

# Tables and chairs on the Highways

## Terms and conditions

General conditions for a Licence issued under Section 115E of the Highways Act 1980.

The following are general conditions only, and site circumstances may dictate other special conditions to be applied, which will be listed on the licence when issued. The terms and conditions are subject to any changes in legislation.

The applicant shall agree to conform to the conditions when applying for a licence. For the purpose of this document 'amenities' has the same meaning as the following:

- Tables
- Chairs
- Barriers
- Umbrellas

The licence will only cover the area as shown on the licence. The licence shall only be valid during period granted. At the end of the licence period, the licensee will need to apply for a new licence. The licence fee shall be paid in full when completing the application.

The licence must be clearly displayed in a prominent position either within the licensed area or in the window of the licensed premises at all times, so that the user of the amenities as well as the Council may easily see it.

Failure to do so will result in the withdrawal of the licence by the Council or a fixed penalty notice. The amenities covered within the licence must not encroach or obstruct any adjacent premises or its frontage.

The licence will cover the use of amenities by customers for consuming food and or refreshment which have been purchased from the licensed establishment.

The licence does not permit the use of the amenities for any other purpose.

The amenities covered within the licence must be sited so as to ensure they do not extend further than the licensed area and is in accordance with the approved layout in the licence (leaving minimum footway clearance of 2.0 metres).

The amenities covered within the licence must not be placed on the highway before the permitted start time for each day unless with the permission or under the direction of Milton Keynes City Council.

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The amenities covered within the licence must be removed from the highway no later than the permitted end time for each day unless with the permission or under the direction of Milton Keynes City Council.

The licensee shall keep and maintain the licensed area and the immediate vicinity of that area in a clean tidy condition and free from litter.

The licensee shall remove the amenities from the public highway if requested to do so by the Council, an agent or contractor working on behalf of the Council, a statutory undertaker or serving Police Officer in uniform.

The licensee shall not reposition the amenities on the public highway until notified by the Council, the statutory undertaker or the Police, that they may do so.

The licensee must ensure that the level of noise created by the use of these facilities shall not reach a level that will cause a nuisance.

No person shall cause or permit any act within the refreshment area which may be or become a nuisance or inconvenience or cause damage or annoyance to the Council or other persons or which may infringe any statutory rule order or regulation for the time being in force.

The consent excludes 'A boards' and any other amenities that are not specified on the licence.

The footway must not be obstructed by patrons standing between designated tables and chairs area defined in the licence and the kerb. Uniform table and chairs must be used.

The licensee shall 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 the licence and the use by the public of the amenities. The licensee must obtain public liability insurance with a minimum cover of £5 million and include the licenced area for the full term of the licence.

The licensee shall provide to the Council a copy of their public liability insurance certificate upon application, which shall be valid for the period of the licence. To permit the Council or any other person authorised by the Council from time to time to inspect the refreshment area for the purpose of ascertaining whether all or any of the provisions of this Licence are being observed and performed.

The Council may suspend this licence by giving the Company twenty four hours notice in writing (or less in an emergency) specifying the period during which the licence is to be suspended for the purpose of enabling the Council to carry out works of maintenance in the highway.

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If the licensee fails to observe and perform any of the agreements and undertakings on their part therein contained then the Council may issue a 7 day notice in writing to end the licence and the company shall thereupon forthwith vacate the refreshment area and remove all things belonging to the company.

Where the Council serves a 14-day notice on the licensee requiring them to remedy any breach of the terms of the licence and the licensee fails to comply, the Council may itself take the actions required by the notice and recover from the licensee any expenses incurred.

The Council may withdraw the licence at any time upon giving the licensee a seven days' notice period in writing. Upon withdrawal of the licence the applicant shall remove the amenities from the public highway and, in default, the Council may remove the amenities and recover from the applicant the costs in doing so.

The terms and conditions are subject to any changes in legislation and the Council may be required to alter the terms and conditions in relation to any changes upon giving the licensee a seven days' notice period in writing.

Any notice given to the licensee shall be deemed to have been sufficiently served if addressed to the applicant and/ or licensee and sent by post or left at the premises.

On the expiry of the licence, (for whatsoever reason) the licensee shall vacate the refreshment area and leave the same in a clean and tidy condition, removing litter and making good any damage caused by the placing of tables and chairs in that area.