

## Agenda for Licensing and Enforcement Committee

Wednesday, 11th February, 2026, 10.00 am



### Members of Licensing and Enforcement Committee

Councillors: B Bailey, I Barlow, K Bloxham (Vice-Chair), V Bonetta, A Bruce, M Chapman, O Davey, T Dumper, S Gazzard, Y Levine, C Nicholas, J O'Leary, M Rixson, S Westerman and J Whibley (Chair)

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(or group number 01395 517546)

Tuesday, 3 February 2026

- 1 Minutes of the previous meeting (Pages 3 - 6)
- 2 Apologies
- 3 Declarations of interest  
Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)
- 4 Public Speaking  
Information on [public speaking](#) is available online
- 5 Matters of urgency  
Information on [matters of urgency](#) is available online
- 6 Confidential/exempt item(s)  
To agree any items to be dealt with after the public (including the press) have been excluded. There are no items which officers recommend should be dealt with in this way.
- 7 Committee update report - Licensing Act 2003, Gambling Act 2005, Taxis and General Licensing (Pages 7 - 11)
- 8 Pavement Licensing Policy (Pages 12 - 54)

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[Decision making and equalities](#)

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## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the meeting of Licensing and Enforcement Committee held at Council Chamber, Blackdown House, Honiton on 19 November 2025**

#### **Attendance list at end of document**

The meeting started at 10.12 am and ended at 10.51 am

#### **22 Minutes of the previous meeting**

The minutes of the previous meeting held on 8<sup>th</sup> October 2025 were agreed and signed as a true record.

#### **23 Declarations of interest**

There were no declarations of interest.

#### **24 Public Speaking**

No members of the public had registered to speak.

#### **25 Matters of urgency**

There were no matters of urgency.

#### **26 Confidential/exempt item(s)**

There were no confidential or exempt items.

#### **27 Committee update report - Licensing Act 2003, Gambling Act 2005, Taxis and General Licensing**

The Licensing Manager presented the report which provided an update on the activities of the Licensing Service under the Licensing Act 2003, Gambling Act 2005, taxi and private hire licensing and general licensing including street trading and pavement licensing.

On behalf of the Committee, the Chair thanked Licensing Officers for their work on the recent Ottery Tar Barrels event.

Discussion and responses to questions included the following points:

- With regard to the renewal in 2026 of all pavement licences applied for in 2024 after the implementation of the Levelling Up and Regeneration Act 2023, the Licensing Manager would be keeping staffing levels under review to ensure that there was sufficient capacity to manage the additional workload. It was noted that the Committee would be fully supportive of staff recruitment should the need be identified;
- Concern was expressed that premises holding a pavement licence should be aware of the need and obligation to keep pavements covered by a licence clean and safe. This was noted and Licensing Officers would follow this up where appropriate.

The Committee agreed to note the report.

## 28 **Licensing Act 2003 - Review of the Licensing Policy 2026-2031**

The Licensing Manager presented the report which updated the Committee on the outcome of the consultation on the summary administrative review of the Licensing Act 2003, Statement of Licensing Policy 2026 – 2031.

It is a legal requirement of the Licensing Act 2003 for the Council to determine a Licensing Policy to provide a framework for all licence applications regarding the sale of alcohol, the provision of regulated entertainment and the provision of late-night refreshment. The Policy was previously reviewed in 2020 and must be reviewed at least every five years. An amended policy must be adopted by 7 January 2026.

The Licensing Manager highlighted the proposed changes to the policy and advised that no responses to the consultation had been received. Should any changes to guidance or legislation be made as a result of the recent Government call for evidence regarding the proposed reform of the Licensing Framework, a further review of the Statement of Licensing Policy will take place.

In response to a question regarding the proposed introduction of an appropriate fee for film classification procedures, it was noted that, in some instances, it can take two Licensing Officers several hours to watch films to determine the classification. The introduction of a fee was therefore considered to be appropriate and was consistent with other licensing authorities.

### **AGREED**

The Committee agreed to note the outcome of the consultation undertaken on East Devon District Council's proposed summary administrative review of the Licensing Act 2003 Statement of Licensing Policy 2026 – 2031.

### **RECOMMENDATION TO COUNCIL**

That the proposed Licensing Act 2003 Statement of Licensing Policy be adopted by the Council for the period of 7 January 2026 to 6 January 2031.

## 29 **Review of the Street Trading Policy**

The Licensing Officer presented the report which set out the reasons for a review of the Street Trading Policy and sought approval from the Committee to move to a public consultation on the draft revised policy.

The current version of the Policy (version 5) came into effect on 1 May 2023. There is no statutory requirement to review a street trading policy, however, Officers were of the opinion that numerous areas for amendment had become apparent since the last policy came into effect. The proposed draft amended policy therefore fully updates the policy and provides additional information in areas where officers had identified that further information would be worthwhile.

It was noted that no changes are proposed to the designation of streets listed in the policy and that proposed amendments are limited to the content of the policy.

The proposed consultation period would be 10 weeks commencing on 24 November 2025, should the Committee be minded to agree.

In response to questions, it was noted that pre-ordered goods and delivery of these would not require street trading consent. Ice-cream vans do not fall into this category and therefore would require consent.

The proposed standard conditions and terms clarified the requirements for street traders to provide waste bins and the removal and disposal of waste.

## **AGREED**

The Committee agreed to approve moving to a public consultation on the revised draft Street Trading Policy and that the draft Policy document be returned to the Committee for further consideration following the public consultation.

## **30 Ratification of response to Government consultation on reform of the licensing system**

The Chair introduced the report and noted that the Government had provided a very short timescale for responses to the consultation on reform of the licensing system. The Chair thanked the Licensing Manager for her help with technical aspects of the consultation and thanked members of the Committee for their email comments and for attending the online meeting to discuss the response.

Members of the Committee had generally agreed that promoting economic growth was not compatible with licensing objectives.

## **AGREED**

The Committee agreed to ratify the response, set out at Appendix 1 of the report, to the Government call for evidence to inform the development of a modern, proportionate and enabling licensing system.

### **Attendance List**

#### **Councillors present:**

K Bloxham (Vice-Chair)  
M Chapman  
O Davey  
T Dumper  
S Gazzard  
Y Levine  
M Rixson  
S Westerman  
J Whibley (Chair)

#### **Councillors also present (for some or all the meeting)**

R Collins

#### **Officers in attendance:**

Sarah Jenkins, Democratic Services Officer  
Phillippa Norsworthy, Licensing Manager  
Giles Salter, Solicitor  
Lee Staples, Licensing Officer

Emily Cozens, Paralegal

**Councillor apologies:**

I Barlow  
P Fernley  
C Nicholas

Chair .....

Date: .....

Report to: Licensing and Enforcement Committee

Date of Meeting 11 February 2026

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



## **Committee Update – Licensing Act 2003, Gambling Act 2005, Taxi & Private Hire Licensing & General Licensing**

### **Report summary:**

This report provides an update on the activities of the Licensing Service under the Licensing Act 2003, Gambling Act 2005, Taxi and Private Hire Licensing and General Licensing including Street Trading and Pavement Licensing.

### **Is the proposed decision in accordance with:**

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

### **Recommendation:**

That the report be noted.

### **Reason for recommendation:**

To keep the Licensing and Enforcement statutory Committee up to date with current arrangements relating to the Licensing Service.

Officer: Phillippa Norsworthy, Licensing Manager, Housing & Health.  
Licensing@eastdevon.gov.uk

### **Portfolio(s) (check which apply):**

- ☐ Assets and Economy
- ☐ Communications and Democracy
- ☐ Council, Corporate and External Engagement
- ☐ Culture, Leisure, Sport and Tourism
- ☐ Environment - Nature and Climate
- ☒ Environment - Operational
- ☐ Finance
- ☐ Place, Infrastructure and Strategic Planning
- ☐ Sustainable Homes and Communities

### **Equalities impact Low Impact**

If choosing High or Medium level outline the equality considerations here, which should include any particular adverse impact on people with protected characteristics and actions to mitigate these. Link to an equalities impact assessment form using the [equalities form template](#).

### **Climate change Low Impact**

**Risk:** Choose a risk level; Low Risk

**Links to background information** [English Devolution White Paper: Power and partnership: Foundations for growth - GOV.UK](#) [Local transport authorities and the licensing of taxis and private hire vehicles - GOV.UK](#) [e-bulletin 26 January - Gambling Commission newsletter](#)

**Link to [Council Plan](#)**

Priorities (check which apply)

- ☐ A supported and engaged community
  - ☐ Carbon neutrality and ecological recovery
  - ☒ Resilient economy that supports local business
  - ☐ Financially secure and improving quality of services
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## Report in full

### **1 Licensing Act 2003 – Applications received, licences issued, premises visited and number of hearings.**

- 1.1 The reporting period refers to the last quarter reporting period. This will be referred to as the reporting period.
- 1.2 During the previous reporting period, and at the time of writing this report, the licensing team received and processed 154 applications, these all included, new premises licence applications, minor and full variations, transfers of premises licences, DPS variations, personal licences, review of a premises licence, suspension notices issued, Temporary Event Notices (TENs) and other miscellaneous licensing applications, such as change of names and addresses, surrender of premises licences and replacement licences.
- 1.3 A total of 4 premises of interest were visited during the reporting period.
- 1.4 During the reporting period a total of one licensing and enforcement sub-committee hearing has taken place for the application for the grant of a premises licence.
- 1.5 Premises licence applications are currently busy with the preparation of time limited premises licences including the Sidmouth Folk Festival, Exmouth Pride and Gate to Plate events.
- 1.6 The team continue to work with Environmental Health and have been involved in dealing with complaints regarding noise nuisance at premises' and we continue to work closely with Police Licensing and have enforcement visits arranged to take place in the near future.
- 1.7 The team attend the local LVA groups in Exmouth and Axminster to maintain good working relationships with the trade.
- 1.8 The summary review of the Licensing Act 2003, Statement of Licensing Policy was adopted by full Council on 10 December 2025 and is available to view on the licensing team's webpages. The Policy will run from 2026 to 2031. During the review and adoption of the Policy new guidance was issued from Government concerning the National Licensing Policy Framework and the Policy will be amended to reflect the new guidance.

### **2 Pavement Licensing**

- 2.1 A separate report concerning the outcome and comments from the recent public consultation will be submitted to Members at this meeting and a draft version of the Pavement Licensing Policy will be submitted for consideration.
- 2.2 There are currently 28 pavement licences in operation across the district of which 21 of these licences will be due for renewal in 2026.



- 2.3 The current cost for a 2-year pavement licence is £100.00, once the new policy is adopted, we will be looking to increase the fees for this licence. The maximum capped amount for a new pavement licence is £500.00 and for a renewal of a licence the maximum capped amount is £350.00. We will liaise with the Devon Licensing Officers Group with respect to bench marking of pavement licence fees locally.

### 3 Gambling Act 2005

- 3.1 The Gambling Commission circulates a regular bulletin for licensing authorities outlining changes in legislation and any enforcement action taken. The latest release of the bulletin can be found at 'links to background information'.
- 3.2 We have received an application for a new Bingo Premises Licence from Haven Leisure Limited at Devon Cliffs Holiday Park, Exmouth. The application is currently under consultation in line with the Gambling Act 2005 and the last date for representations will be 22 February 2026. The application can be viewed on the licensing team's webpages.
- 3.3 No further update to the Guidance to Licensing Authorities document is currently available.

### 4 Taxi & Private Hire Licensing.

- 4.1 Day to day taxi and private hire licensing administration remains high. We have received a number of new driver and private hire operator applications in the recent months and the number continues to rise. This increase combined with the individual checks required for each driver and vehicle continues to keep this area of licensing significantly busy.
- 4.2 There are currently 13 new taxi driver applications, and 7 new private hire driver applications and 4 new private hire operator applications in progress.
- 4.2 Licensing Officers continue to monitor the ranks across the district, mainly in busier areas such as Exmouth. Complaints from the taxi trade based in Exmouth continue regarding the unlawful use of the designated taxi rank in Capel Lane, Exmouth. These include reports of unlicensed vehicles using the taxi rank as a parking space to use local amenities, preventing the lawful use of the taxi rank by licensed EDDC taxi drivers. This matter has been reported to DCC Civil Enforcement, who provided an explanation as to how they enforce the unlawful use of the taxi rank and to DCC Highways who have not responded. This matter will continue to be monitored by the licensing team.

4.3

Year	Taxi Driver Licences	Taxi Vehicle Licences	Private Hire Drivers	Private Hire Vehicles	Private Hire Operators
February 2025	135	129	53	42	27
March 2025	133	128	51	40	27
June 2025	134	127	52	40	28
November 2025	131	126	55	42	31
February 2026	135	126	56	44	31

#### **4.4 Revocations, suspensions & refusals**

- 4.5 During the reporting period, licensing officers have issued two taxi vehicle suspensions for vehicles involved in an accident, and one taxi vehicle revocation as a result of a suspension notice not being complied with, within two months.
- 4.6 All revocations, suspensions and refusals are entered into the National Register of Revocations, Refusals and Suspensions, it is mandatory for local authorities in England to input details of individuals whose driver licences have been revoked, suspended or refused.

### **5 Local Transport Authorities and the licensing of Taxis and Private Hire Vehicles**

- 5.1 The Department for Transport (DfT) has launched a consultation to seek feedback on the potential benefits and challenges of making all local transport authorities responsible for taxi and private hire licensing. The consultation follows the publication of the English Devolution White Paper in December 2024. The consultation is looking at the impact this would have on, local authorities, taxi and PHV businesses and passengers. Full details of the consultation and the Devolution White Paper and how to respond can be found within this report at 'links to background information'.
- 5.2 The licensing team have read the consultation and determined that the questions posed from the consultation are predominantly financial and not operational in terms of issuing licences, checks and enforcement.
- 5.3 To date the licensing team have not provided a response to the consultation due to the nature of the questions, however we would ask the Committee as to their opinion on whether a response should be submitted and would this be from an Officer level or from the wider council or from the Committee.
- 5.4 The Devon Licensing Officers Group (DLOG) will be meeting in March to formulate a Devon wide response.

### **6 The Taxi Table of Maximum Fares**

- 6.1 At the meeting of the Licensing & Enforcement Committee on 3 June 2025 it was resolved to proceed no further with the drafting of a hackney carriage fare setting procedure and to proceed to review the hackney carriage table of maximum fares for 2025 using existing methodology. The new fare tariff was approved at the meeting of the Licensing & Enforcement Committee on 8 October 2025. A further review of whether to continue to proceed with the Guildford Method will be considered by the Committee at their meeting in June 2026.
- 6.2 Basic data relating to some of the costs of operating a hackney carriage in East Devon continues to be collected by way of vehicle compliance data, insurance and licensing costs related to operating a hackney carriage in East Devon.

### **7 Street Trading Consents**

- 7.1 At the time of writing this report 20 street trading consents are in operation across the district. These include sole traders and traders as part of an event not held under premises licence. At the time of writing this report 13 applications are in progress, this increase in applications is due to the number of organised events in the spring and summer months, which require additional street trading consent.
- 7.2 The public consultation for the review of the street trading policy will end on 4 February 2026. Feedback from the consultation will be brought back to the Licensing & Enforcement Committee for consideration before any amendments are made to the draft policy.

## **8 Staffing within the Licensing Team**

A long-term serving licensing officer and another experienced licensing officer will leaving the licensing team in mid-February. Recruitment for both posts is in progress.

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### **Financial implications:**

There are no financial implications

### **Legal implications:**

There are no legal implications.

Report to: Licensing and Enforcement Committee

Date of Meeting 11<sup>th</sup> February 2026

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



## **Pavement Licensing Policy Consultation**

### **Report summary:**

A draft pavement licensing policy was developed jointly by local authorities across Devon and Cornwall through 2025 and presented to the Licensing and Enforcement meeting on 16<sup>th</sup> July 2025. The Committee on that date approved moving to a public consultation on the draft pavement licensing policy.

The consultation ran until 30 September 2025 and was open for 10 weeks. The consultation received 253 contributions, and this report summarises the responses to that consultation.

This Policy if approved will ensure that the Council carries out its Pavement Licensing responsibilities in a fair, equitable and consistent manner, and in-line with other Devon authorities who have also adopted the policy.

### **Is the proposed decision in accordance with:**

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

### **Recommendation:**

That the Licensing and Enforcement Committee give consideration to the feedback received during the public consultation and either:

- approve the adoption of the draft policy; OR
- direct Officers to make amendments to the draft policy and return the policy to a subsequent meeting of the Licensing and Enforcement Committee;

### **Reason for recommendation:**

Following the handover of responsibility for pavement licensing from County to district Councils after the passing of the Levelling Up & Regeneration Act 2023, the Devon Licensing Officers Group worked collaboratively to produce a template pavement licence policy which could be adopted in each local authority area. The document provides a framework which with minimal personalisation can be applied in each area to ensure consistency of approach to pavement licensing across the Devon and Cornwall area.

Officer: Lee Staples, Licensing Officer, Housing & Health, [lee.staples@eastdevon.gov.uk](mailto:lee.staples@eastdevon.gov.uk)

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Portfolio(s) (check which apply):

- ☐ Assets and Economy
- ☐ Communications and Democracy
- ☐ Council, Corporate and External Engagement
- ☐ Culture, Leisure, Sport and Tourism
- ☐ Environment - Nature and Climate
- ☒ Environment - Operational
- ☐ Finance
- ☐ Place, Infrastructure and Strategic Planning
- ☐ Sustainable Homes and Communities

**Equalities impact** Low Impact

**Climate change** Low Impact

**Risk:** Low Risk;

**Links to background information**

Pavement Licences National Guidance: [Pavement licences: guidance - GOV.UK](#)

Inclusive mobility: making transport accessible for passengers and pedestrians [Inclusive mobility: making transport accessible for passengers and pedestrians - GOV.UK](#)

**Link to [Council Plan](#)**

Priorities (check which apply)

- ☐ A supported and engaged community
- ☐ Carbon neutrality and ecological recovery
- ☒ Resilient economy that supports local business
- ☐ Financially secure and improving quality of services

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**Report in full**

Prior to 2020 pavement licences were issued by County Councils under the previous Highways Act 1980 regime. The Government introduced 'Fast-Track' temporary pavement licences via the Business & Planning Act 2020 (BPA 2020) in August 2020, to streamline the process of obtaining a pavement licence and help businesses during the Covid pandemic. The fast-track scheme enabled businesses to rapidly obtain permission to use outside space on the Highway adjacent to their premises to place removeable furniture, and thereby helped businesses and customers to comply with the social distancing requirements in place at that time.

1.2.1 These temporary pavement licences were limited in duration to 30<sup>th</sup> September 2024, and as such the Government have now made amendments via the Levelling Up & Regeneration Act 2023 to make the provisions of the temporary pavement licence regime permanent, and also to transfer responsibility for the issuing of pavement licences to district council level from county council level where this sat previously.

1.2.2 The changes to temporary pavement licensing as a result of the Levelling Up & Regeneration Act 2023 also included:

- The introduction of maximum standard capped fees for new and renewal applications. The fee levels are capped at a maximum amount of £500.00 for new applications and £350.00 for renewal applications. The fee applicable for a temporary pavement licence was previously £100.00, and East Devon District Council will be maintaining a fee of £100.00 until such time as a full analysis of the costs of issuing pavement licences under the amended regime can be undertaken.
- The duration of the consultation and determination periods have increased from 7 days under the temporary pavement licence regime, to 14 days now.
- The maximum term a licence can be granted has increased to 2 years (from one-year previously).

1.2.3 Guidance on the amended pavement licensing regime was issued by the Government on 2<sup>nd</sup> April 2024. The national guidance document gives a broad framework to the pavement licensing regime, but it was recognised by the Devon Licensing Officers Group that more specific guidance was required covering matters of local interpretation such as furniture standards, hours of operation, consultation arrangements, and licence conditions. The attached draft policy was therefore produced by the Devon Licensing Officers Group to provide businesses with clear information on the standards expected for pavement licensing locally, and to ensure consistency of approach and interpretation across the Devon and Cornwall area. A copy of the draft policy can be found attached at **APPENDIX A**.

1.2.4 In July 2025 the Licensing and Enforcement Committee approved moving to a public consultation on the draft policy and this was undertaken for 10-weeks, concluding on 30<sup>th</sup> September 2025.

1.2.5 This report summarises the responses received from that statutory consultation process.

## 2 Legal

2.1.1 The Levelling Up and Regeneration Act 2023 makes permanent the provisions set out in the Business and Planning Act (BPA) 2020 and came into effect on 31<sup>st</sup> March 2024.

2.1.2 Licence applications for activities in England licensable under pavement licensing legislation in the Business and Planning Act 2020 must now be granted under the Business and Planning Act 2020 (as amended by section 229 of and schedule 22 to the Levelling Up and Regeneration Act), and not under the Highways Act 1980.

## 3. Consultation Responses

3.1 The public consultation was published on the Community Engagement webpages on the EDDC website and promoted through the Council's standard communications channels (updates to website subscribers, communications to parish councils, communications to Members Etc), and generated some 253 responses.

3.2 A report summarising the consultation responses received is attached at **Appendix B**. Overall the consultation findings showed broad support for the draft policy and concluded that it was "well-aligned with public and business expectations, provided it is applied transparently and

enforced fairly". Overall 87.3 to 97.2% of respondents agreed with the proposals as set out in the consultation document, with the exception of question 5 on hours of operation where 69.9% of respondents agreed with the proposed general hours of operation for pavement licences in East Devon.

### 3.2.1 General feedback received from the consultation consisted of the following themes:

- "keeping pavements safe and unobstructed, particularly for wheelchair users, people with pushchairs and those who are visually impaired. Many wanted minimum clear widths and defined furniture boundaries". The draft policy gives clear information on the requirements to keep pavements safe and unobstructed, in particular that "under normal circumstances a width of 2000mm of 'clear space' is the minimum that should be provided" and "considerations under the no-obstruction condition including the cumulative impact of multiple pavement licences in close proximity, in particular considering the needs of disabled people". Officers therefore consider that the draft policy is appropriately aligned with national guidance and affords appropriate assurances and information in this regard.
- "Monitoring and enforcement: Consultees highlighted weak enforcement and asked for clearer markings, consistent checks and action where furniture spreads too far". The draft policy gives details of the enforcement options available in cases of non-compliance and Officers have worked with neighbouring authorities to develop draft enforcement notices including for use where there is evidence of non-compliance with pavement licence conditions. Officers also recently served a remedial action notice for non-compliance with pavement licence conditions.
- Numerous responses highlighted "risks from unsecured or unsuitable furniture such as parasols, light plastic chairs, or barriers". The draft policy gives detailed information relevant to this feedback in the policy section on Furniture Standards, including that "furniture must be safe and intended for commercial use. Domestic plastic patio furniture will not be acceptable" and "Parasols should be properly secured/ fixed in place at all times when in use", as well as condition 6 of the standard conditions which gives details on requirements for anchorage Etc for gazebos and temporary structures.
- Accessibility standards: "Respondents emphasised the need to meet Equality Act duties and Inclusive Mobility guidance, ensuring wide, unobstructed routes for disabled people, those with pushchairs and the visually impaired. Regular inspections and clear markings were strongly supported". Officers consider that the draft policy is clearly aligned with the Council's Equality Act duties in that it mirrors the minimum width requirements as set out in the Inclusive Mobility guidance. Officers also understand and wholly support the need for regular inspections, but this would need careful balancing within the framework in the Business & Planning Act 2020 for fees and charges. Currently East Devon have maintained an application fee of £100 whereas BPA 2020 provides for a maximum fee of £500 on first application and £350 upon renewal.

### 3.2.2 Question specific feedback received from the consultation:

- Q3 Proposed furniture standard: Overall support for the proposed furniture standard was a strong 92%, but responses to the consultation also included "flexibility to allow individuality, upcycled furniture and cost-effective options for smaller businesses". Officers understand the need for cost-effectiveness and feel that the proposed policy wording would not prohibit the upcycling of quality furniture, but that furniture must be "safe and intended for commercial use". Other comments related to the appearance of the furniture and asked for "furniture to suit the setting and avoid clutter or "ramshackle" appearances, with limits on bright colours, heavy signage and advertising on parasols". Officers understand these concerns but feel that the draft policy includes sufficient information in order to safeguard against these concerns without being unduly prescriptive, specifically "...should be constructed from quality materials and the style is expected to fit in with the local environment. The furniture should be uniform in appearance for the premises" and "Furniture colours should ideally be uniform and not be overly reflective where this may pose a risk to road or highway users". Applicants are also required to provide information regarding the proposed furniture as part of any application.

- Q5 Hours of operation: The draft policy states that “the Council will generally only permit Pavement Licences between 10:00 and 23:00 hours”. Some 69.9% of respondents agreed with the proposed general hours of operation for pavement licences, but numerous responses cited a need for an earlier start time “particularly for cafés and bakeries serving breakfast or commuters. Suggested start times ranged from 7–9am, especially in summer months”. Officers were mindful of the need for some businesses to have a pavement licence applicable before 10am daily but felt that this required a careful balance with neighbouring properties (particularly residential properties). On balance Officer would therefore recommend a small amendment to the general opening hours starting from 9am (as opposed to 10am). Likewise, comments on the general closing time limit were also mixed, with some respondents concerned that 23:00hrs would be too late, particularly in residential areas. Officers would comment that the proposed timings are what the Council would generally only consider, and the draft policy makes clear that it would be for the applicant to “consider the surrounding environment, neighbouring business and residential properties when setting out their proposed operating times” and that “Applicants wishing to apply for operating hours outside of these timings are advised to seek guidance from the Council’s Environmental Health Team and Devon & Cornwall Licensing Police before submitting an application”. The upper limit of 23:00hrs would also accord with other Licensing policies such as the Licensing Act 2003 Statement of Licensing.

3.2.3 Officers have therefore carefully considered the consultation responses received but have not recommended any changes to the draft policy with the exception of general hours of operation which is recommended to be revised to 09:00hrs to 23:00hrs (as opposed to 10:00hrs to 23:00hrs).

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### **Financial implications:**

Consultation costs and officer time will be met in full from Pavement Licence applications fees income.

### **Legal implications:**

“The legislative framework is set out within the report and requires no further comment. The report proposes that the Pavement Licence regime is consistent across Devon Authorities and the Cornwall Authority”.





# **EAST DEVON DISTRICT COUNCIL**

## **Pavement Licensing Policy**

**Business and Planning Act 2020**

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**This policy has been produced by East Devon District Council in conjunction with the Devon Licensing Officers Group to ensure consistency across the local authorities in Devon and Cornwall.**

### What is a pavement licence?

A pavement licence is a licence granted by the local authority, or deemed to have been granted, which allows the licence-holder to place removable furniture over certain highways adjacent to the premises in relation to which the application was made, for certain purposes.

The licences are issued under the Business and Planning Act 2020.

### What does 'adjacent' to the premises mean?

There is no definition of 'adjacent' within the Act. However, the Council consider 'adjacent' to mean nearby or close at hand. Pavement Cafés should generally occupy an area directly in front of and be visible from your existing premises and should not extend beyond the width of your frontage. The layout and size of the Pavement Café will depend upon the characteristics of the location of your premises, the available space in which to place furniture and also the nature of your premises. However, each case will be considered on its own merit.

### How does this interact with other regulatory processes, such as alcohol licensing?

It is important to note the grant of a pavement licence only permits the placing of furniture on the highway. A pavement licence does not negate the need to obtain approvals under other regulatory frameworks, such as the need for a licence to sell alcohol, and the need to comply with registration requirements for food businesses. Any sales of alcohol within the licenced area must be authorised by a premises licence issued under the Licensing Act 2003.

### What businesses are eligible?

A business which uses (or proposes to use) premises for the sale of food or drink for consumption (on or off the premises) can apply for a licence. Businesses that are eligible include: public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours including where such uses form an ancillary aspect of another use, for example supermarkets, or entertainment venues which sell food and drink.

A licence permits the business to use furniture placed on the highway to sell or serve food or drink and/or allow it to be used by people for consumption of food or drink supplied from, or in connection with the use of the premises.

Businesses that do not use their premises for the sale of food or drink, for example salons, are ineligible. However, they can apply for permission to place furniture on the pavement under the Highways Act 1980.

## Eligible Locations

Licences can only be granted in respect of highways listed in section 115A (1) Highways Act 1980. Generally, these are footpaths restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited. Highways maintained by Network Rail or over the Crown land are exempt (so a licence cannot be granted).

Pavement Cafés should generally occupy an area directly in front of and be visible from the existing premises and should not extend beyond the width of the frontage. The layout and size of the Pavement Café will depend upon the characteristics of the location of the premises, the available space in which to place furniture and also the nature of the premises.

Where the Pavement Café does not abut the frontage of the Applicants premises, the Applicant must demonstrate in their application the operational controls in place to ensure appropriate management of its customers, staff training and use of equipment – this must be shown by way of a Health & Safety Risk Assessment.

## Furniture

The furniture which may be placed on the pavement include:

- counters or stalls for selling or serving food or drink;
- tables, counters or shelves on which food or drink can be placed;
- chairs, benches or other forms of seating; and
- umbrellas, barriers, planters, heaters and other articles used in connection with the outdoor consumption of food or drink.

All of the above examples would need to be removable at the end of the trading day. Local Authorities have been encouraged to be pragmatic when determining what is ‘removable’ but in principle this means it is not a permanent fixed structure, and is able to be moved easily, and stored away at night. Furniture that is not removable is not permitted by a pavement licence, and is defined here as any furniture that cannot practically be removed from the highway and stored at the end of the trading day.

Advertising boards are not included in the definition of furniture within the pavement licensing regime. Separate consent is normally required under the Highways Act 1980 for advertising boards. Please contact your relevant highway authority. Advertising boards also require advertising consent under the Town and Country Planning Regulations 2007.

Applicants wishing to place non-removable furniture onto the highway (for example large/ bulky picnic benches and planters), must apply for permission under the Highways Act 1980. You will need to email Highways at [highwaymanagementlicencesapplications-mailbox@devon.gov.uk](mailto:highwaymanagementlicencesapplications-mailbox@devon.gov.uk) to request an application form.

No other items may be placed on the highway within the licenced area other than that approved in accordance with the application and the licence when granted.

The Council expect the type of furniture to be “in keeping” with the local area. A standard design will not be imposed however, the following standards are required:

## Furniture Standards

- All tables, benches and chairs etc. should be constructed from quality materials and the style is expected to fit in with the local environment. The furniture should be uniform in appearance for the premises.
- The furniture must be safe and intended for commercial use. Domestic plastic patio furniture will not be acceptable.
- Furniture colours should ideally be uniform and not be overly reflective where this may pose a risk to road or highway users.
- Parasols should not be made of reflective material and should complement the furniture colour/s chosen and positioned to avoid endangering users of the Pavement Café or passing pedestrians and road users.
- Parasols must be removed at all times when the Pavement Café is not in operation.
- Parasols should be properly secured/ fixed in place at all times when in use
- The furniture should enhance the street environment, and Applicants should ensure that various styles of seating and tables are available, depending on the location of the Pavement Café, to complement both a commercial and a more historic conservation area setting.
- Regard must be paid to the surface on which your furniture will stand. An uneven surface, for example cobbles, may require a sturdier style of furniture than would be necessary on a more even or paved surface.
- Furniture must not damage the surface of the highway and should not generate unreasonable noise when being moved at night. Consequently, consideration should be given to using furniture with rubber feet.
- The furniture must be properly maintained, replaced as necessary and kept clean.

## Hours of Operation

Applicants are asked to consider the surrounding environment, neighbouring business and residential properties when setting out their proposed operating times. In order to minimise associated crime and disorder and noise nuisance, the Council will generally only permit Pavement Licences between 10:00 and 23:00 hours.

Applicants wishing to apply for operating hours outside of these timings are advised to seek guidance from the Council's Environmental Health Team and Devon & Cornwall Licensing Police before submitting an application.

Applications outside these hours will be assessed in terms of the criteria within this guidance note. The Council however retains the right to specify permitted hours of trading outside of those applied for in appropriate circumstances.

## Waste and Litter

All tables must be cleared of all uneaten food, other waste items, used crockery and cutlery as soon as reasonably practicable after being vacated by customers. All waste and litter

arising from customers must not be placed in public litter bins and must be disposed of in the premise's own commercial waste bins and regularly collected by a registered waste carrier.

Food debris must not be swept onto the highway and any windblown litter in the area must be placed in the premise's own waste receptacles. Designated areas should be kept clean and tidy at all times, with a regular sweep and wash down as required.

## Environment/Nuisance

External public address systems and amplified music will not be allowed within the licensed table and chair area unless such activities are permitted under a Premises Licence application under the Licensing Act 2003. The permission holder must not cause annoyance to persons using the highway or part of the highway to which the application relates.

## How long are pavement licences valid for?

The Council will grant licences for a maximum of 2 years, unless there are good reasons for granting a licence for a shorter period such as plans for future changes in use of road space.

The grant of a Pavement Café Licence does not provide the holder/s of that licence with an exclusive right to use the said area. Access must be provided for those times when cleaning, maintenance and repairs to the public highway, traffic signals, and electric, gas and telephone equipment etc. is required, and also where access by emergency services is required. During times when special events are taking place, access to and/or use of the cafe area may be also required.

Where Licence Holder/s are requested to move any tables, chairs or other items within their Pavement Café area by Officers of the Council, Emergency Services or Statutory Undertakers, they shall immediately comply with that request. Failure or delay to do so will place the holder/s in breach of that licence.

The Licence may be suspended where necessary to allow highway maintenance, events or any other necessary remedial work to be carried out at the location covered by the licence. Reasonable advanced written notice will be given wherever possible. The Council will not be liable for any loss of earnings arising out of the suspension of a licence.

Licences can be revoked at any time on the grounds that conditions have been breached.

If a licence is 'deemed' granted because the authority does not make a decision on an application before the end of the determination period, then the licence will be valid for 2 years.

Licences are **non-transferrable** and can only be used by the named individual on the licence at the named premises.

## How to Apply

An application for a pavement licence (either grant or renewal) must be made electronically (see link to East Devon District Council pavement licence application webpage: [Apply for a pavement licence - East Devon](#))

Completed application forms must be accompanied by the following:

- Copy of public liability insurance to a minimum of £5 million
- A site plan (or plans). If the plan is not to scale, measurements must be clearly shown. Please see 'Pavement licence plan and layout guidance' section below. Plans should include the following:
  - measurements of clear space, including walkways;
  - Positions of any lighting columns, bins, trees, signs or any other existing furniture;
- Details of locations and types of barriers to separate the licenced area and the rest of the highway
- Evidence of no objection from neighbouring frontager(s) to use footway space outside their property (if applicable)
- Photographs, brochures or drawings showing the design, dimensions and materials of the tables/chairs and any other furniture you propose to use
- The application fee
- On renewal, reference of existing pavement licence. Please note that renewals can only renew the licence that was originally applied for. If you wish to make any changes, then you will need to apply for a **new** application.

## Fees

The fees for applying for a Pavement Licence are set locally but are capped nationally at £500 with respect to new applications and £350 for renewals, paid online by credit or debit card.

The current fee for a pavement licence in East Devon can be found at: [Pavement licensing - East Devon](#)

The fee is non-refundable in the event of refusal, surrender or revocation.

Applicants are advised not to submit an application unless they can satisfy all of the requirements and have included all of the required documentation.

The application shall be treated as a renewal if:

- There is a valid pavement licence (or temporary pavement licence) under the Business and Planning Act or Highways Act
- The application is from the existing licence holder; and
- The extent, furniture, and days and hours of operation are the same as the existing licence.

In all other cases you will be required to submit a new application.

## Pavement licence plan and layout guidance

You must provide an adequate plan of the area that you wish to apply for a pavement licence as part of your application. The plan provided must meet certain minimum standards:

- you must clearly define the proposed licensed area, highlighted by a red line so the application site can be clearly identified
- you must clearly define the surrounding highway area
- you must include measurements of the highway and the boundary of the proposed area
- you must include the precise location of any street furniture to be placed on the highway
- you must include a reasonable amount of 'smoke free' space within the licensed area with clear 'smoking' and 'non-smoking' areas with 'no smoking' signage displayed in the designated smoke free zones.

In considering whether the licence holder has made reasonable provision for no smoking areas, the Council must have regard to the [guidance issued by the Secretary of State](#).

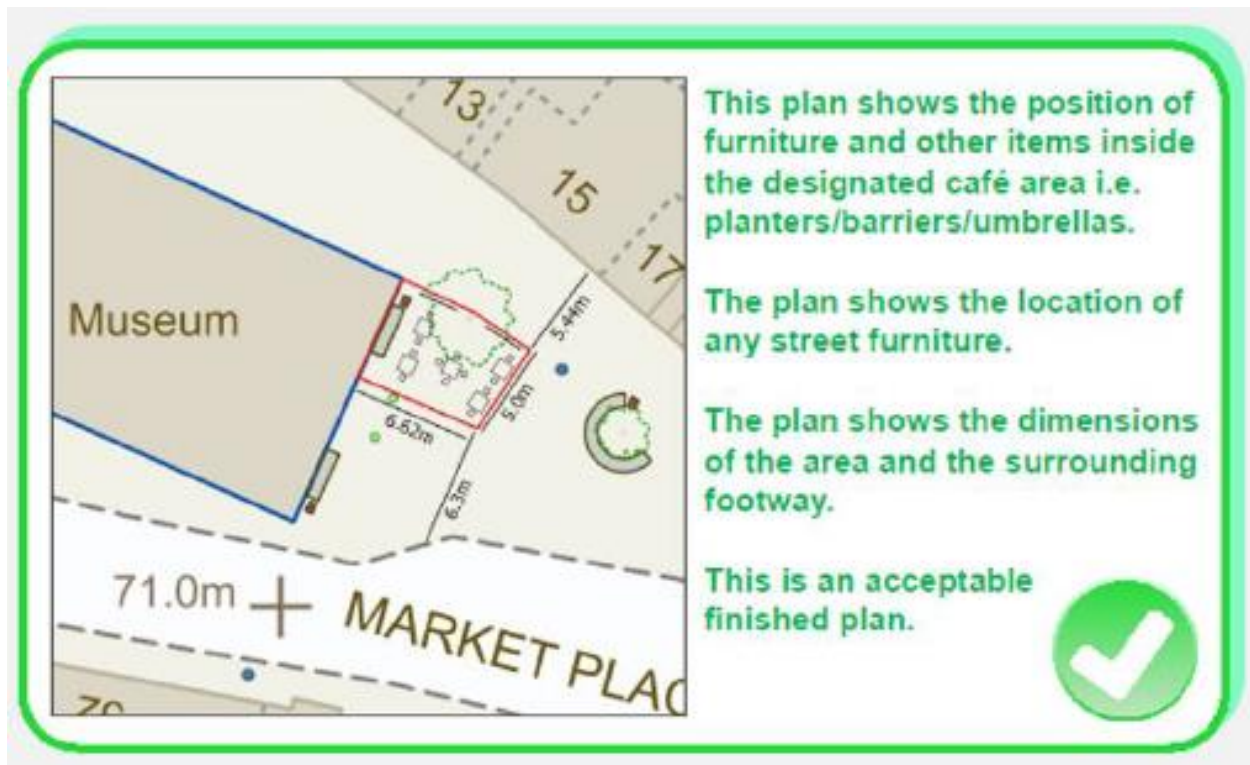
The Business and Planning Act 2020 imposes a smoke-free seating condition in relation to licences where seating will be used for the purpose of consuming food or drink. The condition requires a licence-holder to make reasonable provision for seating where smoking is not permitted. Licence holders should provide a minimum 2m distance between non-smoking and smoking areas, wherever possible. Your plan should clearly identify which area will be designated as 'non-smoking'.

No ash trays or similar receptacles to be provided or permitted to be left on furniture where smoke-free seating is identified.

The plan must show the view of the area 'from above'. It must clearly show the pavement or highway area that is proposed to be used. It must include details like lampposts or benches that are permanent fixtures in the area (known as street furniture). The proposed Licensed Area must be outlined in RED.

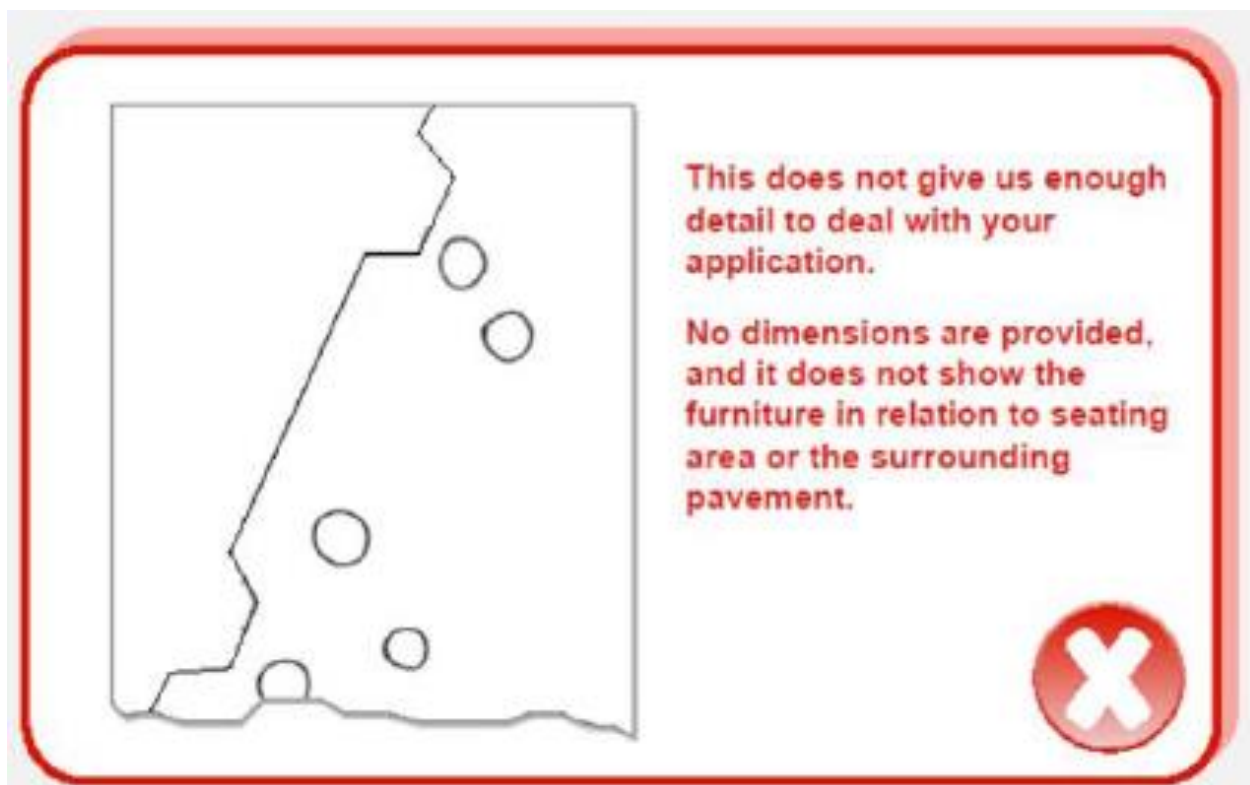


## Acceptable plan

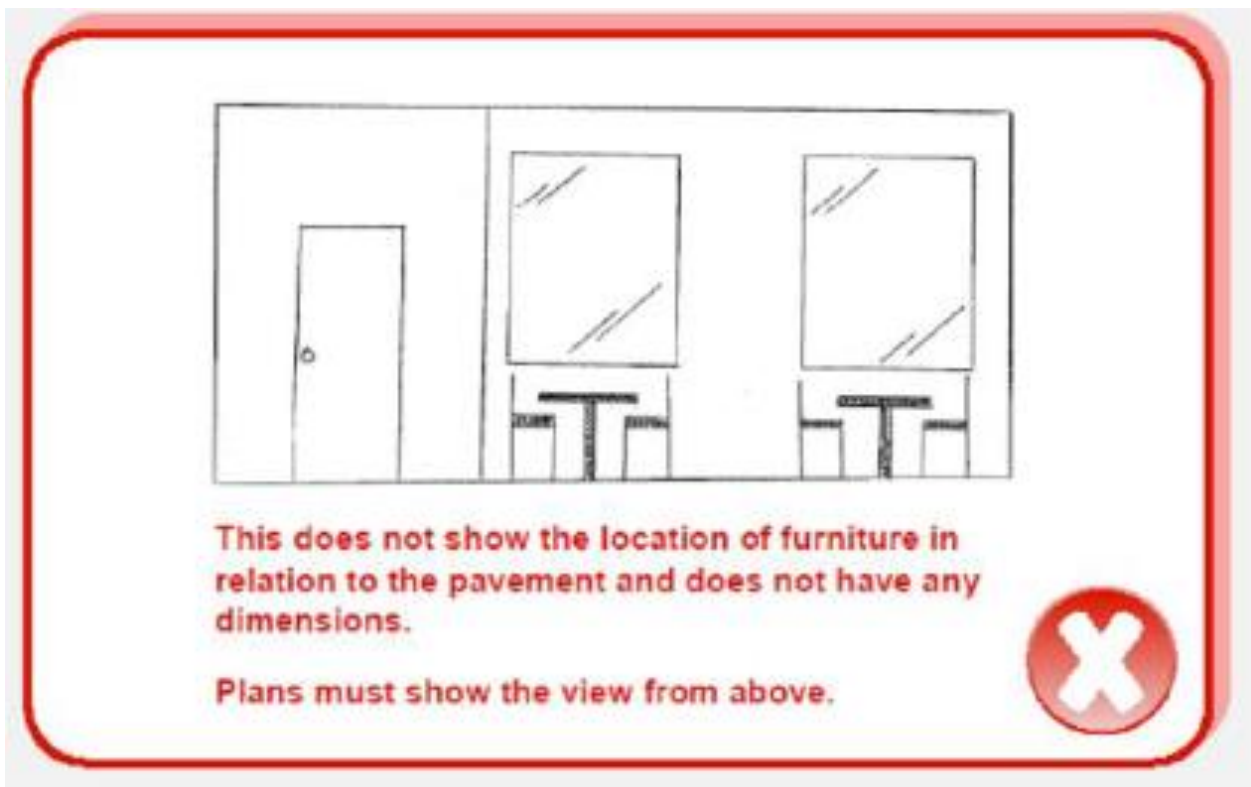


The above plan clearly indicates the premises that the Pavement Licence will be for (outlined in blue), the area that they wish to use for their trading (outlined in red) and the wider area around the premises including identifying street furniture in the locality. The plan also includes measurements of the different spaces and the proposed positioning of the furniture and clearly demonstrates that the highway will be free of obstructions.

## Unacceptable plan and layout examples



This does not give us enough detail to deal with the application. No dimensions are provided, and it does not show the furniture in relation to seating area or the surrounding pavement.



This does not show the location of furniture in relation to the pavement and does not have any dimensions. Plans must be shown from above.

## Site Notice

The applicant must post a notice on the premises to which it relates, on the same day the consultation period starts.

East Devon District Council currently provide applicants with a completed copy of the public notice which we will email to applicants for them to display from the start of the consultation period. The notice must be easily visible and legible to the public and the applicant must ensure the notice remains in place for the whole of the public consultation period.

Applicants are strongly encouraged to talk to neighbouring businesses and occupiers prior to applying to the local authority, and take any issues around noise and nuisance into consideration as part of the proposal.

Applicants should record and retain evidence that they have complied with all requirements, including posting the notice at their premises.

## What happens once the information is submitted

Once a valid application and supporting documents are submitted to the Council, the authority has 28 days from the day after the application is made (excluding public holidays) to consult on and determine the application.

Applications are consulted upon for 14 days, starting with the day after the day on which a valid application was made to the Council. It must be noted that the 14-day consultation period (and the 14-day determination period) does not include public holidays.

The Council will publish details of the application on its website - [View pavement licence applications under consultation - East Devon](#).

**Please note the consultation period does not start until a completed application, all supporting documents and the correct payment have been received.**

To ensure there are no detrimental effects which would result from the grant of the application, in addition to members of the public, the Council will consult with the following:

- Highways
- Environmental Health
- Licensing Team
- Planning Department
- Devon & Cornwall Police
- Devon and Somerset Fire and Rescue Service
- Parish/ Town Councils
- Any other relevant person, body or organisation it believes necessary

The Council must take into account any representations received during the consultation period and consider these when determining the application.

Please note that the application fee will not be refunded if the application is withdrawn, refused or if a licence is surrendered or revoked before expiration.

## Assessment

The local authority will need to consider a number of factors, when determining whether to approve the application.

- public health and safety including security – for example, any reasonable crowd management measures needed as a result of a licence being granted.
- public amenity – will the proposed use create nuisance to neighbouring occupiers by generating anti-social behaviour and litter.
- accessibility – taking a proportionate approach to considering the nature of the site in relation to which the application for a licence is made, its surroundings, and its users, taking account of:
  - considerations under the no-obstruction condition including the cumulative impact of multiple pavement licences in close proximity, in particular considering the needs of disabled people.

- any other temporary measures in place that may be relevant to the proposal, for example, the reallocation of road space. This could include pedestrianised streets and any subsequent reallocation of this space to vehicles.
- whether there are other permanent street furniture or fixed structures in place on the footway that already reduce access; and other users of the space, for example if there are high levels of pedestrian or cycle movements.

Footways and footpaths should be as wide as practicable, but under normal circumstances a width of 2000mm of 'clear space' is the minimum that should be provided, as this allows enough space for two wheelchair users to pass, even if they are using larger electric mobility scooters. The council will take a proportionate approach if this is not feasible due to physical constraints but a minimum width of 1500mm is regarded as the minimum acceptable 'clear space' under most circumstances, as this should enable a wheelchair user and a walker to pass each other. Please refer to section 4.1 of the [Pavement Licences Guidance](#).

The positioning of furniture should not discourage pedestrians from using the footway or force pedestrians into the highway. The available route must be entirely clear for pedestrians to use and not be impeded.

In general, all parts of the highway may be used for pavement furniture, assuming all safety and non-obstruction requirements are met. The exceptions are:

- Any carriageway or 'shared use surface'
- Any highway verge
- Where the width of the pavement makes it impractical
- Where other authorised street furniture makes it impossible/ impractical
- Where sight lines are compromised and may give rise to health and safety issues.

Emergency exit routes, including those of adjacent buildings, must not be obstructed by the furniture and emergency service vehicles must have access along all streets at all times, even in pedestrianised streets.

## Outcomes of application

- grant the licence in respect of any or all of the purposes specified in the application. The Council's standard conditions will be attached to all Pavement Licences, or
- grant the licence for some or all of the part of the highway specified in the application, and impose additional conditions, or
- refuse the application.

## Planning permission

Once a licence is granted, or deemed to be granted, the applicant will also benefit from deemed planning permission to use the land for anything done pursuant to the licence (while the licence is valid).

## Conditions

The Council's standard conditions are set out at Appendix 2. This Appendix also includes the two national conditions, which are a no-obstruction condition and a smoke-free seating condition.

In some cases, additional conditions may be required. This will be determined when assessing any application, on a case-by-case basis.

Where a local authority sets a local condition that covers the same matter as set out in national published conditions, then the locally set condition takes precedence over the national condition to the extent that it is inconsistent with it.

## Is there a route to appeal a decision?

There is no statutory appeal process against a decision to grant or refuse an application (or revoke a licence).

## Enforcement

The Council aims to work closely with other enforcement authorities to enforce the provisions of all appropriate legislation. The case remains that an obstruction of the Highway is an offence under The Highways Act 1980 and will be dealt with by the Highways Authority or the Police.

If a condition imposed on a pavement licence is breached, the Council will be able to issue a notice requiring the breach to be remedied and the authority can take action to cover any costs.

The authority may revoke a licence, or amend it with the consent of the licence holder.

The highways authority retains the power under s.149 of the Highways Act 1980 to remove items on the highway which are a nuisance – whether they are licensed or not. This power is exercisable immediately in cases where the furniture causes a danger.

Where a business sites furniture for use by customers to consume food or drink without a licence, a notice may be served under 7A of the Act requiring the business to remove the furniture before a specified date, and to refrain from putting furniture on the highway without a licence. If furniture continues to be sited without permission, the council can remove the furniture and store it. The business will be liable for any costs associated with removal and storage, and the furniture will not be released until such costs are paid in full. After 3 months of serving of the notice, the furniture can be disposed of as the council sees fit, which may include sale of the furniture with the proceeds applied towards the costs of storage.

In some circumstances, the Council may enforce or revoke a licence. If a condition imposed on a licence is breached, the Council will issue a notice requiring the breach to be remedied. If the licence-holder fails to do so, the Council may amend the licence, with the consent of the licence-holder, revoke the licence, or itself take steps to remedy the breach and can take action to recover any costs of so doing.

Local authorities are encouraged to regularly review licences and enforce any breaches.

The Council may revoke a licence, or amend it with the consent of the licence holder, in the following circumstances:

- If it considers that the highway is no longer suitable for the use as granted by or deemed to be granted by the licence. For example, the licenced area (or road adjacent) is no longer to be pedestrianised.
- there are risks to public health or safety – for example where it comes to light that there are significant security risks which have not been sufficiently considered, or addressed in a proportionate fashion (this should be reassessed as necessary, particularly in the event of changes to the terrorism threat level);
- this use of the highway is causing an unacceptable obstruction, breaching the no-obstruction condition – for example, the arrangement of street furniture prevents disabled people, older people or wheelchair users to pass along the highway or have normal access to the premises alongside the highway; or
- the use is causing, or risks causing, anti-social behaviour or public nuisance – for example, the use is increasing the amount of noise generated late at night and litter is not being cleaned up.
- It comes to light that the applicant provided false or misleading statements in their application – for example they are operating a stall selling hot food and had applied for tables and chairs on which drinks could be consumed
- The applicant did not comply with the requirement to affix the notice to notify the public of the application or secure that the notice remains in place until the end of the public consultation period

Where a licence is revoked, a notice will be issued detailing the reasons for doing so.

The usual procedure for a breach of conditions will be a warning to comply and that further contravention will result in revocation of the licence. The licensee will be allowed reasonable time to comply. If the contravention continues or is repeated within the licence period, the licence is likely to be revoked. If any breaches of conditions are serious enough in nature, the licence may be revoked without the warning letter stage.

Licences and accompanying conditions must be clearly displayed at all times in a prominent place within the Pavement Café Premises.

## Liability

Please be advised that the Council shall not be held liable for any consequences or issues arising from the placement of furniture under permit by a business. It is the sole responsibility of the business to ensure compliance with all relevant regulations and guidelines regarding the placement of furniture.

## Additional information

Further details on pavement licences, including how to apply, how to view applications and how to make a representation can be found on the Councils website here: [Pavement licensing - East Devon](#)

The Government have produced guidance on pavement licences and this is available to view here: [Pavement licences: guidance - GOV.UK \(www.gov.uk\)](#)

The Business and Planning Act 2020 can be viewed here:  
<https://www.legislation.gov.uk/ukpga/2020/16/contents/enacted>.

Information about A Boards can be found at:

<https://democracy.devon.gov.uk/documents/s41495/ECC%20A%20board%20Guidance%20leaflet%20v1.pdf>

and

[www.devon.gov.uk/roads-and-transport/maintaining-roads/managing-the-network/unauthorised-signage/](http://www.devon.gov.uk/roads-and-transport/maintaining-roads/managing-the-network/unauthorised-signage/)

## Contact details:

**Email:** [Licensing@eastdevon.gov.uk](mailto:Licensing@eastdevon.gov.uk)

**Address:** East Devon District Council, Blackdown House, Border Road, Heathpark Industrial Estate, Honiton, EX14 1EJ

## APPENDIX 1: Site Notice

### Section 2 Business and Planning Act 2020 Public Notice

**The following application has been made to XXXX Council for a Pavement Licence to place tables and chairs on the public highway: -**

Date application was submitted: \_\_\_\_\_

Name of applicant: \_\_\_\_\_

Name of business: \_\_\_\_\_

Address of business: \_\_\_\_\_

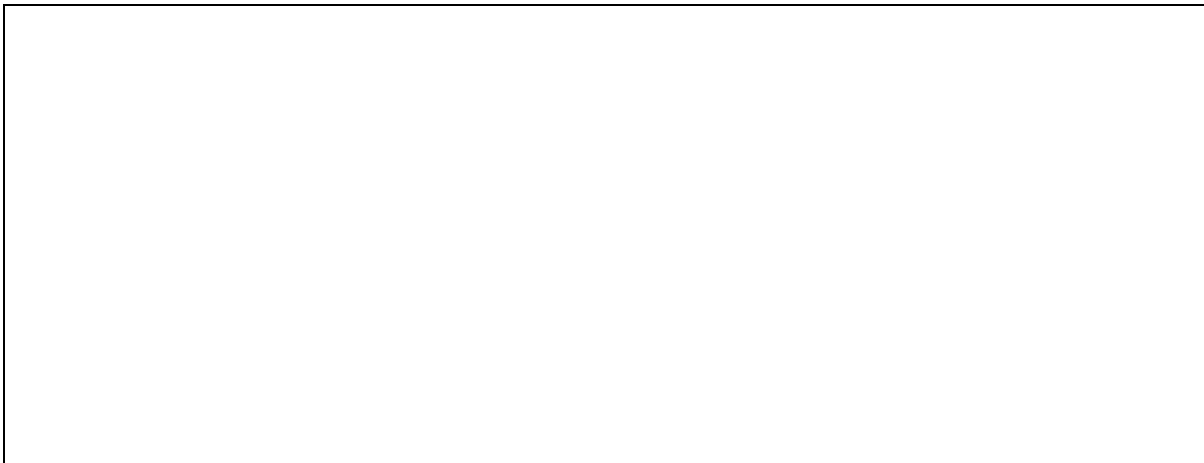
End date of consultation

(i.e. 14 days after application date excluding public holidays): \_\_\_\_\_

The application is for: \_\_\_\_\_

\_\_\_\_\_

Sketch of proposed area:



Area of highway to be occupied (i.e. 4m x 2m): \_\_\_\_\_

Proposed operating hours of pavement licence: \_\_\_\_\_

The full application can be viewed at [www.xxxxxxxx](http://www.xxxxxxxx)

Any person wishing to make a representation regarding this application may do so in writing to: [licensing@XXXX.gov.uk](mailto:licensing@XXXX.gov.uk) by the end date of the consultation listed above.

**Signed:**

**Dated:**



## APPENDIX 2: Standard Conditions

### **Schedule of Local Conditions for Pavement Licences**

#### **Business and Planning Act 2020**

1. These Local Conditions are considered to form part of the Pavement Licence upon grant: Pavement Licence means a licence issued under the provisions of the Business and Planning Act 2020.
2. Permission is personal to the named Licensee who shall be the person who completes the Pavement Licence Application.
3. The Pavement Licence granted shall run for the period set out in the Pavement Licence and shall remain in force only for such period of time as the Licensee remains occupier of the Premises or until revoked by the Council, or surrendered to the Council by the Licensee.
4. The Pavement Licence and furniture authorised shall only extend to the agreed area as set out in the plan annexed to the Pavement Licence application or such other plan as agreed by East Devon District Council in granting the Pavement Licence (“the Outside Area”) and shall not extend beyond this area. No unauthorised obstructions are to be placed in the said area or on the adjacent public highway.
5. The tables and chairs shall be of such a design as may be approved by East Devon District Council as set out in the Pavement Licence Application and shall be kept in good repair and condition at the Licensee expense.
6. Should a gazebo or marquee be permitted by the Pavement Licence and used by the Licensee the following conditions apply:
  - i. Heavy ballast weights must be used at each leg to withstand uplift forces from wind. Calculations from the manufacturer, supplier or installers to show the weight requirements for each leg must be obtained and complied with.
  - ii. Anchorage should also prevent lateral movement of the structure. Ropes to anchorage points must not obstruct movement around or within the structure.
  - iii. The Licensee should be aware of the design wind load of the structure, and have a procedure for monitoring weather forecasts, and making safe by removal of covers any structure likely to be put at risk by high winds.
  - iv. The structure must be British fire-rated BS 5438 and/or BS 7837 (or any replacement standard) and marked accordingly, the Licensee must carry out a fire risk assessment of the structure.
  - v. Domestic garden gazebos and old style market gazebos cannot be accepted as they are not structurally safe for use in public areas.
  - vi. Gazebos/stall coverings/marquees must be kept visually appealing and compliment the character of the area

7. The Licensee shall make no permanent or temporary fixtures to or excavations of any kind in the surface of the highway which shall be left undisturbed when the tables and chairs are not in use.
8. The Outside Area will be suitably managed by competent staff, i.e. to control the use of the Outside Area, to return trays, clear crockery and refuse and to maintain the area to as high a standard as is required inside the premises and to ensure that the conditions in this Licence are complied with at all times the Outside Area is in use.
9. The Licensee shall not display any advertisement, signboards, nameplate, inscription, flag, banner, placard, poster, signs or notices on the Outside Area unless such item is included within the Pavement Licence Application.
10. The Licensee shall make no claim or charge against East Devon District Council or Devon County Council in the event of the chairs or tables or other objects being lost stolen or damaged in any way from whatever cause.
11. All drinks served for consumption in the Outside Area shall be served in reusable Plastic/Polycarbonate or similar containers, no glasses or bottles are to be permitted in the Outside Area.
12. The Outside Area must be solely used by customers seated at tables and for consumption of food or drink supplied from the premises to which the licence relates.
13. Licence holders are encouraged to make the Outside Area smoking free but it is a condition of this Pavement Licence that where smoking is permitted the licence-holder must make reasonable provision for seating where smoking is not permitted. This provision must be as set out in the Pavement Licence Application and must be in accordance with the guidance issued by the Secretary of State such guidance being shown at the following address or such other updated guidance as may be issued.
- [Pavement licences: guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/pavement-licences)
14. The Outside Area must not be used for BBQ's, firepits or other cooking apparatus.
15. The Outside Area may only be used during the hours specified in the Pavement Licence and in the absence of any specific hours being shown in the Pavement Licence, the Outside Area shall not be used after 23:00hrs. In the event that the Premises Licence relating to the Premises provides for an earlier closing time than either the Pavement Licence or this condition, the earlier time shall take precedence over the Pavement Licence and these Local Conditions.
16. The Licensee shall not sublet or share possession of the tables and chairs or the area covered by the Pavement Licence.
17. The Licensee must ensure that it provides an outside lidded refuse bin to enable refuse generated within the Outside Area to be easily deposited. The refuse collected in this refuse bin must be disposed of by the Licensee at the expense of the Licensee.
18. Waste from the Licensees' operations must not be disposed of in the litter bins provided by East Devon District Council, all waste from the Licensees' operations must be disposed of at the expense of the Licensee(s) and not at any cost to be incurred by the Council.
19. The Licensee must ensure that the Outside Area is kept clean and clear of refuse and litter throughout the period that the outside area is operated. Refuse and litter deposited on

the highway in the vicinity of the tables and chairs and other objects must be removed frequently throughout each day by the Licensee at the Licensees' expense or at more frequent intervals as may be required by or under the Environmental Protection Act 1990. The Licensee must ensure that the surface of the pavement is kept clean at all times and should have particular regard to the removal of grease, fat deposits and similar to ensure that the surface does not present a hazard to users of the pavement

20. The Licensee shall remove the tables and chairs and other objects from the highway and the Outside Area outside specified trading hours and immediately if required to do so as to permit works in or the use of the highway by: Devon County Council, East Devon District or the relevant Town or Parish Council, the police, fire and ambulance services, any statutory funeral director or utilities operator or builders' vehicle, hearse and furniture removal van.

21. No alcohol shall be consumed in the Outside Area unless a licence has been issued by the relevant authority in advance or in compliance of an existing licence granted.

22. The Licensee shall at all times be responsible for ensuring that the Outside Area is only used by customers of the Licensee, to ensure that proper supervision and control is exercised over the Outside Area at all times not to permit any drunkenness or rowdy, unseemly or disreputable behaviour to take place on the Licensed Area.

23. The Licensee shall at all times be responsible for ensuring that customers and visitors permitted or otherwise to the Outside Area do not use the Outside Area for any illegal purpose or for any purpose or in a manner that may cause loss, inconvenience distress or alarm, or could be or could become a nuisance (whether actionable or not) to occupiers of neighbouring properties or members of the public.

24. The Licensee shall at all times be responsible for ensuring that the tables on the Outside area are cleared promptly of any dirty and used cutlery and crockery and are wiped down regularly and any spillages in the Outside Area are properly cleaned immediately.

25. The Licensee shall be responsible for any rates taxes and other outgoings which may be charged.

26. It is a condition of this Licence that clear routes 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

<https://www.gov.uk/government/publications/inclusive-mobility>.

The Licensee must comply with the Guidance of the Secretary of State with regard to the needs of disabled people and the recommended distances required for access by disabled people, such guidance being shown at the following address or such other updated guidance as may be issued

[Pavement licences: guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/pavement-licences-guidance)

27. Where East Devon District Council or Devon County Council deem it necessary to place any demarcation markings on the highway surface, the Licensee will be liable for the costs incurred and for the maintenance and replacement costs which will be undertaken by either Council.

28. Musical entertainment whether amplified or not will not be permitted in the approved area unless a Temporary Event Notice is in place in relation to the area included in the Pavement Licence.

29. Failure to comply with the terms of the permission may result in the Council serving notice on the Licensee to rectify the fault. A continued failure may result in the Council rectifying the fault with the costs incurred being recharged to the Licensee. The licence could be revoked at the discretion of East Devon District Council.

30. Any changes to the area of structures and furniture requires submission of a new application and appropriate fee, there being no means for variance of a granted licence.

31. No refund of fees shall be provided upon grant of a properly issued Pavement Licence or in the event of revocation or surrender of the Licence.

32. The Licensee must at all times comply with all laws, Government and Health and Safety guidance regulations and requirements in respect of their operations. The Licensee must at all times particularly comply with COVID-19 Secure: safer public places guidance and any subsequent relevant guidance as may apply to the use of open spaces and licensed premises.

33. The Licensee must ensure that they have all consents, licences, permissions, certificates, authorisations and approvals whether of a public or private nature which shall be required by any competent authority for the intended use of the Outside Area.

34. The Licensee shall indemnify East Devon District Council and Devon County Council against all actions proceedings claims demands and liabilities which may at any time be taken made or incurred in consequence of the use of the tables and chairs and other objects. For this purpose the licensees must take out and keep in place, at the Licensees' expense, a policy of public liability insurance approved by the Council in the sum of at least £5 million in respect of any one event and must produce to the Council on request the current receipts for premium payments and confirmation of the annual renewals of the policy.

# Pavement licensing policy

## Consultation report

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## 1. Summary

East Devon District Council carried out a district-wide consultation on its draft Pavement Licensing Policy to ensure that the framework is fair, proportionate and reflects local needs. The consultation received strong engagement from residents, businesses, town and parish councils, and statutory partners. Overall, the findings show broad support for the Council's approach, with a clear emphasis on safety, accessibility, and maintaining the character and cleanliness of public spaces.

Respondents recognised the social and economic value of outdoor seating in supporting local businesses and creating lively town centres, while also stressing the importance of managing space responsibly. The most consistent themes were the need for clear definitions, flexibility to reflect different locations, and consistent enforcement of standards. Consultees called for accessible public routes, sustainable and well-maintained furniture, and trading hours that balance business needs with residential amenity.

The consultation findings demonstrate that the proposed policy is well-aligned with public and business expectations, provided it is applied transparently and enforced fairly. The feedback supports a policy framework that enables outdoor trading in a way that enhances the district's economy, protects pedestrian safety, upholds local amenity, and preserves the distinct identity of East Devon's towns and villages. The consultation ran until 30 September 2025 and was open for 10 weeks. The consultation received 253 contributions.

## 2. Survey goals and methodology

The aim of the consultation was to gather views from local businesses, residents, and stakeholders on East Devon District Council's draft Pavement Licensing Policy, ensuring the final version is fair, consistent and reflective of community needs. The survey sought feedback on key aspects of the proposed policy, including application processes, licence conditions, accessibility requirements, and fee structures.

The consultation was hosted on the East Devon Commonplace engagement platform, allowing participants to read the draft policy, submit comments and complete a short survey. To maximise participation, the consultation was promoted widely through:

- East Devon District Council's social media channels.
- The Community Engagement newsletter distributed to local organisations, town and parish councils, and community groups
- The Residents' newsletter, reaching East Devon residents directly via email

## 3. Survey process

The survey was hosted on the online platform commonplace and promoted through multiple channels to ensure as many responses as possible.

- Direct commonplace email to all on the mailing list

- Social media posts on the Council's platforms
- In the community engagement and residents newsletter

The survey opened on the 22 of July and closed on 30 September. After the closing date, responses were compiled and analysed to identify common patterns and key areas of concern.

## 4. Data analysis

1. Do you agree with the Council's definition of adjacent above?

### **The council's definition of adjacent:**

A pavement licence is a licence granted by the local authority, or deemed to have been granted, which allows the licence-holder to place removable furniture over certain highways adjacent to the premises in relation to which the application was made, for certain purposes.

What does 'adjacent' to the premises mean?

There is no definition of 'adjacent' within the Act. However, the Council consider 'adjacent' to mean nearby or close at hand. Pavement Cafés should generally occupy an area directly in front of and be visible from your existing premises and should not extend beyond the width of your frontage. The layout and size of the Pavement Café will depend upon the characteristics of the location of your premises, the available space in which to place furniture and also the nature of your premises. However, each case will be considered on its own merit.

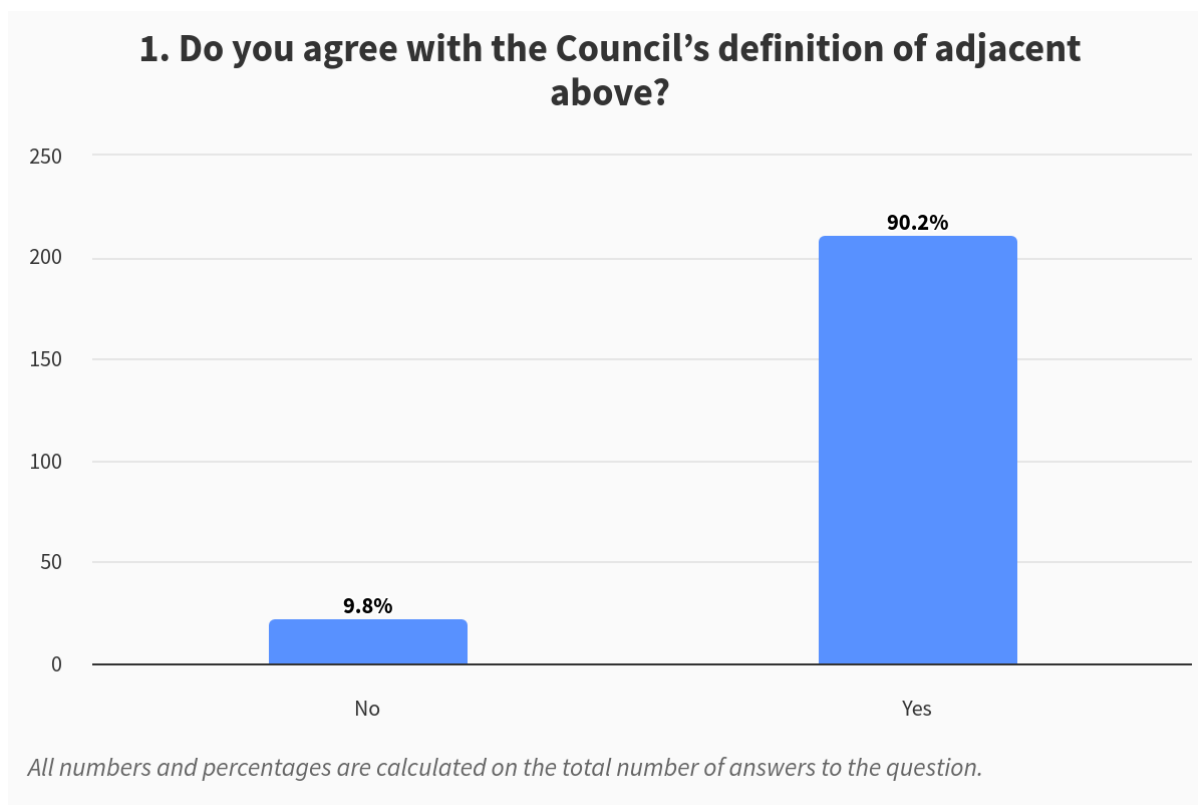


Figure one: Shows respondents level of agreement to the council's definition of adjacent.

This question received 234 contributions via the commonplace platform.

The large majority of consultees (90.2%) agreed with the council's definition of adjacent.

## 2. Do you agree with the Council's definition of adjacent above? Additional comments

### Theme 1: Definition and Flexibility of 'Adjacent Area'

- Need for clarity: Many consultees said 'adjacent' was unclear — asking whether it meant directly in front, to the side, or across a walkway. Several wanted this to reflect practical layouts such as side or rear areas or wider public spaces like The Strand.
- Flexibility and judgment: Respondents called for "common sense" and case-by-case decisions, especially where space allows safe use further from the premises.

### Theme 2: Pedestrian Safety, Accessibility and Enforcement Clear access

- A strong theme was keeping pavements safe and unobstructed, particularly for wheelchair users, people with pushchairs and those who are visually impaired. Many wanted minimum clear widths and defined furniture boundaries.
- Monitoring and enforcement: Consultees highlighted weak enforcement and asked for clearer markings, consistent checks and action where furniture spreads too far.

### Theme 3: Fairness, Aesthetics and Business Support



- Balance with public space: Many supported outdoor seating for adding “vibrancy” but stressed it must not damage grassed areas or block access.
- Fairness and support: Some felt licence fees and decisions were inconsistent or unfair, urging the council to support rather than penalise local businesses.

### 3. Do you agree with the proposed furniture standards above?

#### **Furniture Standards:**

The Council expect the type of furniture to be “in keeping” with the local area. A standard design will not be imposed however; the following standards are required:

- All tables, benches and chairs etc. should be constructed from quality materials and the style is expected to fit in with the local environment. The furniture should be uniform in appearance for the premises.
- The furniture must be safe and intended for commercial use. Domestic plastic patio furniture will not be acceptable.
- Furniture colours should ideally be uniform and not be overly reflective where this may pose a risk to road or highway users.
- Parasols should not be made of reflective material and should complement the furniture colour/s chosen and positioned to avoid endangering users of the Pavement Café or passing pedestrians and road users.
- Parasols must be removed at all times when the Pavement Café is not in operation.
- Parasols should be properly secured/ fixed in place at all times when in use
- The furniture should enhance the street environment, and Applicants should ensure that various styles of seating and tables are available, depending on the location of the Pavement Café, to complement both a commercial and a more historic conservation area setting.
- Regard must be paid to the surface on which your furniture will stand. An uneven surface, for example cobbles, may require a sturdier style of furniture than would be necessary on a more even or paved surface.
- Furniture must not damage the surface of the highway and should not generate unreasonable noise when being moved at night. Consequently, consideration should be given to using furniture with rubber feet.
- The furniture must be properly maintained, replaced as necessary and kept clean.

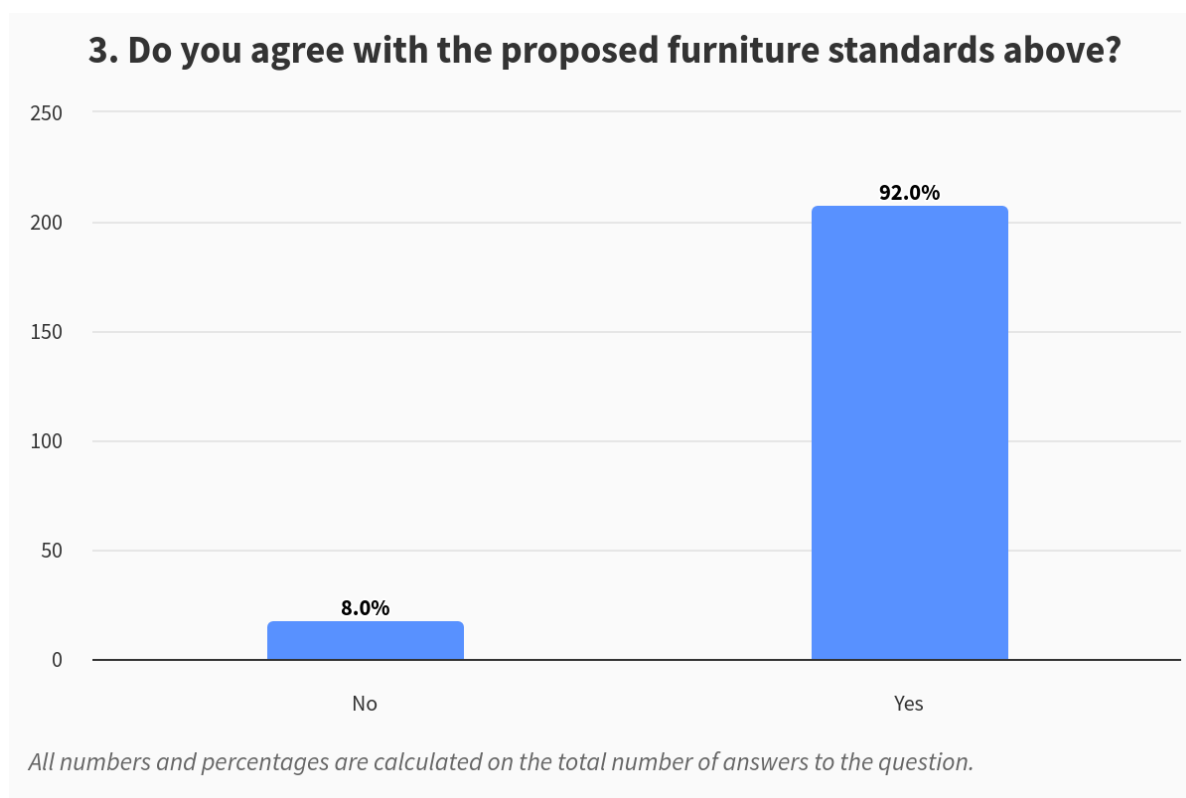


Figure two: Shows respondents level of agreement to the furniture standards.

This question received 228 contributions via the commonplace platform.

The large majority of consultees (92%) agreed with the council's definition of adjacent.

#### 4. Do you agree with the proposed furniture standards above? Additional comments

##### Theme 1: Safety, Accessibility and Maintenance

- **Public safety concerns:** Many consultees highlighted risks from unsecured or unsuitable furniture such as parasols, light plastic chairs, or barriers. Several shared examples of accidents and called for stronger rules on anchoring and safe storage, especially in windy conditions.
- **Accessibility standards:** Respondents emphasised the need to meet Equality Act duties and Inclusive Mobility guidance, ensuring wide, unobstructed routes for disabled people, those with pushchairs and the visually impaired. Regular inspections and clear markings were strongly supported.

##### Theme 2: Design, Appearance and Consistency

- **Mixed views on uniformity:** While some supported clear design guidance to create a coordinated look, others felt the proposed standards were too prescriptive or

subjective. Many wanted flexibility to allow individuality, upcycled furniture and cost-effective options for smaller businesses.

- Visual quality and local character: Consultees asked for furniture to suit the setting and avoid clutter or “ramshackle” appearances, with limits on bright colours, heavy signage and advertising on parasols.

### Theme 3: Enforcement, Sustainability and Business Impact

- Monitoring and enforcement: Respondents called for stronger enforcement, including spot checks, evening monitoring and penalties for non-compliance, to ensure fairness and safety.
- Cost and sustainability: Some felt strict design rules could burden small businesses or encourage waste by forcing new purchases. Others suggested leasing, reuse and consistent waste-bin provision to support a cleaner, greener approach.

#### 5. Do you agree with the proposed general hours of operation above?

##### Hours of operation:

Applicants are asked to consider the surrounding environment, neighbouring business and residential properties when setting out their proposed operating times. In order to minimise associated crime and disorder and noise nuisance, the Council will generally only permit Pavement Licences between 10:00 and 23:00 hours.

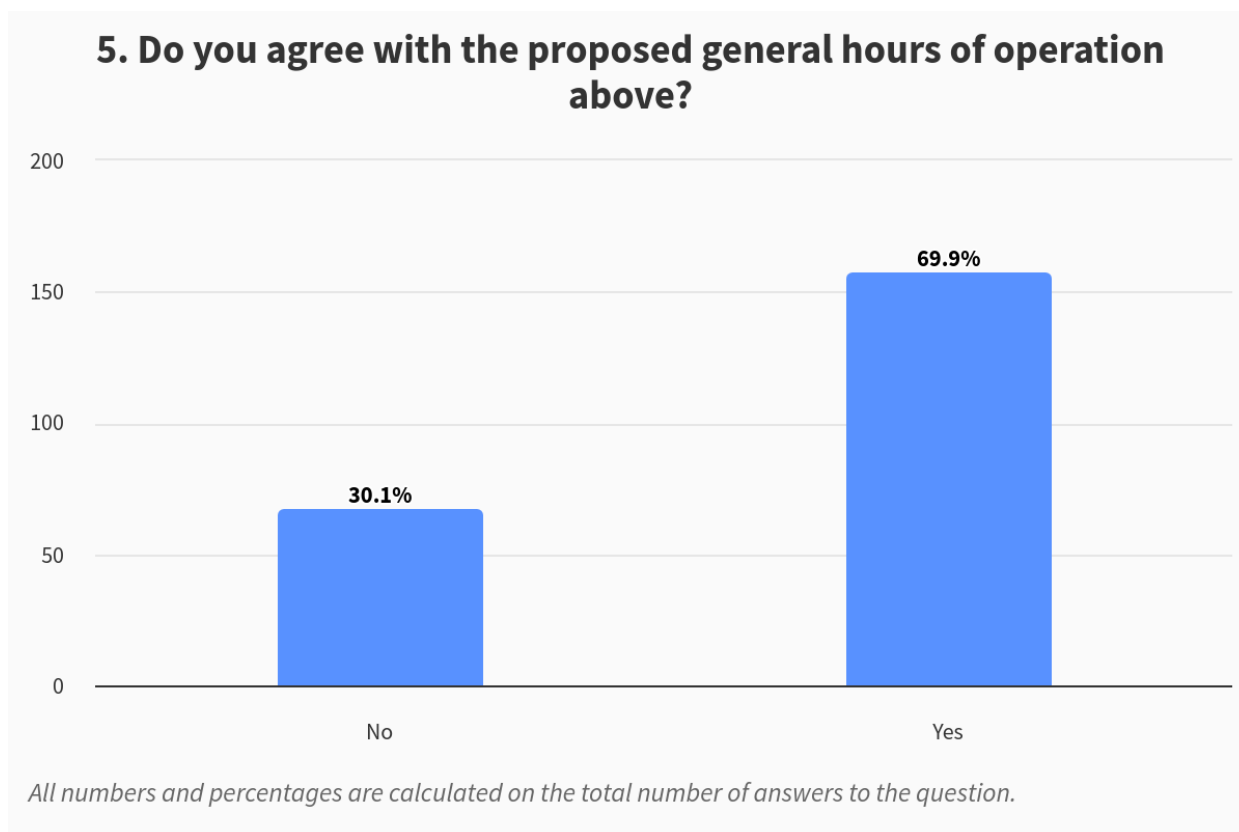


Figure three: Shows respondents level of agreement to the proposed general hours of operation.

This question received 226 contributions via the commonplace platform.

The majority of consultees (69.9%) agreed with the general hours of operation.

#### 6. Do you agree with the proposed general hours of operation above? Additional comments

##### Theme 1: Start and Finish Times

- Calls for earlier start times: Many consultees felt 10am was too late, particularly for cafés and bakeries serving breakfast or commuters. Suggested start times ranged from 7–9am, especially in summer months.
- Mixed views on closing time: While some supported 23:00 as reasonable for evening trade, many said this was too late near residential areas. Respondents commonly suggested 22:00, 21:00 or earlier to reduce disturbance.

##### Theme 2: Local Context and Flexibility

- Location-based approach: Consultees felt operating hours should reflect the surrounding environment, with earlier finishes in residential areas and later trading in town centres or seafront locations.
- Seasonal variation: Several respondents supported longer summer hours and shorter winter ones to balance community enjoyment with resident comfort.

##### Theme 3: Noise, Behaviour and Enforcement

- Noise and antisocial behaviour: Many highlighted concerns about late-night noise, litter, and disruption to residents, asking for stricter limits where homes are nearby.
- Clear-up and compliance: Respondents wanted licence holders to remove furniture promptly after closing and ensure quiet dispersal, with penalties for venues failing to manage late-night behaviour.

## 7. Do you agree with the proposed provision to control nuisance above?

### Environment/Nuisance:

External public address systems and amplified music will not be allowed within the licensed table and chair area unless such activities are permitted under a Premises Licence application under the Licensing Act 2003. The permission holder must not cause annoyance to persons using the highway or part of the highway to which the application relates.

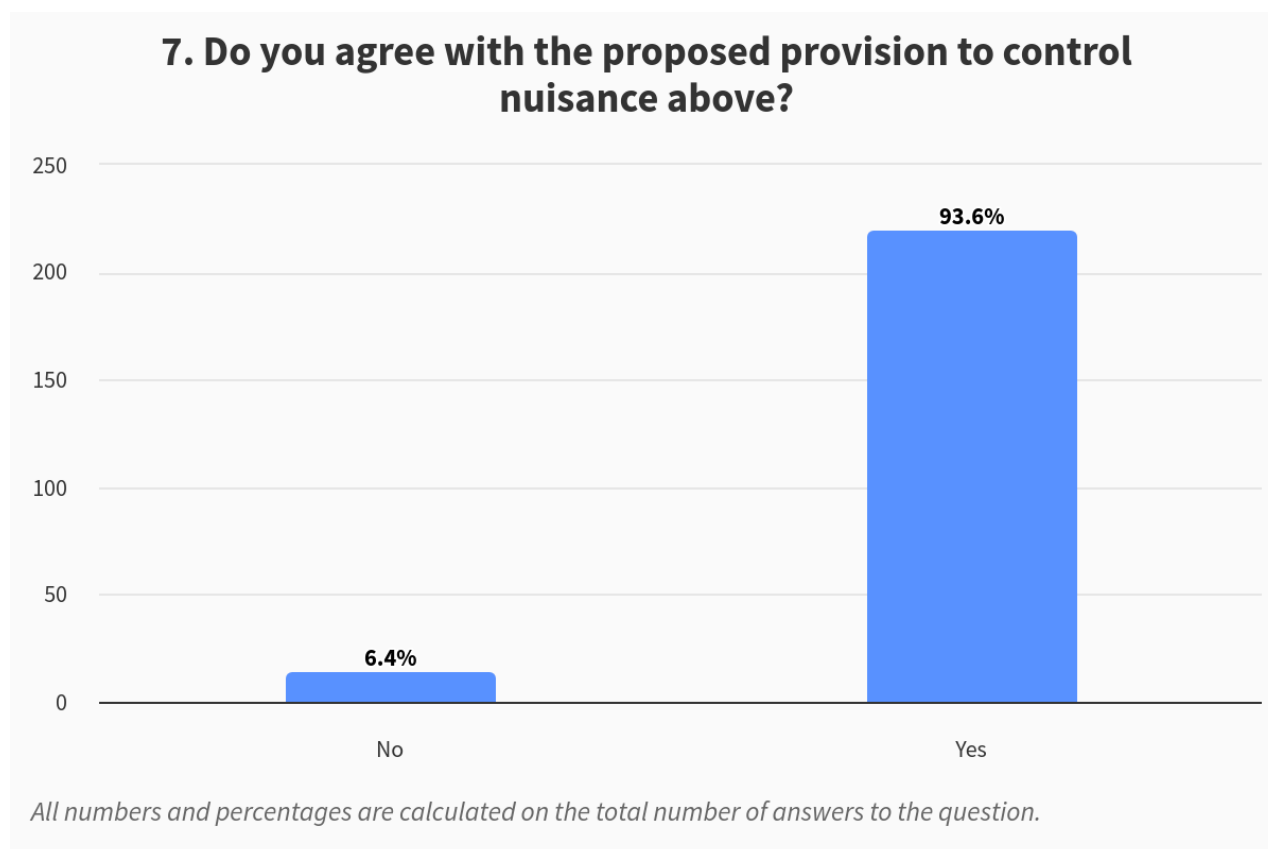


Figure four: Shows respondents level of agreement to the proposed provision to control nuisance

This question received 235 contributions via the commonplace platform.

The majority of consultees (93.6%) agreed with the general hours of operation.

## 8. Do you agree with the proposed provision to control nuisance above? Additional comments

### Theme 1: Noise Control and Resident Amenity

- Strong support for limits: Most consultees agreed with restricting amplified music and PA systems to prevent nuisance, particularly near residential areas. Many warned against outdoor spaces turning into “de facto music venues” without proper licences.

- Calls for clarity and enforcement: Respondents asked for clearer definitions of “annoyance” and consistent enforcement, noting that excessive or poorly monitored noise can disturb residents and harm the town’s quiet character.

#### Theme 2: Atmosphere and Flexibility

- Balanced approach: Some consultees supported low-level or occasional music to create atmosphere, especially for seasonal events or acoustic performances that do not disturb others.
- Avoiding over-restriction: A few felt councils should allow flexibility where noise impact is minimal, saying light background music can enhance the café culture and attract visitors.

Theme 3: Cleanliness, Safety and Compliance Managing nuisance beyond noise: Many mentioned related issues such as food waste attracting seagulls, smokers gathering outside, and uncollected rubbish creating hazards. Need for monitoring: Respondents wanted clearer boundaries for licensed areas, regular checks, and physical demarcation or markings to prevent furniture from spreading beyond agreed limits.

#### 9. Do you agree with the proposed arrangements for consultation on pavement licence applications above?

#### **Public Notices:**

Once an application for a pavement licence has been accepted by the Council, the applicant must put up a public notice of the application. The notice must be easily visible and legible to the public and the applicant must ensure the notice remains in place for the whole of the public consultation period.

The Council will also publish details of the application on its website - View pavement licence applications under consultation - East Devon.

To ensure there are no detrimental effects which would result from the grant of the application, in addition to members of the public, the Council will consult with the following:

- Highways
- Environmental Health
- Licensing Team
- Planning Department
- Devon & Cornwall Police
- Devon and Somerset Fire and Rescue Service
- Parish/ Town Councils
- Any other relevant person, body or organisation it believes necessary

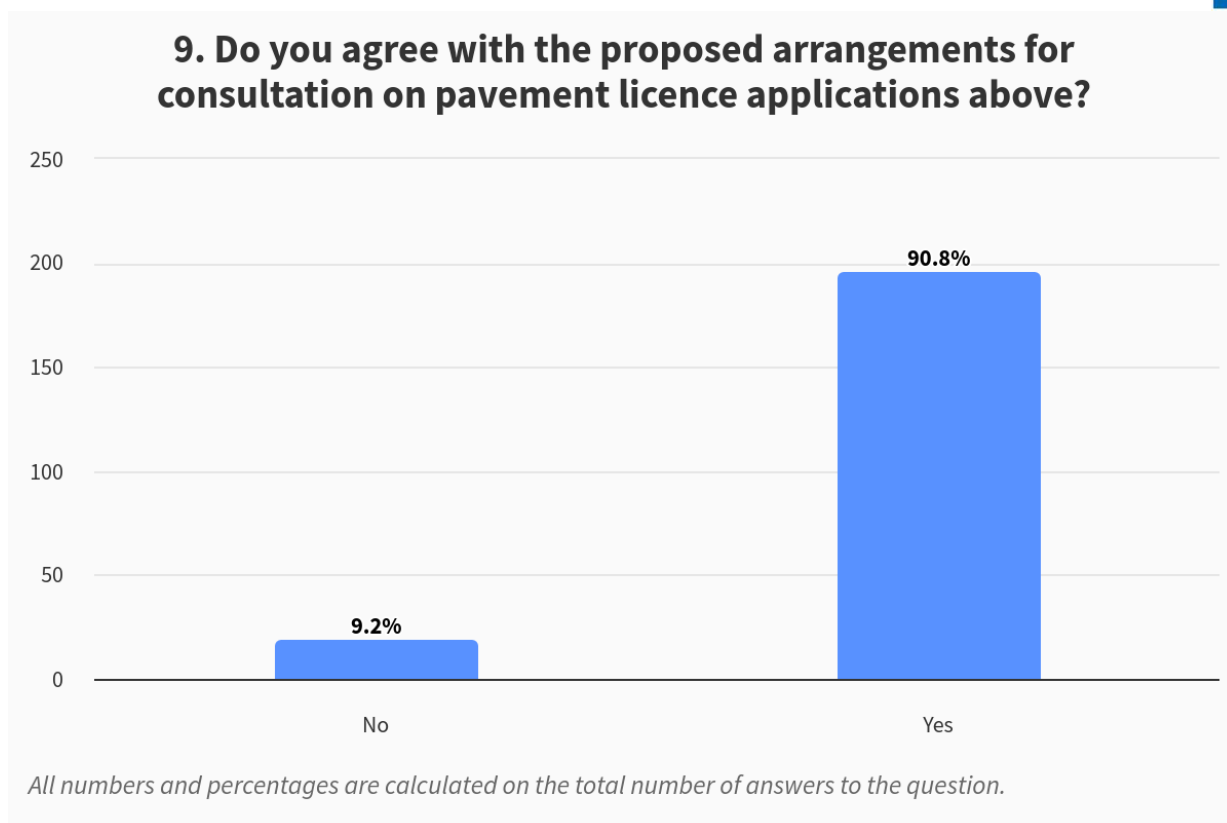


Figure five: Shows respondents level of agreement to the proposed arrangements for consultation on pavement licence applications?

This question received 217 contributions via the commonplace platform.

The majority of consultees (90.8%) agreed with the general hours of operation.

#### 10. Do you agree with the proposed arrangements for consultation on pavement licence applications above? Additional comments

##### Theme 1: Consultation Scope and Inclusivity

- **Support for broad consultation:** Many consultees agreed that wide consultation is important, especially with agencies such as Highways, Environmental Health and emergency services. Several also asked that disability groups, nearby residents and local businesses be included.
- **Calls for clearer definitions:** Respondents wanted “any other relevant person” to be more specific, suggesting that affected neighbours and accessibility advocates should always be consulted.

##### Theme 2: Proportionality and Efficiency

- **Concerns about bureaucracy:** Many felt the proposed process was too complicated for simple applications like café seating. Some viewed it as “red tape” or unnecessary duplication between departments.

- Requests for streamlining: Respondents suggested that one lead team—such as Licensing—should coordinate consultation, avoiding multiple separate referrals and delays.

### Theme 3: Communication and Transparency

- Improving public awareness: Consultees supported publishing applications online but also recommended notices in community spaces and on social media to reach more people.
- Local notification: Several wanted direct notice to nearby residents and businesses so those most affected could comment easily.

### 11. Do you agree with the assessment criteria above?

#### **Assessment:**

The Council will need to consider a number of factors, when determining whether to approve an application.

- public health and safety including security – for example, any reasonable crowd management measures needed as a result of a licence being granted.
- public amenity – will the proposed use create nuisance to neighbouring occupiers by generating anti-social behaviour and litter.
- accessibility – taking a proportionate approach to considering the nature of the site in relation to which the application for a licence is made, its surroundings, and its users, taking account of:
  - considerations under the no-obstruction condition including the cumulative impact of multiple pavement licences in close proximity, in particular considering the needs of disabled people.
  - any other temporary measures in place that may be relevant to the proposal, for example, the reallocation of road space. This could include pedestrianised streets and any subsequent reallocation of this space to vehicles.
  - whether there are other permanent street furniture or fixed structures in place on the footway that already reduce access; and other users of the space, for example if there are high levels of pedestrian or cycle movements.



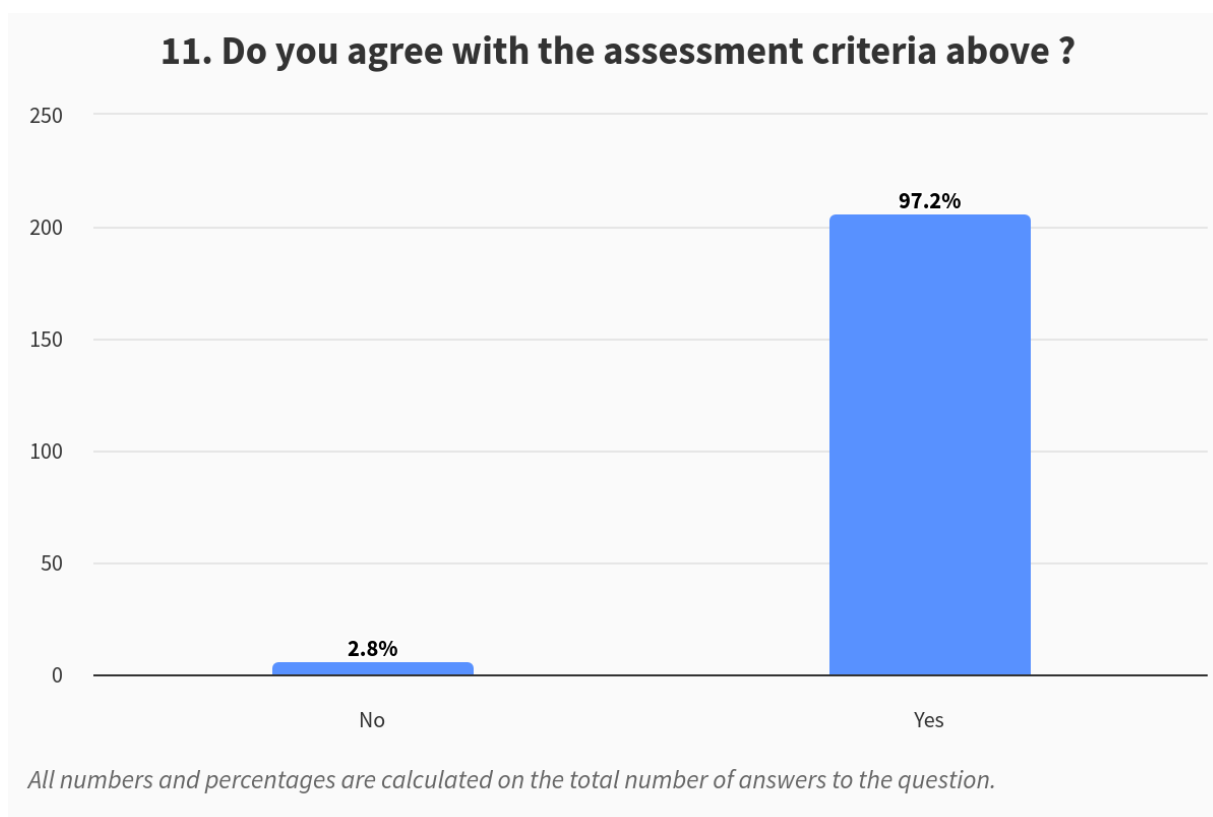


Figure six: Shows respondents level of agreement to the assessment criteria?

This question received 212 contributions via the commonplace platform.

The majority of consultees (97.2%) agreed with the general hours of operation.

### 12. Do you agree with the assessment criteria above? Additional comments

#### Theme 1: Balance Between Business Growth and Resident Amenity

- **Support for café culture:** Many consultees welcomed outdoor seating for its social and economic benefits, saying the Council should generally approve applications unless there are clear reasons not to.
- **Protecting residents and amenity:** Others stressed that local residents' comfort must come first, particularly in the evening, with attention to noise, litter and crowd behaviour.

#### Theme 2: Safety, Accessibility and Enforcement

- **Public safety and accessibility:** Respondents highlighted the need for wide, unobstructed routes, especially for disabled people, mobility scooters and those with visual impairments. Several called for a minimum pavement width and clear boundaries.

- Active enforcement: Many questioned whether conditions would be properly enforced and wanted clear processes for monitoring, reviewing and, if necessary, removing licences where breaches occur.

### Theme 3: Cleanliness, Design and Environmental Management

- Litter and hygiene: A strong theme was the need for licence holders to manage waste, remove food debris quickly and maintain cleanliness to avoid attracting seagulls or vermin.
- Practical conditions: Consultees suggested requiring safe storage, storm-response plans and consideration of ground surfaces (e.g. avoiding grassed areas likely to be damaged).

#### 13. Do you agree with the standard conditions above?

#### **Standard Conditions:**

The Council's standard conditions for pavement licences can be found on the East Devon District Council website.

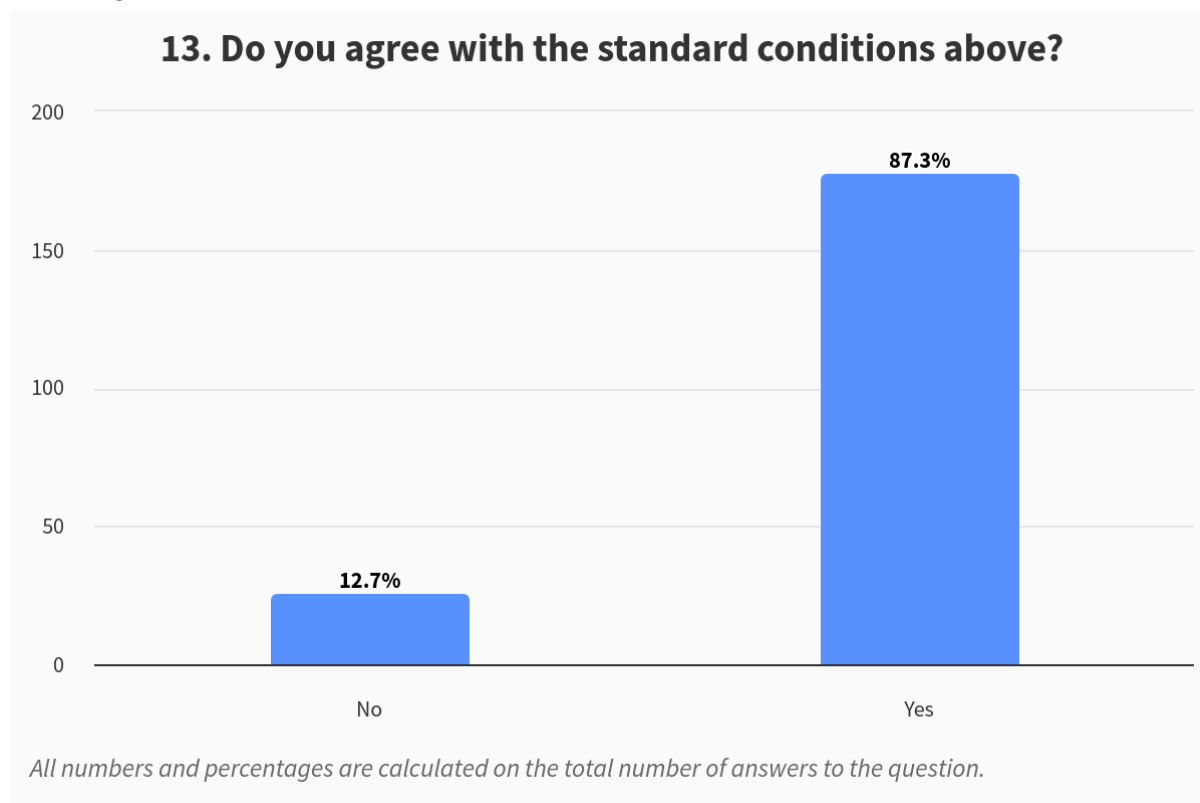


Figure seven: Shows respondents level of agreement to the standard conditions?

This question received 204 contributions via the commonplace platform.

The majority of consultees (87.3%) agreed with the general hours of operation.

#### 14. Do you agree with the standard conditions above? Additional comments

##### Theme 1: Cleanliness, Safety and Enforcement

Hygiene and maintenance: Many consultees wanted pavement cleaning and litter management included in the conditions, noting problems with food waste, seagulls and slippery surfaces. Several also called for bins to be well-placed and emptied regularly.

Enforcement and compliance: Respondents stressed that conditions must be monitored and enforced, with calls for penalties or licence removal for repeat breaches.

##### Theme 2: Materials, Crockery and Environmental Standards

Strong opposition to plastic: Most consultees objected to rules requiring plastic or disposable cups, preferring sustainable methods.

Environmental focus: Several supported reducing single-use waste and ensuring any temporary structures (such as gazebos) meet safety, insurance and manufacturer standards.

##### Theme 3: Smoking, Accessibility and Proportionality

Calls for smoke-free areas: Many respondents said smoking and vaping should not be permitted in pavement café areas where food is served.

Clarity and practicality: Some felt the conditions were too detailed and difficult to enforce, asking for simpler, more proportionate rules alongside clear requirements for safe routes for disabled and visually impaired people.

#### 15. Additional comments on the whole consultation

##### Theme 1: Support for Local Business and Café Culture

Economic and social benefits: Many consultees supported pavement licensing as a way to boost small businesses, create a café culture and attract visitors, helping town centres thrive.

Costs and fairness: Respondents urged the Council to keep fees affordable and proportionate, warning that high tariffs could disadvantage smaller or independent businesses compared with larger chains.

##### Theme 2: Accessibility, Safety and Enforcement

Inclusion and accessibility: A strong theme was ensuring licences meet Equality Act duties, with clear, safe routes for disabled and visually impaired people. Several asked for ongoing consultation with disability organisations.

Monitoring and compliance: Many stressed that success depends on active enforcement — checking that furniture stays within boundaries, pavements remain clear, and licences are removed if repeatedly breached.

##### Theme 3: Balance, Cleanliness and Local Character

Resident amenity and cleanliness: Respondents highlighted the need to protect quiet enjoyment for residents, prevent litter and manage seagulls, smoking and noise. Clean and well-kept spaces were seen as essential.

Maintaining Devon's identity: While most welcomed outdoor seating, several cautioned against over-commercialisation, saying the policy should preserve the peaceful and traditional character of East Devon's towns and villages.

## 5. Key findings

### 1. The importance of clear, practical and flexible definitions

Respondents strongly supported the principle of pavement licensing but highlighted the need for clearer, more practical guidance within the policy. In particular, terms such as 'adjacent' should be illustrated through examples to reflect the varied layouts of East Devon's streets and trading areas. Consultees supported a flexible, common-sense approach that allows use of space directly outside or to the side of premises, provided it remains safe, visible and does not obstruct public access.

### 2. Accessibility and public safety must remain central to all decisions

Accessibility and safety were the most consistent priorities across the consultation. Respondents emphasised that pavement licences must not compromise the safe and convenient movement of pedestrians, wheelchair users, those with visual impairments or families with pushchairs. There was a clear call for measurable accessibility standards, such as minimum clear widths, and for licence conditions to ensure that furniture is properly anchored, managed and maintained. Active, consistent enforcement was viewed as essential to protecting public safety and confidence in the policy.

### 3. Design quality, sustainability and maintenance

Design quality, sustainability and maintenance are key to public acceptability good design and proper upkeep were identified as vital to the success of pavement cafés and their integration into East Devon's townscapes. Consultees supported the use of safe, robust and visually appropriate furniture that complements the character of its surroundings. There was strong support for encouraging sustainable and reusable materials and for discouraging cheap or disposable options. Respondents also highlighted the need for licence holders to keep areas clean, well maintained and free from litter, seagull waste or noise disturbance caused by furniture movement.

### 4. Flexibility is needed in operating hours to reflect local context

While respondents generally supported the Council's proposed approach to operating hours, many sought flexibilities to reflect the diverse character of locations across East Devon. Early opening food businesses, such as cafés and bakeries, wished to serve morning customers, while residents in quieter areas requested earlier evening closing to limit disturbance. Consultees also stressed the importance of clear-up procedures, quiet dispersal and responsible management at closing time. The data indicates that a locally responsive, proportionate framework would better balance commercial and residential needs.

## 5. Effective enforcement, fairness and consistency are essential for success

Throughout the consultation, respondents stressed that the long-term success of pavement licensing depends on clear conditions, fair decision-making and consistent enforcement. Consultees supported proportionate fees and processes that are accessible to small independent businesses as well as larger operators. There was a strong expectation that the Council should monitor compliance, respond to breaches, and take enforcement action where necessary to maintain safe, clean and attractive public spaces. Overall, the consultation reflected strong support for the policy's aims, provided it is applied consistently, transparently and with regard to local circumstances.

## 6. Recommendations

### 1. Provide clear explanatory guidance on key policy terms.

The policy should include plain-English explanations and visual examples of terms such as 'adjacent' to help applicants understand where furniture can be placed safely and appropriately. This will promote consistency in decision-making across the district and reduce uncertainty for applicants, businesses, and enforcement officers alike.

### 2. Embed defined accessibility and safety standards.

The policy should specify minimum unobstructed pavement widths and clear accessibility requirements in line with Inclusive Mobility guidance, supported by regular on-site checks. Doing so will ensure that pavement cafés do not create barriers for disabled people or those with pushchairs, maintaining public confidence that shared spaces are safe and inclusive for all users.

### 3. Promote design quality, sustainability, and responsible maintenance.

Furniture should be durable, well-maintained, and in keeping with the local setting, while encouraging the use of sustainable and reusable materials instead of disposable plastic items. High-quality, attractive and environmentally responsible designs will help protect the appearance of East Devon's towns and contribute to cleaner, more pleasant public environments.

### 4. Adopt a flexible, context-based approach to operating hours.

The policy should allow variations in opening and closing times to reflect the setting—permitting earlier starts for morning cafés or later hours in busy commercial areas, while setting earlier finishes in residential zones. This locally responsive approach will balance business vitality with residents' comfort, reducing the risk of late-night noise, disturbance or conflict between uses of public space.

### 5. Strengthen enforcement arrangements to ensure fairness and compliance.

A consistent, transparent enforcement process should be established, including regular monitoring, proportionate penalties for non-compliance, and the ability to review or revoke licences where breaches occur. This will ensure that well-managed businesses are supported while maintaining safe, accessible and attractive streets, building trust in the Council's management of public space.

## 7. Next steps

The policy will be amended, and changes will be made based on the consultation feedback. After the policy has been updated and evidenced to show how it has changed as a result of the consultation feedback. The amended policy will then be seen by the Licensing and Enforcement Committee on the 11 February at 11am. [Agenda for Licensing and Enforcement Committee on Wednesday, 11th February, 2026, 10.00 am - East Devon](#)