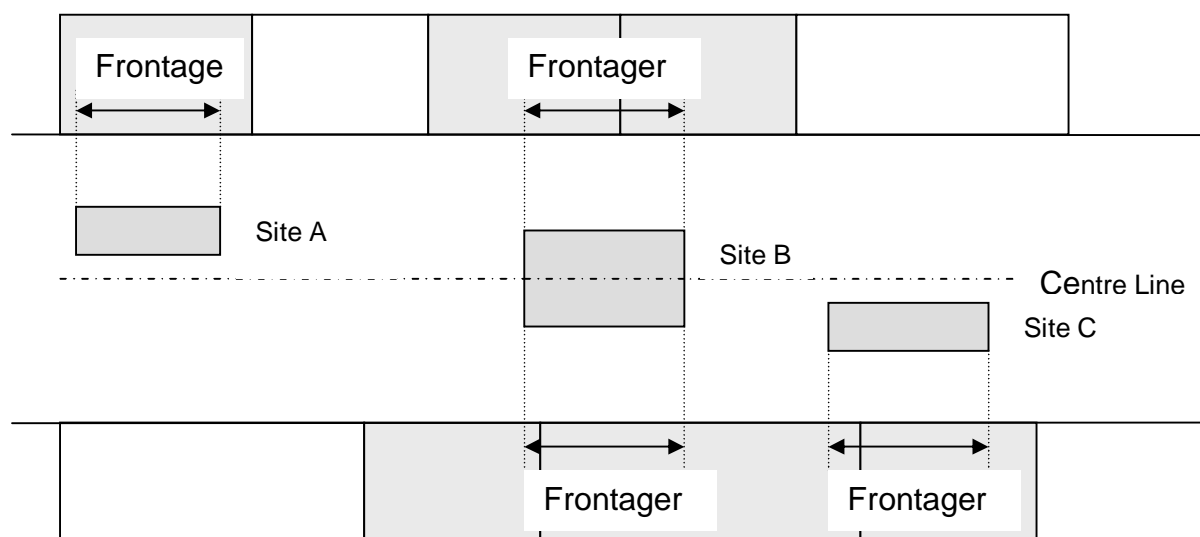
All plans should be drawn to a scale of 1:100 unless otherwise agreed by the Licensing Section and must contain the following details:

1. The existing footway in metres.
2. The dimensions of the proposed area.
3. Location of shop entrances, exits and fire escapes.
4. The location of all existing street furniture.
5. How and where the area will be partitioned off.

Owners/Occupiers of premises to be materially affected by the application

An owner/occupier of a premises to be materially affected by the application would be classed as a 'frontager'. A 'frontager' is defined in section 115A 7(7) of Part VIIA of the Highways Act 1980 and is the owners and occupier of the affected premises.

The diagram below illustrates which premises would be defined as frontagers in relation to a permit area:-



RENEWAL APPLICATIONS

A permit for placing tables and chairs on the highway will be issued for 12 months, if the permit holder wishes to renew their permit they will be required to submit to the Licensing Section a complete application at least 1 month prior to the expiry date of the existing permit, along with the renewal fee.

Once a renewal application has been accepted by the Licensing Section the permit holder will be able to continue operating on the public highway until the application has been granted/refused.

Where a renewal application is not received before the expiry of the current permit a new application will be required and tables and chairs will no longer be able to place tables and chairs on the highway until the new application is granted.

All renewal applications will be required to follow the same statutory consultation process as new applications. *Please note the granting of a licence does not give an automatic right of renewal in subsequent years, failure to comply with the conditions of the permit may result in future applications being refused.*

FEES

The fee for processing an application for placing tables and chairs on the highway is payable on application:

New/Renewal Application	£100
Transfer	£20

or such other fee as is agreed with the Council

GENERAL INFORMATION

The terms and conditions of the scheme will be attached to the permit along with the plan of the area. The permit holder is responsible for ensuring that the permit is displayed in a prominent positions at all times during trading.

Permits issued by the Council for Placing Tables and Chairs on the Public Highway are not transferable to any other person unless with the express permission of the Council.

The granting of a permit does not imply exclusive right to use the area, the Council and other statutory bodies may gain access to the permit area for cleaning, repairing and maintenance. Also where requested to do so by South Wales Police, the Licensing Section or any Statutory Authority, the permit holder must remove items from the highway.

Other Permissions

The granting of a Permit does not over ride any statute, by-law or regulations such as parking, food hygiene, planning, etc. The permit holder is responsible for obtaining all the relevant permission necessary to operate their business.

INSPECTION, MONITORING AND ENFORCEMENT

The Licensing Section will carry out periodic inspections to make sure that the terms and conditions of the licence are being adhered to. The Council may carry out work for which the permit holder will be charged, suspend or terminate or refuse to renew a permit if the holder fails to comply with the scheme.

Tables and chairs placed on the highway without permission are an illegal obstruction and the Council may take enforcement action in such cases.

CONTACT INFORMATION

For further information on how to submit an application please contact the Licensing Section on:

LICENSING SECTION

Merthyr Tydfil County Borough Council
Civic Centre, Castle Street,
Merthyr Tydfil, CF47 8AN

Tel: 01685 725000

Email: licensing@merthyr.gov.uk