

GUIDANCE NOTES FOR APPLICANTS – TABLES AND CHAIRS ON THE PUBLIC HIGHWAY

People who place tables and chairs on the Council footway without the consent of the Local Authority commit an offence both under the Highways Act and the Street Trading Regulations.

The Council can prosecute the persons responsible and remove the offending articles as evidence. However, the Council operates a Scheme to allow proprietors of catering establishments to apply for a Licence.

The Council can grant Annual and Temporary Licences (valid up to six months).

For an Annual Licence the application fee is **£72.00** for one year or a Temporary Licence for 6 months- **£44.00**

Additionally, there is a charge of **£15.00** per square metre per week for the licensed area. This weekly charge has to be paid whether or not the Licence is used on a daily basis.

In some parts of the Borough, the Council may have a policy of not granting a Licence and there are various reasons for not granting a Licence.

WHOM MAY APPLY FOR A LICENCE?

The application must be made by an individual and not a partnership or company. That individual should be in attendance at the premises.

Applicants must make an appointment (Telephone: 020 8489 8232) with the Licensing Officers of the Council to hand to him or her:

1. A completed Application Form.
2. Two identical full-face photographs of the applicant taken within the preceding 12 months both signed by the applicant on the reverse.
3. A Certificate of Insurance that covers the trading activities of the business.
4. Evidence of a Waste Disposal Contract (*with an approved contractor*) or other relevant information on how refuse arising from the business is stored and disposed.
5. The prescribed fee (***Payment may be by cash or cheque made payable to 'The London Borough of Haringey'. A receipt will be given.***)
6. Copy of Personal and Premise license as issued in accordance with the Licensing Act 2003, if alcohol to be consumed (*See Note 3 below*).

Incomplete forms and applications not containing prescribed enclosures will be regarded as void and returned to the applicant. This will occur at the time of the appointment or if discovered during the processing of the application.

It must be emphasised that the person making the appointment must be the Applicant - *so that the Face matches the photographs!*

WHAT HAPPENS NEXT?

1. **An Authorised Officer will examine the application and consider whether the applicant is a suitable person to hold a Licence, within the meaning of the London Local Authorities Acts 1990-1994 and in accordance with the Council's agreed criteria.**
2. **The Street Trading Officer will visit the premises. They may be accompanied by another Enforcement Officer.**
3. **If alcoholic beverages are to be consumed within the proposed area the applicant will have to produce the appropriate Personal and Premise Licence issued in accordance with the Licensing Act 2003. A Public House or Wine Bar might well have both a license for On and Off Licence, whereas a Restaurant Licence might only allow sale of intoxicating liquor for consumption on the premises and therefore consumption cannot take place on a forecourt (or footway). The local Police will be afforded the opportunity to comment upon the application.**
4. **Council Officers will inspect the proposed site and adjacent area and decide whether the general provisions of tables and chairs on the footway would be detrimental or beneficial to the area. They will examine the effects of noise to any local residential properties and other aspects.**
5. **Officers will take into consideration the possibility that mischievous passers-by or others may re-arrange the table and chairs or illegally remove them causing an incident elsewhere. Places vulnerable for such behaviour might give rise to the Council's refusal to grant a temporary or other Licence.**
6. **If the footway is sufficiently wide, taking into account pedestrian flow, adjacent street furniture and bus queues, nearby fire exits etc. the Officers will indicate the maximum encroachment that will be allowed over the footway.**
7. **The Officers will also discuss the maximum numbers of tables and chairs that will be permitted, their type, style and sizes.**
8. **Officers will state the times that the tables and chairs must be removed, normally no later than 10.00 p.m. and not to be placed outside again until the premises re-open after 7.00 a.m. the next day. The Council may specify that the Licence cannot be used before, during or after an event in the area when congestion is likely to occur (e.g. Concert, Football Match, Public Demonstration).**
9. **The applicant will have to identify the storage space for tables and chairs on their premises for when the Licence is not in use.**
10. **Where Officers are able to recommend the granting of a Licence they will then calculate the monthly fee payable and progress the application.**
11. **Satisfactory evidence of insurance cover must be produced before a Licence will be granted or renewed.**
12. **The applicant can withdraw the application at any stage.**

CAN I APPEAL AGAINST REFUSAL OR ABOUT A CONDITION OF A LICENCE?

Temporary Licences - Six months of less

There is no formal appeal provision specified in Section 31 of the London Local Authorities Act 1990 - Part III as amended. However, Haringey Council will provide the following: -

- (a) A person aggrieved by the Street Trading Officer's refusal to grant a Licence or by a Condition of a Licence may put his/her detailed objections in writing to the Assistant Director, Planning & Environmental Control Service.
- (b) The Assistant Director or Deputy will inspect the Premises File and if necessary discuss the matter with the Case Officer.
- (c) The Assistant Director may then agree to grant or vary the terms of the Licence or
- (d) Confirm in writing that the original decision shall stand or
- (e) Instruct that the situation be monitored and the matter be reviewed after a period of time.

Annual Licence

If you are aggrieved by a decision you have an absolute right to appear before the Council's Licensing Panel. You can then progress an Appeal through the Courts.

EXTRACTS OF THE REGULATIONS

(A complete copy of the Regulations will be attached to every Licence issued)

- 1(c) Satisfactory evidence of insurance cover must be produced to the Council before a Licence will be granted or renewed.
- 4(b) In respect of catering establishments the Licence shall be exhibited within the premises in the safe vicinity of the entrance so that it can be seen by an Authorised Officer of the Council or Police Officer.
- 4(e) If alcoholic beverages are consumed at a licensed site, the Licence Holder or Assistant shall produce on demand the appropriate Personal and Premise Licence to an Authorised Officer of the Council or Police Officer.
- 5(c) Tables and chairs shall not be placed or used outside of the site defined in the Licence. This may be denoted by the Council marking the boundary by White Lines or other means.
- 5(d) The Licence Holder or Assistant shall inspect the licensed site whilst in use at least every hour
- 16(j) to ensure that tables and chairs are not outside of the licensed area and shall also remove from tables any used and discarded receptacles.
- 5(h) The number of tables and chairs on the street shall not exceed the numbers prescribed in the Licence.
- 5(i) The sizes of tables and chairs and parasols shall not exceed those prescribed in the Licence.

- 8(m) Radios or other audio equipment shall not be used in or around the licensed site.
- 9(i) No table or chair shall be used if it is likely to damage the street.
- 9(j) A Licence Holder or assistant shall not bolt or otherwise secure temporarily or permanently anything to the street or street furniture.
- 10(e) No awning other than a parasol may be used as part of a stall for displays outside catering establishments.
- 11(g) Mains electrical power may be supplied from the permanent premises to the trading area providing that all equipment and wiring shall be placed, installed, maintained and operated in accordance with the provisions of the Health and Safety at Work, etc. Act 1974 and all other relevant Regulations.
- 11(h) In all such cases an automatic circuit breaker must be installed within the premises between the point of supply and the equipment in the trading area.
- 12(a) Electrical generators shall not be used.
- 14(b) Tables and chairs etc. shall be removed from the public highway to the place of storage, as stated on the application form, or such other alternative place subsequently agreed by the Council in writing, within 30 minutes of the time prescribed on the Licence for the end of trading on that day.
- 18(e) The failure of an Assistant to comply with the conditions of the Licence shall be deemed to be a failure by the Licence Holder.
- 19(b) A Licence shall cease to have effect (*other than being revoked or having expired or on the death of the licence holder*) only upon it being surrendered by the Licence Holder in exchange for a written receipt at the Council's Street Trading Office.
- 19(e) Licence Holders shall notify the Council in writing of any change of their Title, Name or Home Address as soon as it occurs.