

Street Furniture Licence Application

Including Tables & Chairs / Barriers / Shop Front Displays / Advertising Boards / Benches / Planters



Highways Licensing, Regulatory Services

2019

Businesses who want to place street furniture on the highway within the London Borough of Southwark must apply for a licence to Southwark Council.

Street furniture is defined as any 'equipment' placed outside of a premises or business including items used for advertising or display of goods.

This application document should be fully considered alongside the Highway Licensing Guidance before completing and sending to the Council's Highways Licensing Team.

The licence start date will be advised once the application is received by the Highway Licensing Team.

All of the following documents are required as part of an application.

1. A completed & signed application form
2. Pedestrian Management Plan
3. A signed letter of Indemnity
4. Company Bank Details and VAT number on letter headed paper. This is needed to set your company up on our systems and to pay back any deposits on your account.
5. A copy of your public liability insurance
6. Any relevant site plans or diagrams

Payment will need to be received before any licence is issued. Payment can be made online or by phone once we have sent you an invoice.

Fees: For a 12 month period

- Standard Licence Fee - 2 square metres and under = £214.00 per Annum
- Additional square meterage fee: £85.60 per square metre (for each metre over 2msq)

Complete applications must be submitted via either:

Email:

highwayslicensing@southwark.gov.uk

Post:

Southwark Council, Network Management,
Regulatory Services,
Highways Licensing Team, Floor 3 Hub 1
PO BOX 64529,
London, SE1 5LX

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 42 day period the London Borough of Southwark may wish to prosecute.

Applicant Details

Full name of applicant

Full address of applicant

Contact telephone number

Mobile telephone number

24 hour contact number

Email address

Name of premises to be licenced

Address of premises to be licenced

Nature of business requiring street furniture licence, (Café, Restaurant, Public House etc)

Does the applicant have day to day management control of the business

Is the applicant the freeholder / lease holder or owner of the premises

(If not please provide details of interest within the premises below)

Do you have planning permission?

(if you do have planning permission please provide copy within your application)

Have you secured public liability insurance for the additional area of trading?

(If you have please include a copy of certification within your application)

Does the business have a Premises Licence (alcohol etc)? If so, please state what time alcohol etc can be taken outside.

Please describe the type of street furniture which is to be used at premises location

Please describe the location in which the street furniture is to be placed (for example footway, pedestrian area, main road or forecourt etc)

Please indicate the total number of items required

Are you renewing a previous licence

If yes, please provide reference number and date of expiry

Agreement to comply with licence terms and conditions

Name

Signed

Date

Street Furniture Licence - Conditions

1. The licence document must be displayed at all times in clear view for inspection by The Council's Highways Licensing Inspectors.
2. The licence only gives permission for the use of the street furniture specified in the Licence document and as agreed.
3. Street furniture should be stored in an appropriate place away from the highway when not in use.
4. The Licensee must have obtained public liability insurance to the value of £5 million prior to their occupancy of the public highway.
5. The Licensee shall not in any way interfere with the surface of the public highway and shall be responsible for the cost of any remedial works resulting from damage caused by any such interference.
6. The Licensee agrees to indemnify the Council from and against any claim in respect of any injury damage or loss arising directly or indirectly out of the grant of this consent and the use by the public of the licensed street furniture.
7. Southwark Council requests the licensed street furniture shall be safe, stable, fit for the purpose intended and properly maintained.
8. Unless specified otherwise in the Licence document, a minimum of 1.2 metres of space either on the footpath or to the public highway kerb edge will be kept free of any obstructions. This space is reserved for the movement of pedestrians and should at no times not be blocked by street furniture or by patrons.

9. The licence granted will be exercised in such a manner as not to cause a nuisance, disturbance or danger to the occupiers of adjoining properties or the users of the highway.
10. The area occupied by street furniture must be cleaned on a daily basis and be kept in a fit state at all times. If requested to do so by Southwark Council, the Licensee will provide mobile litter bins on the public highway in such locations and for such time periods as Southwark Council may specify. Any waste deposited in such mobile litter bins will be treated as commercial waste, to which an additional fee may be levied.
11. The Licensee shall remove street furniture from the public highway immediately if requested to do so by Southwark Council, its agents, contractors or by a statutory undertaker. Additionally, the Licensee must abide by instructions from the Police and emergency services to remove street furniture. In these circumstances a request should be made to Southwark Council before street furniture is replaced.
12. Southwark Council may terminate the licence by providing the Licensee with a seven days written notice (**the Termination Notice**). Upon the service of the Termination Notice the Licensee shall remove the street furniture from the public highway within the stipulated period . In the event that the Licensee fails to comply with the terms of the Termination Notice the Council may remove the street furniture and recover from the Licensee the reasonable costs incurred in undertaking the removal.
13. The Council may serve a Notice on the Licensee requiring them to remedy any breach of the terms of this licence. In the event that the Licensee fails to comply with the Notice, the Council may itself take the steps required by the Notice and recover from the Licensee any reasonable cost incurred.
14. Any notices served by the Council pursuant to this licence shall be deemed to have been sufficiently served if addressed to the Licensee and sent by post or left at the premises.
15. Where an invalid Licence or breach of any Licence conditions is established by the Council it may issue a Fixed Penalty Notice under the Local London Authorities and Transport for London Act 2003. If a Fixed Penalty Notice is issued, you have 28 days to pay the £100 fine. If it is paid within 14 days the level of the penalty is reduced to £50.00. If you fail to pay the Fixed Penalty Notice within the 28 day period, legal proceedings for the offence may be started
16. Upon termination of the Licence the fee paid for any remaining licence period will not be refunded. The deposit will be returned after deductions for any damage to the highway, charges for inspections and other recoverable costs have been made by the Council.
17. The Licence is issued for a specific square meterage. If any items are found outside the licenced area they will be removed under the Highways Act 1980 and London Local Authorities and TfL Act 2003.

Street Furniture Licence - Indemnity

.....("The Licensee") hereby agrees to indemnify, the London Borough of Southwark ("The Council"), their officers and agents from and against all actions in law or equity, damages, statutory or common law losses, costs, charges and expenses arising in any manner whatsoever:

(i) in respect of personal injury or death of any person or persons and

(ii) in respect of damage or injury to any property whether real or personal (including the property of the Council) arising out of the transportation, erection, dismantling and or use of the equipment whether by means of defect (latent or otherwise) in the equipment or by an act (omitted or committed) the Company, its officers, its servants or its agents.

The above indemnity shall be enforceable against the Company in its operation (as aforesaid) of the equipment, whether such information was a result or express authority from the Council or otherwise, unless due to any act or neglect of the Council or any person for whom the Council is responsible.

In the above indemnity, "the equipment" means any equipment, machinery, or load which is or was, at the time of any street furniture licence operation on the highway in the Council's administrative area and is the responsibility of the company or being used by the Company, its officers or its agents, for any such street furniture licence operation.

The above indemnity shall be in force from _____ until _____. The Company undertakes to give the council advance notice of any proposed street furniture licence operation on any highway in the Council's administrative area.

The Company undertakes to maintain public liability insurance for at least five million pounds sterling for any one accident with a reputable insurance company and to produce a copy of the policy and evidence of payment of premium as and when requested from time to time to the Council.

I also confirm that I have the authority to issue the above indemnity on behalf of the Company.

Signed

Print name

Position

Company Date

Street Furniture Licence - Traffic / Pedestrian Plan

Please enclose a plan/illustration which shows the area of the highway to which the application relates to. Please state all dimensions of street furniture in relation to the premises and where appropriate please indicate where street furniture comes within proximity of premises, adjacent buildings, columns or trees. Please use area below to provide site plan/illustration.

(If application it is not clear where street furniture is intended to be used Southwark Council may request further clarification which may delay the approval process)



