



Sandwell

Metropolitan Borough Council

A guide to the placing of tables, chairs and other furniture on the public highway.

Responsibilities

Planning permission and a highway licence issued under the provisions of the Highways Act 1980 will normally be required before any portion of the public highway is used for the sale of food and drink or, the placing of tables, chairs and other furniture outside premises for the use of patrons.

Tables and chairs on highway land can add to the vitality and character of an area but if their siting is not carefully controlled all pedestrian users of the footway, particularly those with impaired vision, in wheelchairs or with prams and buggies, can be placed at risk of physical injury.

Sandwell MBC is responsible for the processing of any such applications and the issuing of any subsequently agreed licences.

Requirements

Before any application for a license is submitted the following matters will need to have been fully and adequately addressed:-

Space – Is there room for the use as proposed and will the public be able to pass by safely ?

Tables and chairs should normally be placed at the back of footway adjacent to the applicants building. The arrangement of furniture should never discourage pedestrians from using the footway. The retained 'through' route must be safe and convenient, allow wheelchairs and prams to pass comfortably and pay particular attention to the needs of the blind or partially sighted pedestrian. Its width will be commensurate with normal pedestrian flows in the street and will range from 1.8m in a 'quiet' area to perhaps 5.0m in a busy town centre location.

The area of tables and chairs should be suitably enclosed by way of removable barriers, railing, planters or the like such that users of the footway, particularly those with a visual impairment, are given clear warning of the obstruction.

Environment – How will the area will be kept clean, litter free and tidy ?

The furniture and any railings or planters will need to be to be clean, tidy and entirely suitable for purpose. If umbrellas are proposed then they must be adequately ballasted and positioned so as not to project beyond the designated area.

All items will need to be completely removed from the highway and stored within the applicants premises outside of the licensed hours of operation.

The licensed area remains public highway even when occupied by the licensee. The dropping of litter by those using the area continues therefore to potentially constitute an offence.

An application for a license will need to include details of the measures to be taken to keep the area clean and litter free.

Needs of Neighbours and Others – How have the needs of others been sought and addressed ?

It is vitally important that the needs of adjoining properties, neighbours, adjacent residents, highway users, delivery and emergency services such as police, ambulance, fire etc. are all fully considered when proposing a use on the highway. Many of these groups will be formally consulted by the highway authority once an application has been received and any comments received will be taken into account in determining the application. It is suggested therefore that the applicant makes contact with as many of these groups as possible to informally seek their views prior to submitting the application.

As well as providing a route for pedestrians, footways also provide a route for Statutory Undertakers apparatus (electricity cables, water mains etc) which, from time to time, requires maintenance. Likewise, it is sometimes necessary to close a stretch of footway to public use for the purposes of maintenance of the surface or neighbouring properties. In these instances the license may need to be temporarily suspended by the highway authority.

Regulations – Are all the appropriate permissions or consents being sought ?

Applicants should be aware that as well as there being a need for a highway license to be issued, planning consent will also normally be required and there may be further requirements arising from the Licensing and/or Environmental Health Legislation. The applicant should satisfy himself that all these various requirements have been addressed and it is recommended that an early approach is made to the Highway Authority (contact details below) in order to obtain a preliminary informal indication as to whether the proposal is likely to prove acceptable on highway grounds.

Applications

Formal applications for a licence from the Highway Authority need to be in writing (*to the address below*) and must include as a minimum:-

- Full contact details of the applicant,
- A site plan, at 1:50 scale, showing property boundaries, kerb and building lines and points of access and/or servicing to all relevant premises
- The proposed layout should be accurately dimensioned and full details of the furniture, bins, umbrellas, planters, menu boards and means of enclosure should also be provided (copies of photographs, brochures etc.)
- Details of any consultations carried out with any person likely to have an interest in the application.

Further information may, if appropriate, be provided in support of the application.

Further Information

For further information contact the Highways Department

Traffic & Road Safety, Highways Direct, Lombard Street, West Bromwich B70 8RU

Tel: 0121 569 4141

Fax: 0121 569 4280