



City of Westminster

Licensing Guidelines for the placing of **Tables and Chairs** on the Highway



Premises Management

August 2011

Guidance Notes

The following notes are to help you complete the tables and chairs temporary licence application form only. Please read the notes carefully before completing the form. If you are uncertain as to the information required or have any queries, please contact the **Licensing Service** on telephone number **020 7641 8549** for assistance. Please refer to the separate guidance notes enclosed with the planning application on how to complete that form.

If your application is incorrectly completed or does not provide all the information required, it may be treated as invalid and result in unnecessary delay.

WARNING: Trading from tables and chairs on the public highway without the express permission of the City Council constitutes unlawful street trading which is an offence. If you currently have tables and chairs on the highway without approval of the City Council, you may be committing an offence and are liable to prosecution. They should therefore be removed forthwith. The submission of an application for permission does not entitle you to retain tables and chairs on the highway whilst your application is being considered. The City Council does not accept responsibility for any accident or injury arising from their unauthorised placement and use.

1. **Applicant/Agent** The applicant/agent must be a legal entity. That is an individual or a body corporate. The application must be made by the individual him/herself or their appointed agent or, if it is for a company, a Director, Company Secretary or some other person who has authority to make the application on behalf of the company, including agent. The name of the applicant (be it an individual or company) must be stated in full, including 'First' name(s) in the case of an individual.

If however you are (or your client is) trading under an unregistered name such as 'Any Café', you must state in full your own name (or client's name), normally the owner or proprietor of the establishment, in this section and provide the trade name of the establishment/shop in section 4.

2. **Details of Application Site**

- (a) **Area to be used.** You must state the precise area of private forecourt and of highway that you intend to occupy the tables and chairs, giving both the width (*the distance across the frontage of the property*) and depth (*the distance from the building line towards the kerb edge*). **All measurements must be in metric.** You must ensure that the proposed area will not obstruct any entrances to delivery hatches, fire escapes, routes for emergency vehicles, or public utilities' service covers.
- (b) **Dimensions of Private Forecourt.** If part of the proposed area contains a private forecourt, you must indicate this giving the dimensions of the forecourt (in metric). Please note that sometimes title deeds or leases will indicate what appears to be private forecourt when the area is in fact a basement area below the pavement. The City Council may require you to submit evidence to support your claim that land is a private forecourt.

(c) **Space heaters.** If you intend to use a free standing space heater you must submit a formal risk assessment as required by the Management of Health and Safety at Work Regulations 1992 in support of your application. This should be carried out by a competent person (someone who has knowledge of the law, British Standards and Health and Safety Executive Codes of Practice and Guidance). Your risk assessment will:-

- (i) Identify the hazards e.g. fire, explosion, burns impact from falling equipment/cylinders
- (ii) Decide who may be harmed and how
- (iii) Evaluate the risks and decide whether proposed precautions will be adequate or whether more could be done
- (iv) Record findings
- (v) Review assessment and revise if necessary
- (vi) How the space heaters will be secured
- (vii) Manual handling procedure (including the moving of space heaters, the lighting of space heater and the changing of gas cylinders)

Free standing space heaters. Applicants are advised to consult the 'Green Guide' before selecting types of space heaters. This guide can be found on the Council's website at: http://www.westminster.gov.uk/workspace/assets/publications/green_guide_to_outside_heating-1274437919.pdf

(d) **Sun umbrellas, barriers, planters and other items within the proposed area.** If you intend to place a sun umbrella or other furniture, in addition to the tables and chairs, within the proposed area, then you must state so here and provide full details of the furniture, with dimensions in metric. It is important that such furniture does not obstruct the free passage of pedestrians at the location or obstruct the view of drivers. You will therefore need to take account of their size, particularly the width and height of umbrellas when opened, to ensure that they can be safely contained and secured within the area proposed without causing obstruction to pedestrians or obstruction or interference with the view of drivers. ***You are advised that advertising boards (including menu boards), barbecues, ice cream machines, drinks machines, and the like will not be permitted within the proposed area.***

(e) **Hours of use.** Please state the hours during which the tables and chairs will be on the street. You should consider the likely effect that this will have on surroundings residents, businesses and the amenity of the area, and limit the hours they will be out accordingly. **You are advised that the City Council will not normally permit tables and chairs to remain out on the highway after 23:00 hours.**

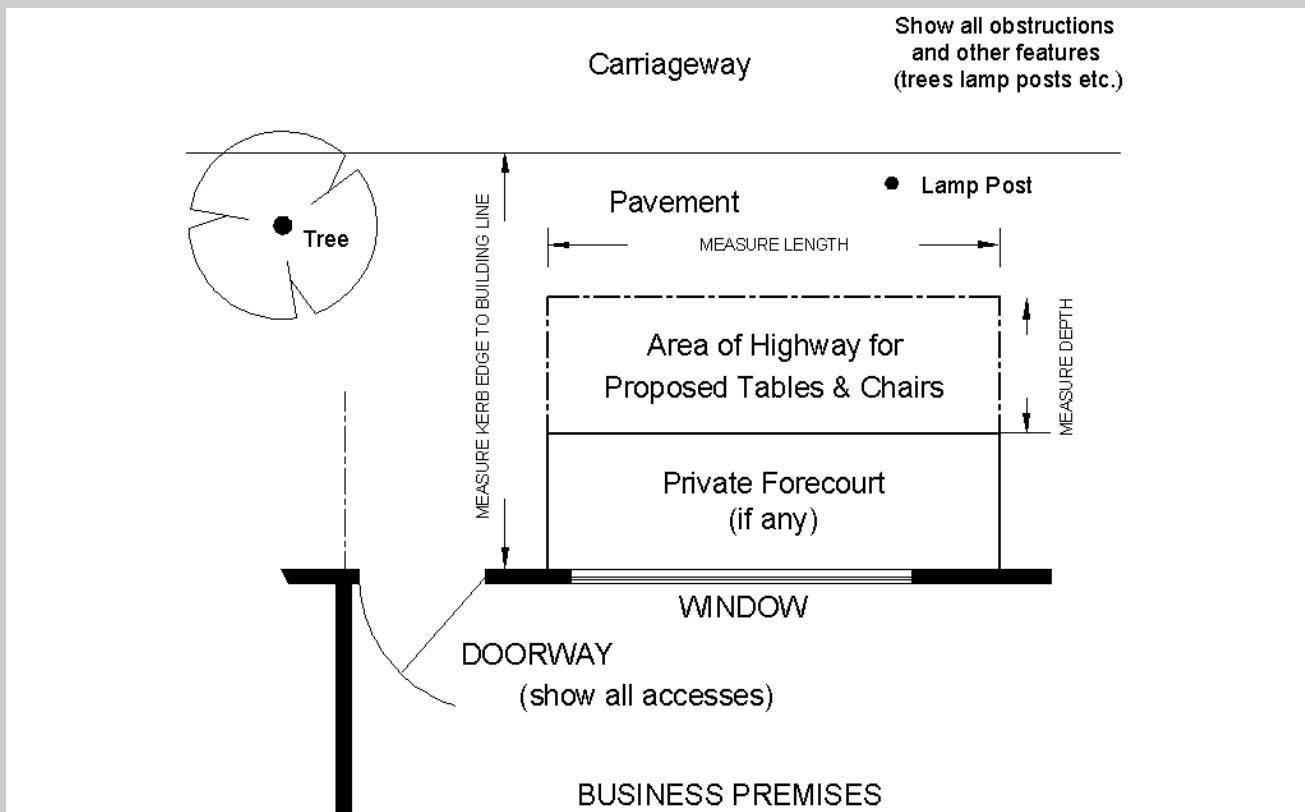
(f) **W.C. Provisions.** Please state the number of toilet provision available for the public and staff.

(g) **Capacity.** Please state number of internal covers (can normally be found as a condition in the Premises Licence and/or determined in a Fire Risk assessment). Please note WC provision and capacities are assessed in line with recommendations in British Standard 6465 – 2006.

The Consultation Team of the Environmental Health Service (EHS) can also be contacted on **020 7641 3161** for pre-application advice or more specific guidance.

(h) **You must identify the place where the tables and chairs and any other items will be stored when not placed in the highway.**

3. **Plans and Drawings** A copy of the Ordnance Survey site plan scale 1:1250 and a detailed plan at least 1:100 scale (in metric) in the format shown below must be submitted showing the exact location and dimensions of the proposed area of the highway to be used, and indicating any private forecourt, the building line, footway width and centre line of the carriageway (if applicable), together with any fixed highway furniture, e.g. lamp posts, railings, City Council planters, etc. The space between the furniture must be shown. If applicable the proposed locations of the space heaters on the street should be indicated on the plan, ensure they are located at least 1m away from flammable surfaces e.g. canopies. Further detailed guidance '**Guidelines for the placing of Tables and Chairs on the Highway**' can be found on the Council's website at: <http://www.westminster.gov.uk/services/environment/planning/permission/tablesandchairs/>



4. **Position of Company** Shall be a person duly authorised to act on behalf of the company/business e.g. Director, Company Secretary.
5. **Breach of Licence Conditions** The Council will refer an application to the Licensing Sub-Committee, when an objection has been lodged to the application by Environmental Health Service. Within the temporary licence six month period the licence may be revoked or further licences may not be issued, if the premises breaches the licensing conditions or the Premises Licensing Inspectors lodge an objection.

