



HIGHWAYS ACT 1980, SECTION 115E

APPLICATION TO PLACE TABLES AND CHAIRS ON THE PUBLIC HIGHWAY

Notes to applicants:

1. This form must be returned to the Licensing Section, Environmental Health, Watford Council, Town Hall, Watford, WD17 3EX. If you have any queries about completing it, you may telephone the Licensing Section on (01923) 278503, direct fax 01923 230765 or e-mail Envhealth@watford.gov.uk.
2. Your application must be accompanied by **SIX** scale plans of the area you wish to place the tables and chairs, showing the precise location of the tables and chairs on the highway. Please make sure that the scale used is shown on the plans. Inaccurate or illegible plans will be rejected.
3. The fee for the permit is £258 from 1 April 2005 and is payable before a permit may be issued. The renewal fee is £217 from 1 April 2005. Unsuccessful applications may be given a refund after administration costs have been deducted.
4. No permit will be issued for longer than one year. On payment of the renewal fee the permit may be renewed for a further year, providing the Council is satisfied there are no reasons not to renew it. Reasons for non-renewal include failing to comply with permit conditions, or due to highways works which may be planned to take place.
5. Specimen conditions normally included in permits are enclosed. Applicants should ensure that they are able to meet these conditions before applying for a permit.

Please answer all questions:

1) Your surname:	First Name:
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2) Company name/address and postcode:
Telephone:
Fax:
E-mail:

3) Address of premises where it is proposed to place tables and chairs:

Telephone Number:

Please give the name of a contact person at these premises if different from 1) above:

4) Please tick as appropriate:

Do you occupy these premises as freeholder leaseholder tenant other

5) If you are not the freeholder of these premises, please state the name and address of who is:

Telephone Number:

Contact Name:

6) What is the nature of the business at these premises? (please be specific)

7) How many tables and chairs do you propose to site?

8) Please indicate below the proposed days and times of operation for the tables and chairs:

Day	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Times from							
Times to							

10) Please enclose a copy of your current Public Liability Insurance Certificate to the sum of £1million.

11) Name of proposed licensee (this must be an individual):

12) Your signature:

13) Date:

DATA PROTECTION ACT 1998

Information about you may be stored electronically or manually, and will only be processed in accordance with the Act. Certain information may be open to public inspection or record. However, we may exchange information with others where necessary, for example, for the purposes of the prevention or detection of crime or the collection of taxes, or where we are required to do so by law.

PAVEMENT LICENCE

HIGHWAYS ACT 1980 PART VIII A

Definitions

“Defined Area” – the area shown on the agreed plan delineated in red where tables, chairs and other furniture as agreed by the Council may be placed on the highway

“Code of Practice” – the Department of Environment, Transport and the Regions *Code of Practice on Litter and Refuse* issued under section 89(7) of the Environmental Protection Act 1990

“Grade A, B, C or D” – the Photographic Standards set out in the Code of Practice

“Operational Margin” – an area surrounding the Defined Table Area to a distance of 2.4 metres (or less where this would be to a building line or to a point midway to an adjoining Defined Table Area

Recitals

In accordance with the Highways Act 1980 Section 115 K (1)(a) and (b) the Watford Borough Council (“the Council”) grants permission to

«**Title**» «**FirstName**» «**LastName**» (‘the Licencee’)

of «**Company**», «**Address1**», «**Address2**», «**County**» to use «**Number_Chairs**» chairs with «**Number_tables**» tables and umbrellas on the highway outside «**Premises**», (“the Premises”), «**Highway**» within the Defined Table Area.

Duration and times of licences

1. The permission shall run from for a term of one year until «**Expiry_date**».
2. The Licencee to use the Land for the placing of tables and chairs in the course of his business only between the hours of «**Hours_of_use**», except that the tables and chairs shall be removed from the Defined Area whenever the Premises are not open to the public.

Use of Land

3. The permission is personal to the Licensee.
4. The Licencee to use the Defined Area for the purpose of consuming refreshments in connection with his restaurant business only and not for any other purpose whatsoever.
5. No tables, chairs or barriers may be placed in the Defined Area until the Council’s Head of Environment, Health and Licensing has given his approval as

to the type and designs to be used and the tables, chairs and barrier must be kept in good repair and condition at the Licensee's expense.

6. No charge shall be made by the Licensee for the use of the chairs and tables.
7. No other furniture or objects may be placed on the highway other than that expressly permitted in this licence.

Barrier around the tables and chairs

8. The Licensee must ensure that Defined Area is clearly delineated in a manner acceptable to the Council before tables and chairs may be placed on the highway;
9. (a) The Licensee must provide a sign to read:
"These tables and chairs are for customer's use only".

(b) The Licensee must provide a sign to read:

"Drinking-Up Time. Customers should note that alcoholic drinks may not be consumed in this area after 8.30 pm"

Access to the Land

10. The Licensee shall, if required to do so by a Statutory Undertaker, in order that access may be obtained to equipment under or near the footway or highway or if the Council requires access to the Defined Area for any reason whatsoever, remove the tables and chairs from the Defined Area.
11. Where the Licensee is given at least seven days' written notice by either (a) the Council or (b) a police officer of at least the rank of Inspector, he shall remove the tables and chairs from the Defined Area for the period of time as will be specified in the notice.

Sale of alcohol

- 12(1) Intoxicating liquor (as defined in the Licensing Act 1964) may only be served to customers using the tables and chairs if the Licensee holds an appropriate liquor licence under the Licensing Act 1964 as amended.
- 12(2) The Licensee shall ensure that soft drinks and water are available to be purchased by customers using the tables and chairs.

Cleanliness and Hygiene

13. The Licensee shall:
 - (a) ensure that all litter arising from the operation of this licence shall be disposed of as the Licensee's trade waste;

- (b) prior to placing furniture on the highway the Operational Margin shall be swept free of all litter and debris to Grade A of the Code of Practice;
- (c) If the Operational Margin meets grade B of the Code of Practice shall be cleaned and returned to grade A within one hour;
- (d) If the Operational Margin meets grades C or D of the Code of Practice it shall be cleaned and returned to grade A immediately;
- (e) clear litter and food debris, and wash all spillages and grease, from the Operational Margin immediately after the tables and chairs are removed from the Defined Area;
- (f) not dispose of waste from the Licensee's operations in the permanent litter bins provided by the Council;
- (g) ensure so far as possible that customers eating or drinking outside the Premises do so only at the tables provided and at the times specified in condition 2, and that the numbers of customers drinking outside the Premises are restricted to the number of chairs provided and which the Licensee is allowed to place outside the Premises.

Cutlery, Crockery, Condiments etc

13. A flame-retardant receptacle for litter and ash shall be provided within the Defined Area.
14. No paper cups, disposable sachets or containers shall be provided within the Defined Table Area.
15. All menus shall be enclosed in weighted folders.
16. Serviettes shall be enclosed within a dispenser and be specifically identifiable to the Premises.
17. No leaflets or other forms of advertisement or other printed material shall be left or distributed within the Defined Area or Operational Margin.

Good Order

18. The Licensee must ensure that good order and behaviour is maintained at all times by people using the tables and chairs. Where the Licensee employs any person to ensure the safety and security of the Premises and its customers, such persons must be registered with the Council's Registered Door Supervisors' Scheme and must follow the Council's Regulations for Door Supervisors.

Costs

19. The Licensee shall be responsible for any rates, taxes and other outgoings which may be charged.
20. The fee for the provision of this permission shall be £210.

Termination

21. The Licensee may surrender this licence at any time.
22. The Council may withdraw this licence at any time if it appears to the Council that the conditions by which it is granted are not being complied with, providing that the Licensee is first given an opportunity to make representations to the Council as to why the licence should not be withdrawn.

Indemnities and Insurances

23. The Licensee shall make no claim or charge against the Council in the event of the chairs or tables or other objects being lost, stolen or damaged in any way from whatever cause.
24. The Licensee shall indemnify and keep indemnified the Council against all actions proceeding claims demand and liability in respect of personal injury, damage to goods or property, or any loss arising out of the grant of this licence and the Licensee's use of the Land and for this purpose must take out at the Licensee's expense a policy of insurance approved by the Council in the sum of at least £1 million in respect of any one event.

The Licensee's attention is drawn to the Highways Act 1980 Section 155k (failure to comply with terms of permission).

Dated: 09 December 2004

Signed for the Council: