

HIGHWAYS ACT 1980 – SECTION 115 (E-K)

LICENCE FOR THE ERECTION AND USE OF A FACILITY (Tables and Chairs)

Standard Licence Conditions

1. To use the highway solely for the purpose of The Facility and for no other purpose whatsoever
2. Unless separately agreed by the Licensing Department the method of marking the boundary of the licensed area shall be:
 - a. A fixed rigger barrier system, that is suitably stable not to be easily blown or knocked over.
 - b. A colour that is suitably contrasting with the surrounding environment to ensure it can easily be seen.
3. Clear access to the entrance of the premises must be maintained at all times.
4. The licence holder is not permitted to make any fixtures, or excavations of any kind, to the surface of the highway without prior written approval of the Council.
5. The type and style of the furniture to be used must be agreed between the licence holder and the Licensing Department.
6. The licence holder is not permitted to erect The Facility other than in accordance with the provisions of the licence.
7. The licence holder is not to make or cause to be made any claim against Harlow Council in the event of any property of the licence holder's becoming lost or damaged in any way from whatever cause.
8. The licence holder is to indemnify and keep indemnified Harlow Council from and against all actions, costs, claims, proceedings, demands and liability, which may at any time arise or be incurred in consequence of the existence and operation of The Facility.
9. The licence holder is to provide evidence that Harlow Council is indemnified against any claim arising from the operation of The Facility by public liability insurance cover of Five Million Pounds.
10. At the instruction of the Council to remove The Facility during the licence period for the purpose of:
 - a. Works in or under or over The Highway or for using it in connection with works in under or over land adjacent to or adjoining it as may be required by Harlow Council, the local highways authority or any statutory undertaker.
 - b. Use by emergency services.
 - c. Any other reasonable cause.
11. Not to cause a nuisance to persons using the highway or any adjacent land or premises. The licence holder is responsible for the keeping of good order within the boundary of The Facility.

Standard Licence Conditions – Continued

12. To remove The Facility immediately at the end of the licence period or on any sooner revocation the licence.
13. To reinstate the highway in the event of a breach of the licence. To reimburse Harlow Council if, as a result of a breach of the licence, it is required to carry out any reinstatement works itself.
14. To comply with the requirements of the Licensing Act 2003 or any modification or re-enactment thereof so far as they relate to The Facility.
15. To keep the area within the marked boundary of The Facility free of litter and rubbish, including staining from food and drink spillages.
16. The licensed area must be washed down thoroughly, at the end of every day, using a method sufficient to remove food debris, grease and other spillages that may occur.
17. To make arrangements to regularly check for and to remove litter and rubbish on pedestrian walkways, caused by persons using The Facility, for a distance of up to 10 metres from the boundary of The Facility.
18. The Facility is to be used for seated customers only.
19. The Licensee of a premise not licensed under The Licensing Act 2003 or any modification or re-enactment thereof, must not allow the consumption of alcoholic liquor within The Facility
20. The Licensee of a premises licensed under The Licensing Act 2003 or any modification or re-enactment thereof, must not allow the consumption of alcoholic liquor within The Facility outside the hours in force for the premises itself.
21. Where the consumption of alcohol is to take place then only plastic or toughened glasses and bottles are to be permitted within The Facility.
22. Specific hours of operation of the Facility will be indicated on the Licence. In general, however, the licence will not permit the placing of tables and chairs before 9am and they must be removed from the highway by 11pm.
23. Specific permission must be obtained from the Licensing Department for the use of outdoor space heaters.

The above conditions relate to a licence for the erection and use of a facility in respect of tables and chairs. A separate set of conditions will apply to a licence for the erection and use of a facility in respect of advertising boards.

Agreed by Environment and Community Committee on 1 February 2005

Amended 24th May 2006

Amended 15th January 2008