



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

TABLES AND CHAIRS ON THE HIGHWAY IN THE ROYAL BOROUGH



A BRIEF GUIDE

TABLES AND CHAIRS ON THE HIGHWAY IN THE ROYAL BOROUGH

The Royal Borough of Kensington and Chelsea is happy to licence tables and chairs on the highway outside cafés, restaurants, public houses, bars and shops provided that pedestrians can walk by safely without being obstructed.

The Council has a duty under Section 130 of the Highways Act 1980 to ensure that the highway is not obstructed and that pedestrians have free and safe passage on its footways.



The Council has specific criteria to determine how much space is necessary on footways outside establishments with tables and chairs in place. One of the main aims is to ensure that they take up no more than a third of the available footway.

Roads within the Royal Borough are categorised as follows:



- [Busy](#) (primary shopping frontages) - which require a minimum of 4m clear passage for pedestrians with tables and chairs in place on the footway
- [Medium Use](#) (secondary shopping frontages and neighbourhood shopping centres) - which require a minimum of 3m clear passage for pedestrians with tables and chairs in place on the footway
- [Lightly Used](#) (all other locations) - which require a minimum of 2m clear passage for pedestrians with tables and chairs in place on the footway

The criteria ensures that the approach taken is as consistent as possible with that applied by Transport for London (TfL) on the TfL Road Network (TLRN). The Council carries out enforcement for tables and chairs on TLRN roads within the Royal Borough on TfL's behalf.

A tables and chairs licence is required whether or not the footway is privately or publicly maintained. It is a common misconception that owners of establishments can put tables and chairs on privately maintained areas of footway without a licence. If the public have had unrestricted access across any such area for 20 years, then it is classified in law as highway and a licence is required.

Establishments placing tables and chairs outside on the footway without a valid licence risk enforcement action and possible prosecution. It is a straightforward process to obtain a licence and you only need to do **two** things:



Planning Permission – you may need planning permission for placing tables and chairs on the highway under Section 55 of the Town and Country Planning Act 1990. Planning permission relates to what you propose putting outside your establishment – in this case tables and chairs. Contact the Council's Planning and Borough Development Department on 020 7361 3012 and ask them whether you need to make an application. You should do so as soon as possible because a tables and chairs licence cannot be issued unless planning permission (if necessary) is granted.



Tables and Chairs Licence – send us your completed application form for a licence under Section 115E of the Highways Act 1980. The licence relates to obstruction and safety on the highway. If the proposed number of tables and chairs meets the Council's criteria and there are no objections following the statutory 28 day consultation period, then a licence would be issued. Licences are valid for a year. The fee is £850 (increasing to £875 on 1 April 2014).



You can download the licence application form from www.rbkc.gov.uk/applyforit.aspx or Contact the Council's Transportation Licensing Officer on 020 7361 2688.

Along with the completed and signed application form you will need to submit:

- 1) A **1:50 scale plan** showing the proposed tables and chairs and the distance from the tables and chairs to the kerb edge and any street furniture. Any other items that you are proposing to place on the highway (such as planters) must also be shown on the plan.
N.B For renewal applications, there is no need to submit another scale plan if there are no changes to the layout of tables and chairs.
- 2) A copy of **Public Indemnity Insurance** cover to the minimum value of £5m.
- 3) **Fee of £850 (increasing to £875 from 1 April 2014)**
- The fee can be paid either by cheque (made payable to the Royal Borough of Kensington and Chelsea) or by credit/debit card via telephone.

Once the completed application form, plan, Public indemnity insurance details and fee are received, the application can be validated and processed. The process normally takes approximately 8-10 weeks including the statutory 28 day consultation period. We will also need to know whether or not you require planning permission following your contact with Planning and Borough Development Department. Obtaining planning permission and a tables and chairs licence involves two completely separate processes but they can be run side by side as far as possible to save time and avoid delay.

Please note that failure to submit the correct documents with the application will result in the application being returned. The application will also be withdrawn if planning permission is required and is not granted within one month of the Highways licence being processed. In such instances there will be no refund of the administrative fee.

Whilst we are processing your licence application, you are not permitted to place tables and chairs on the highway outside the premises. If you do, you might be in breach of Section 148 of the Highways Act 1980 and face enforcement action.

Just a final word about what would happen if objections are received following the 28 day consultation period for your tables and chairs licence application. In that event, your application would be submitted to the Council's Regulation and Enforcement Review Sub-Committee, which would decide whether a licence should be issued. You, objectors and supporters would have the opportunity of attending and addressing the Sub-Committee meeting.

We look forward to hearing from you.

