

2020

# TABLES AND CHAIRS GUIDANCE NOTES



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## 1. Introduction

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. That is why the placing of tables and chairs on the highway needs to be licensed. We issue tables and chairs licences under S115E of the Highways Act 1980.

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.

<b>Footway Category</b>	<b>Locations</b> (consult the Consolidated Local Plan for precise locations)	<b>Requirement</b>
<b>Busy:</b> primary shopping frontage in Higher Order Town Centres	Knightsbridge, Brompton Road, Kensington High Street, King's Road, South Kensington, Brompton Cross, Fulham Road, Westbourne Grove, Notting Hill Gate.	4 metres
<b>Medium:</b> secondary shopping frontage in Higher Order Town Centres and frontages in Neighbourhood Shopping centres	Secondary frontages in the shopping centres above and, inter alia, Gloucester Road, Ladbroke Grove, Old Brompton Road, Westbourne Park Road, Holland Park Avenue, Sloane Avenue, Earl's Court Road	3 metres
<b>Light</b>	Non designated locations, Portobello Road and Kensington Park Road	2 metres

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.

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.

## 2. Obtaining a licence

### 2.1 New application

To apply for a Tables and Chairs licence to place tables and chairs on the footway, you will need to complete the online application form on the Council's website. 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. Tables and chairs licences are valid for one year.

The tables and chairs online application form can be found at <http://www.rbkc.gov.uk/tcapply>.

### 2.2 Completing an Application Form

Before completing the form, you are advised to have the dimensions of the tables and chairs you propose to use and also the measurement of the footway from the building line to the kerb, in front of your premises. You will need to provide this information on the application form. You are also advised to have your supporting documents, see Section 2.3, ready to be uploaded when prompted to do so.

You will be asked to complete the following details

- **Premises details** - You will be asked to search for the premises to be licensed. This can be done by entering the postcode or selecting the street name. The 'find premises' button will find all available properties at the location and you will have the option to select your premises from the drop-down list.
- **Furniture details** - You will be given an option to enter the number and dimensions of tables, chairs or benches that you require. You must also provide any details of any other street furniture such as planters, barriers etc. that you may require. Before proceeding you will be prompted to upload a satisfactory layout plan (see information on supporting documents at Section 2.3).
- **Days and times** - You must state the times of the day for which you are seeking a licence. On the relevant page please specify times for each day of the week. This can be done by selecting each day from the drop-down list and then entering the times for that day.

e.g. Monday start time 8:00 end time 21:00

Clicking 'Save details' will save the information for that day and allow you to proceed to the next day. Alternatively, by selecting the option Monday to Sunday from the drop-down menu you can select the same times for every day of the week.

Please note that times must be entered in the 24hr format.  
e.g. 10pm would be 22:00.

- **Planning permission** – This may 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 Department of Planning and Place on 020 7361 3012 and ask whether you need to make an application for planning permission.

You are advised to check with the planning department before completing the form. You will be asked to enter your planning permission reference number or if planning reference number is not yet available the date that the planning application was submitted, before proceeding with this form.

You should contact Planning as soon as possible because a tables and chairs licence cannot be issued unless planning permission (if necessary) is granted.

- **Insurance** – You will be prompted to upload your insurance documents before proceeding with the application. Further information on the documentation we expect is provided in Section 2.3. Once you have added the document you will need to select ‘Save upload’ before moving to the next screen
- **Contact details** - These are the details of the person submitting the application form. These details will be used by the Council for all correspondence regarding the tables and chairs licence.
- **Apply and Pay** – The first part of the payment, the application fee must be paid on submission of the application form. You are advised that this payment is not refundable. See Section 3.1 - Fee Structure.

Payment is taken online via credit or debit card. A receipt for this transaction will be automatically emailed to you once the transaction is complete. You should not close the browser window until you receive confirmation that the transaction is complete. **Please retain this receipt as it is necessary for proof of payment.**

## 2.3 Supporting Documents

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

- **Plan of proposed layout.**  
The plan must be professionally drawn to scale 1:50 and 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.) that you propose. Any nearby objects on the footway, such as trees, telephone boxes, guard rail, bollards, traffic lights etc. should also be shown on the plan so that the tables and chairs are shown in their context. This plan will form part of the licence if it is granted.

The applicant must also submit the dimensions of the tables and chairs they are proposing to use. As a minimum a table measuring 0.6m with two chairs each measuring 0.4m will take up an area of 0.6m x 1.6m.

- **Public Indemnity Insurance**

You must provide evidence of Public Liability 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.

Please note that a Certificate of Employers Liability does not demonstrate Public Liability cover. The information we require is usually found within the policy schedule.

## **2.4 Renewal Application**

A renewal reminder letter is sent by the Council to the applicant or agent via email 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 details we hold on the applicant 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 described in Section 2.3. You will be asked for payment of the administration fee at the end of the online application which must be paid using a credit or debit card. A successful application will proceed to the mandatory 28-day consultation period. Once this has been concluded, and there has been no objections to the application, you will receive a letter requesting the second part of the fee payment (see Section 3.1 - Fee Structure).

## **2.5 Time to process an application**

It normally takes 8 weeks to process a valid application, this includes the statutory **28-day consultation period which applies to both a new application and a renewal application.**

We will also need to know whether or not you require planning permission. 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 not being validated and it will be withdrawn. The application will also be withdrawn if planning permission is required and is not granted within one month of the Tables and Chairs Licence application being processed. In such instances there will be no refund of the administration fee.

## **2.6 Objections during the 28-day consultation period**

If three or more objections are received from residents or an objection is received from a Ward Councillor during the consultation period for your tables and chairs licence application, the application will be forwarded to the Council's Licensing Sub-Committee (B) for determination. The applicant, objectors and

supporters will have the opportunity to attend the Committee Hearing and address the Sub-Committee meeting.

## 2.7 Transferring Licences

When a business changes ownership, the new owner has the option for the current licence to be transferred into the name of the new business. Otherwise a brand-new licence will be necessary.

In order to make a transfer the new owner will need to send an email to [tablesandchairs@rbkc.gov.uk](mailto: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.

The applicant will then be sent details in order to pay the transfer fee (see Section 3.2).

The transfer will take approximately 2 weeks to process.

## 2.8 Duplicate Licences

You can apply for a duplicate licence by sending an email request to [tablesandchairs@rbkc.gov.uk](mailto:tablesandchairs@rbkc.gov.uk). The duplicate licence fee is shown at Section 3.2. A duplicate licence can be sent out within 7 working days.

# 3. Fees

## 3.1 Fee Structure

The fee structure is made up of two components:

- The cost of processing an application: a flat fee which does not vary with the number of tables and chairs.
- 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 for 2020/21 is as follows: -

Administrative Fee	£502.00
Fee per Chair (benches count depending on how many can be seated)	£19.00
Terminal Hour Fee for placement of tables and chairs after 9pm	£245.00

For example, the cost for one table and two chairs with an extension of hours to 10.30pm on Monday to Sunday would be £785.00\*:

£502.00 Administration fee +  
£ 38.00 (£19 x 2 chairs) +  
£245.00 (for placement after 9pm)

*\*Prices correct as of 1 April 2020*

Payment of the application fee must be made in two parts. When submitting your application on line (including renewals) you will be required to pay the administration fee online by debit or credit card after completing the application form.

Once your 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 hyperlink, username and password so that this payment can be made online by debit or credit card.

### **3.2 Other Fees**

Duplicate Licence Administration Fee	£49
Transfer Licence Administration Fee	£149

*\*Prices correct as of 1 April 2020*

## **4. Links and further advice**

For information regarding other structures and street furniture on the highway please see [Chapter 9 of the Transport and Streets SPD 2016](#)

For information regarding categories of roads in the Borough please see the Town Centre Maps at [Chapter 30 of The Local Plan 2019](#)

For information regarding planning advice, planning applications or to view planning applications please see [Planning and Building Control](#)

All consents for tables and chairs under the Highway Act 1980 are available to view on the [Council's website](#).