



**GOVERNMENT PROPERTY DIVISION**  
**Estate Management Department**  
Auberge de Bavière, Valletta VLT 2000

**STANDARD PROCEDURE FOR THE ISSUE OF TABLES & CHAIRS PERMITS**

A Tables & Chairs Permit (T&CP) may be issued either (a) following an application or (b) following site inspection by the department's officers. The following is the procedure to be followed:

**A) Issue of T&CP following an application**

1. Applicant shall be required to:
  - (i) Submit a written application to the Estate Management Department (EMD) on apposite application form TU03(E) together with all necessary documentation as outlined in said form;
  - (ii) Where site applied for falls in front of third party property, the written consent of the respective owners and tenants.
2. Application shall be referred to the Principal Technical Officer (PTO) in charge of the EMD's Permits Unit who shall examine the plans and photos submitted by applicant and compare them to the department's property records to (a) determine whether site in question is Government property and (b) whether there are commitments over the site (e.g. existing permits, servitudes etc).
  - (i) If site applied for is not government/public property applicant is to be informed accordingly.
  - (ii) If site applied for is already committed the PTO Permits shall consider whether existing commitment may be removed or by-passed. In the negative applicant shall be informed accordingly. In the affirmative application shall continue to be processed.
3. The PTO Permits shall then compare the plans and photos submitted by applicant and compare them to the department's map-based property records and the relative orthophotos to tentatively (a) determine the correctness of the plans submitted and (b) determine the extent that may be granted in the light of the department's *Parameters for the Issue of Tables & Chairs Permits* attached at Appendix A. If inconclusive a site inspection may be required.
4. The PTO Permits shall, if necessary, discuss the matter with the EMD's Assistant Director Services to confirm extent that may be granted and to draw up any specific conditions of the T&CP.
5. At this point the PTO Permits shall have a Property Drawing (PD) drawn up and then refer it, together with the necessary recommendation for the approval/endorsement of the Assistant Director Services EMD.
6. The PTO Permits shall then, via email and as per specimen letter at Appendix B, refer a copy of the proposed T&CP, together with relative plan, to the relative Local Council for its views, giving it a 15 day deadline for a reply.
  - (i) If the Local Council objects to the proposed T&CP, the PTO Permits shall seek direction from the Assistant Director Services.
  - (ii) If the relative Local Council does not reply, or replies positively within the set 15 day period, or otherwise an objection has been deemed invalid, the PTO Permits shall refer case to the Director Land (through the Director Estate Management) for issue of permit.

**B) Issue of T&CP following site inspection**

1. A site inspection is carried out by the PTO Permits (or his staff), who shall:
  - (i) Establish the pavement/public area extent occupied by all individual bars/restaurants in the vicinity;
  - (ii) Determine the extent of each restaurant/bar's façade;
  - (iii) Take photos showing the site/s in question;
  - (iv) Establish the details of each occupier, including name, surname, telephone number, fax and e-mail;
  - (v) Inform each restaurant/bar operator that the Government Property Division is willing to (a) issue a T&C Permit for a site as determined by the department, (b) at the applicable fee rate, (c) on condition that it can be withdrawn at will by the department, (d) on condition that it will be the grantee's responsibility to ensure full compliance with any relevant laws and regulations, particularly the requirement to abide by the provisions of the Development Notification Order 20001, (e) on condition that should the permit be withdrawn as a result of his non-compliance with such other laws/regulations, fees paid for the permit will not be refunded, and (f) all other conditions indicated in the permit. Provided that where, in terms of the Development Notification Order 2001, a MEPA development application is required, the occupier shall be informed that a MEPA permit has to be obtained before any permit can be issued by the Government Property Division.
2. Prior or subsequent to the site inspection the PTO shall establish whether the sites to be investigated are government property and whether there are existing commitments (e.g. existing permits).
3. Proceed, as and where appropriate, in terms of paragraphs A3 to A6 above.

**Director Estate Management**

**May 2008**

First Issued July 2002, Updated May 2008

## **PARAMETERS FOR THE ISSUE OF TABLES & CHAIRS PERMITS**

1. Development Notification Order (DNO) 2001 permits the placing of tables and chairs, with umbrellas, in public open spaces provided that (a) the Malta Environment & Planning Authority (MEPA) is notified; (b) MEPA does not, within 30 days of such notification, inform applicant that a Development Permission is required is required; and (c) provided further that:
  - (i) where situated in a pedestrian area (i.e. a pedestrianised, piazza or other area to which vehicles do not access), a passage for pedestrians of at least 1.5m in width is left clear and unobstructed between any group of tables and chairs belonging to one establishment and (a) any other such group belonging to any other establishment; (b) any physical obstruction or building;
  - (ii) where situated on a pavement, a passage for pedestrians of at least 1.5m in width is left clear and unobstructed between any group of tables and chairs belonging to different establishments; and between the tables and chairs and the facade of any building or physical obstruction, or between the tables and chairs and the edge of the pavement;
  - (iii) the tables and chairs would not impair visibility at a road junction or otherwise pose a threat to the safety of pedestrians or vehicular traffic;
  - (iv) the tables and chairs are not placed on a highway used by vehicular traffic;
  - (v) the tables and chairs are not separated from the premises which they serve by a highway used by vehicular traffic;
  - (vi) the tables and chairs do not obstruct access to any adjoining property;
  - (vii) any physical means of enclosing a group of tables and chairs shall be appropriately designed and maintained, and shall comply with the above subparagraphs; and
  - (viii) any umbrellas shall be sited within the group of tables and chairs and comply with the above subparagraphs.
2. In the light of the provisions of DNO 2001, the Government Property Division shall not require that a MEPA development permit be first obtained before granting a permit to place tables and chairs on Government property, other than where the placing of tables and chairs is not permitted by DNO 2001 [paragraphs 1(i) to 1(viii) above] - e.g. site is on the other side of the road.
3. Permits for tables and chairs shall be granted to the operators of bars and catering establishments.
4. Permits shall be granted to regulate a specified site as shown on the EMD's Property Drawing – the number of tables placed on the site is the grantee's concern.
5. Permit shall clearly indicate the grantee's responsibility to obtain all other permits required in terms of other laws and regulations.
6. Site granted shall normally be situated in front of the applicant's property (as may be delineated via the prolongation of two lines running perpendicular to the façade). Adjacent areas may be considered provided that where such additional areas fall in front of third party property, applicant produces a signed 'no-objection' from such third party (owners and tenants).
7. Where a permit has already been issued to one establishment, that incorporates sites lying in front of third party property in respect of which a fresh separate request is made, then the first permit is to be redrawn to cover only the site fronting grantee's property with fee rates per metre remaining unchanged. As to the new permit for the other third party this shall be issued, in accordance with standing procedures and fees, following the issue of the relative MEPA Permit.
8. Applications for other areas, such as across-the-road sites, are to be considered on an own-merit basis with due consideration to the physical outlay of the whole area. This also applies to applications for contiguous or overlapping sites made by neighbour establishments.
9. Where a site has already been distributed amongst a number of establishments and the owner/tenant of a new establishment requests the granting of part of that site, the redistribution of the sites between all interested establishments shall first be sought through mutual agreement between them. In case of disagreement between the parties the sites shall be redistributed by the EMD. Existing grantees will continue to enjoy the same fee rates per metre, whilst new grantees shall be charged current fee rates, provided that in both cases, all other conditions of the permit shall be those applicable at the time of issue of the new permit. It shall however be ensured that sites are re-configured in accordance with DNO 2001.
10. Where a re-configuration of an existing site is required because of works required to be taken by Government or Local Councils, any affected permits shall be terminated forthwith but new replacement permits shall be issued at the fee rates hitherto enjoyed by grantee, provided that all other conditions of the permit shall be those applicable at the time of issue of the new permit.
11. Where bar/restaurant owners are found to occupy government sites without the necessary GPD permit, a site inspection shall be carried out to:
  - (i) Establish the pavement/public area extent occupied by all individual bar/restaurant in the vicinity;
  - (ii) Determine the extent of each restaurant/bar's façade;
  - (iii) Take photos showing the site/s in question;
  - (iv) Establish the details of each occupier, including name, surname, telephone number, fax and e-mail;
  - (v) Inform each restaurant/bar operator that the Government Property Division is willing to (a) issue a T&C Permit for a site as decided by the department, (b) at the standard fee rate, (c) on condition that it can be withdrawn at will by the department, (d) on condition that it will be the grantee's responsibility to ensure full compliance with any relevant laws and regulations, including the provisions of DNO 2001, (e) on condition that should the permit be withdrawn as a result of his non-compliance with such other laws/regulations fees paid will not be refunded, and (f) all other conditions indicated in the permit.
12. In determining the configuration of the site that is to be granted consideration shall be given to the relevant conditions of DNO 2001 – see paragraph 1(i) to 1(viii) above – e.g. 1.5 metre distance between adjacent sites, to be split equally between any two adjacent properties, as applicable.
13. Where a grantee is found to occupy a larger area than that originally granted, a new permit shall, wherever be possible, be granted to cover the whole area as enlarged or such area as may be granted within these parameters. In such case the new permit shall be at the currently applicable fee rates and conditions.
14. Saving the provisions of the paragraph 10 hereof, where the conditions of permit are flouted, a once-only written warning shall be issued advising grantee to honour conditions of grant. If grantee remains in default, permit shall be terminated and the Commissioner of Police asked to ensure that site is not used for the placing of tables and chairs thereon. If a new permit is then issued this should be at current conditions and fees.
15. No canopies on or over such sites shall be allowed, whatever their type and structure.
16. **Permit shall not be granted where site applied for is still in course of acquisition.** Where the acquisition process has been finalized (deed of acquisition signed) a permit may be issued.
17. Permit shall be issued by means of a **Permit Letter**. The permit shall be subject to the **Standard Conditions For Tables & Chairs Permits** established by the Government Property Division plus any ad hoc conditions as stipulated in the Permit Letter.

**Consultation with Local Councils regarding a proposed Tables & Chairs Permit**  
**TO BE SENT VIA EMAIL**

L ???/??/??

Date

The Executive Secretary  
???? Local Council

**Permit for Tables & Chairs at ??????????**

The Government Property Division (GPD) is currently considering the issue of a permit in favour of Mr. ?????? for the placing of tables and chairs on the government-owned site at ?????? as shown on the attached property drawing.

The GPD would appreciate receiving any comments your Local Council would like to make on the matter. Whilst the final decision as to whether a permit is to be issued or otherwise shall rest with this Division we assure you that your comments will be given proper consideration. For your information a copy of the standard conditions pertaining to tables and chairs permits as well as the general parameters considered by the GPD when granting such permits may be viewed at:

[http://www.gpd.gov.mt/pics/tables\\_chairs\\_permit.pdf](http://www.gpd.gov.mt/pics/tables_chairs_permit.pdf)  
[http://www.gpd.gov.mt/pics/parameters\\_for\\_tables\\_chairs\\_permit.pdf](http://www.gpd.gov.mt/pics/parameters_for_tables_chairs_permit.pdf)

[The following sentence is to be included only where special ad hoc conditions are being imposed]  
In addition to the standard conditions the following special conditions are in this case being imposed:

[Insert here any special ad hoc conditions being imposed]

In order to ensure an early service to our clients you are requested to submit your comments within two weeks of receiving this e-mail. Should no comments be received within the stipulated time it will be assumed that you have no comments to make and this Division will proceed accordingly.

Sincerely

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[Insert corporate email signature]