

Policy for the Placing of Tables and Chairs on the Highway

1. Introduction

There is an increasing demand on the Highway Authority to allow tables and chairs outside restaurants and cafés particularly in pedestrian areas and locations where there are wide footways. Provided that free and safe passage for pedestrians can be maintained then such amenities can be beneficial and permission may be granted (subject to meeting certain conditions) on an individual basis.

2. Relevant Legislation

The setting up of Pavement Cafés on the public highway is dealt with under Part VIIA, Section 115(A to K) of the Highways Act 1980. The act requires that:

- Applicants will normally have obtained permission from the Local Planning Authority (District Council)
- A licence is issued by the Local Highway Authority (Oxfordshire County Council) or by agreement with a District Council
- A licence issued under the Licensing Act 2003 if appropriate (District Council)

3. Policy

- a) The provision of tables and chairs on the highway shall be regularised by the granting of licences by the relevant authority.
- b) Suitable conditions shall be drawn up by the Highway Authority relating to the extent of the tables and chairs, clearances, pedestrian access provisions, signs together with obligations relating to Statutory Undertakers' plant, and in association with District Councils where they act as the licensing authority.
- c) The licencees shall conform to conditions laid down in the licence and these shall be enforced by the appropriate authority. Should there be non compliance then this shall be reported to the relevant authority.

- d) In general, all parts of the highway may be used for Pavement Cafés, assuming all safety and non-obstruction requirements are met. The exceptions are:
- Any carriageway or 'shared use surface'
 - Any highway verge
 - Prohibited streets (where no street trading is permitted)
 - Where width of the pavement makes it impractical.
 - Where authorised street furniture makes it impossible
 - Where sight lines are compromised and may give rise to health and safety issues
- e) The role of the public highway is to allow the public to pass and re-pass. In granting permission for pavement cafés it is important to ensure that these rights are not detrimentally affected. They must be located and managed in a manner that protects the rights and safety of all users with special attention to wheelchair users and those with impaired vision.
- f) Applications must initially be made through the Highway Authority (Oxfordshire County Council) through its local office, who will pass it to the relevant authority. Except for Oxford City Council who will consult with the Oxfordshire county Council
- A site plan (1:100 or 1:200 if considered adequate by the local officers). This should show:
 - Proposed boundaries
 - Building line
 - Kerb line
 - Table layout
 - Points of access and dimensions
 - Trading days and times
 - A copy of Third Party Insurance for a minimum of £10 million in respect of any one incident. This must indemnify the Highway Authority (SCC) against all claims for injury, damage or loss to users of the public highway, arising from the use of the highway for the permitted purpose.
 - Details of brand, type and materials of proposed furniture
 - Contact details for the applicant and of the property owner (if different)

4. Supplementary

- a) In some cases it may be appropriate to provide brass studs in the highway defining the periphery of the agreed area.*

Local circumstances may also require a form of ground level marker to assist the blind and partially sighted who use a white stick for guidance.*

Layout of tables and chairs must take account of the existing street furniture. In certain circumstances it may be possible to move furniture.*

(*Any of the above will be carried out by the Highway Authority)

Costs will be recovered.

- b) An unimpeded pedestrian route must be maintained at all times for people walking through the pavement café. The route should be straight, and adjacent to the premises to ensure that all pedestrians and particularly those with a disability can maintain their normal path.
- c) On wider footways, the width of the pedestrian route should be at least 2 metres. The Local Access Group should be consulted regarding suitability of layout as the circumstances of each site will need to be evaluated and determined on its merits.
- d) All licences are valid from for one year from the commencement of the licence.
- e) It will always be necessary for the Highway Authority to have a copy of your current third party insurance. Failure to provide this will revoke your licence.
- f) The County Council is empowered to remove and store or dispose of furniture from the highway, at the cost of the permit holder, if:
 - It is not removed outside the permitted hours.
 - If any of the conditions of the licence are ignored.

The County Council will not be responsible for their safekeeping

5. Terms and Conditions

These will be found on the reverse of the application form.

The operator should be aware that the Highway Authority and others (e.g. police, statutory undertakers) will need access at various times (including emergencies) for maintenance, installation, special events, improvements etc. This will mean that the pavement café will need to cease operating for a period of time. On these occasions there would be no compensation for loss of business.

6. Fee Charged

These consist of two elements for the Highway Authority:

A) Where the Highway Authority issues the licence

Fees are reviewed annually

B) Where the Highway Authority coordinates the application and is consulted upon it by the District Council.

District Councils will charge fees for planning application, licensing application, and the licence for the Tables and Chairs where there is an agreement between the District and the Highway Authority.