

Tables & Chairs Licence – Guidance

1.0 Completing the Application Form – General Information

1. The tables and chairs applicant must specify the exact site address
2. The tables and chairs applicant must specify the start and end date and time of operation
3. The tables and chairs applicant must specify the reason for the supply of equipment, e.g. outside dining etc.
4. The tables and chairs applicant must specify the type, number and dimensions of the items to be placed on the highway (weight, length and width).

Public Liability

Southwark Council will require a signed letter of indemnity and a copy of your insurance liability for each tables and chairs licence operation, regardless of size. Please note that no company can place tables and chairs on the public highway without agreeing to provide up to Five Million Pounds indemnity.

Tables and Chairs Safety

Southwark Council may inspect the site at any time during the operation. If the table and chairs licence placement does not adhere to the agreed conditions and pedestrian management plan requirements, the Council Inspector may instruct the supervisor/applicant to safely shut down or remove tables and chairs until the problem is resolved.

In cases where the tables and chairs set up or pedestrian management plan differs excessively from that which was agreed and/or poses a potential danger to person or property, the Council Inspector will instruct the tables and chairs supervisor/applicant to immediately and safely remove the tables and chairs. Discussions will then be held between the tables and chairs applicant and the Council at a later date to reschedule the placement.

It is the applicant's responsibility to ensure that all statutory undertakers equipment is accessible and free from obstruction.

Licence Duration

The licence is valid for **12 months**.

How much is a Tables and Chairs licence?

- £81.50 per square metre

Damage to the Highway

Southwark Council reserves the right to inspect the site at any time during the tables and chairs licence. If we feel that your tables and chairs placement has damaged or altered the public highway in any way we will carry out repairs and recharge all reasonable costs to the applicant. If no inspection has been carried out to confirm the existing state of the highway prior to the licence operation, you must agree to pay any reasonable charges specified by Southwark

Council if it felt the highway has been damaged. It is suggested that you take photos of the site prior to your operation for your records.

Site Visits

A site visit from a Council inspector to assess your criteria will only be carried out following receipt of the completed tables and chairs licence application form, proposed pedestrian management plan and payment. Should a further site visit be required to discuss additional requirements a charge will be made of £35. This will be payable prior to the meeting being carried out.

2.0 Please submit your signed application form to our office via fax, post or email, including the following documentation:

Letter of Indemnity

Southwark Council requires a signed letter of indemnity before any tables and chairs placement can commence.

It is recommended that you use the pro-forma attached to the application when submitting your letter of indemnity. If you intend to issue your own letter of indemnity, please allow at least one month for Southwark Councils legal team to check and approve it. We advise that the indemnity be dated for one year.

Insurance Liability

Insurance of at least five million pounds is required and a copy of your insurance liability should be provided as proof of the indemnity statement.

Pedestrian Management Plan

A tables and chairs placement on the public highway requires a traffic/pedestrian management plan.

Officers of Southwark Council will examine your proposals, and may amend them if there are any areas of concern. If amendments are necessary, the tables and chairs applicant will be responsible for resubmitting the revised plan.

3.0 Sending Application

Once my application is completed where do I send it?

Once you have completed the tables and chairs licence application you can send it to the Highways Licensing Team by the following methods:

- 1) By Post
- 2) By Email

Once I have sent my application, what happens next?

Southwark's Highway Licensing Team, once completed application and payment are received will perform a site inspection to assess the application requirements, condition of public highway and co-ordination requirements on the licensing database to ensure road and foot space is

available. Over the twenty eight days your application will be assessed and either issued or declined. If an application is declined the reasons will be explained as to why it was not issued at that time.

Once my licence application has been accepted how do I receive my licence?

All licences will be sent by post as they are laminated for the purpose of being displayed outside. All licences are required to be displayed in front window of business for the purposes of informing council officers the licence conditions and contact details in case of an emergency.

If required an electronic version of the licence can be sent to you by email.

No tables and chairs shall be placed on site until a valid licence has been authorised and displayed on site. Unlicensed tables and chairs or tables and chairs waiting for consent will be treated as illegally placed and will be dealt with through the enforcement procedure.

Licence and Deposit Fees

Tables and chairs licence applications must be paid before any site inspections or issue of licence is performed. Tables and chairs licence applications require payment for licence and deposit for potential damages.

Deposits are required to be held by Southwark Council in order to protect the highway authority's assets in the cases where damages are found due to licensed activities being performed. Deposits received by Southwark Council are refundable after site inspection confirms on completion and removal of the licensed activity that no damage has been sustained to the highway.

Deposit Calculation

Deposits are calculated per square metre occupied by tables and chairs as well as surface materials the furniture will be located on. If multiple items are to be placed on the highway then the entire length and width of placement must be included.

Further information of the specific charges can be provided by the highways licensing team.

4.0 Additional Costs and Enforcement

If Southwark Council is made aware of any complaints, failures of licence conditions or enforcement issues an inspection will be carried out by the Highways Licensing Team. If upon inspection the terms and conditions of the licence have been broken, an inspection charge of £35.00 will be deducted from the deposit in order to cover the costs of the inspection.

Where an invalid licence or failure of compliance to licence conditions is found Southwark Council can issue a Fixed Penalty Notice under the Local London Authorities Act 2003 and the Highways Act 1980. If a Fixed Penalty Notice is issued, you have 28 days to pay £50.00 at a discounted amount. If you fail to pay the discounted amount of £50.00 you then have an a further 14 days in order to pay the Fixed Penalty Notice at the full cost of £100.00. If you fail to pay the Fixed Penalty Notice within the 36 day period Southwark Council may wish to prosecute.

5.0 Licence Expiry – Deposit Return

Once the tables and chairs licence has expired or no longer required you must inform Southwark's Highway Licensing Team either by letter or email.

An inspection will then take place and if the site assessment shows no damages to highway the licensee has the right to reclaim the deposit minus any charges levied during the licence period. The deposit will be returned in the form of a cheque payable to the individual or company who applied for the licence.

It should be noted that the deposits will be held for a maximum period of 6 months following the expiry date of the licence. No deposits will be claimable after this time.

What happens if the licensed activity has caused damage to the highway?

Photographs taken before and after completion of the tables and chairs licence will be compared and assessed for damages to the highway. If the assessment shows damages to the highway the repairs will be completed from the deposit. Any further costs required to repair highway will be invoiced to you. Any surplus money not used in repairing the highway will be returned to you.

6.0 Extending your Licence

Tables and chairs licences can only be issued for a maximum of 12 months.

If an extension is required it is the original applicant / businesses responsibility to notify the Highways Licensing Team.

7.0 Transfer of Licence to another Company

It is the applicant's duty to inform Southwark's Licensing Team if another company or business is going to take over the responsibility of the tables and chairs licence. A company which needs to take over a tables and chairs licence must apply for a new licence. If a new company does take over a tables and chairs licence it is still the applicant's responsibility for all damages, conditions and liabilities until the Southwark Highway Licensing Team is informed.

Deposits held by Southwark Council will not be returned until a licence has been requested by the new company taking over the original tables and chairs licence.

You will legally be responsible until a new licence is in place.

Damages found on the highway between the end of your licence and the start of the new licence will remain with yourself. Any remedial works required on the highway will be paid for from monies used as a deposit. Remedial works will not be performed until existing licence expires.

8.0 Regulations and Related Acts of Law

Southwark Council has followed government regulations, advisory notes and acts of law in producing its highway licensing guidance.

The main “Acts” and regulations used in producing the London Borough of Southwark’s Highway Licensing Guidance include:

- Health and Safety at Work Act 1974
- Construction (Health, Safety and Welfare) Regulations 1996
- Management of Health and Safety at Works regulations 1999
- Control of Substances Hazardous to Health 2002
- Construction (Design and Management) Regulations 2007
- Highways Act 1980
- London Local Authorities Act and Transport for London Act 2003
- The Lifting Operations and Lifting Equipment Regulations 1998
- The Provision and Use of Works Equipment Regulations 1998
- British Standard Code of Practice for the Safe Use of Cranes 1989
- The Work at Height Regulations 2005
- Tower Scaffolds – Construction Information Sheet No 10 (Revision 4)
- Builders Skips (Markings) Regs 1984