



PART V11A HIGHWAYS ACT 1980

Licence Conditions to occupy the Highway with tables and chairs

1. The consent shall be valid for a period of one calendar year from the date the consent is given and may be renewed, at the discretion of the Council, thereafter.
2. **The consent is personal to the consent holder, is not transferable and shall cease to have effect immediately on the consent holder ceasing to occupy the premises to which the consent attaches.**
3. Initial and renewal applications should be made so as to be received by the Council no later than two months before the date you would wish the consent to commence. Failure to do so will result in your application being dealt with and charged as a new application.
4. The consent shall be for a specified number of tables and chairs at a defined location, occupying a specific area which must not be exceeded. A plan detailing the defined area of footway which may be occupied will be issued to the applicant if consent is granted.
5. Consent holders may put in place boundary markers which must be approved by the Council. However, it should be noted that any form of paint markings or permanent fittings shall not be permitted and that boundary markers, such as barriers, must be removed when the use of the consent area is not permitted. Additionally the consent holder shall not make excavations or indentations in the consent area.
6. Tables, chairs, displays, barriers etc must not be placed out before 08:00 and must be removed by 23:00 Monday to Saturday and 08:00 – 22:00 Sundays* *23:00 Bank Holidays, or by the closing time of the premises, whichever is earlier. All furniture, equipment and other things used in connection with this consent shall be permanently removed on expiry of the consent.
7. The furniture and displays to be used must be agreed with the Head of Highways and Parking Services.
8. No permanent fixings are to be placed on the highway.
9. There must be no obstruction of any entrances or exits to any premises.
10. It is the responsibility of the consent holder to keep the consent area and the immediate adjacent area clean and free from litter at all times. If required by the Council, the consent holder shall provide litter bins for the deposit of all refuse and other discarded items, and ensure that the same are emptied daily.

11. No music or public address system, sound amplification apparatus or any musical instruments, radio or television, shall be permitted in the consent area.
12. Access to any statutory undertakers' plant must be made available when required and consent shall be suspended if road or street works are to be carried out which affect the consent area.
13. The consent holder shall indemnify the City Council, as Highway Authority, from and against all actions, claims, demands, costs, charges, losses and expenses which may be brought or made against them or incurred by them in the occupation of the highway granted under the consent and shall provide proof of adequate public liability insurance to this effect to the satisfaction of the City Council.
14. If for any legal reasons the premises cease operating or the operations are suspended the consent will also cease or be suspended and no part of the fee will be refundable.
15. Special conditions may be imposed in relation to specific applications; these shall be in addition to these conditions and, in a case of conflict, shall prevail over any other applicable conditions.
16. The notice provided with the consent must be displayed for the duration of the consent in an external window adjacent to the consent area where it can easily be seen by passers by. The consent holder shall return the notice immediately upon cessation of the consent.
17. Renewal of consent shall be subject, amongst other factors, to the applicant's compliance with the consent conditions during the period of the previous consent.
18. If the applicant intends to provide alcohol for consumption in the consent area, the applicant shall provide evidence of a premises licence under the Licensing Act 2003 for this prior to the grant of the consent.
19. The consent holder shall not cause any obstruction of the highway or danger to any person lawfully using the highway and, save as expressly permitted by this consent, shall not do or suffer anything to be done in or on the highway which, in the opinion of the Council, may be or become a danger, nuisance or annoyance to or causing damage or inconvenience to the said Council or to the owners or occupiers of any adjacent or neighbouring premises or to any member of the public.
20. The consent holder shall not assign, underlet or part with any interest or possession given by this consent or any part thereof, but the holder may surrender it at any time. On surrender of the consent, no fee or part of any fee paid shall be refundable to the consent holder.
21. Nothing herein shall be construed as the granting or purported granting by the Council of any tenancy under the Landlord and Tenant Act 1954 or any permission under the Town and Country Planning Act 1990 or any statutory modification or re-enactment thereof for the time being in force.

Notes

- A. Section 115 K of the Highways Act 1980 provides:
1. If it appears to a council that a person to whom they have granted a permission under Section 115E above has committed any breach of the terms of the 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 on whom a person is served under subsection (1) above fails to comply with the notice, the Council may immediately suspend or revoke the Consent with no compensation payable to the Consent holder.
 3. Where a Council have incurred expenses in the exercise of the power conferred on them by subsection (2) above, 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 subsection (1) above was served.
- B. The consent holder's attention is also drawn to the following:
1. The provisions of chapter 2 of part 1 of the Criminal Justice and Police Act 2001 and the City of Southampton (Alcohol Consumption in Designated Public Places) Order 2007 (or any amendment thereto or successor order), made pursuant to that legislation.
 2. The provisions of the Licensing Act 2003 in relation to the sale or supply of alcohol, provision of regulated entertainment and provision of late night refreshment.
- C. Consent holders are strongly advised to seek their own independent legal advice about these matters.