

POLICY FOR LICENSING OF TABLES AND CHAIRS ON THE HIGHWAY

1. Introduction

Provision of tables and chairs on the highway can support local business such as cafes, restaurants and bars, and add colour, vibrancy and atmosphere to the streets of Bristol. The Council wishes to encourage proposals that underpin the Council's commitment to achieving a high quality environment for citizens and visitors alike.

Whilst tables and chairs on highway land can be a vital part of the life and character of an area, if they are not carefully controlled, pedestrians can be put in danger. People with impaired vision, in wheelchairs or with prams can be particularly disadvantaged. In some places, people eating or drinking outdoors can also cause noise nuisance for residents.

2. What is a Tables and Chairs Highway Licence?

A Tables and Chairs Licence is a licence granted by the local authority, which allows the licence-holder to place removable furniture on footways, pedestrianised areas including closed roads or on carriageway adjacent to the premises in relation to which the application was made.

2.1 Siting tables and chairs on closed roads

~~In some cases, in primarily non-residential roads, the Council will consider requests to close roads in order to allow tables and chairs to be placed on the carriageway (i.e. on the road) as well as pavements. Road closures take longer to arrange than ordinary Table and Chairs Licences, since they require traffic orders, signs and other road equipment. Evidence of local support for such closures should be submitted with the application.~~

Legislation revoked.

2.3 Siting tables and chairs in the carriageway

~~The Council recognises that space on our footways is limited given the need to maintain social distancing and that road closures are not always possible. Therefore some businesses may wish to consider applying to use on-street parking bays adjacent to their premises (or equivalent areas where there is single yellow line) in lightly trafficked locations. The licences will permit the use of roadway areas for customer seating or for serving food or drink.~~

~~Public safety is vital and busier roads, usually those with bus routes, would not be suitable for placing pavement furniture on the roadway. Even in quieter locations, careful consideration will be given to the risks to public safety of any proposal.~~

Legislation revoked.

2.4 Canopies and Electrical connections

The Tables and Chairs Highway Licence permits the licensee to use tables and chairs only. If applicants wish to use canopies or awnings they must apply for a separate Streetscape Canopy & Awning licence. If the applicants wish to have an external electrical connection (e.g. lighting) or a heating source then they must apply for a separate Exterior Electrical and Lighting license.

3. Fees and How to Apply

Applications are to be made online using the online application form. The Application fee for a Pavements Licence and the Tables and Chairs Licence is currently capped by Government at £100 until 21 September 2021, at which time the process and fees will be reviewed.

If the applicant requires a Temporary Traffic Regulation Notice (TTRN) this is subject to an additional fee. In cases where a TTRN applies the fee for a Tables and Chairs Highway Licence is waived.

Additional fees apply for Exterior Electrical and Lighting license and Streetscape Canopy & Awning licence. Further details can be found online.

4. Conditions of the Licence

All licences will be subject to conditions, a list of which can be found online with the application form.

5. Consultation

Once an application is submitted to the local authority, Bristol City Council has 10 working days from the day after the application is made (excluding public holidays) to consult on, and determine the application. This consists of 5 working days for public consultation, and then 5 working days to consider and determine the application after the consultation.

6. Determination of the Application

The Area Highways Maintenance Team Manager, acting on delegated powers, will determine any licence application. Each case will be assessed on its merits.

Where an application has been refused by the Area Highways Maintenance Team Manager the applicant may challenge this decision and appeal to the Highway Maintenance Group manager and then the Director of Management of Place

The Director of Management of Place's decision is final. The Highways Act 1980 has no provision for appeals against the decision of the council in relation to the refusal to grant, renew, suspend or revoke a license.

7. Other regulatory process

The grant of a Tables and Chairs Highway Licence licence only permits the placing of furniture on the highway. Other regulatory frameworks still apply such as the need for alcohol licenses and the need to comply with registration requirements for food businesses.

If the applicant has a licence to serve alcohol on-premises temporary amendments to the Licencing Act 2003, through the Business and Planning Act 2020, will allow them to sell alcohol for consumption off the premises without needing to apply for a variation of their licence.

Applicants must have regard to their own duties under the Equality Act 2010, such as their duty under section 29 of the Act not to discriminate in providing their service and provide a smoke-free seating condition as set out under the Business and Planning Act 2020.

8. Additional information

This policy is subject to change, without notification, as national guidance on Licensing changes as well as advice concerning the management of the Covid19 pandemic.

Signed

Stephen Peacock, Executive Director Growth and Regeneration

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Date *22/9/20*