

Summary

To place tables, chairs or other temporary furniture on the pavement (where the pavement concerned is part of the public highway) you require permission from your local authority. This is to ensure that adequate space is available for the safe and free movement of all highway users, and that consideration is given to the location of the amenity in terms of possible noise disturbance for local residents and nearby shops and offices.

Fees

Application Fee: £102
Maintenance Fee: £ 31
Transfer Fee: £ 68

Renewals

There is no renewal process; a new permit will need to be applied for on expiry of the previous permit.

Validity

Unless a shorter period is specifically stated, all permits will be granted for a maximum of one year from 1 May to 30 April.

Eligibility Criteria

The Licensing Authority does not consider any planning permissions in issuing these permits as Licensing and Planning are two separate regimes.

To place the tables and chairs legally on the highway, you should have both these permissions in place. Further information about planning permissions can be found at:

<https://beta.bathnes.gov.uk/apply-planning-permission>.

Application

Applications must be in writing (including by electronic means) and must include:

- Applicant's name and address.
- Trading name and address of the premises for which permission is required.
- Contact email address.
- Contact phone number.
- Details of the items required (number of tables or other items you wish to use e.g. planters, boundary markers etc.).

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- Size/dimensions of the area on which you wish to place the items.
- Specific part of the premises you intend to place the items e.g. front of premises, side of building etc.
- Days and times each day you wish to place the items on the highway.
- Planning permission reference number.
- Reference number of any licence you hold that permits you to sell alcohol from the premises.
- Details of adjoining premises (the Council has to notify any "affected frontagers" of the application).
- An illustration or photo of the type, colour and dimensions of the furniture.
- A site plan, to scale, indicating the dimensions of the area of highway to be used.
- A copy of your Public Liability Insurance.
- Receipt number for payment of your fee (details of how to pay are available at <https://www.bathnes.gov.uk/services/business/licences/make-payment>).

We cannot process your application without the above information.

An online application form is available at
<https://www.bathnes.gov.uk/form/tables-and-chairs-application>.

Consultation

On receipt of a valid application we will consult with:

- Development Control/Planning
- Highways Department
- Property Services
- Police
- Local Ward Councillor(s)
- Adjacent Premises/Affected Frontagers
- A public notice will also be placed on the highway for a period of 28 days.

Objections

Anyone wishing to make an objection to an application must give written notice of their objection to licensing@bathnes.gov.uk, stating the grounds of the objection, within 28 days of the date of the application.

Evaluation

We must allow 28 days for objections to be made. If any objections are received, the application will be referred to the Council's Licensing Committee for determination. There is no statutory period for determining applications; however, we aim to determine applications within 90 days.

Conditions

Permits are subject to a set of standard conditions. The Council may also add conditions specific to your establishment if it considers it necessary.

Tacit Consent

Tacit consent applies. This means that you will be able to act as though your application is granted if you have not heard from the local authority by the end of the 90 day target completion period.

Right of Appeal

Please contact licensing@bathnes.gov.uk in the first instance. An appointed arbitrator will determine if consent has been unreasonably withheld, and will adjudicate if there is disagreement as to conditions attached.

Customer Complaints

If you have a complaint about a trader, we would advise you first to contact the trader – preferably by letter with proof of delivery. If that is unsuccessful and you are in the UK, the Citizens Advice Bureau at <https://www.citizensadvice.org.uk/> will assist you. If you are outside of the UK, contact the UK European Consumer Centre at <http://www.ukecc.net/>.

If you believe a premises is placing furniture on the highway without permission, please contact licensing@bathnes.gov.uk.

If you wish to sell alcohol you will need to apply for a Premises Licence under the Licensing Act 2003. Please contact licensing@bathnes.gov.uk for further guidance.

Relevant Legislation

- Part VIIA Highways Act 1980
<http://www.legislation.gov.uk/ukpga/1980/66/part/VIIA>
- Local Government (Miscellaneous Provisions) Act 1982
<http://www.legislation.gov.uk/ukpga/1982/30>

Further Information

For details of premises with permission to place furniture on the highway, please visit our Licensing Database website at <https://www.bathnes.gov.uk/webforms/licensing/>.