

WOKING BOROUGH COUNCIL TERMS AND CONDITIONS OF PERMISSION TO PLACE TABLES AND CHAIRS ON THE PUBLIC HIGHWAY

1. Permission to operate a Pavement Café does not imply an exclusive right to the area of public highway. The operator should be aware that the Woking Borough Council (WBC) and others (e.g. police, statutory undertakers) will need access at various times (including emergencies) for maintenance, installation, special events, improvements etc. This may mean that the Pavement Café will need to cease operating for a period of time. On these occasions there would be no compensation for loss of business.
2. WBC requires evidence that the licensee has Third Party Insurance cover from a reputable company for the operation of the Pavement Café. This must indemnify the WBC against all claims for injury, damage or loss to users of the public highway, arising from the use of the highway for the permitted purpose. The minimum level of indemnity must be £5 million in respect of any one incident. The licence holder must indemnify WBC against the loss or damage to any of their property or any loss, or injury, which arises out of the granting of the licence.
3. WBC is empowered to remove and store or dispose of furniture from the highway, at the cost of the licensee, if it is left there outside the permitted hours, or should any conditions of the licence be ignored. WBC will not be responsible for its safekeeping.
4. An unimpeded pedestrian route must be maintained at all times for people wishing to use the footway
5. Emergency routes to the premises and adjacent buildings must not be obstructed by the Pavement Café, which should not, in normal circumstances, extend beyond the width of the café frontage.
6. A clear route of access along the highway must be maintained, taking into account the needs of disabled people, and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1 of Inclusive Mobility.
7. Tables and chairs should be of an approved type and should be kept in a good state of repair. Furniture should be placed so as not to obstruct driver sightlines, or road traffic signs. Placement of café tables and chairs must allow pedestrians to use the footway parallel to the frontage of the premises. Care should be taken in the use of hanging baskets, awnings, protruding umbrellas etc. patio heaters must not be used.
8. The Premises area will be defined by an agreed and in keeping uniform approach. The licensee must include, in the plan, the type of demarcation to be used. The preferred method being slot in ground posts or stud markers.
9. All potential obstructions must be removed from the public highway when the premises are closed to prevent a safety hazard to pedestrians, particularly during the hours of darkness.
10. The licensee should ensure that the Pavement Café operates in a safe manner, thereby ensuring that any safety risk or nuisance to other users of the public highway is minimised and ensure they have a responsible person on site to ensure the conditions of use are met.
11. The operation of the Pavement Café must not interfere with highway drainage arrangements.
12. Any proposals to provide additional lighting to the Pavement Café areas must be discussed and approved with the WBC engineering team.

13. WBC requires that all detritus (food and drink remnants, bottles, cans, wrappers etc) be regularly removed from the footway surface to reduce hazards to pedestrians. The highway is to be washed down at the completion of each day's usage.
14. Any costs incurred as a result of damage to the highway, due to the positioning of tables and chairs etc, will be recovered in full from the licensee by WBC. Any defects apparent on any part of the defined area need to be notified to WBC.
15. The licensee is responsible for ensuring that the conditions of the highway licence and planning permission are adhered to.
16. The licence must be displayed on the premises with a plan of the agreed layout of the pavement café.
17. WBC reserves the right to rescind this licence at any time if any of the above conditions are not fulfilled and maintained.