



RUSHMOOR
BOROUGH COUNCIL

Section 115(E)
HIGHWAYS ACT 1980

**STANDARD
CONDITIONS IN
RESPECT OF PERMITS
TO PLACE OBJECTS
(TABLES & CHAIRS)
ON THE HIGHWAY**

1. STANDARD CONDITIONS

1.1. The following conditions shall be imposed on all permits.

1.2. INDEMNITY & INSURANCE

1.3. The permit holder shall, at all times and at his own expense, hold a valid certificate of liability insurance that indemnifies Rushmoor Borough Council and Hampshire County Council of not less than £10 Million against any claims, injuries, accidents, damage or loss arising from the consent to place objects (tables and chairs etc) on the highway.

1.4. The permit holder shall make no claim or charge against the Council in the event of any object(s), equipment or furniture being lost, stolen or damaged in any way howsoever caused.

1.5. HOURS OF OPERATION

1.6. (i) Unless otherwise stated, all objects (tables and chairs etc) may only be placed on the highway on the days and during the permitted hours specified in this permit.

(ii) Outside the permitted hours and dates above and/or when it is not intended to operate, all objects (tables and chairs etc) shall be removed from the highway and shall be stored in a place reserved for that purpose which shall, in any event, not be on the highway.

(iii) In order that objects (tables and chairs etc) are fully removed by the end of permitted hours, all service(s) provided in connection with the objects and permitted area(s) shall cease at least 30 minutes before the end of permitted hours.

(i) Where appropriate, customers shall be informed and made aware that all objects must be removed by the end of permitted hours.

1.7. If one or more permitted areas includes an area (whether in whole or in part) upon which a market is held, no objects (tables and chairs etc) shall be placed on the highway on market day(s).

1.8. If one or more permitted areas includes an area (whether in whole or in part) upon, over or through which a rally, procession or other similar event will take place, no object(s) (tables and chairs etc) shall be placed or consequently stored on the highway while the event is taking place.

Highways Act 1980

1.9. All objects (tables and chairs etc) shall be removed from the highway within any specified timeframe, or immediately if so required by Rushmoor Borough Council, Hampshire County Council, any emergency service(s), and any statutory undertaker(s) or telecommunications operator(s), so as to permit the use of, repairs to, or work(s) on, under or over the highway (whether in whole or in part) or any other reason.

1.10. LAYOUT, DESIGN, MAINTENANCE & CLEANLINESS

1.11. All objects, tables and chairs etc must conform to, and be well maintained in accordance with the current approved design specification in force for the time being.

1.12. All objects (tables and chairs etc) shall be maintained in good order and in a suitably clean and tidy condition at all times.

1.13. (i) Any object (tables and chairs etc) that is damaged or may cause damage to the highway and / or associated street furniture, or does not otherwise conform to the approved specification must be immediately withdrawn from use.

(ii) Where the above condition prevents the use of objects that form part of the permitted enclosure of the area(s) concerned, no object(s) (tables and chairs etc) shall be permitted on the highway until the enclosure can be suitably reinstated in accordance with this consent and the attached plan(s).

1.14. Only those objects (tables and chairs etc) specified in this permit may be used on the highway. The type and number of such objects shall not exceed those prescribed in this permit.

1.15. (i) Objects (tables and chairs etc) shall not be located and/or arranged in any area, layout or other such configuration otherwise than in accordance with this permit and the attached plan(s).

(ii) In particular, the area(s) in which objects (tables and chairs etc) are permitted shall not be exceeded or otherwise exceed the dimensions / area(s) specified / shown on this permit and any pitch limits marked on the ground.

(iii) In particular, heat producing equipment (e.g. space heaters), where authorised, shall only be located within the permitted area in accordance with the attached plan(s) and shall not, in any circumstances, be (re)positioned at any boundary or otherwise used as part of the means of enclosure at any time.

1.16. So far as is reasonably practicable, the permit holder shall contain his, and his customer(s) activities to within the permitted area(s). In particular, and;

Highways Act 1980

- (i) so far as is reasonably practicable, customers shall not be permitted to move any object(s) (tables and chairs etc) beyond the permitted area(s);
- (ii) so far as is reasonably practicable and, where appropriate, customers shall be asked to return and keep objects (tables and chairs etc) within the permitted area(s) in accordance with this permit and the attached plan(s); and
- (iii) regardless of the above and, where appropriate, objects (tables and chairs etc) moved by customers or any other individual(s) shall be rearranged in accordance with this permit and attached plan(s) as soon as is reasonably practicable.

1.17. The permit holder shall ensure that the permitted area(s) are suitably and regularly monitored to ensure compliance with this part.

1.18. USE OF HIGHWAY & PERMITTED AREA(S)

1.19. The permit holder shall ensure, so far as is reasonably practicable, that the tables and chairs etc, and persons using them, do not at any time obstruct the passage of, or cause danger to any person lawfully using the highway on which they are situated.

1.20. (i) No charge shall be made or otherwise levied in connection with the use of any object(s) (tables and chairs etc) permitted on the highway save for payment of food and refreshments etc.

(ii) The permitted area(s) shall be used solely for the purpose of consuming refreshments, and for no other purpose (unless otherwise stated).

1.21. (i) Where table service operates within the business premises to which the permit relates, it must be extended to cover the permitted area(s).

(ii) Where the business premises to which the permit relates ordinarily operates on the basis of self-service, it must ensure that the transfer of food or drink to and from the permitted area(s) is conveyed by a waiter / waitress service at all times.

(iii) Only those customers that are seated / occupying tables and chairs may be served or otherwise permitted to place an order for service or refreshment.

1.22. (i) Subject to local byelaws or orders and unless specifically authorised by virtue of a premises licence or temporary event notice under the Licensing Act 2003, no alcoholic refreshments or late night refreshment(s) shall be provided in any permitted area(s).

Highways Act 1980

- (ii) While food and drink may be sold / supplied from the business premises, equipment such as refrigerators, freezers, barbeques, rotisseries, ice cream machines, drinks machines and similar equipment that provide for the direct sale of food and drink on the highway will not be permitted otherwise than in accordance with a valid street trading consent under the Local Government (Miscellaneous Provisions) Act 1982 and, where appropriate, a valid authorisation under the Licensing Act 2003.
- 1.23. (i) No objects, equipment or furniture shall be bolted, chained or otherwise secured or affixed – either temporarily or permanently - to the highway or anything else on the highway (i.e. street furniture).
- (ii) No excavation or interference of any kind shall be made in the surface of the highway, which shall be left entirely undisturbed.
- 1.24. (i) The permit holder shall be responsible for and shall, as soon as is reasonably practicable, formally notify the Council of any damage, within any permitted area(s), caused to the highway and/or street furniture through any act or omission arising from the permit to place objects (tables and chairs etc) on the highway.
- (ii) The permit holder shall pay the Council the cost of making good any damage caused to the highway and / or street furniture in consequence of the permit holders operations thereon.
- (iii) In all cases, repairs to the highway or street furniture shall only be undertaken by the Highway Authority or its appointed representatives or agents.

1.25. VISUAL & PUBLIC AMENITY

1.26. Lighting

- 1.27. In hours of darkness, suitable and sufficient lighting must be provided to and within the permitted area(s).

1.28. Planters

- 1.29. Where applicable, planters must be convincing and well stocked and the plants within them must be well maintained in good condition throughout all seasons. Planters shall be kept clear of litter.

1.30. Smoking

- 1.31. (i) The significant proportion (i.e. greater than 50%) of the permitted area(s) and objects (tables and chairs etc) shall be classed as smoke free and reserved only for the use of non-smokers.

Highways Act 1980

- (ii) The non-smoking proportion detailed above shall be located 'en-block' and where appropriate, adjacent to the business premises to which they relate (i.e. at the back of the footway along the relevant building line).
- (iii) Where objects (tables and chairs etc) are located in the centre of the street, the non-smoking proportion detailed above shall, where appropriate, be located 'en-block' in any arrangement at the discretion of the permit holder.

1.32. Suitable and sufficient 'no smoking' signs shall be displayed in all smoke free areas or on all smoke free facilities provided there.

1.33. Smoking shall not be permitted in any area classed / signed as smoke free or otherwise reserved for the use on non-smokers.

1.34. Advertising

1.35. (i) Subject to the following, no goods, products, commodities or services shall be advertised or displayed for sale on or within any permitted object(s) or area, or any other section of the public highway, otherwise than in accordance with this permit and the current approved design specification.

- (ii) Further to the above, only those goods, products, commodities or services offered for sale or otherwise provided in connection with the permit to place objects on the highway may be advertised for sale by way of a menu, menu board or similar. However, all such items (e.g. A-boards, menu boards etc) must be kept within the permitted area(s) at all times.

1.36. PUBLIC SAFETY

1.37. The licence holder shall not cause or allow any street obstruction.

1.38. The licence holder shall not cause or allow any danger to any individual(s) using the street.

1.39. No object(s), equipment or furniture shall be permitted to obstruct (whether in whole or in part) any fire escape, hatch or doorway leading to or from any premises at any time.

1.40. In the interests of safety, umbrellas, parasol, canopies and similar shall not be used in blustery or windy weather conditions and shall be folded / closed down or, where appropriate, removed.

1.41. PREVENTION OF PUBLIC NUISANCE

1.42. General

1.43. The licence holder shall not cause or permit any activity within the permitted area(s) that may give rise to nuisance or annoyance to any person using the street or otherwise.

Highways Act 1980

- 1.44. The permit holder shall not cause or permit anyone to call out, importune or otherwise tout for any business arising from or in connection with the permit to place tables and chairs on the highway.
- 1.45. No entertainment(s) or any form of music shall be provided or broadcast in / from any permitted area(s). Similarly, no amplified public address shall be used or broadcast in or from any permitted area(s).
- 1.46. By way of minimising noise and disturbance, equipment and furniture must not, at any time, be dragged along the ground to or from its place of storage or any other place.

1.47. Litter & Refuse

- 1.48. The permitted area(s) and the highway in the immediate vicinity shall be maintained in a clean and tidy condition at all times.
- 1.49. (i) Trays, glasses, crockery, napkins, utensils, packaging and any other items that may reasonably be placed on tables and chairs by the permit holder (or any other individual(s)) when in use, shall be removed from tables and chairs when they are not being used by customers **(Reason: To prevent public nuisance)**.
- (ii) Only menus and/or such other information that will enable the permit holder to identify the location of any individual(s) that may subsequently use the tables and chairs may be placed on the tables provided when they are not being used. However, all such items must be securely fastened to prevent them being blown away by wind or strong draughts **(Reason: To prevent public nuisance)**.
- 1.50. (i) Refuse and other litter generated in consequence of the provision and use of tables and chairs etc shall be cleared away at frequent intervals throughout the permitted period.
- (ii) The permit holder shall ensure that all waste / rubbish / refuse generated and/or arising from the permit to place tables and chairs on the highway is stored in and subsequently disposed of from suitable and sufficient receptacles, provided and maintained by him at his own expense for that purpose.
- (iii) The permit holder shall, at his own expense, ensure that all refuse and litter on the highway in the vicinity of the area(s) permitted by the consent is removed at frequent intervals throughout the permitted period, and always at the close of business on any day.
- (iv) Refuse and other litter generated in consequence of the provision and use of tables and chairs etc shall not be disposed of in any litter bin(s) (i.e. street bins) provided by the Council / Highways authority.

Highways Act 1980

- 1.51. (i) Prominent, clear and legible notices must be displayed within the permitted area(s) requesting patrons to dispose of litter responsibly.
- (ii) The permit holder shall, at his own expense, provide suitable and sufficient litterbins within the permitted area(s) or at the access / egress point(s) to any permitted area(s) to assist with this requirement.
- 1.52. (i) The permit holder shall, at his own expense, ensure that the permitted area(s) and the highway in the immediate vicinity shall be thoroughly washed / cleaned at the end of each day's usage.
- (ii) Regardless of the above, the permit holder shall, at his own expense, clean and, where appropriate, immediately wash down the highway where there is any spillage / food debris etc arising from the consent to place objects (tables and chairs etc) on the highway.
- (iii) In any case, any such cleaning shall be undertaken to a level to the satisfaction of the Council and / or Highways authority.

1.53. ACCESSIBILITY

1.54. General access arrangements

- 1.55. A walkway free of obstruction(s) of 1.8metres must be maintained for pedestrians at all times, either adjacent to the premises or adjacent to the highway in accordance with the attached plan(s).

1.56. Other access

- 1.57. Authorised officers of the Council and police officers shall be afforded access to any permitted area(s) at all reasonable times.
- 1.58. Notwithstanding the attached plan(s), objects, equipment or furniture shall not be sited on, over or otherwise in such a position as to obstruct access to drainage outlets, utility covers and similar apparatus at any time.

1.59. OTHER MATTERS

- 1.60. This permit is specific to the person(s) to whom it is issued. It is not transferable to any other person, agent, company or representative. The permit holder shall not therefore assign, sub-let or otherwise part with his interest in or possession of the permit, otherwise on formal surrender to the Council.

Highways Act 1980

- 1.61. The Council may vary the permit and/or the conditions attached hereto at any time.
- 1.62. The permit holder shall be responsible for any rates, taxes and/or other outgoings which may be charged or levied arising from or otherwise in connection with the permit to place objects (tables and chairs etc) on the highway. The permit is granted on condition that no cost(s) shall be incurred on or otherwise apportioned to Rushmoor Borough Council.
- 1.63. During any period in which any object(s) are placed on the highway, a copy of this permit and the conditions attached thereto shall be displayed in a prominent position in the front window of the business premises to which it relates (or otherwise nearby), so as to be clearly visible from the outside to anyone wishing to inspect it.
- 1.64. The permit holder shall, within 7 days, formally notify the licensing authority in writing of any change to their title, name, address and/or contact details.
- 1.65. The permit holder shall, if required, notify the Council in writing the name and address of any person employed by and/or acting under the direction(s) of the permit holder.
- 1.66.
 - (i) The licensing authority reserves the right to withdraw or otherwise suspend this permission at any time in the event of any breach of any term or condition(s). In the event of such breach, the licensing authority may also carry out such works to remedy the breach in default and, where appropriate recover the cost(s) of doing so.
 - (ii) In particular, if allocated boundaries to any permitted area(s) is / are exceeded, the licensing authority reserves the right to request the removal of the object(s) / equipment / furniture and, where this is not undertaken to the satisfaction of the authority, to remove them itself and recover the cost(s) of doing so.
- 1.67.
 - (i) The permit holder and / or his representative(s) (including staff or agents) shall comply with any directions or requirements issued / given by a police constable or an officer of the Council.
 - (ii) In accordance with the above, this permit may be temporarily suspended at any time to enable work(s) to be carried out on, in, under or over the highway on which the tables and chairs etc are situated or any adjacent highway.

-oOo-