**Standard Terms and Conditions of Street Furniture Chatham Highway Licences**

**1 June 2016**

1. The provisions set out in part 130 Highways Act 1980 and section 115A-K Highways Act 1980, must be met in full.
2. Goods or other items placed outside of the approved area or placed in contravention of any instruction given under this Policy may be removed by the Council subject to the licence holder or his representative being given written notice in accordance with the provisions of section 115K (1) of the Highways Act 1980.
3. The licensee must comply with Section 137 Highways Act 1980. The Council reserves the right to revoke the licence at any time.
4. Any expenses incurred by Medway Council in the removal of such items will be recovered from the licence holder in accordance with the provisions of section 115K (3) of the Highways Act 1980. Medway Council cannot be held responsible for any damage caused to items during their removal, storage and return.
5. Tables, chairs and other street furniture may only be placed in the designated area as per the agreed site plan provided at the time of the application. Site plans must clearly show all dimensions of the proposed area and positioning of tables, chairs and other street furniture within the area.
6. Licences must be clearly displayed at all times.
7. No tables, chairs or temporary street furniture shall remain on the highways if their licence has expired.
8. There must be a clear walkway for pedestrians of at least 2m width for shop front displays, tables and chairs.
9. There are to be no permanent fences or enclosures of the area.
10. All outdoor furniture must be removed from the Highway at the end of normal business hours
11. During normal business hours, outdoor furniture must **not** be stacked outside the premises (e.g. during inclement weather). Outdoor furniture should either be laid out as though for use or stored within the premises.
12. Outdoor furniture must be kept clean, safe and in good repair, to the satisfaction of the Medway Council Environmental Health and Consumer Protection teams.
13. The tables are to be regularly cleared of glasses, plates, ashtrays, etc and the surrounding area to be swept clear of litter, food and smoking deposits etc. The licensee must provide the means at tables for customers to extinguish smoking debris and safely dispose of the waste.
14. Waste deposited on the Highway must be removed each day at the Licensee’s expense or at more frequent intervals as may be required by the Council under the Environmental Protection Act 1990.
15. If A Boards are used they may only be placed within a minimum unobstructed footway width of 2.0 metres that should be maintained at all times to cater for pedestrians and ensure access for those with mobility issues and pushchairs. The drainage channel should always be kept clear from obstructions. A Boards will be removed should they be found elsewhere on the highway.
16. If the Highway Authority’s premises is damaged or defaced as a result of the approved activity, the applicant will be made responsible for the cost of repairs, which will be carried out by the Authority.
17. No amplifying equipment shall be used in connection with the facility, except where special arrangements are made with Medway Council.
18. Adequate access for emergency services and statutory undertakers shall be available at all times.
19. The furniture (A boards (floor standing boards / signs / banners), booths, goods, tables, chairs displays) is the owner’s responsibility when placed on the highway, and Medway Council will not be liable for any damage or injury caused to highway users.
20. Valid public liability insurance with cover up to £5,000,000 must be available at all times and a copy must be provided at the time of the application. On the renewal of the public liability insurance a copy must be sent to Medway Council within 10 working days.
21. Licences are not transferable to any other premises.
22. Alcohol is not allowed in the designated area, unless the premises are licensed to supply alcohol for consumption under The Licensing Act 2003, Section 17. A copy of the license must be provided at the time of application.
23. Clothes and Items rails are not permitted on the highway.
24. Shopping baskets and shopping trolleys are not permitted to be stacked or stored on the highway.
25. Continued illegal placing of tables and chairs on the highway will lead to the removal of the tables & chairs from the highway and further legal action may be taken.
26. It is not permitted to feed vermin, seagulls or birds. Signage must be displayed at all times to discourage customers from feeding the vermin, seagulls and birds. Feeding may result in patrons or staff receiving a fixed penalty notice for littering the highway.
27. Any deviation from licence agreement that necessitates a visit from the Council’s enforcement officers, after the first visit, will incur a £40 charge to the prospective business.
28. Any breach of the Chatham Street Furniture Policy may lead to formal action by Medway Council.
29. All staff must be adequately trained on the conditions of this licence.
30. In the event of a serious breach of condition, the Council retains the right to terminate the licence without notice.
31. The Council reserves the right to require the removal of goods within the permitted display areas during festivals or any other event.
32. Medway Council has the discretion over the footprint available on the highway.
33. Should approval be granted for shop front displays, booths, tables, chairs and advertising boards (A-boards/ floor standing boards / signs / banners) this does not give permitted rights to have future automatic approvals.
34. For the sale of food the criteria listed in the policy at Appendix C (Section 2, Food regulations p.8) must be adhered to.
35. Only those commodities sold in the shop premises can be displayed outside the premises provided they are not any of the excluded items listed in the policy at Appendix C (Section 1, p. 8).
36. The area permitted for tables and chairs is to be used solely for the purpose of consuming refreshments.
37. Advertising boards must be removed or repositioned with immediate effect if requested by an officer from Medway Council or a member of the emergency services.
38. Advertising boards should not contain any illegal material or information, or display any political material..
39. No charge shall be made by the Licensee for the use of the chairs and tables.
40. If you decide to make some changes to your outdoor operations such as changing the furniture or other items, altering the licenced area or trading times, you must let Traffic Management Team know immediately.

**Declaration**

I have read and agree to the Standard Terms and Conditions of Street Furniture Chatham Highway Licences listed overleaf and confirm:

* I have allowed a minimum of 2m outside by premises for pedestrians, pushchairs and wheelchairs to pass unhindered
* Fence/barriers and other outdoor furniture will not be fixed permanently to the highway
* The drainage channel will always be kept clear from obstructions.
* I have made arrangements to remove all outdoor furniture from the highway and store it indoors outside of my licenced hours, or when necessary during inclement weather
* I am aware outdoor furniture should NOT be stacked outside the premises
* Outdoor furniture will be kept in clean, safe and good repair
* Patrons and staff will not feed vermin, seagulls or birds
* The outdoor area and any footway between tables and the premises will be kept clear of litter and spillages
* I will only serve alcohol in the outdoor area if I hold a license to do so

**Checklist**

I have enclosed:

* Completed application form and fee (no fee for A boards)
* A copy of my Public Liability Insurance of not less than £5 million against any liability, loss or damage, claim or proceeding whatsoever arising under Statute or Common Law in respect of the placing of temporary obstructions on the highway or their removal there from.
* A tally of all items to be included within licensed area, e.g. number of chairs, tables, heaters and umbrellas etc
* Proposed hours of use of the highway
* Photographs of premises and surroundings
* A risk assessment
* A separate risk assessment on space heaters, if appropriate
* An alcohol licence, if appropriate
* Detailed plan of the site at 1:100 scale or larger with all dimensions in meters and centimetres

Showing:

* Building line, footway width and any private forecourt area
* Position of proposed tables and chairs area and space between furniture
* Position of goods or produce
* Position of any other items proposed such as umbrellas or space heaters
* Position of street furniture (lamp posts, bollards, signs etc and trees)
* Access points and emergency exits, inspection covers and tactile paving
* Nightly storage areas for furniture and refuse

Signature:

Name (BLOCK CAPITALS):

DATE: