



**HIGHWAYS ACT 1980, SECTION 115E
APPLICATION TO PLACE TABLES AND CHAIRS
ON THE PUBLIC HIGHWAY – PAVEMENT
LICENSING**

Notes to applicants:

1. Copies of this form must be sent when complete to the interested parties below:

<p>Licensing Section St Albans City & District Council St Peter's Street St Albans Hertfordshire AL1 3JE</p> <p>T: 01727 819587 F: 01727 819433 E: licensing@stalbans.gov.uk</p>	<p>Fire & Rescue Service (Herts) Fire Protection Office Hemel Hempstead Fire Station Queensway Hemel Hempstead Hertfordshire HP2 5HA</p> <p>T: 01442 867111</p>
<p>PC John Cooper Licensing Officer Hertfordshire Constabulary Police Station Victoria Street St Albans Hertfordshire AL1 3JL</p> <p>T: 0845 3300222</p>	<p>Hertfordshire Highways, Highways House, 41-45 Broadwater Road Welwyn Garden City AL7 3AX</p> <p>Tel:- 0300 123 4047 Email: midherts.area@hertshighways.org.uk FAO; Richard Stacey www.hertsdirect.org</p>
<p>Development Control St Albans City & District Council St Peter's Street St Albans Hertfordshire AL1 3JE</p> <p>T: 01727 866100 E: planning@stalbans.gov.uk</p>	<p>Environment & Regulatory Service Environmental Protection Team St Albans City & District Council St Peter's Street St Albans Hertfordshire AL1 3JE</p> <p>T: 01727 819440 F: 01727 819433 E: environmental@stalbans.gov.uk</p>

In addition to the above copies will need to be sent to the local Town or Parish Council should the premises fall within one. Details of Local Town or Parish Council's can be obtained from the Licensing Section.

2. If you have any queries about completing the form, you may telephone the Licensing Section on (01727) 819454, or e-mail licensing@stalbans.gov.uk
3. The fee for the permit is £285 from 1 April 2010 and is payable before a permit may be issued. The renewal fee is £235 from 1 April 2010. Fees must be made to St Albans District Council by cheque only. Unsuccessful applications will not be entitled to a refund.
4. No permit will be issued for longer than one year. On payment of the renewal fee the permit may be renewed for a further year, providing the Council is satisfied there are no reasons not to renew it. Reasons for non-renewal include failing to comply with permit conditions, or due to highways works which may be planned to take place.
5. The guidance for the applicant document should be referred to prior to completing the application form to ensure applicants are able to meet the criteria applicable before applying for a permit.

Please answer all questions:

1) Applicant's name
Company name/address and postcode:
Telephone:
Fax:
E-mail:

2) Agent's details if applicable
Company name/address and postcode:
Telephone:
Fax:
E-mail:

3) Name and Address of premises where it is proposed to place tables and chairs:

Telephone Number:

Please give the name of a contact person at these premises if different from Q1:

4) Please tick as appropriate:

Do you occupy these premises as freeholder leaseholder
tenant other

5) **To be completed by the freeholder or their authorised representative if applying for the first time.**

I/We give our consent to this application being made:

Name:

Capacity:

Address:

Telephone Number:

Email address:

Signature or official stamp:

6) What is the nature of the business at these premises? (please be specific)

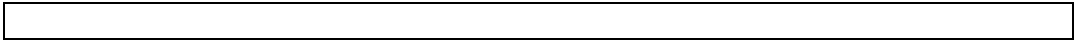
7) Location: _____
size of area (m), length: _____, width: _____

8) How many tables and chairs do you propose to site?

Number of tables: _____ Number of chairs: _____

Number of umbrellas: _____

9) Details of furniture (e.g. type, colour, material, size):



- 10) Please indicate below the proposed days and times of operation for the tables and chairs:

Day	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Times from							
Times to							

- 11) What date would you like the licence to start?

Notes:

1. Please enclose a copy of your current Public Liability Insurance Certificate to the sum of at least £10 million.
2. Your application must be accompanied by a scale plan of the area you wish to place the tables and chairs, showing the precise location of the tables and chairs on the highway. Please make sure that the scale used is shown on the plans. Inaccurate or illegible plans will be rejected. You do not need to submit plans if this is an application to renew the licence.
3. You must complete the attached Public Notice, and display it on or near the premises (in a location easily visible from the street) for a period of at least 28 days from the date you send your application to the Council.
4. You must also send a copy of the attached Public Notice to the 15 properties that are nearest to your premises. Please state below which premises these were sent to:

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5. The information detailed in the Guidance for Applicants must be enclosed where applicable.
6. A cheque made out to 'St Albans District Council' for the correct fee.
7. Copies of the application must be sent to the interested parties detailed on page 1. Details of Local Town or Parish Council's can be obtained from the Licensing Section.
8. By signing the box below you have indicated that you have complied with these steps.

- 12) Your signature:

- 13) Date:

DATA PROTECTION ACT 1998

Information about you may be stored electronically or manually, and will only be processed in accordance with the Act. Certain information may be open to public inspection or record. However, we may exchange information with others where necessary, for example, for the purposes of the prevention or detection of crime or the collection of taxes, or where we are required to do so by law.

Please return the completed application form to:

Licensing Section, Environment and Regulatory Services, St Albans City and District Council, St Peters Street, St Albans, Herts AL1 3JE

NOTES TO APPLICANTS:

The Head of Legal, Democratic & Regulatory Compliance has delegated authority to determine applications for pavement licences in line with this policy.

Applications should be granted unless there are valid objections or reasons not to grant.

If an application is refused there is a right of Appeal to the Council's Licensing Committee, within 21 days.

The standard hours for pavement licences should be between 8 am and 11pm, with no alcohol being permitted to be consumed later than 30 minutes before the terminal hour of the pavement licence. Applications outside of those hours will be considered on a case-by-case basis, and only granted in the absence of objections or once such objections have been resolved or withdrawn.

When considering applications, the following matters will be taken into account:

(1) *Obstruction of the highway*

An absolute minimum unobstructed width of 2.5 metres of the highway, measured from the boundary line of the premises, must be available before a pavement licence is granted. Additional widths may be required in certain locations.

(2) *Public safety and equalities*

Applications will not be granted if pedestrians are forced or encouraged to cross a footway in a dangerous manner. Applications may be refused if there is insufficient space between tables and chairs to enable disabled people, particularly those in wheelchairs, to use the facilities, or if the proposed facility poses a risk to disabled people on the highway. Applications will not be granted where health and safety risks may arise and cannot be resolved. Licences are only issued to allow table service of food and drink.

(3) *Public nuisance*

Applications will be refused if they are likely to cause excessive amounts of litter, noise, disturbance, smell or other nuisance to users of the highway or adjacent properties, particularly residential properties.

(4) *Crime and disorder*

Representations from the police in relation to crime and disorder will be taken into account.

(5) *Access to plant and equipment*

Licences will not be granted where access to local authority or utility company plant and equipment will be severely restricted.

Applicants must submit details of the types of furniture that are to be used, and the types of barriers that will be erected to demarcate the licensed area, for approval by officers. Applications in conservation areas will be referred to conservation officers for consultation. Furniture and barriers must be of high

quality and be in keeping with the characteristics of the area in which it will be used. Rigid barriers must be used and rope barriers will not be permitted.

Permissions will be granted on an on-going basis, subject to payment of an annual fee. The Council can revoke the permission within that time if there is a breach in the conditions, if the land is required for other purposes, or for any other reasonable cause. In these circumstances the licence-holder will be given 28 days' notice of the Council's intention to revoke the licence, and to make representations as to why revocation should not take place.

Council or Highways officers in consultation with the Licensing Officer or a police officer of at least Inspector rank may give seven days written notice requiring tables and chairs to be removed from the highway for the period of time specified in the notice, in order to temporarily accommodate other activities on the highway. The notice issued by the Council may also temporarily amend the licence for a period stipulated in the notice.

The following enforcement regime will apply to pavement licences:

- (1) on the first breach of a licence condition a warning will be issued and the licensee requested to comply with the conditions within 24 hours of the warning. Failure to comply with the warning will lead to the licence being suspended until satisfactory compliance can be demonstrated;
- (2) a second written warning within a four week period will result in the suspension of the licence pending liaison with the licence-holder concerned and any further investigation if needed. The licence will be restored once the licence-holder has agreed to comply with the relevant conditions;
- (3) a third breach of condition within a six-week period from the lifting of the suspension in (2) above will result in the licence being revoked.

Once a licence has been revoked, any re-application will only be considered if the premises has had a change of owner/manager, or a period of one year has elapsed from the date of revocation.



PUBLIC NOTICE

APPLICATION TO PLACE TABLES AND CHAIRS ON THE PUBLIC HIGHWAY HIGHWAYS ACT 1980, SECTION 115E

An application has been made to St Albans City and District Council under Section 115E of the Highways Act 1980 from

[Name of applicant]

on behalf of the occupier of the premises currently known as

[Name and address of premises]

for permission to place

[state how many chairs and how many tables]

on the public highway known as

[name of road on which premises are situated]

on the following days and times:

[state proposed days and times]

Plans showing the proposed layout of the tables and chairs are available for inspection during normal office hours at the St Albans City and District Council Offices for 28 days from the date of this notice.

Any person wishing to make representations to the Council regarding the proposal should send them in writing to Licensing Section, St Albans City and District Council, St Peters Street, St Albans, Herts AL1 3JE or via e-mail licensing@stalbans.gov.uk

[insert date, 28 days from the date the application was made to the Council]

Signed:

[signature of applicant/authorised representative]

[Date of notice]

Pavement licences are granted by the Head of Environment & Regulatory Services on behalf of the Council's Licensing Committee. The general rule is that applications should be granted unless there are valid objections or reasons not to.

The standard hours for pavement licences should be between 8 am and 11pm, with no alcohol being permitted to be consumed later than 30 minutes before the terminal hour of the pavement licence. Applications outside of those hours will be considered on a case-by-case basis, and only granted in the absence of objections or once such objections have been resolved or withdrawn.

When considering applications, the following matters will be taken into account:

(1) *Obstruction of the highway*

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(2) *Public safety and equalities*

Applications will not be granted if pedestrians are forced or encouraged to cross a footway in a dangerous manner. Applications may be refused if there is insufficient space between tables and chairs to enable disabled people, particularly those in wheelchairs, to use the facilities, or if the proposed facility poses a risk to disabled people on the highway. Applications will not be granted where health and safety risks may arise that cannot otherwise be avoided.

(3) *Public nuisance*

Applications will be refused if they are likely to cause excessive amounts of litter, noise, disturbance, smell or other nuisance to users of the highway or adjacent properties, particularly residential properties.

(4) *Crime and disorder*

Representations from the police in relation to crime and disorder will be taken into account.

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Permissions will be granted on an on-going basis, subject to payment of an annual fee. The Council can revoke the permission within that time if there is a breach in the conditions, if the land is required for other purposes, or for any other reasonable cause. In these circumstances the licence-holder will be given 28 days' notice of the Council's intention to revoke the licence, and to make representations as to why revocation should not take place.

The following enforcement regime will apply to pavement licences:

1. on the first breach of a licence condition a warning will be issued and the licensee requested to comply with the conditions within 24 hours of the warning;
2. a second written warning within a four week period will result in the suspension of the licence pending liaison with the licence-holder concerned and further investigation if needed. The licence will be restored once the licence-holder has agreed to comply with the relevant conditions;
3. a third breach of condition within a six-week period will result in the licence being revoked.