

Policy Guidance Notes - Placing tables and chairs on the highway

1. Introduction

There is an increasing demand to allow tables and chairs outside restaurants and cafés. Provided that free and safe passage for pedestrians can be maintained then such amenities can be beneficial and permission may be granted (subject to meeting certain conditions) on an individual basis.

2. Relevant Legislation

The setting up of Pavement Cafés on the public highway is dealt with under Part VIIA, Section 115(A to K) of the Highways Act 1980. The Highway Authority (Cambridgeshire County Council) will normally require before consent is granted that:

- Applicants will have obtained planning permission from the Local Planning Authority (District Council) unless the Local Planning Authority has confirmed in writing that this is not required (de minimis ruling)
- A licence is issued under the Licensing Act 2003 if appropriate (District Council)

3. Conditions under which consent may be granted

- a) The provision of tables and chairs on the highway shall be regularised by the granting of licences by the Highway Authority.
- b) A suitable agreement shall be drawn up by the Highway Authority, in line with the standard terms and conditions, relating to the extent of the tables and chairs, clearances, pedestrian access provisions, barriers and parasols, together with obligations on the control and management of the area and access to Statutory Undertakers' plant.
- c) The licensee shall conform to conditions laid down in the licence and these will be enforced by the Highway Authority.
- d) In general, only footways will be used for Pavement Cafés, assuming all safety and non-obstruction requirements are met. However, exceptions may be made in pedestrian areas or zones during pedestrian only hours.
- e) The role of the public highway is to allow the public to pass and re-pass. In granting permission for pavement cafés it is important to ensure that these rights are not detrimentally affected. They must be located and managed in a manner that protects the rights and safety of all users with special attention to wheelchair users and those with impaired vision.

- f) Applications must initially be made through the Cambridgeshire County Council's Policy and Regulation Department. Applications must include the completed application form and associated documentation, including:
- A plan showing location of the premises
 - A dimensioned plan showing the area to be utilised for tables and chairs
 - Days and times of trading
 - Declaration that Third Party Indemnity Insurance is held for a minimum of £5 million in respect of any one incident. This must indemnify the Highway Authority against all claims for injury, damage or loss to users of the public highway arising from the use of the highway for the permitted purpose
 - Details of type and materials of proposed furniture
 - Contact details for the applicant and of the property owner (if different)

4. Supplementary

- a) In some cases it will be necessary to provide brass studs in the highway defining the periphery of the agreed area. The cost of providing and installing the studs will need to be met by the applicant at its sole expense and will be in addition to the cost of the licence. Local circumstances may also require a low level marker to assist the blind and partially sighted who use a white stick for guidance. The Layout of tables and chairs must take account of the existing street furniture.
- b) A pedestrian route must be maintained at all times for people to walk through or around the pavement café with minimal inconvenience. The route should be straight, and adjacent to the premises to ensure that all pedestrians and particularly those with a disability can maintain their normal path.
- c) Each site will need to be evaluated and determined on its merits taking into account pedestrian flows and physical constraints. Local Access Groups may be consulted regarding suitability of layout as the circumstances of each site will need to be evaluated and determined on its merit.
- d) All licences are valid from the date of grant for one year and will not be automatically renewed. The Highway Authority reserves the right to refuse renewal applications where appropriate.
- e) The Highway Authority will require a copy of the applicant's third party insurance prior to the granting of a licence and at each anniversary of the insurance renewal. Failure to provide this will result in revocation of the licence.
- f) If contravention of license conditions is observed, the licensee will be requested to comply with the conditions and warned that further contravention will result in revocation of the licence. The licensee will be allowed seven days to comply. If contravention continues after seven days of the warning or a contravention reoccurs within a year of the warning the license will be revoked
- g) The Highway Authority is empowered to remove and store or dispose of furniture from the highway, at the cost of the permit holder, if any of the conditions of the licence are contravened. The Highway Authority will not be responsible for their safekeeping.

5. Terms and Conditions

These are contained in a separate document on the right hand side of this web page. The operator should be aware that the Highway Authority and others (e.g. police, statutory undertakers) will need access at various times (including emergencies) for maintenance, installation, special events, improvements etc. This will mean that the pavement café will cease operating for a period of time. On these occasions there would be no compensation for loss of business.

6. Consultations

All of the applications we receive must go through a 28 day period of consultation. Local residents, businesses and council officers are asked if they have any objections to a premise placing amenities (tables and chairs) on the public highway.

During this period tables and chairs must not be placed on the public highway unless the premise has a current valid consent.

Whatever the outcome, the relevant authority makes sure that any objections received are relevant to the application and work hard to ensure that all applications are issued fairly.

7. Fee Charged

There will be an initial application fee of £250. This charge covers inspection and administration costs. The annual licence fee is then £100 per square metre within Cambridge's historic core area and £50 per square metre elsewhere. The application fee will be deducted from the annual licence fee if an application is successful.

8. Renewal Applications

Licences will not be renewed automatically. Where an application is made to renew a licence, the Highway Authority will consider:

1. Evidence of past demonstrable impacts from the activity on the safety and amenity of local residents.
2. Whether appropriate measures have been agreed and put into effect by the applicant to mitigate any adverse impacts.
3. Compliance with the terms or conditions of any previous licence

The Highway authority reserves the right to refuse renewal applications where appropriate.

9. Variation of Conditions

Where an application is made to vary the consents in terms of hours of operation or number of amenities as previously permitted, the Highway Authority will take into account the criteria set out in points 1, 2 and 3 above.