

## Conditions for the provision of recreation and refreshment facilities within the limits of the highway

HIGHWAYS ACT 1980 SECTION 115-115K

### Applications

- (i) One application is required by South Gloucestershire Council for each business premises. Consent in writing must be provided with this application from all persons (including all owners and tenants) with an interest in premises fronting the area for which the application is made.
- (ii) The applicant is required to pay a standard charge to cover site assessment, administration costs and the cost of marking the licensed area on the highway.

There is also an additional charge per square metre (rounded up to the nearest square metre) that will be payable after the highway officer has completed the site assessment and considers the application acceptable. After this payment has been received, the application will be subject to a statutory 28-day consultation period.

On each successful application a licence shall be granted for one year. The fee for licence renewal is the same as for new licence application, subject to any annual increases.

In the event that the application is not successful, the applicant will receive a written explanation.

- (iii) The applicant shall provide evidence that he/she has indemnified South Gloucestershire Council against all claims, injuries, or accidents with cover up to £5,000,000 before the licence is issued for the licence period, and this shall be available for inspection at any time.
- (iv) All applications should be accompanied by the following:
  - (a) a dimensioned site plan showing the footway and carriageway widths, business frontage and proposed siting and number of tables and chairs.
  - (b) full details of the proposed use including identification of whether hot food is to be served and if serving of food/drink to the outdoor area will be by waiter/waitress service.

- (c) full details of the tables and chairs and any other structures (e.g., barriers, parasols) proposed.

## Pedestrian Access and Safety Guidelines

- There should normally be a minimum 2 metres width between the edge of the footway or any street furniture and the licensed area. For a short stretch of affected footway, the Council may consider applications that further reduce the width to an absolute minimum of 1.5 metres of available footway provided there is no significant impact on the use of the footway. In busy streets there is likely to be a requirement for a greater width.
- In the case of pedestrianised streets, the Council will assess whether there is any area appropriate for licensing on the basis of public safety.
- Licences in pedestrianised streets may be considered where the width of the operational carriageway (see Note 1) is maintained.
- Where a footway is present in a pedestrianised street, the licensed area will only extend to the limit of the footway width and not into the road (even where the 'operational carriageway' width is not reduced).
- Where trading occurs on both sides of a pedestrianised street, the operational width shall be measured from the centre of the road.
- All applications will be subject to an individual assessment of the site and traffic conditions, with public safety being paramount.

*Note 1 The 'operational carriageway' is defined for the purposes of this guidance as:*

*One-Way Access - 3.0m width for vehicles + 1.5m width for pedestrians (or 3.0m each side of the centre of the road where business premises operate on both sides of the road).*

*Two-Way Vehicular Access - 5.0m width for vehicles + 1.5m width for pedestrians (or 4.0m width each side of the centre of the road where business premises operate on both sides of the road).*

## Conditions

- (i) The provisions of Section 115 to 115K of the Highway Act 1980 shall apply to the licence.
- (ii) The chairs and tables shall not be placed outside the designated area which will be marked on site.
- (iii) The applicant may be required to carry out works upon the direction of the Council (such as the provision of barriers) in the interest of public safety.
- (iv) All outdoor furniture and structures must be removed from the highway at the end of normal business hours, or as approved.

- (v) During normal business hours, outdoor furniture should not be stacked outside the premises (e.g., during inclement weather). Furniture should either be laid out as though for use or stored within the premises.
- (vi) The occupied area and the area between the premises and the tables shall be kept free of litter. Spillage of any kind shall be removed immediately, and the surface kept clean.
- (vii) Should South Gloucestershire Council's property be damaged or defaced as a result of the approved activity, the applicant will be responsible for the cost of repairs.
- (viii) The applicant shall indemnify South Gloucestershire Council against all claims, injuries, or accidents whatsoever and provide evidence of insurance providing cover up to £5,000,000 for any one incident for the full period of the licence.
- (ix) The licence is not transferable.
- (x) The licence granted shall apply for a period of one year
- (xi) In the event of unlawful obstruction or danger being caused on the highway South Gloucestershire Council may remove the obstruction or danger forthwith without reference to the licensee.
- (xii) South Gloucestershire Council retains the right to withdraw the licence on notice of not less than 7 days.
- (xiii) South Gloucestershire Council will not compensate for any loss due to the withdrawal of the licence.
- (xiv) South Gloucestershire Council retains the right to amend the terms and conditions of the licence at any time.

You must provide evidence of planning permission, or confirmation that planning permission is not required.

We must carry out a 28-day public consultation on all new applications.

## Contact us

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