

# Merthyr Tydfil County Borough Council (the Council)



Cyngor Bwrdeistref Sirol  
**MERTHYR TUDFUL**  
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County Borough Council

## Terms & Conditions for Permissions to Place Tables & Chairs on the Public Highway

### 1 GENERAL

- 1.1 The Permit must be displayed in a prominent position during the hours of trading. A definitive plan of the area governed by the permit, showing the boundaries and the dimensions will be attached to, and form part of, the permit.
- 1.2 The Permit Holder will ensure that items placed on the highway should not interfere with vehicle sight lines, pedestrian visibility, obstruct any traffic sign or signal, and not compromise any market operations.
- 1.3 All entrances and exits to any premises adjoining the Permit Area should not be obstructed by items placed on the highway.
- 1.4 Emergency service vehicles must have access along the streets at all times, even in pedestrianised areas.
- 1.5 The needs of other users of the highway should be taken into account and a clear pedestrian route must be maintained for those walking past the premises. The safety of all pedestrians (particularly those that are mobility impaired) should not be affected by the placing of items on the highway.
- 1.6 The Permit Holder shall ensure that all tables and chairs and other equipment must be properly maintained and kept in a clean, tidy and safe condition at all times.
- 1.7 The Council will not permit any fixtures to the highway or any excavation of any kind of surface of the highway.
- 1.8 Every effort should be made to avoid causing damage to the highway or adjacent property. The cost of rectifying any damage to the highway surface or street furniture caused by any activity connected with the placing of tables and chairs on the highway may be recharged to the licence holder.
- 1.9 The Council will not permit any wheeled refuse containers, beer kegs, bottle crates or other unsightly or unapproved items to be placed on or adjacent to the street café area.
- 1.10 The Permit Holder will be required to indemnify the Council against all actions, claims, demands, costs, charges or expenses arising from using the highway under the permission granted. The Council will therefore, require the licensee to take out third party public liability insurance in the minimum sum of £5,000,000.
- 1.11 The Council reserves the right from time to time to amend or vary the terms and conditions of the permission as it may consider reasonably necessary to ensure the smooth operation and success of the scheme. Provided always that at least 14 days prior written notice shall be given to all holders of Permits.
- 1.12 The Council shall be entitled to terminate the Permit in any of the following circumstances:

- i. In the event the Permit Holder and/or their employees fail to comply in any way with the terms and conditions of the permit.
  - ii. In the event the Permit Holder fails to remedy any breaches of the terms and conditions of the permit or other default to the satisfaction of the Council and within the time period specified by the Council.
  - iii. In the event of persistent and/or continuous breaches or defaults by the Permit Holder and/or their employees.
- 1.13 In event of a breach of the terms of the Permission, the Council may serve notice requiring the Permit Holder to take such steps as are necessary to remedy the breach as specified in the notice within a specified timescale. If the Permit Holder to whom the notice is served fails to comply with the notice, the Council may take the steps themselves. Where the Council have incurred expenses in taking the steps, these expenses together with a reasonable, administrative charge determined by the Council, may be recovered from the Permit Holder.
- 1.14 The Council shall charge for the grant of a permit at a level which shall be reviewed annually.
- 1.15 The Council may impose individual conditions on permits when deemed necessary for the safe operation of the tables and chairs scheme.

## **2 SERVICE**

- 2.1 The Permit Holder shall be responsible for the satisfactory conduct of people within the permit area and ensure that the facilities are not operated in such a way as to cause nuisance or annoyance to owners/occupiers of adjoining premises and to all people using the public highway.
- 2.2 The Permit Holder must ensure the permit area should be kept under supervision at all times of its operation and all patrons/customers should be seated at all times.
- 2.3 The permit area is to be used only for the sale, provision and consumption of food and/or drink.
- 2.4 The layout of the street furniture and means of enclosure must provide adequate access and circulation space for all customers.
- 2.5 The Permit Holder shall ensure that customers consuming food and/or drink in the permit area do not do so beyond the permit area.
- 2.6 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. Alcoholic drinks are not permitted in the permit area unless a premises licence has been granted by the Council allowing the sale of alcohol from the premises. A "tables and chairs" permit does not of itself authorise the sale and consumption of alcohol; it is the responsibility of the Permit Holder to make a separate application under the Licensing Act 2003 to allow such activities to take place.
- 2.7 All alcoholic drinks must be served in a polycarbonate/plastic receptacle; no cans or bottles are allowed.

## **3 HYGIENE & CLEANLINESS**

- 3.1 The Permit Holder shall ensure that all tables must be cleared of all uneaten food, used crockery, cutlery, etc and properly cleaned of any spillage when they are vacated by customers.
- 3.2 The Permit Holder shall be responsible for the cleanliness of the permit area at all times. Care should be taken

to ensure that litter does not stray or get blown further afield.

- 3.3 The Permit Holder shall ensure that litter, grease, etc deposited in the permit area should be removed at regular intervals during the day. Spillages and breakages, especially of glass or crockery, must be cleared up immediately. Care must be taken to avoid nuisance to customers and to ensure hazards are not created during this work. The permit area should be thoroughly washed at the end of each trading day.
- 3.4 The Permit Holder shall ensure that at least one suitable litter bin must be provided within the permit area when in operation and make arrangements for its emptying in a proper manner. Wheelie bins are not suitable for this purpose.
- 3.5 If smoking permitted the Permit Holder will ensure each table should be provided with an ashtray which should be emptied each time the table is cleared.
- 3.6 Failure to comply with the cleaning requirements may result in the Council carrying out the work for which the Permit Holder will be charged.

#### **4 HOURS OF OPERATION**

- 4.1 The hours during which objects can be placed on the public highway are between 08:00 and 21:00. The Council reserves the right to restrict the hours of operation in pedestrianised areas to the hours when vehicle restrictions are in place.
- 4.2 The Council reserves the right to restrict hours or days of operation where interference with market operations is likely. No variation of the annual fee will be allowed where hours are so restricted.
- 4.3 The Council reserves the right to restrict the hours or days of operation where interference with Special Events are to take place. On such occasions affected permit holders will be provided with 7 days written notice.
- 4.4 The Permit Holder shall ensure that all furniture, partitions and litter receptacles are to be removed from the highway when trading is not taking place.
- 4.5 The Licensing Team and/or the Highways Maintenance Department of the Council are empowered to remove, store or subsequently dispose of any items and equipment left on the highway outside of permitted hours set out at 4.1 and 4.2 and charge the licence holder for the costs of removal, storage and disposal (if necessary). No responsibility is accepted for the safekeeping of any items and equipment recovered and stored.
- 4.6 The Licensing Team and/or the Highways Maintenance Department of the Council are empowered to remove, store or subsequently dispose of any unauthorised equipment/items from the area governed by the permit and charge the licence holder for the costs of removal, storage and disposal (if necessary). No responsibility is accepted for the safekeeping of any items and equipment recovered and stored.
- 4.7 Whenever requested by the South Wales Police, the Licensing Team or a statutory authority, the Permit Holder must remove items from the public highway as requested.
- 4.8 The granting of a licence to operate a table & chairs permit does not imply an exclusive right to the area. The Permit Holder should be aware that the Council reserves the right to gain access to the permit area for cleaning, repairing and maintaining the public highway or street furniture. Other organisations, and statutory bodies, may also require access for maintenance and repair of their equipment.
- 4.9 The Council reserves the right to suspend the permit temporarily, if for any reason, it becomes necessary. In the event of a temporary suspension of less than three months, no refund of the permit fee will be made.

#### **5 DESIGN SPECIFICATION**

## **5.1 BOUNDARIES**

Furniture shall not be placed in any area, other than stated in the permission.

The permit area is to be marked by a portable means of enclosure such as a barrier which should be of a sturdy structure, not less than 800mm high and not contain protruding parts.

All activities associated with the café must be contained within the agreed boundary including all tables, chairs, parasols, barriers/fencing, etc.

## **5.2 FURNITURE**

Furniture should be of a high quality and uniform style.

Only items of furniture approved in writing by the Council may be used. Approval must be obtained in advance.

All tables and chairs should be manufactured from suitable quality materials, e.g. metal or wood.

Parasols when opened should be safely secured and contained entirely within the boundaries of the permit area to ensure they do not cause an obstruction or present a danger to any user of the permit area or any other user of the public highway.

The Council reserves the right to reject applications where inappropriate furniture is proposed.

The Permit Holder is responsible for the safety and suitability for the use of all items placed on the highway. They should ensure that they are sufficiently robust and well maintained for the purpose.