

Tables and Chairs Permit Guidance notes

These guidelines have been provided to help you complete the application form. All questions on the application form must be answered.

Before lodging an application, please ensure that you have read the following guidance.

Please note: The application form must be fully completed and submitted electronically, together with all required supporting documentation.

Standard Hours of Operation

- City Centre (except Central Grassmarket) and Towns, 9am to 9pm.
- Central Grassmarket, 12 noon to 9pm (usually between April and September).

Standard Hours of Operation Fees

Fees are applied per sqm. The current cost of a permit is £206 per sqm for sites within the World Heritage site and £163 per sqm for areas outwith this area.

Examples:

- Annual permit
 $2.0\text{m} \times 2.0\text{m} = 4\text{m} \times £206 = £824$ for an annual permit within the World heritage site.
- For businesses that do not wish to apply for a full annual permit, part year permits can also be provided.
 $2.0\text{m} \times 2.0\text{m} = 4\text{m} \times £206 = £824 \div 365 \text{ days} = £2.26$ per day multiplied by the number of days requested

Extended Hours of Operation

- Morning extension (7:30-9am) (except Central Grassmarket)
- Evening extension (9-10pm) (except Central Grassmarket)

Extended Hours of Operation Fees

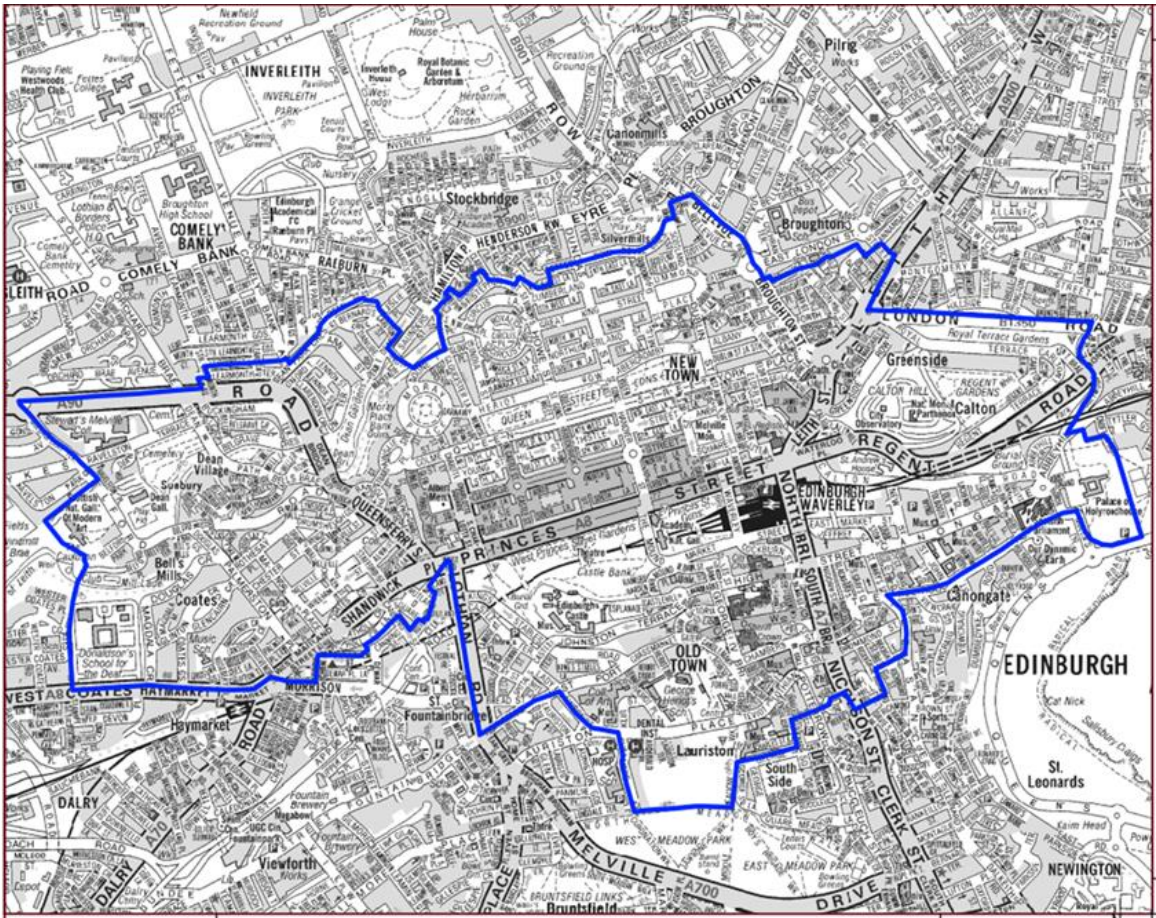
A flat fee of £150 is applied for extensions.

Example:

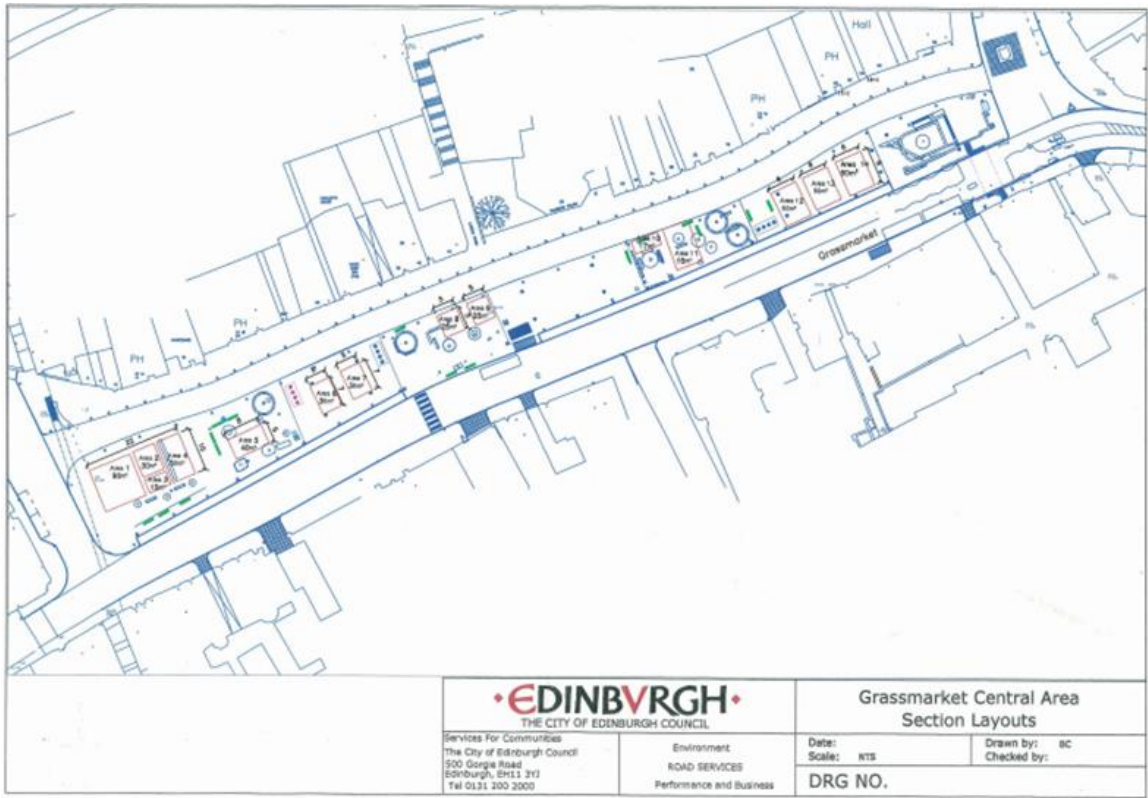
- $2.0\text{m} \times 2.0\text{m} = 4\text{m} \times £206 = £824 \div 365 \text{ days} = £2.26$ per day multiplied by the number of days requested + £150 for morning extension + £150 for evening extension within World Heritage site.

Location Maps

The areas within the blue line are deemed to be within the World Heritage Site area:



Central Grassmarket area:



Eligibility

Permits will only be considered where the primary business carried out at the premises is the serving of food and drink.

Processing timescales

You should allow a minimum of four weeks for the Council to process your application. The exact length of time required will depend on the complexity of your request.

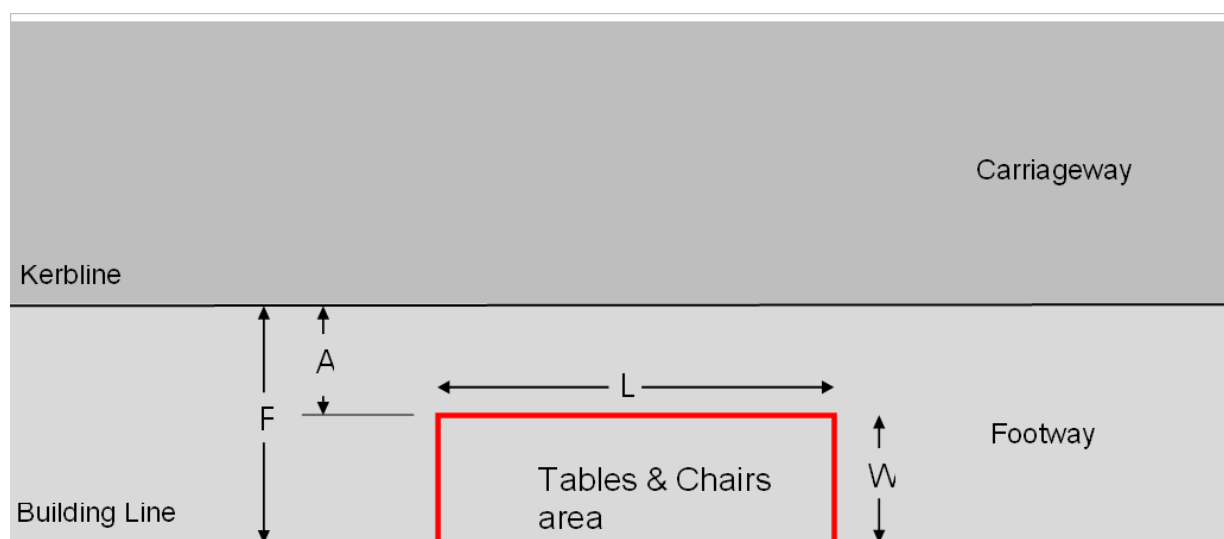
It is in the public interest that the Council processes your application before it can be granted. You should not assume acceptance of your application, or set up tables and chairs, until a permit has been granted.

Public Liability Insurance

Applicants must ensure that their public liability insurance is sufficient to cover the area outside their business where the tables and chairs are to be placed.

Layout Plan

Please provide a plan showing the proposed layout for new applications and changes to the tables and chairs area. See below example for measurement requirements.



L - Length of proposed tables & chairs area

W - Width of proposed tables & chairs area

F - Footway width

A - (Footway width) Remaining footway available for pedestrian. This width should consider any nearby street furniture, for example sign poles, bins, bike racks etc.

A minimum width of 1.5m must be maintained for pedestrians at all times. If 1.5m cannot be maintained, your application will be refused. Failure to maintain the minimum 1.5m clearance for pedestrians following installation of tables and chairs will lead to your permission being revoked.

Structural Surveys

The Council is committed to ensuring the safety of the public and particularly the customers using the Tables and Chairs. The application form asks if a survey of the building has been carried out and it is important that this is answered correctly. If no survey has been carried out, it is recommended that you arrange this as quickly as possible to ensure a safe environment for your staff, customers, and the public.

Barrier requirements

Solid barriers must be placed at each end of the tables and chairs area specified in your permit. A detailed description of your barriers must be given with your application for Tables and Chairs consent. If you fail to include adequate details of your barrier proposals your application will not be considered.

Barriers should:

- Stand at least one metre in height from the footway level
- Extend the full width of your tables and chairs area
- Incorporate a tapping rail or other demarcation approximately 150mm above ground level to guide blind or partially sighted pedestrians.
- Be capable of withstanding winds of *Class B blowing from any direction.
- Fixed to suitable mountings and substantial enough to resist collapse if someone were to walk, wheel or cycle into them
- Be of a colour and design that takes account of the needs of people with a visual impairment, ideally providing a contrast with its surroundings
- Be of a high-quality design and materials. Planters are encouraged, while other solutions including fabric banners and metal, or timber panels are also acceptable (as long as they meet the other requirements). Plastic is not acceptable.

Co-ordination of colour schemes and canopy types with other businesses on the street is encouraged.

The Council will consider requests for the use of semi-permanent barriers on the pavement on a case-by-case basis. However, the Council will need to be satisfied that a semi-permanent set up would not negatively impact street cleansing, public safety or accessibility before granting permission.

Please note: Rope and pole fixtures are not acceptable.

Displaying of advertising boards

The Council has implemented a city-wide ban on advertising boards ('A' Boards) and other temporary on-street advertising structures. This includes the display of 'A' Boards within your permitted tables and chairs area.

Use of additional equipment (Parasols, Gazebos and Canopies)

The area(s) approved for tables and chairs must be used for the placing of tables and chairs furniture. If you intend to place any other type of equipment within the pavement area you must seek permission from the Council and provide full details of your proposals. Gazebos or other tent structures are not permitted within the world heritage site unless being used as under street/market trader or event permissions.

Please note: The use of outside gas space heaters is prohibited.

Any covering for the seating area should meet the following safety and appearance requirements:

- Wind safety: you will be required to submit a wind management plan – a pro-forma and guidance are included in the application pack.
- Open parasols should be safety secured and contained entirely within the boundaries of your tables and chairs area to ensure that they do not cause an obstruction or present a danger to any other users of the pavement.

Use of decking and structures

The area(s) approved for tables and chairs must be used for the placing of tables and chairs furniture. The Council will consider requests for the use of semi-permanent structures on a case-by-case basis. However, the Council will need to be satisfied that a semi-permanent set up would not negatively impact street cleansing, public safety, road safety or accessibility before granting permission for semi-permanent installations.

Site Notice

You must complete and display this notice. Its purpose is to inform the general public and interested parties that you have made an application for consent to place tables and chairs in a public area. This affords all parties the opportunity to comment on or object to your application and informs the consent process.

If an objection is received during the 14-day display period, then the applicant will be asked to remove the tables and chairs until the objection is dealt with.

Guidance on displaying the site notice:

- Complete the site notice form, making sure that writing or typeface is clear and easy to read.
- Ensure the site notice is signed and that the date the application was lodged is clearly stated.
- The site notice must be positioned where it can be read easily by the public for a period of 14 days from the date on which the application is lodged.
- Take reasonable steps to protect the notice and replace it if necessary.

Objections and complaints

Anyone can raise an objection or make comment to an application. All objections/comments must be lodged within the 14-day period. This corresponds with an applicant's mandatory obligation to display the site notice.

Objections must:

- Be in writing.
- Be signed by or on behalf of the objector.
- Specify the grounds for the objection.

General Complaints

Anyone may lodge a complaint at any time with the Council if they consider an existing permit holder to be causing undue public nuisance or threat to public order or safety. The Council maintains the right to terminate a Tables and Chairs consent at any time.

Grounds for termination are listed in the TERMS AND CONDITIONS section.

TERMS AND CONDITIONS

1. The Permit must be displayed in a prominent position at all times for inspection purposes and made available to an Authorised Officer or Police Constable upon request.
2. This consent for occupation of the pavement will be for Tables & Chairs and Barriers only and will be valid until expiry of permit. The use of barbecues, rotisseries, ice cream machines, drinks machines, fridges or any other equipment for the preparation and/or sale of food and drink for consumption will not be permitted within the area. No other equipment used for the advertisement for event or product shall be permitted.
3. The consent will be for a defined area, as shown on the successful permit. Occupation of the pavement or roadway must not extend out with this area.
4. No permanent fixings are to be place on the pavement/road.
5. Barriers and Tables & Chairs are only allowed on the pavement/road during the period stated on the permit (between 0730hrs and 2200hrs. Exceptions to this are the central Grassmarket area where different timings may apply. Details provided on application.
6. Storage of Furniture/Barriers etc. on the pavement/road is not permitted outwith the times as laid out in condition 5 unless agreed with the Council in advance. Any items found on the pavement/road out with these times will be removed/ confiscated under section 59 of the Roads Scotland Act 1984.
7. The type of Furniture and Barriers must be agreed with the Director of Place or his designated representative. All tables & chairs and other equipment must be properly maintained and kept in a clean, tidy and safe condition at all times.
8. Permit holders must ensure that the defined area is kept clear of all waste, including cigarette litter, associated with their business. These areas MUST be swept/cleansed when required during the day and after removal of the Tables & Chairs at the end of each day. All waste/litter must be disposed of in an appropriate manner i.e. NOT swept into kerbside. Appropriate disposal will include an adequate Trade Waste contract as per "Duty of Care" in terms of Environmental Protection Act 1990.
9. You MUST provide access to any public utility plant or fire hydrant in the area occupied when required.

10. The consent will be suspended when public utility or road workings are being undertaken in your immediate area. This shall include the erection of scaffolding at or adjoining your building or on any occasion where works in the area prevent a minimum of 1.5m being maintained past the tables and chairs area.
11. The consent holder shall indemnify the City of Edinburgh Council from and against all actions, claims, demands, costs, charges, losses and expenses of whatsoever kind of nature which may be brought or made against them or incurred by them in the occupation of the road or pavement granted under the consent.
12. An Authorised Officer of Place Directorate and/ or a Police Constable may temporarily suspend a permit at any time for reasons of public safety.
13. No music, amplified or otherwise, shall be allowed outside the premises.
14. The number of customers utilizing your tables & chairs area, at any one time, should not exceed the available physical seating provision.
15. The Council shall be entitled to enforce a warning system or even terminate the Permit in the following circumstances:
 - In the event the Permit Holder and/or their employees fail to comply in any way with the terms and conditions of the permit.
 - In the event the Permit Holder fails to remedy any breaches of the terms and conditions of the permit or other default to the satisfaction of the Council and within the period specified by the Council.
 - In the event of persistent and/or continuous breaches or defaults by the Permit Holder and/or their employees.
16. The permitted area is solely for the placing of tables and chairs furniture.