

Guidance Notes

Application for permission to place table & chairs on a pavement

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Section 1 – Guidance Notes

Introduction

Many pubs, restaurants, wine bars and cafés wish to make use of the pavement for tables and chairs for customers.

Tables and chairs on highway land can be a vital part of the life and character of an area. However, if they are not carefully controlled, pedestrians can be put in danger. People with impaired vision, in wheelchairs or with prams can be particularly disadvantaged. In some places, people eating or drinking outdoors can also cause considerable noise nuisance for residents.

The town centre has much to offer and the authorities, whose functions are to facilitate developments as well as regulate, have worked together to strike a balance between the different concerns.

This guide explains how to make applications for a highway licence and planning permission. It also gives details on how the applications will be dealt with. It outlines the conditions likely to be imposed by the licensing authorities if they are mindful to grant consent and lists contact details if you require any further information or assistance.

Requirement and standards for a tables and chairs licence

Before any amenity use on the highway is proposed or established, the following matters must have been fully considered.

- Space - Is there room for the use as proposed?
- Environment - Is the quality of air and the immediate environment suitable for the use proposed?
- Other needs - What other footway uses and users need to be considered?
- Neighbours - How will the proposed use affect the neighbouring properties?
- Regulations - Does the proposal meet the various criteria outlined in the regulations and this guide?

The requirements when placing tables and chairs on the highway

A minimum width of unobstructed footway of 1.8 meters must be provided for safe and convenient pedestrian movement. This allows wheelchairs and prams to pass comfortably and provides a reliable, safe route for blind and partially sighted pedestrians.

However, additional width may be required in streets where there is a high level of pedestrian activity or permanent obstructions such as street furniture.

A minimum distance of 0.75 meters from the face of the building is required to satisfactorily accommodate a seated customer on a chair. Tables and chairs should normally be placed adjacent to premises, at the back of the footway. In special areas this requirement may be waived.

The positioning of tables and chairs should never discourage pedestrians from using the footway. The available route past must be straight, obvious and unobstructed; it should not pass through the area used by the tables and chairs.

Location guidelines for tables and chairs on the highway

i) Fully Pedestrianised Streets

A fully pedestrianised street is one where vehicles have no right of entry, however, the emergency services may need access at any time. In these types of street it may be preferable for the tables and chairs to be placed away from the building frontage towards the centre of the street. A minimum of 1.8 meters must be retained as a pedestrian access way between the front of the building and the line of the table and chairs. This distance may be increased at the discretion of Manchester City Council. The tables and chairs may be able to occupy a space up to the centre line of the street, but must not encroach areas fronting adjoining properties; the exact extent will be determined by the Council. This configuration will allow adjoining properties and properties opposite each other to site tables and chairs on the highway and retain pedestrian access along the line of the shop fronts.

ii) Pedestrianised Street with vehicle access at specific times

Tables and chairs will normally only be permitted outside the hours of vehicular access. The hours of permission will normally commence at least 30 minutes after the end of the hours of vehicular access. (Vehicles and tables and chairs will only be allowed at the same time in such streets if adequate pedestrian space remains, is clearly defined, and adequately protected or where traffic is sufficiently light for vehicles and pedestrians to share the same area). Even during the hours when vehicles are normally excluded, tables and chairs can occupy only the area agreed, in order to ensure a free and unobstructed route for emergency vehicles.

iii) Streets with Footway and Carriageway

A minimum, unobstructed pavement width of 1.8 meters measured from the face of the kerb, is required for pedestrian movement. Where there is any street furniture (such as lamp posts, bollards, parking meters, benches, flower beds etc), a 1.8 meter, unobstructed pavement width is required from the line of the street furniture. Where there is heavy pedestrian flow, additional footway space may be required. Tables and chairs may occupy no more than half the total width of the footway.

iv) Special Areas

There may be areas in the city where, as part of an overall environmental scheme, alternative arrangements for tables and chairs on the public highway might be considered. There may be instances where, for reasons of particularly high pedestrian and/or traffic flow, the positioning of tables and chairs will need especially careful consideration. The City Council will treat all cases on their merits, but may wish to impose additional measures of control in such locations.

Enclosure guidelines for tables and chairs on the highway

Where the refreshment use or street café is in use a temporary form of enclosure can be used, with adequate openings to permit access.

The function of this enclosure will be to demarcate and contain the area and give a clear warning, particularly to people with visual impairments.

A low level-tapping rail should be incorporated into the enclosure. It is essential that it is sufficiently lightweight in construction, to enable it to be dismantled and stored in the premises outside the approved hours.

Nevertheless the enclosure should not be so light that it is moved by the wind. It should be of contrasting colour, so as to be visible to the partially sighted, but should not be too visually dominant.

Furniture guidelines to tables and chairs on the highway

A standard design of seating and tables will not be insisted upon but a reasonable quality will be requested and a mixture of furniture is not recommended. The materials and colours should not be too bright, garish or overly reflective. White plastic furniture will not normally be approved.

Tables should be of a design to allow wheelchair use. The use of umbrellas will have to be specified if used as part of the design along with their location, material and colour. These must be positioned so they cannot overhang outside the enclosure. Limited advertising of the premises or a supplier may be considered on umbrellas but this should not be too dominant and limited to logos of about 150mm x 450mm.

Environmental guidelines to tables and chairs on the highway

In certain areas the quality of air, e.g. traffic fumes may be to a standard, which would not be conducive to sitting/eating/drinking out in. It is advisable to consider traffic volumes and the nearness of bus stops, taxi ranks and other areas where air quality may not be of a high enough standard.

The provision of toilet facilities is required for all pavement cafés seating in excess of 6 people. Where there is already internal seating associated with the building, additional toilet facilities may be required if overall occupancy figures are increased. It will be expected that the approved licensed area will be kept clean and litter free and it would also be ensured that litter does not stray onto the neighbouring area. Recent measures introduced by the Council means litter deliberately dropped onto the highway as an offence and will be the subject of a £75.00 fine. This will include litter deliberately dropped by those occupying the licensed area.

It is a requirement that operations are concluded, and all tables and chairs are removed from the highway by 23.00.

External public address systems or amplified music will not be allowed within the licensed area.

Seating space contained in the licensed area must be included in total occupancy figures for the premises.

Other considerations to tables and chairs on the highway

It is vitally important that the needs of adjoining properties, nearby residents, pavement users and delivery/emergency services are fully considered when proposing a use on the highway.

These needs will be examined closely by the authorities that are dealing with the formal applications made under the current legislation.

It may be helpful if you have consulted with neighbours, support groups or service providers to enclose any letters of support for the proposal.

Planning consent for a tables and chairs Licence

Planning Consent is required, either for the 'development' of the highways into a pavement café and/or for change of use of premises from A1 to A3 use.

The placing of tables and chairs on a private forecourt normally does not require planning permission, although if the public has enjoyed access over the forecourt for a number of years it is possible that the area has become "deemed highway". This is especially likely where the public highway is too narrow to accommodate pedestrian activity. In such instances planning permission will be required.

If permission is granted for a Tables and Chairs Licence

Tables and Chairs Licenses are renewable annually and if the premises conducts its business within the terms of the conditions of use the renewal would normally be a formality.

However, the granting of a license does not give an automatic right of renewal in subsequent years.

The highway license will limit the hours during which the tables and chairs may be placed on the highway and will require that outside these hours all furniture is removed and the highway cleaned or if appropriate washed down.

The responsibility for removing tables and chairs and other obstructions from the highway rests with the owner/operator of the premises.

The license will also require litter to be collected within the licensed area and the highway to be kept in a clean and tidy condition.

If umbrellas are proposed, conditions will be imposed to ensure that they are adequately secured and positioned so as not to project outside the designated area as marked on the highway. Special additional conditions may be added to the license or permission as and when necessary.

Tables and chairs placed outside require extra care on the part of management and staff to ensure that amenities of the area are not adversely affected.

It will be the responsibility of the licensee to ensure that the conditions of the highways license, planning permission and justice's licence are adhered to.

The licensee will be responsible for the behaviour of and actions by his customers whilst in the licensed area.

The City Council, under the terms of Section 115 K of the Highways Act 1980 has powers to ensure compliance with the terms and conditions imposed on a license and to recover any expenses in so doing.

Greater Manchester Police, under the terms of the Justice's License and as part of the coordinated consultation process may request the following:

- The use of toughened or non-glass drinking vessels for outside use No bottles outside
- Use of door staff as supervisors of the external area

The City Council will require the licensee to contain his, and his customers' activities to within the licensed area. In particular, the licensee will agree not to provide refreshments for consumption elsewhere on the highway or on any land, which is public open space.

Section 2 - Fees

Annual Table and Chairs Licence £309.00

There is an additional charge of £16.00 per m² per twelve month period for the area of highway occupied by the table and chairs.

Errors in calculating charges when completing the on-line application form may lead to delays in processing the application.

Section 3 – Attachments to be included with your application

To apply for planning permission to place tables and chairs on the highway complete the on-line application form and provide the following information in an electronic format:

- Photos or brochures showing types of furniture, umbrellas etc.
- Specification describing details, materials and colours (these could be notes on plans).
- An electronic location plan at 1:1250 scale plan showing location of premises.
- An electronic location plan at 1:50 showing boundary, kerb and building lines, points of access including the property, key dimensions, seating and other furniture layout.
- An electronic elevation plan at 1:50 or 1:20 with supporting detail if required to show the means of enclosure.
- Applications are determined on the basis of the Council's relevant planning policies, the individual merits of the application and relevant Central Government policy.

Applicants for planning permission may appeal to the Secretary of State for the Environment if their application is refused.

Section 4 – Change of circumstances

Changes in circumstances refers to:

- Business details
- Ownership
- A reduction of details of furniture and other equipment

If you wish to increase your footprint on the current licence, a new application would need to be submitted.