

Telephone: 01424 451042
 Website: www.hastings.gov.uk
 Email: licensing@hastings.gov.uk
 Muriel Matters House, Breeds Place, Hastings, TN34 3UY



**APPLICATION FOR PERMISSION TO PLACE OBJECTS ON THE HIGHWAY UNDER
 PART VIIA OF THE HIGHWAYS ACT 1980**

Please write clearly in **block capitals** and in **black ink**.

Section 1: Applicant Details [see note GN5]			
Title:	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state) _____		
First name (s):			
Surname:			
Address:			
Post Code:			
Daytime phone number:		Mobile phone number:	
Email address:			
Website Address:			

Section 2: Address of premises in relation to which permission is required [see Note GN6]	
Business Name:	
Business Address:	
Post Code:	
Who owns the premises: [see note Appendix "A" Q20]	
What is the Applicants interest in the premises?	Freeholder <input type="checkbox"/> Lessee <input type="checkbox"/> Licensee <input type="checkbox"/> Other <input type="checkbox"/> Please State: _____
For what trade or business are the premises used?	

Section 3: Particulars of proposal	
State briefly the nature of the objects you wish to place on part of the highway including, where relevant, their number and the size of the area they will occupy.	
Are such objects already on part of the highway in respect of which this application is made?	
Is the area of highway concerned adjoining a forecourt used by the applicant or a neighbour? If so please describe.	
Please state the proposed times you wish to place tables & chairs/objects on the highway.	Between and
Please give any additional relevant information and attach plans to support your application	

Section 4: Insurance [see note Appendix "A" Q23]			
Insurance Company:			
Valid From:		Valid To:	
Amount of public liability cover? [NB: A minimum of £5m is required]	<input type="checkbox"/> £5m <input type="checkbox"/> £10m <input type="checkbox"/> other, please state		

Section 5: Supporting Documentation

Please include copies of the following documentation with your application.	Included
Copy of Insurance Certificate	<input type="checkbox"/>
Owners written consent	<input type="checkbox"/>
Plan of the proposed Area	<input type="checkbox"/>
Fee	<input type="checkbox"/>

Section 6: Declaration

I/We, the undersigned, submit this application for permission to place objects and/or carry out activities on the highway, have read the Guidance Notes and Appendix "A" attached, and understand the conditions attached to the submission of this application.

I/We enclose the initial fee of **£184** (payable to Hastings Borough Council) and also copies of a plan as described in Paragraph 4 of Appendix "A". I/We understand that should a permit be offered fees and/or rents will be required to be paid before the permit is granted.

WARNING! You are liable to prosecution if you knowingly make a false statement to obtain a Licence.

Signed:		Date:	D	D	M	M	Y	Y	Y	Y
---------	--	-------	---	---	---	---	---	---	---	---

Print Name:	
-------------	--

NOTE

This form, when completed should be returned to:
 Hastings Borough Council, Muriel Matters House, Breeds Place, Hastings, East Sussex, TN34 3UY
 ☎ 01424 451042

Data Protection – PLEASE READ THIS NOTICE CAREFULLY

We will use the information you provide in this form and in any supporting documents to process and determine your application for a licence. The information will be held on internal databases and electronic document management systems, and included in such public registers as the Council may be required to maintain.

The information supplied may be passed to other bodies, including law enforcement agencies and government departments, as allowed by law. We may check information you have provided, or information about you from, or provide information to, organisations such as government departments, law enforcement agencies, other local authorities, and private sector organisations such as banks, insurance companies or legal firms, to:

- Verify the accuracy of information
- Prevent or detect crime, or
- Protect public funds.

We will not give information about you to anyone else, or use information about you for other purposes, unless the law allows us to.

Hastings Borough Council is the data controller for the purposes of the Data Protection Act. If you would like to know more about what information we hold about you, or the way we use it, please contact us.

Application for Permission to Place Objects on the Highway Guidance Notes for Applicants



Under Part VIIA of the Highways Act 1980

Introduction

Placing unauthorised objects on the highway constitutes an obstruction and could lead to their removal by the highway authority or legal proceedings being taken under the Highways Act 1980, or both. The Hastings Borough Council has, however, legislative powers which permits the placing of certain objects on purpose built footways and pedestrianised areas provided that conditions specified in the licence can be met. The Guidance Notes below, together with the Schedule of basic requirements to be met in all cases [Appendix "A"] set out the conditions which need to be met.

Guidance Notes for prospective applicants

- GN1 Enclosed with these notes is an application form, and an Appendix "A" which lists the basic requirements to be met in all cases involving permit applications.
- GN2 If you do not understand any of the requirements please do not hesitate to contact the address shown on the application form, where the appropriate officer will be pleased to help you.
- Your attention is particularly drawn to Paragraph 22 of Appendix "A".
- GN3 Even though an activity may be permissible under Highway Law, it may require additional permission, for example under Planning or Public Health regulations.

You are strongly advised to satisfy yourself that no further permissions are required otherwise you may find money spent on obtaining Highway permission has been wasted.

Filling in the Application Form

- GN4 Please write clearly and legibly. Failure to do so may cause delays in dealing with your application.
- GN5 The name of the applicant will be that used by the Council on the permit should the application be successful. Be sure, therefore, that the correct name is entered on the form.
- GN6 All correspondence relating to this matter will be sent to the address entered under Item 3 of the application form unless you request otherwise.
- GN7 Under Item 7 on the application form, please describe briefly the nature and dimension of any structure or sign you wish to place on the highway, and also the nature and approximate quantity of any merchandise you wish to place on the highway. If the application refers to an existing use, a photograph would be helpful. No application will be considered for a free standing advertisement board only, however, such boards will be accepted if they form part of the protection barrier.
- GN8 The completed form should be sent, together with the initial fee [see below] and one copy of the plan described in Paragraph 4 of Appendix "A", to the address shown on the application form.

GN9 The procedure for dealing with applications involves consultation with various bodies and this is inevitably time-consuming. Prospective applicants are therefore advised to submit their application well in advance of their proposed activity.

The Fee

GN10 In most cases the Highway Authority does not own the sub-soil beneath the highway, in which case the fee will be as described in notes GN11 below.

GN11 The fee [the administration fee] becomes payable if and when a permit is offered. It must be paid before a permit is issued, and will cover a period of two years following the date of issue of a permit. Should an application be made to extend the permit beyond two years further payments, at the rate current at the time of review, will be required [see "Review of Permits" below]. At present the administration fee is **£184** for the two year period [or proportionally less should the application be for less than two years].

GN12 There are some cases where the Highway Authority owns the topsoil, and this could have a significant effect on the cost since a rent may also be involved. Applicants are strongly advised to check this aspect before submitting an application. In such cases the administration fee may be negotiated with the applicant on the basis of an economic rent if this is likely to exceed the level of the "standard" administration fee.

Review of Permit

GN13 Permits will be reviewed at two yearly intervals.

GN14 Each permit shall continue in effect provided:-

- [i] the holder confirms, in writing, to the address shown on the application form at least two months prior to the expiry of the permit his wish for it to continue;
- [ii] the requirements of the permit have been met to the satisfaction of the issuing Licensing Manager, Inspection and Enforcement;
- [iii] a further instalment of the administration fee [current at the time of the review] is received;
- [iv] conditions appertaining to the site or local highway network have not significantly altered; and
- [v] no new grounds for objections have been received since the permit was granted or previously renewed whichever is the later.

Should conditions [i] to [iii] fail to be met, the permit shall cease to have effect from the date of the expiry.

In the event of a permit holder satisfying [i] to [iii] only of the above but site conditions have changed or negotiations fail to resolve any new justified objections, the holder may reapply for a permit, in which case it will be considered as a new application and the administration fee must be paid.

APPENDIX 'A'

SCHEDULE OF BASIC REQUIREMENTS TO BE MET IN ALL CASES

INVOLVING PERMIT APPLICATIONS

1. The carriageway shall not be obstructed physically or visually by any activity, sign, hoarding, or any other object connected with the trading activity.
2. No permit shall be issued where it is deemed likely by Hastings Borough Council that the activity, advertisement or people attracted to view or attend it would be likely to spill onto a carriageway, or cause passing pedestrians to spill onto a carriageway.
3. In the interests of 1. and 2. above, no object shall be placed where the footway or pedestrian thoroughfare would thereby be restricted to two thirds of its width or a minimum free pedestrian passage of 2 metres, whichever is the greater.
4. The applicant shall provide at his own expense one copy of a plan to a scale of not less than 1/500 showing the proposals. Marked on the plan shall be a line showing the area within which the obstruction shall be contained. On issue of a permit, the permit holder shall at all times keep his obstruction, which shall include all associated signs, barriers and activities, within the demarcated area.
5. Where street lighting exists a permitted obstruction shall be maintained in position only during the business' opening hours. Where there is no street lighting, such permissions will not apply during defined vehicular lighting up times.
6. The permit holder shall not preclude or obstruct access to any premises.
7. The area within which the obstruction is to be kept shall, during the permitted hours, be protected at each end and on either sides where the Licensing Manager deems necessary by a hard continuous physical barrier featuring a tapping rail to give warning to partially sighted and blind pedestrians. The barriers must not be left in position outside the permitted hours without the express permission of the licensing Authority and their design and construction must be to the satisfaction of the Licensing Manager.
8. The permit holder shall allow full and immediate access to the area within which the obstruction is to be kept for maintenance of the highway, all activities in connection with Statutory Undertakers plant and apparatus, street cleansing and for notified special events.
9. The Licensing Manager or his representative may require the permit holder to remove the obstruction in connection with 8. above, in which case it is a condition of granting the permit that neither the Hastings Borough Council nor the Highway Management Contractor shall be liable to reimburse the permit holder for any loss of business or any other thing in connection with the removal of the obstruction.
10. The permit holder shall indemnify the permitting authority against any claim in respect of injury damage or loss arising out of the granting of the permit and the permit holder shall arrange at his own expense such insurance cover as the permitting authority deems necessary to achieve this.
11. Any permit granted shall be subject to a review at prescribed intervals not exceeding two years and shall remain in effect provided:-
 - [i] the holder confirms by writing, at least two months prior to the expiry of the permit, his wish for it to continue;
 - [ii] no objections on new grounds have been received since the permit was granted or previously reviewed whichever is the later; and
 - [iii] a further instalment of the current administration fee is received.

12. The Licensing Manager or his representative may rescind the permit at any time by serving 28 days written notice giving reasons and the permit holder shall not be entitled to any compensation for loss of trade or business or any other thing as a consequence of such action.
13. The permit holder shall not carry out any action or activity which would cause damage or to mark any part of the highway, and any damage to or marking, where accidental or otherwise, shall be rectified in a manner agreed by the Licensing Manager at the permit holder's expense.
14. Permits shall be issued only in respect of areas upon purpose constructed footways or pedestrianised areas.
15. The applicant shall pay the relevant fees before the application is processed and a permit granted.
16. Prior to granting of any permit the application must either:-
 - [i] attract no objection after following the required consultation procedure;
 - or otherwise;
 - [ii] be approved by the Authority's Environment and Safety Sub-Committee.
17. Notwithstanding meeting all conditions [excepting 16 [ii] above] there may be instances where the Licensing Manager or representative cannot recommend the granting or continuation of a permit. Such cases will be referred to the Authority Environment and Safety Sub-Committee.
18. The permit holder must give an undertaking to keep the area in a clean state and comply with any special requirements of the designated litter collection authority.
19. The use of the defined highway will be limited to the activity as described in the application and any requirements in the permit.
20. The permit is not transferable to any other party and, where the frontage property is not owned by the applicant, the owner's written consent to the application must be provided.
21. The applicant is responsible for ensuring all necessary statutory requirements associated with the activity are fulfilled. [The applicant's attention is particularly drawn to Public Health and Planning Regulations, both of which are controlled by Hastings Borough Council, whose advice should be sought before application is made].
22. The Authority is prepared to enter into 'without prejudice' consultations on special conditions which may apply to particular sites prior to a formal application being submitted. These will not cover potential objections from other parties or authorities.
23. The applicant shall attach the relevant insurance policy that fully and completely releases and indemnifies and keeps continuously indemnified the Council from and against all actions, suits, claims, costs, expenses, damages and demands whatsoever arising out of or in connection with the use of the Licence Area and/or the granting of this Licence such policy shall be for a minimum sum of £5,000,000 and be to the satisfaction of the Licensing Manager.