



Tables and Chairs on the Highway Guidance Note

April 2017



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

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1. Introduction

- 1.1 The Royal Borough of Kensington and Chelsea licenses tables and chairs on the highway outside cafés, restaurants, public houses, bars and shops so that pedestrians can walk 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.
- 1.2 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.
- 1.3 The criteria ensure that the Council's approach is consistent with that applied by Transport for London (TfL) on the TfL Road Network (TLRN). The Council enforces the placement of tables and chairs on the TLRN roads within the Royal Borough on TfL's behalf.
- 1.4 The Council reserves the right to refuse licences for proposals which meet the pavement width criterion but where the granting of a licence could impact detrimentally on the amenity of the local area or the living conditions of local residents. The conditions attached to tables and chairs licences are enforced by the Council's street enforcement team.

Planning Permission

- 1.5 Planning permission may also be required to place tables and chairs on the highway under Section 55 of the Town and Country Planning Act 1990. Contact the Council's Planning and Borough Development Department on 020 7361 3012 and ask 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.

2. Applying for a licence

New Application

- 2.1 You will need to complete the online 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 one year.
- 2.2 The tables and chairs online application can be found at <http://www.rbkc.gov.uk/tcapply> under the heading of Licensing and Registration.
- 2.3 Along with the completed application form you will need to submit the following:
- 1) **1:50 scale plan.**
The plan must show the layout of tables and chairs against the building line and the distance from the tables and chairs to the kerb edge, along with any other items (such as A Boards, planters ,etc) and any other items such as trees, traffic lights etc. The applicant must also submit the dimensions of the tables and chairs they are proposing to use. As a minimum a table with two chairs takes up an area of 0.6m x 1.6m.
 - 2) A copy of **Public Indemnity Insurance** cover to the minimum value of £5m. The submitted document should include the address of the insured premises and the expiry date of the insurance policy. The insurance policy should cover the period for which a tables and chairs licence is being sought.
 - 3) **Fee** based on the number of chairs and hours licensed. **Please see Fee Structure on page 4.**

Renewal Application

- 2.4 A renewal reminder letter is sent by the Council to the applicant or agent via email and post 10 weeks in advance of expiry of the current licence. The reminder letter contains a password and username, which allows the applicant/agent to log into the Council's website and view the applicant details and the details of the current licence. There is an option to amend any of the details displayed and you will be able to upload the supporting documents stated in paragraph 2.3. You will be asked for payment of the administrative fee at the end of the online application which must be paid using a credit or debit card. You will be contacted to take the additional payment via debit or credit card once the application has been processed.

Time Period

- 2.5 It normally takes 8 weeks to process a valid application, including the statutory 28 day consultation period for both a new application and a renewal application. We will also need to know whether or not you require planning permission following your contact with Planning and Borough Development. 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.
- 2.6 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.

Objections

- 2.7 If three or more objections or an objection from a Ward Councillor are received within the 28-day consultation period for your tables and chairs licence application, the application will be submitted to the Council's Licensing Sub-Committee for determination. You, objectors and supporters would have the opportunity of attending and addressing the Sub-Committee meeting.

Transfer and Duplicate Licences

- 2.8 When a business changes ownership, the new owner may want the current licence to be transferred into the name of the new business. In order to make a transfer the new owner will need to send an email to tablesandchairs@rbkc.gov.uk requesting that a transfer be made. The new owner will need to submit:-

- a letter from the previous owner stating agreement to transfer the current licence
 - Proof of public liability insurance to the minimum value of £5 million.
- 2.9 The applicant will be contacted to take payment of the transfer administration fee (see paragraph 3.3 for fee).
- 2.10 The Transfer will take approximately 2 weeks to process.
- 2.11 You can apply for a duplicate licence by sending an email request to tablesandchairs@rbkc.gov.uk. The duplicate licence fee is noted at paragraph 3.3. A duplicate licence can be sent out within 7 working days.

3. Fee Structure

- 3.1 The fee structure is made up of two components:
- (a) The cost of processing an application: a flat cost which does not vary with the number of tables and chairs.
 - (b) Monitoring costs: these vary according to the number of chairs and the terminal hour of the licence. This is because a larger number of tables and chairs on-street is harder to manage and because the Council's costs for monitoring premises during an evening or night shift are greater.

The fee structure is as follows:-

Administrative Fee	£468
Fee per Chair (benches count as 3 or 6 chairs depending on the length)	£18
Additional Terminal Hour Fee for placement after 9pm	£228

For example, the cost for one table and two chairs with an extension of hours on Monday to Sunday up to 10.30pm would be:

$$\text{£468 administrative fee} + (\text{£18} \times 2 \text{ chairs}) \text{ plus } \text{£228 (for placement after 9pm)} = \text{£732}$$

- 3.2 Payment of the application fee must be made in two parts. When submitting the new application or renewal application on line you will be required to pay the administrative fee of £468 online via debit or credit card. Once the application has been processed you will then be sent notification via email to pay the additional fee (based on the number of chairs and the additional

monitoring fee for terminal hours after 9pm). The notification email will contain a password and link for you to pay the additional fee online.

Other Fees

3.3

Duplicate Licence Administration Fee	£45
Transfer Licence Administration Fee	£135

4. Links and further advice

- 4.1 For information regarding other structures and street furniture on the highway please see Chapter 7 of the Transport and Streets SPD 2016.
- 4.2 All consents for tables and chairs under the Highway Act 1980 are available to view on the [Council's website](#).