

# Appendix 1

## Street Furniture Licence – Guidance

### 1.0 Completing the Application Form – General Information

1. The street furniture applicant must specify the exact site address
2. The street furniture applicant must specify the start and end date and time of operation
3. The street furniture applicant must specify the reason for the supply of equipment, e.g. display of goods, advertising, outside dining etc.
4. The street furniture applicant must specify the type, number and dimensions of the items to be placed on the highway (weight, length and width).

#### Public Liability

Southwark Council will require a signed letter of indemnity, a copy of your insurance policy and evidence of payment of the premium for each street furniture licence operation, regardless of size. Please note that no company can place street furniture on the public highway without agreeing to provide up to £5,000,000 (five million pounds) indemnity.

#### Street Furniture Safety

Southwark Council may inspect the site at any time during the operation. If the operation does not adhere to the agreed conditions and pedestrian management plan requirements, the inspector may instruct the supervisor/licensee to safely shut down or remove street furniture until the problem is resolved.

In cases where the street furniture set up or pedestrian management plan differs excessively from that which was agreed as part of the licence application and/or poses a potential danger to person or property, the Council Inspector will instruct the street furniture supervisor/licensee to immediately and safely remove the street furniture and leave the site. Discussions will then be held between the street furniture company/licensee and the Council at a later date to reschedule the operation.

It is the applicant's responsibility to ensure that all statutory undertakers equipment is accessible and free from obstruction.

#### Licence Duration

The licence is valid for **12 months**.

#### How much is a Street Furniture licence?

- Street Furniture per square metre = £75.00

#### Damage to the Highway

Southwark Council reserves the right to inspect the site at any time during the street furniture licence. If we feel that your street furniture has damaged or altered the public highway in any way we will carry out repairs and recharge all reasonable costs to the applicant. If no inspection

has been carried out to confirm the existing state of the highway prior to the licence operation, you must agree to pay any reasonable charges specified by Southwark Council if it felt the highway has been damaged. It is suggested that you take photos of the site prior to your operation for your records.

## **Site Visits**

A site visit from a Council inspector to assess your requirements as set out in your application will be carried out following receipt of the completed street furniture licence application form, proposed pedestrian management plan, evidence of public liability insurance and payment. Should a further site visit be required to discuss additional requirements a charge will be made of £35. This will be payable prior to the meeting being carried out.

## **2.0 Please submit your signed application form to our office via post or email, including the following documentation:**

### **Letter of Indemnity**

Southwark Council requires a signed letter of indemnity before any street furniture placement can commence.

It is recommended that you use the pro-forma attached to the application when submitting your letter of indemnity. If you intend to issue your own letter of indemnity, please allow at least one month for Southwark Council's legal team to check and approve it. We advise that the indemnity be dated for one year.

### **Insurance Liability**

Public Liability Insurance to the value of least five million pounds is required and a copy of your insurance liability should be provided as proof of the indemnity statement.

### **Pedestrian Management Plan**

A street furniture placement on the public highway requires a traffic/pedestrian management plan.

Officers of Southwark Council will examine your proposals, and may amend them if there are any areas of concern. If amendments are necessary, the street furniture applicant will be responsible for resubmitting the revised plan.

## **3.0 Sending Application**

### **Once my application is completed where do I send it?**

Once you have completed the container licence application you can send it to the Highways Licensing Team by the following methods:

- 1) By Post
- 2) By Email

### **Once I have sent my application, what happens next?**

Following the submission of a completed application and payment are received the Highway Licensing Team will perform a site inspection to assess the application requirements, condition of public highway and co-ordination requirements on the licensing database to ensure road and foot space is available. Your application will then be assessed and either issued or declined

within 28 working days. If an application is declined the reasons will be provided as to why it was not issued in writing.

### **Once my licence application has been accepted how do I receive my licence?**

All licences will be sent by post as they are laminated for the purpose of being displayed outside. All licences are required to be displayed in front window of business for the purposes of informing council officers of the licence conditions and licensee contact details in case of an emergency.

If required an electronic version of the licence can be sent to you by email.

No street furniture shall be placed on site until a valid licence has been authorised and displayed on site. Unlicensed street furniture or street furniture waiting for consent will be treated as illegally placed and will be dealt with through the enforcement procedure.

### **Licence and Deposit Fees**

Street furniture licence applications must be paid before any site inspections or issue of licence is performed. Street furniture licence applications require payment for licence and deposit for potential damage to the highway.

Deposits are required to be held by Southwark Council in order to protect the highway authority's assets in the cases where damage is found due to licensed activities being performed. Deposits received by Southwark Council are refundable at the end of the licence period following a site visit and confirmation by a Council Inspector that no damage has been sustained to the highway as part of the removal of the licensed activity as set out in paragraph 5 below.

### **Deposit Calculation**

Deposits are calculated per square metre occupied by street furniture as well as surface materials the furniture will be located on. If street furniture such as a planter or A board is to be situated on the highway these will be treated as taking up one metre of highway per placement. If multiple items are to be placed on the highway then the entire length and width of placement must be included.

Further information of the specific charges can be provided by the highways licensing team.

## **4.0 Additional Costs and Enforcement**

If Southwark Council is made aware of any complaints, breaches of licence conditions or enforcement issues an inspection will be carried out by the Highways Licensing Team. If upon inspection the terms and conditions of the licence have been broken, an inspection charge of £35.00 will be deducted from the deposit in order to cover the costs of the inspection.

Where an invalid licence or non-compliance of licence conditions is established to have taken place by a Highway Licensing Team Officer, Southwark Council can issue a Fixed Penalty Notice under the Local London Authorities Act 2003 and the Highways Act 1980. If a Fixed Penalty Notice is issued, you have 28 days to pay the £100 fine. If it is paid within 14 days the

level of the penalty is reduced to £50.00. If you fail to pay the Fixed Penalty Notice within the 28 day period, legal proceedings for the offence may be started

## **5.0 Licence Expiry – Deposit Return**

Once the street furniture licence has expired or is no longer required you must inform Southwark's Highway Licensing Team in writing either by letter or email.

An inspection will then take place and if the site assessment shows no damages to highway the licensee has the right to reclaim the deposit minus any charges levied during the licence period. The deposit will be returned in the form of a cheque payable to the individual or company who applied for the licence.

It should be noted that the deposits will be held for a maximum period of 6 months following the expiry date of the licence. No deposits will be claimable after this time.

### **What happens if the licensed activity has caused damage to the highway?**

Photographs taken before and after completion of the street furniture licence will be compared and assessed for damages to the highway. If the assessment shows damages to the highway the repairs will be completed from the deposit. Any further costs required to repair highway will be invoiced to you. Any surplus money not used in repairing the highway will be returned to you.

## **6.0 Extending your Licence**

Street furniture licences can only be issued for a maximum of 12 months.

If an extension is required it is the original applicant / business's responsibility to notify the Highways Licensing Team.

## **7.0 Transfer of Licence to another Company**

It is the applicant's duty to inform Southwark's Highways Licensing Team if the licence is to be transferred to another company or business. The new company or business to whom the street furniture licence is proposed to be transferred must apply to the Council for a new licence and pay the licence requisite fee (if required) and deposit sum. In the event that an application is not made for a new street furniture licence legal responsibility for the licence terms, conditions and liabilities will remain with the applicant. Deposits held by Southwark Council will not be returned to the applicant until a street furniture licence is granted to the new company by the Council.

Any damages to the highway occurring between the period prior to the expiry of your licence and the start of any new licence following the transfer to a third party will remain with yourself. Any remedial works resulting from your use of the highway for the purpose of the street furniture licence will be deducted from monies held by the Councils a deposit. Remedial works will not be performed until the existing licence expires.

## 8.0 Regulations and Related Statute

Southwark Council has followed government regulations, advisory notes and acts of law in producing its highway licensing guidance.

The main “Acts” and regulations used in producing the London Borough of Southwark’s Highway Licensing Guidance include:

- Health and Safety at Work Act 1974
- Construction (Health, Safety and Welfare) Regulations 1996
- Management of Health and Safety at Works regulations 1999
- Control of Substances Hazardous to Health 2002
- Construction (Design and Management) Regulations 2007
- Highways Act 1980
- London Local Authorities Act and Transport for London Act 2003
- The Lifting Operations and Lifting Equipment Regulations 1998
- The Provision and Use of Works Equipment Regulations 1998
- British Standard Code of Practice for the Safe Use of Cranes 1989
- The Work at Height Regulations 2005
- Tower Scaffolds – Construction Information Sheet No 10 (Revision 4)
- Builders Skips (Markings) Regs 1984