

Colchester Borough Council

PO Box 889, Rowan House, 33 Sheepen Road,
Colchester CO3 3WG

Environment

XXXX

Contact: Licensing Department

Phone: 01206 282840 Fax: (01206) 282598

E-mail: licensing.team@colchester.gov.uk

Our ref:

Date:

Dear

Highways Act 1980 Section 115E, Pavement Permit

Re:

With reference to the above, please find enclosed the Pavement Permit valid for one year from the date on the permit.

Should you have any enquiries regarding this matter, please do not hesitate to contact me.

Yours sincerely

Jon Ruder

Licensing, Food and Safety Manager

Encs

DRAFT



COLCHESTER BOROUGH COUNCIL HIGHWAYS ACT 1980

PAVEMENT PERMIT FOR FURNITURE LINKED TO ESTABLISHMENT

We the COLCHESTER BOROUGH COUNCIL being the local authority under the above Act

HEREBY PERMIT

XXXX [Manager/owner]

to have [Bar][Restaurant][Café] furniture out at the premises known as

XXXX

Address, Address, Address Postcode

and situated within the Borough of Colchester SUBJECT to the conditions endorsed hereon.

This Permit shall remain in force from the first day of [month] [year] until midnight
on the last day of [month] [year].

GRANTED this [day][month][year]

Richard Block
Assistant Director Environment Services

CONDITIONS SUBJECT TO WHICH THIS LICENCE IS GRANTED

Site Specific Conditions Essex County Council THESE CHANGE FOR EACH APPLICATION AND 1 – 4 ARE AN EXAMPLE ONLY (INPUT CONDITIONS SENT BY ECC)

1. The Licensee to provide alternative removable barriers and posts in an area no greater than 3.0 x 7.0 metres width to separate the tables and chairs from the users of the highway. Barriers must have a minimum overall height of 800mm and a gap of no more than 150mm between the base or tapping rail and the ground. Barriers must be manoeuvrable enough to allow them to be removed from the highway into the main premises at the close of business. It is recommended that the barriers are in a contrasting colour to the highway surface to provide maximum impact for the visually impaired.
2. The Table dimension cannot exceed a diameter of 600mm and placed with chairs on the section of footway in front, but adjacent to the property known as XXXXXXXXXX. An absolute minimum footway width of 3.0 metres must remain between the barriers and the bollards place in the public highway.
3. The permitted times for the tables and chairs to be on the highway are between XXXX - XX.XX Monday to Sunday.
4. The table and chairs to be placed in the permitted area of highway should not exceed xx tables and xx Chairs. There must be an absolute minimum of 8 barriers and up to 16 posts. Or as defined on attached plan.

Neither the barriers or tables and chairs must obstruct entrance into or out of the establishment.

General Conditions

The following standard conditions shall apply to all licenses. Further additional conditions may be applied to licenses. Site Specific conditions will also be found on the permit. That relate to layout, Barriers, dimensions and storage.

1. This permission is not transferrable.
2. The tables and chairs (umbrella's, posts, barriers, heaters if applicable) shall only be placed outside the premises between the hours of 7.00 am and 18.00 pm. unless otherwise indicated. Permitted days Monday - Sunday
3. Duration of permission: - Permits are Valid for 1 year from the date of issue and only for the area of highway applied for.
4. Permitted furniture or equipment – Tables and chairs (umbrella's, posts, barriers, heaters if applicable) to form enclosure
5. the holder(s) shall not assign underlet or part with any interest or possession given by this Permission or any part thereof but the holder(s) may surrender it at any time.
6. The holder(s) shall not cause any unnecessary obstruction of the highways or danger to persons using it and shall not permit persons to gather so as to cause a nuisance or annoyance or danger to any persons lawfully using the highway
7. The area so permitted to be used solely for the purpose of consuming food and drink purchased on the premises. It is strictly forbidden to prepare any food and drink in the area so permitted by this licence.

8. The holder(s) shall ensure that customers who purchase food or drink for consumption on the premises shall not consume such items outside of the permitted area. The holder(s) shall ensure that all drinking glasses in which drinks are served shall be of strengthened glass or plastic and that no drink shall be served in a glass bottle from which it is intended or likely that a customer will drink
9. The tables and chairs(umbrella's, posts, barriers, heaters if applicable) shall be of such a design as may be approved by the Council in writing and be kept in good repair and condition at the Permit Holder's expense.
10. The holder(s) shall not use the highway for any other purpose whatsoever nor at any time other than during permitted hours, other than during permitted hours, other than lawfully passing or repassing thereover as (a) member(s) of the public.
11. Nothing contained in this permit gives the holder permission to make fixtures to or excavations of any kind in the surface of the highway which shall be left entirely undisturbed.
12. The Permit Holder shall make no claim or charge against the Council in the event of the chairs or tables or other objects being lost, stolen or damaged in any way from whatever cause
13. The Permit Holder shall indemnify the Council against all actions, proceedings, claims demands and liability which may at any time be taken, made or incurred in consequence of the use of the chairs & tables & other objects and for this purpose must take out at the Permit Holder's expense a policy of insurance approved by the Council in the sum of at least £5,000,0000 (FIVE MILLION POUNDS) in respect of any one event and must produce to the Council on request the current receipts for premium payments and confirmation of the annual renewals of the policy.
14. No charge shall be made by the Permit Holder for the use of the chairs and tables and other objects
15. **Waste from the Permit Holder's operations must not be disposed of in the permanent litterbins provided by the Council.**
16. **All businesses shall provide receptacles for the disposal rubbish and where necessary smoking material. To fit inside the boundary of the planned site**
17. **Refuse and litter deposited on the highway in the vicinity of the chairs and tables and other objects must be removed each day by the Permit Holder at the their expense or at more frequent intervals as may be required by or under the Environmental Protection Act 1990**
18. The Permit Holder shall remove the tables and chairs (umbrella's, posts, barriers, heaters if applicable) from the highway outside the hours permitted by Clause 2 hereof and immediately if required to do so as to permit works in or the use of the highway by:

Appendix D - Licence

- 1) The Council, County Council, the police, fire & ambulance services, any utility operator, or
 - 2) Builders' vehicles, hearses and furniture removal vans
19. The Permit Holder shall be responsible for any rates, taxes and other outgoings which may be charged
20. The permission shall run from the date of this Permit for a term of one year.
21. The Council reserves the right to revoke this Permit forthwith if the Permit Holder breaches any of the conditions contained herein.
22. **No form of fencing or obstruction or structure to protect the Planters other than that agreed to by the County Council will be permitted within the public highway and the County Council, as highway authority, is empowered to take action under Section 143 to remove any structure which is deemed to be a nuisance.**
23. **If umbrellas are used all parts of the umbrella must be above an absolute minimum of 2.2 metres from the hard surface of the footway.**
24. **If the area to be licensed is contained within a Public Space Protection Order Zone then the area shall be clearly delineated by the use of barriers of a suitable nature to be agreed with the Licensing Authority.**
25. The holder(s) shall produce this Permission on demand when so required by a Police Officer or a duly authorised Officer of the Council.
26. The holder(s) of this Permission shall not exercise privileges granted by this Permission otherwise than strictly in accordance with this Permission
27. The holder(s) shall ensure that a copy of these conditions and licence is at all times on prominent display within the permitted location
28. The holder(s) shall remove all furniture or equipment, litter bins or other articles placed on the highway in accordance with this Permission at the end of each daily period of use and at the expiry, surrender or revocation of this Permission
29. The licence is non transferable
30. Colchester Borough Council reserves the right to change or amend these Terms and Conditions without prior notice. **This includes the right to increase the level of fees or charges referred to herein in order to reimburse the Council its reasonable expenses in connection with granting this Permission.** Any changes will be notified and will apply with immediate effect. If you do not wish to accept the updated Terms and Conditions you should not continue to use this licence.
31. Without prejudice to the ability of the County Council to remove the tables & chairs by reason of Statute, common law, and/or for breach of any of the terms and conditions of this consent, this consent shall remain in force until such time as the applicant seeks to amend its proposal, including, but not limited to, the location and/or number of the tables & chairs to be placed in the highway and/or such time as the Borough refuse to issue the related permission

32. Exemption for permit area to be used for smoking area after 23.00 must be approved by Colchester Borough Council. Within this exemption barriers can remain but no tables, chairs or heaters can remain on site. The area must be monitored by licensed security and the barriers are to be removed at the close of the business

Notes:

1. Section 115K of the Highways Act, 1980 provides as follows:-
 - (1) If it appears to a Council that a person to whom they have granted a Permission under Section 115E of this Act has committed any breach of the terms of that permission, they may serve a notice on him requiring him to take such steps to remedy the breach as are specified in the notice within such time as is so specified.
 - (2) If a person whom a notice is served under sub-section (1) of this Act fails to comply with the notice, the Council may take the steps themselves.
 - (3) Where a Council have incurred expenses in the exercise of the power conferred on them by sub-section (2) of this Act, those expenses, together with interest at such reasonable rate as the Council may determine from the date of service of a notice of demand for the expenses, may be recovered by the Council from the person on whom the notice under sub-section 91) of this Act was served.
2. Failure to comply with any Condition of the Permission and/or the issuing of any Notice under Conditions 5 or 22 hereof will require the Council to consider whether any subsequent Permissions should be granted to the holder(s) of this Permission.

Any Notice hereunder shall be deemed to be sufficiently served if handed to holder personally or left addressed to him at the address given on page 1 of the attached permission.