



BCP Council Sales and Display FACILITIES ON THE HIGHWAY NOTES FOR GUIDANCE OF APPLICANTS and Conditions of Permission (Highways Act 1980)

- 1. Permission for Provision of Sales and Display Facilities on the Highway may otherwise be known as a “Sales and Display”**
- 2. You should expect acknowledgement of receipt of your application within 10 working days.**
- 3. Your application will be considered to be for a NEW licence, except where a pre-existing licence has been granted and the date of renewal has not expired by more than 6 Months.**
- 4. All applicants are advised to carefully read these Notes and the Conditions of Permission, in Annexe 1 below, which may have altered since any previous application.**
- 5. You are advised that submission and subsequent acknowledgement of an application, whether or not the Conditions below appear to be met, is not a guarantee that permission will be granted.**
- 6. Each application will be considered on its individual merits including for example, the amount of space removed from highway, visual impact of proposals, effect on local residents, users, neighbouring property.**
- 7. You are advised that BCP Council will consult with the Police, and take into account any comments received, in considering whether to grant any permission for provision of refreshment facilities on the highway.**
- 8. Applicants should be aware that they may require Planning Permission for the change of use of the highway. Permission under this application does not infer or convey any approval or relieve the Applicant from obtaining necessary approvals from these bodies. The Local Planning Authority and Licensing Authority will be notified of all applications received for permission to provide Sales and Display facilities on the highway.**
- 9. You may indicate your preferred hours, but the permitted hours will ultimately be stipulated by the Council.**
- 10. Barriers or other means of enclosure will be required in order to ease pedestrian movement, guide the visually impaired, protect users of the facility and contain the licenced area. These should be no less than 800mm high and the bottom no more than 150mm above the ground. The barrier should be sturdy, of a contrasting colour to furniture and highway surface and close textured. Hoops or post and chain type barriers and low-level objects will not be acceptable.**



11. Where barriers are to be used you are advised that space will be required for circulation and access within the enclosed area in addition to that for the items displayed for sale. In particular you are reminded of the need to consider access for pram and wheelchair users and the mobility impaired.

12. Layout guideline dimension criteria:

- A table and four chairs is deemed to occupy a minimum of 2.0 metres by 2.0 metres. (This does not include space for circulation)
- A minimum clear footway width of 2.0 metres shall be maintained past the licenced area, normally adjacent to the building frontage. This requirement may be increased to 2.5 metres in town centres, pedestrianised areas and other busy pedestrian areas.
- An absolute minimum clear width of 1.0 metre is required from any single point of obstruction e.g., bollard.
- A minimum distance of 0.5 metre shall be maintained between the boundary of a licenced area and the edge of any vehicle carriageway.
- A 2.0-metre-wide access to the premise should be kept clear at all times.
- You must also make allowance for any other equipment and circulation requirements within the area applied for.

13. The Council will require a site Notice to be posted at or adjacent to the premise for a minimum period of 28 days or 14 days asking for comments from any person who may have a material interest.

14. No Advertisements will be considered in association with a Sales and Display Licence for alcohol or tobacco products. Markings or logo of a limited size may be permitted to enable identification of barriers, equipment etc.

15. The typical conditions of permission below are given to assist applicants and will form part of any permission granted. For the sake of clarity where any duplication or conflict may occur with conditions included on the Permission then those on the Permission shall take precedence.

16. You are advised that they will be required to indemnify BCP Council against all proceedings claims or expenses that may arise out of the use and provision of these facilities and to hold a valid Public Liability Insurance policy, which policy(s) must be produced for inspection prior to any grant of permission and to a minimum of £5 million pounds.

17. Please fully complete the Application Form online by following the link below: <https://www.bcpCouncil.gov.uk/business/licences-and-permits/pavement-and-cafe-licences-levelling-up-and-regeneration-act>

18. Once the license has been processed and agreed you will receive confirmation to make the payment fee via online payment. With this being successful you will receive a receipt and your Sales and Display license via email.



ANNEXE 1 PERMISSION FOR PROVISION OF REFRESHMENT FACILITIES ON THE HIGHWAY GENERAL CONDITIONS OF PERMISSION

Without prejudice to the Conditions 1 to 18 of the Permission the following general conditions that were also supplied for the guidance of Applicants apply to the Permission. For the sake of clarity if where any duplication or conflict may occur with conditions 1 to 18 above of the Permission then those shall take precedence.

- a) The location and size of the area, the Permitted Area, shall be determined by the Director, Planning and Transport.
- b) Adequate clearance between the frontage of a building and any obstruction or between the Permitted Area and any obstruction and or carriageway is to be maintained to ensure the free movement of pedestrians through the area past and around the Permitted Area and to provide sufficient width for emergency vehicle access
- c) Separate advertisements and free-standing signs (ie 'A' boards) or menu boards will not be permitted in the street.
- d) The holders shall not offer or provide services or goods or refreshments from within the Permitted Area except for consumption or use in the Permitted Area.
- e) The holders shall not use or suffer or permit any equipment for the generation of electricity within the Permitted Area.
- f) The holders will keep the area including the adjacent highway for a minimum distance of 20m in each direction clean and tidy at all times and free from litter and other rubbish arising from use of the Permitted Area.
- g) The Borough Council, its agents and statutory undertakers shall be given access to the Permitted Area at all times in order to discharge their statutory duties. h) All fire hydrants, surface water channels and gullies must remain unobstructed at all times.
- i) The delineation of each area which may require physical barriers shall be agreed with the Director, Planning and Transport.
- j) The costs of providing additional street furniture, bollards, barriers, planters, lamp columns or other features to enhance and or to protect the area will fall on the holder and must be of an approved type, size and colour.



k) All items of furniture placed by the holders shall be of a portable nature and stable and shall be removed from the street outside of permitted hours or when the business is closed or as required by the Director, Planning and Transport.

l) The Permission shall be withdrawn at the sole discretion of BCP Council and the holders will be required to remove all items of portable furniture in the event of any nuisance, bad behaviour of patrons or undue obstruction arising as a result of their placement.

m) The holders must satisfy all the appropriate licensing and registration authorities in respect of the consumption of food and alcoholic drinks within the Permitted Area.

n) The Highway Authority's consent is subject to the provisions of the Highway Act 1980 and other relevant highway and traffic regulations.

o) The holders shall indemnify the BCP Council, as Highway Authority, against any claim in respect of injury, damage or loss arising out of the grant of the permission in the sum of £5million.

p) The holders shall be responsible for making good any damage to the highway or additional cleaning required as a result of the activities covered by the granting of this permission.

q) The holders will agree to meet all the Council's reasonable costs in this matter. In this connection, for the first year a Fee of £250 is payable. In subsequent years subject to no alterations to the licence, an annual Fee of £175 is payable. These charges may be subject to review from time to time