



Terms and conditions

To use tables and chairs on the highway

SECTION 115 HIGHWAYS ACT 1980

1. The Licence is granted for a term of one year or until the 31st May depending upon when the application is granted.
2. The Licence applies to the Licensee and is not assignable to anyone else.
3. Permission applies only in the area of highway defined by the licence.
4. Permission applies only on the days and times defined by the licence. The Licensee must remove the tables and chairs and other objects from the highway outside these hours.
5. The Licensee must remove the tables and chairs immediately if required to do so to permit works in, or the use of, the highway by:
 - the Council,
 - the police service,
 - the fire service,
 - the ambulance service,
 - any statutory undertaker (for example South West Water, BT, etc)
 - builders' vehicles,
 - hearses,
 - furniture removal vans.
6. The Licensee must at all times be covered by Public Liability Insurance which:
 - has minimum cover of £5 million and
 - indemnifies the Council from and against all actions, proceedings, claims, losses, expenses and liabilities whatsoever in respect of loss of life or personal injury or damage to property, howsoever caused, arising out of or in any way attributable to the use of tables and chairs on the highway.

Evidence of this insurance must be available for inspection by the Council on request.

7. The Licensee must make no fixtures to or excavations of any kind in the surface of the highway, which shall be left entirely undisturbed.



8. The type of equipment must:
 - be approved by the Council,
 - be kept in good repair,
 - not pose any danger to highway users.
9. Refuse and litter deposited on the highway in the vicinity of the tables and chairs must be removed each day by the Licensee at the Licensee's expense, or at more frequent intervals as may be required by or under the Environmental Protection Act 1990. The licensee is to hold a trade waste certificate, trade waste being removed by a licensed carrier.
10. The licence fee is non-refundable.
11. The licence must be displayed on the premises so that it is visible from the outside.

Non-compliance with Terms and Conditions:

The Council has the right to revoke the licence at any time if any of the terms and conditions subject to which the licence has been granted are not complied with.

The Council will serve written notice requiring the Licensee to remedy the breach, or obtain a valid licence, within 5 days.

The Council has the power to remove items from the highway if they are unlicensed, if the Licensee has failed to respond to the written notice, or if there is an obvious immediate risk to public safety.

The expenses incurred by the Council in removing the tables and chairs will be recovered from the Licensee, and the Licensee may also be fined up to £1000.