

Licence to Place Tables, Chairs and Temporary Street Furniture on, or over the public Highway

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The Council requires proprietors of such establishments to apply for an annual Licence in order for the council to effectively manage and promote a vibrant town centre, this will ensure a fair and consistent standard throughout the town.

A Licence has to be obtained from the authority for the placing of such items on or over the highway.

Please find enclosed for your information:

- A Licence Application form, to be completed and returned to Licensing Service at the above address,
- A copy of the Guidance Notes and Conditions for the Location and Licensing of Tables, Chairs and Temporary Street Furniture on the Public Highway, and
- Conditions of the Licence.

The charges for the licence(s) per table/ item for a one year licence and full payment must be received with your Licence Application form. This is an administrative charge for processing the licence and is non-refundable. (see attached fee chart within this pack).

Cheques should be made payable to Luton Borough Council, alternatively credit / debit cards can be accepted at the Public Counter.

The council will advertise your intent to place tables, chairs and or temporary street furniture on or over the highway. This is normally done by displaying notices in the immediate area of the intended site, however sometimes more extensive advertising may be required. If this is the case additional costs may be incurred. You will be advised of any charges upon application and these costs must be paid in full before the licence can be granted.

Please note that it is necessary for the council to receive an application for a licence to place tables, chairs and temporary street furniture on the highway at least 6 weeks prior to the intended placing of the items.

You must provide a detailed plan clearly showing the extent of the area you wish to use including dimensions. A guide on the requirements for the plan is attached to this application.

Planning permission may be required for certain sites. You should contact the Duty Planning Officer of Luton Borough Council for further information on 01582 546317 or email: developmentcontrol@luton.gov.uk.

If Planning Permission is required, once granted a copy must be attached to your Licence Application.

The applicant must hold Public Liability Insurance indemnity to the value of £5million to allow the commercial use of furniture on the highway. The applicant must submit proof of this insurance with the licence application form.

If you are licensed premises you will need to ensure that this area is properly licensed under the provisions of the Licensing Act 2003. I would suggest that you contact the Licensing Department at the Council before using this area.

If you have any further queries, please contact the Licensing Service on 01582 546040 or via licensing@luton.gov.uk.

Temporary street furniture permit(s)

Consent will be required from the Local Authority if you wish to place any temporary street furniture such as tables and chairs and 'A' boards on, over the highway for the purposes of refreshment or recreation.

This permission normally allows a 12 month period and the terminal hour for use of temporary furniture is restricted to 23:00 hours.

For example: if 3 tables and chairs are to be requested then the total cost would be per item x3 for the application).

Criteria

The criteria to apply for a permit for temporary furniture on the highway are as follows:

- ❖ Applications are made to the Licensing Authority.
 - ❖ A detailed plan identifying the area in which the temporary furniture(s) are to be positioned will be required with the application, *scale of plan identified in guidance notes 6.02.*
 - ❖ Provide public liability insurance as mentioned within guidance notes 2.14.
 - ❖ The Council will then display a notice on or near the premises in a prominent position. A notice will also be served on any owner or occupier (if not the applicant) for any premises likely to be affected by the application.
 - ❖ The notice must be displayed for at least **28 consecutive days**, starting on the working day after the application was given to the Licensing Authority.
 - ❖ The Council will consult with Planning, Regeneration and dependant on the scale of the application Development Control. Advice from the Disability Access officer will also be sought.
 - ❖ If the application affects owners/ occupiers of any premises adjoining the highway then those persons must give consent to the application.
 - ❖ There is no requirement for the applicant to advertise the application in a local newspaper.
 - ❖ If representations are made during the notice period then the Council will consider these together with the original application to determine the request.
 - ❖ In determination the Council may grant the consent in full, may limit the consent through conditions, or may refuse to give consent.
 - ❖ If the applicant is aggrieved by the decision of the Council and wishes to appeal then the matter will be referred for arbitration.
- The completed application form and supporting documents, together with the prescribed fee, should be submitted to the Licensing Service at the address below.
 - Please note: the fee once a valid application has been submitted is non-refundable.

Contacts

For information on the process or assistance in making your application, contact us:

By Post	Licensing Service, Luton Borough Council, Town Hall, George Street, Luton, LU1 2BQ
In Person	Not currently available.
By Phone	01582 546040;
Email	licensing@luton.gov.uk
Website	www.luton.gov.uk

APPLICATION FORM TO PLACE ANY TEMPORARY STEEET FURNITURE ON THE PUBLIC HIGHWAY (April 2025)

Premises Details

Full address of premises

Postcode

Telephone number at premises (if any)

Email address

Applicants Details

Name

Address

Postcode

Telephone Number

Email address

What are you applying for (please specify)

Number of tables Number of chairs

Number of picnic benches Displaying of goods for sale (per stand)

Number of Awnings/Canopies over the highway

Any other furniture not listed

Operating Hours (please indicate below the proposed days and times of operation for your temporary furniture)

Day	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Start							
End							

IT IS IMPORTANT THE BELOW STATEMENTS ARE READ, UNDERSTOOD AND PRESENTED

The applicant must hold Public Liability Insurance indemnity to the value of £5 million to allow the commercial use of furniture on the highway. Applicant to submit proof of this insurance with the Licence Application form completing all details below:

I HAVE CONTACTED THE COUNCIL'S PLANNING OFFICER AND PLANNING PERMISSION IS: (Please tick which is appropriate)

Not Required

Is required and I have enclosed a copy of the consent with the licence application form.

Location of furniture

Dimensions of area applying for	Width (metres)	Depth (metres)
Total size of area to be used for furniture		
Total distance from building to kerb edge (please refer to condition 8 of licence in pack)		

Please provide your existing Public Liability Insurance Details

Policy/Certificate Number

Name of Insurance provider

Start date of Insurance

Expiry date of Insurance

Value of indemnity cover stated by insurance (please see conditions for specified cover required) minimum £5 million

I confirm that these insurance details can be produced on request to an authorised officer of the council at any time **YES/NO**

Data Protection Information Privacy Notice

We take your privacy very seriously therefore we urge you to read the Council's privacy statements carefully because it contains important information about us and:

The personal information we collect about you

What we do with your information and, who your information may be shared with

To view this Privacy Notice, please visit <https://www.luton.gov.uk/pages/privacy-statement>

Print full Name

Date

Signature

Please note: This completed application must be submitted with the following:

Fee

Evidence of valid Public Liability Insurance (as detailed within the pack)

A plan detailing the area to be used for the furniture (as mentioned within the pack)

Planning Permission (where applicable)

Fees applicable for temporary furniture on or over the highway

Permission for furniture on highway – (per table/picnic bench, tables/chairs on highway)

£266.00

Projection over the highway – (Awning/Canopy)

£266.00

Display of goods for sale (tables/A Boards) on areas of Highway

£313.00

Line/Marking of highway demarcation (Goods on the Highway)

£68.00

Additional Display of goods for sale/A Boards on areas of Highway on an existing permit

£101.00

Please note: If you wish to apply for multiple permissions such as table/chairs and canopy you will be required to pay each fee that applies above

Stand alone A Boards outside the requested consent area you have applied for will be charged separately.

Conditions of Licence

1. A detailed plan must be provided clearly showing the extent of the area you wish to use (including dimensions). Tables, Chairs and Street Furniture must remain within the designated area at all times.
2. Every table, chair and item of temporary street furniture shall be positioned so that it does not impede the surface water drainage of the highway nor obstruct access to any premises unless the consent of the occupier of these premises has been obtained.
3. The tables, chairs and temporary street furniture shall be positioned in the area agreed. No items shall be sited as to obstruct access to any premises unless the consent of the occupier of these premises has been obtained.
4. Any infringements of the licence or problems arising out of the use of the site must be immediately rectified to the satisfaction of the council. The council reserve the right to terminate a licence without notice.
5. No tables, chairs or temporary street furniture shall be left on the highway outside the permitted times stated in the licence. Tables, chairs and temporary street furniture shall be taken inside and stored during the hours when business is not trading.
6. No tables, chairs or temporary street furniture shall remain on the highway pursuant to this permission after the period of this permit has expired.
7. The owner must hold Public Liability Insurance indemnity to the value of £5 million against any liability, loss or damage, claim of proceeding whatsoever arising under Statute or Common Law in respect of the placing and maintaining of the tables, chairs and temporary street furniture on the highway or their removal therefrom. The applicant is required to submit proof of this insurance prior to the licence being issued.
8. No tables, chairs or temporary street furniture sited on a footway are to be placed within 2.0m of the edge of an adjacent carriageway.
9. The licensee shall be responsible for keeping the designated area in a clean and tidy condition at all times and shall ensure that any associated debris is removed at the end of each day and make good any damage caused to the surface area.
10. Planning permission may be required for certain sites. You should contact the councils planning officer for further information. If planning is required, you need to attach a copy of the permission to your application.
11. Depending on the site location, there may be additional local arrangements or conditions to adhere to. If so, these will be sent out with your licence.
12. The licence is valid for one year and must be renewed annually if the applicant wishes to continue using it.

Guidance notes and conditions for the location and licensing of tables, chairs and temporary street furniture on the public highway

INTRODUCTION

- 1.01 **Guidance** – These Guidance Notes set out the processes to be considered when applying for consent to place street furniture on the public highway. It is intended to act as a guide to Applicants to explain why there is a need to control and manage items placed on the highway, the issues to be considered and the Conditions that will be applied upon successful application.
- 1.02 **Common law** – Common law has established that a highway is a route which all persons can use to pass and repass along as often and whenever they wish without hindrance and without charge. This definition therefore includes the road or carriageway and the footway or pavement. In order to preserve these rights of way it is necessary to ensure that they are not obstructed either wilfully or without due consideration. Consequently there is an obligation to regulate features placed on the highway to minimise risk and to make sure that there are no severe hazards particularly for the visually impaired, for those with mobility problems, the elderly and those with young children.
- 1.03 **Responsibilities** – Luton Borough Council, as Highway Authority, is responsible for the fabric of the public highway and therefore must ensure that, for example, access is maintained, that furniture does not obstruct drainage, sight lines or road traffic signs and that the area is safe. These are assessed and safeguarded using Highways Act powers.
- 1.04 **Café Culture** – Luton Borough Council wishes to encourage the provision of amenities on the public highway where they are consistent with the protection of the public and where they will not be disruptive. The Council is keen to stimulate a ‘café culture’ to improve the Town Centre areas in a general move towards a vibrant 21st Century environment where external ‘pavement’ dining using furniture placed on the public highway and public land can be a vital part of the life and character of the area.
- 1.05 **Powers** – Although the Council has permissive powers to allow the public highway to be occupied by certain items of street furniture such as benches and bus shelters, private sector traders have no such powers to place features on the public highway. The Council, as the Highway Authority, has, under the Highways Act 1980, the powers to grant consents, (licences), to others to carry out street trading activities for amenity purposes and thus legitimise the placing of private sector features such as tables, chairs and temporary street furniture on the public highway. The powers also exist to remove furniture in respect of unauthorised street trading under the same Act and the Town Police Clauses Act 1847.

- 1.06 **When can tables, chairs and temporary street furniture be placed** - An Applicant is **not** in a position to place any street furniture on the public highway until all the required approvals have been granted as necessary. In addition, no street furniture may be placed on the public highway until evidence of public liability insurance has been provided and checked and the Licence is on public display within the body of the business as specified.
- 1.07 **Forecourt Trading** – If tables, chairs and temporary street furniture are to be used on private forecourts Applicants need to ensure that Planning Permission is not required for tables, chairs and temporary street furniture in this area. Where there is an established right of way over a forecourt this is therefore deemed to be highway.

CRITERIA TO BE CONSIDERED BY APPLICANT

- 2.01 **Issues to consider** - Prior to presenting any application consideration must be given to the following which will be taken into account as part of any formal assessment.
- 2.02 **Space** – Is there enough room for the use as proposed? An unobstructed footway width of 2.00m will normally be required for the unimpeded use of pedestrians. This allows wheelchairs and prams to pass and provides an adequate route for blind and partially sighted pedestrians. A greater width will be required in heavily trafficked locations. A distance of 0.75m from the face of the building is required to satisfactorily accommodate a seated customer on a chair. Tables, chairs and temporary street furniture should normally be placed adjacent to the premises at the back of the footway. In some large communal areas this requirement may be waived. The positioning of tables, chairs and temporary street furniture should never discourage pedestrians from using the footway. The available route past the café area must be straight, obvious and unobstructed. The through route must not meander between the tables, chairs, temporary street furniture or standing customers.
- 2.03 **Means of enclosure** – How will the licensed area be physically defined? The extent of the area may be formally identified by markers flush with the surface as permanent points of reference. When a street café is operational a temporary form of enclosure will normally be required with adequate openings to permit access. The intention of the enclosure is to demarcate and contain the area and to give a clear warning particularly to people with visual impairments. A low level tapping rail will be a necessary requirement. The means of enclosure must be lightweight for out of hours storage but sufficiently robust to cope with resistance to high winds. Rope or chain barriers are not considered suitable because they are potentially hazardous to pedestrians specifically the visually impaired. Portable planters may be considered but they must be well maintained, planted, kept clean of debris such as litter and cigarette stubs and be able to resist accidental or mischievous movement. Enclosures should have a minimum top rail height of 800mm but no more than 1000mm.

- 2.04 **Furniture** – Are the tables, chairs and temporary street furniture fit for commercial purposes? A standard design and colour scheme will not be imposed, however the Council will insist upon a reasonable quality and expect the style to harmonise with the local environment. In some areas further conditions as to the fabric or colour of the furniture may be imposed, especially in areas of special interest or local conservation areas. Domestic plastic patio furniture will not be acceptable. Furniture must therefore be safe and intended for commercial use. It must be properly maintained, replaced as necessary and kept clean. Furniture must not be mixed. Furniture must not damage the surface of the public highway and should not generate unreasonable noise when being moved at night. Consequently consideration should be given to using furniture with rubber feet. Materials and colours should not be too bright, garish or overly reflective.
- 2.05 **Umbrellas/Parasols** – Umbrella location, colour and material must be specified. They shall be positioned so that they do not overhang beyond the enclosure and weighted to prevent them being dislodged by the wind. Only the company name or logo may be permitted on umbrellas the lettering should not be too dominant and limited to about 450mm x 150mm. In communal street café trading areas each business should select a different colour fabric to enable the customer to identify the seating area with the Licence holder's business.
- 2.06 **Electrical Power / Patio Heaters** – The use of generators is discouraged, however where they are approved they will be of the silent diesel type. On no account shall power cables be allowed to cross the public highway. Where patio heaters are authorised the Licence holder must ensure they do not present a danger or fire risk to the public, all electrical wiring and components must comply with current Health and Safety and Institute of Electrical Engineers regulations and are tested annually for compliance. The Council will require annual test certificates for all apparatus in use on a licensed site.
- 2.07 **Storage** – Where will the furniture, umbrellas and other items be stored? Café furniture and other items must not be stored on the public highway when not in use e.g. during inclement weather. All furniture, umbrellas and enclosures etc shall be removed at night and stored inside the shop premises or within an alternative safe environment as agreed by the Council.
- 2.08 **Cleanliness** – All tables must be cleared of all uneaten food, used crockery, cutlery and properly cleaned immediately. In areas where pigeons or birds may be a potential nuisance umbrellas may be required. The Applicant is responsible for the cleanliness of the café area at all times, also for wind blown litter in the area around the outside of the enclosure. At least one litterbin should be available at all times of operation. If smoking is permitted and complies with relevant legislation, each table should be provided with an ashtray which is cleaned each time the table is cleaned. At the end of each day all discarded cigarette stubs must be cleared. If the site is not kept clean the work may be undertaken by the Council and recharged to the Licence holder.
- 2.09 **Trade refuse** – The Licence holder will not deposit trade refuse on the public highway or part of the public highway to which the permission relates except where it is consistent with arrangements already made with the Council for the collection of trade refuse.

- 2.10 **Environment/nuisance** – The quality of the air and the immediate environment should be suitable for the proposed use and the proposed activities must not constitute a nuisance. The area must be conducive to sitting/eating/drinking and therefore consideration should be given to traffic volume, bus stops, taxi ranks and fumes. It is recommended that the hours of operation will depend on the location, facilities available and Police guidance. Normally, it would be expected that any business be concluded on the public highway by midnight. External public address systems and amplified music will not be allowed within the licensed table, chair and temporary street furniture area. The Licence holder must not cause annoyance to persons using the public highway or part of the public highway to which the Licence Application relates.
- 2.11 **Pedestrians/deliveries** – When in use, the pavement area will need to be clearly delineated. It is important to make the area distinguishable to other footway users and to assist the visually impaired. The means to accommodate deliveries and access for Emergency Service needs shall be considered.
- 2.12 **Neighbours** – Will the proposal affect neighbouring businesses and residents? It is good practice to always consult with neighbours, tenants and adjacent residents and to submit evidence to show that they have been consulted and present any letters of support. By giving those fronting the site or those who may materially be affected the opportunity to comment it may be possible to address any concerns prior to a formal submission. As part of the administration of the Highway Licence, there are two legal consultative requirements. These are to seek the consent of interested frontagers close to the property and to accept representations up to 28 days after a public notice has been posted on or near the premises.
- 2.13 **Regulations** - Does the proposal to place tables, chairs and temporary street furniture meet with the criteria and aspirations outlined in these Guidance Notes? The use of the area may involve a number of approvals it is important to secure the appropriate approvals and have a clear understanding about the obligations and conditions that apply in respect of each approval/licence and what is covered.
- 2.14 **Public liability insurance** – Is insurance cover required? The person to whom a Licence is granted must always have valid public liability insurance for at least £5,000,000 which also indemnifies the Council against any costs, claims, expenses, actions or damages howsoever arising. Evidence of such public liability insurance shall be provided to the satisfaction of the Council before a Licence can be exercised.
- 2.15 **Fees and charges** – Are fees and charges due? Fees and charges will be payable within the provisions of the fees scale determined by the Council relevant to the period for which the Licence and/or consent/s relate/s.

SITE SPECIFICS

- 3.01 **Pedestrianised streets with vehicle access at times** – Placing of tables, chairs and temporary street furniture will normally not be permitted during the hours of vehicular access. Vehicles and tables, chairs and temporary street furniture will only be allowed at the same time in such streets if adequate, clearly defined pedestrian space remains. Even during the hours when vehicles are normally excluded, tables, chairs and temporary street furniture should occupy only the area delineated in order to ensure a free and unobstructed route for Emergency Service vehicles.
- 3.02 **Pedestrianised streets with vehicle access at times/street markets** – Placing of tables, chairs and temporary street furniture will normally not be permitted during the hours of vehicular access. When a street market is active, tables, chairs and temporary street furniture will not be permitted unless there is sufficient space to accommodate passing pedestrians, shoppers, the stalls and stock and access is available for Emergency Service vehicles.
- 3.03 **Special areas and events** – There may be some sites where, as part of public projects or events, a share or all of the licensed trading area may be required to accommodate the proceedings. The Licence holder will vacate the ‘events’ area for the period concerned. Alternative arrangements for tables, chairs and temporary street furniture on the public highway may be considered but cannot be guaranteed. Due notice of a forthcoming event will be given. There may also be situations where high pedestrian or traffic flow may influence the placing of tables, chairs and temporary street furniture and the Licence holder may be required to reduce the size of the enclosure or vacate the site. All situations will be assessed as necessary but additional conditions may need to be imposed as appropriate.
- 3.04 **Communal areas** – There may be some sites where an area of public highway/public land is divided into predetermined trading areas available for different business to attract custom. Specific additional Conditions may apply in these situations but these Guidance Notes and the Conditions identified herein will always apply.

CONDITIONS

- 4.01 The Applicant shall display a complete copy of all the Licence in the front window at or near to the place to which the Licence and/or consent/s is/are applicable throughout the period of the Licence and /or consent/s.
- 4.02 Nothing in the Licence or the consent/s shall absolve the Applicant from prosecution should the application area be used in any other way than consented to or if any use expands beyond the application area.

- 4.03 Access for Emergency Services and Utility companies must be allowed at all times.
- 4.04 With the exception of Planning Permissions and Listed Building Consents, the Licence and any other consent/s may be withdrawn, at no cost to the Council involved at any time during the period of the Licence or consent/s if complaints are received, conditions alter or if full compliance of all Conditions is not achieved. Unless there is an immediate urgent problem, the applicant will be served with up to two written notices/warning to comply. A failure to still comply will result in a third communication indicating that action will be taken. Applicants should note that consents last for one year and therefore require renewal.

PROCEDURES

- 5.01 The Applicant should contact the Council's Licensing Service to determine if approval is needed to trade on street and to make the appropriate application(s) where necessary.
- 5.02 The Applicant should contact the Council's Environmental Health Department to discuss any issues relating to noise, food, health and safety and litter.
- 5.03 The Applicant should contact the Council's Licensing Service for a Licence Application form which should be completed and returned along with all the relevant necessary documentation and fee. To ensure that the Licence Application is processed quickly, Applicants should have considered all the points listed in the 'checklist' and supply all the relevant supporting data.
- 5.04 It may take up to three months to process all aspects of the Licence Application which takes into consideration all representations made by interested frontages who would be materially affected by the proposal. Consultation may include the local Police and other Council Departments.
- 6.01: **The following general points should be considered.**
- Is it likely that the Council will agree to a request in principle
 - Are there any doubts about land ownership
 - Are there any doubts about rights of way
 - Are there any existing related Planning consents

- Is the local environment suitable
- Are other frontages likely to object
- Is the site a 'communal area'
- Is the site linked to any prohibitions of vehicular traffic
- Is the site linked to street markets or special events
- Will accessibility be preserved on the footway and within the site
- How will the area be delineated
- Is there sufficient space to accommodate customers and furniture
- Will the furniture be fit for its intended purpose
- Will umbrellas be provided
- How will items be stored
- Can cleanliness standards be achieved and maintained
- How will trade refuse be removed in relation to the street café

6.02 The Licence Application should be accompanied by the following;

- A location plan 1:1250 which clearly defines the premises
- A plan 1:50 or larger to show:-

- The proposed licensed area outlined in red in relation to the premises and kerb line with dimensions.
- The precise location of the tables, chairs and temporary street furniture, umbrellas, litter bins and means of enclosure
- The position of any street furniture and trees in the immediate vicinity
- The position of any dropped kerbs, pedestrian crossings, parking bays, market pitches, cellar hatches, points of access, fire escapes
- A photograph or brochure detailing the furniture to be used
- A photograph or brochure detailing any means of enclosure
- Details of the proposed hours and days of the week that will apply
- Details of the proposed place of storage
- A completed Indemnity Agreement
- Copies of any necessary Council permissions such as planning, licensing etc. or written confirmation that these permissions will not be required.

REFERENCES

Highways Act 1980, Section 115A – 115H

Highways Act 1980, Section 147A & 149

Control of Pollution Act 1974

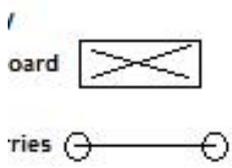
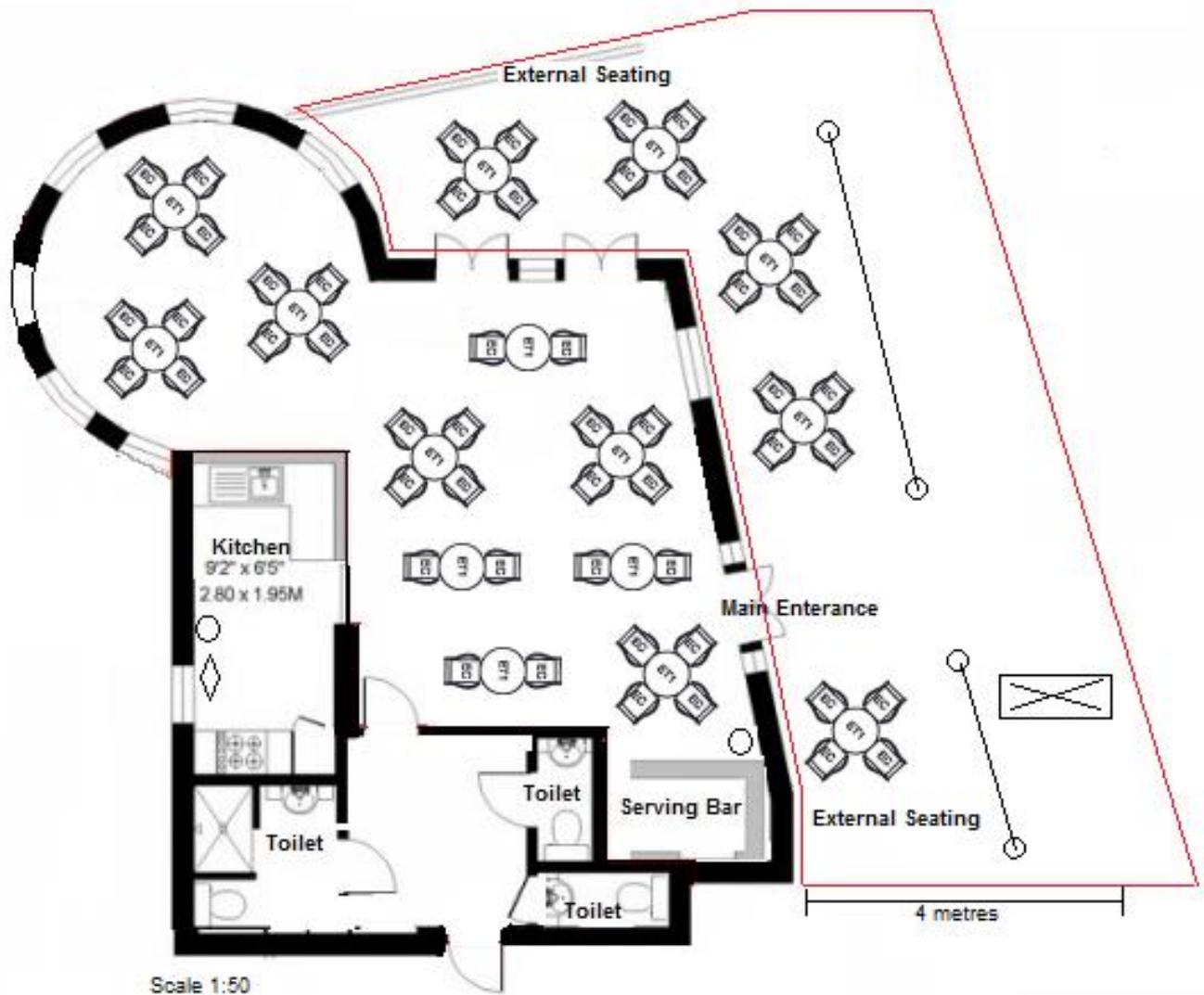
A guide on the requirements for the plan for temporary street furniture

A detailed plan must be provided clearly showing the extent of the area you wish to use (including dimensions). Tables, Chairs and Street Furniture must remain within the designated area at all times.

The Licence Application should be accompanied by the following;

- A location plan 1:1250 which clearly defines the premises
- A plan 1:50 or larger to show:-
 - The proposed licensed area outlined in red in relation to the premises and kerb line with dimensions.
 - The precise location of the tables, chairs and temporary street furniture, umbrellas, litter bins and means of enclosure
 - The position of any street furniture and trees in the immediate vicinity
 - The position of any dropped kerbs, pedestrian crossings, parking bays, market pitches, cellar hatches, points of access, fire escapes
 - A photograph or brochure detailing the furniture to be used.

Sample plan for tables and chairs/barriers and A boards



Sample plan for goods for sale

