



Pavement Licence Conditions

Mandatory Conditions

National Conditions (not yet published)

Local Conditions

Mandatory Conditions

No-obstruction condition

Anything done by the licence-holder pursuant to the licence, or an activity of other persons which is enabled by the licence, must not have an effect specified in section 3(6) of the Business and Planning Act 2020. The effects referred to are:

- (a) preventing traffic, other than vehicular traffic, from—
 - (i) entering the relevant highway at a place where such traffic could otherwise enter it (ignoring any pedestrian planning order or traffic order made in relation to the highway),
 - (ii) passing along the relevant highway, or
 - (iii) having normal access to premises adjoining the relevant highway,
- (b) preventing any use of vehicles which is permitted by a pedestrian planning order or which is not prohibited by a traffic order,
- (c) preventing statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or
- (d) preventing the operator of an electronic communications code network having access to any electronic communications apparatus kept installed for the purposes of that network under, in, on or over the highway.

Smoke-free seating condition

Where the furniture to be put on the relevant highway consists of seating for use by persons for the purpose of consuming food or drink, the licence-holder must make reasonable provision for seating where smoking is not permitted.

Local Conditions

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. The Outside Area must not be used for BBQ's, firepits or other cooking apparatus.

14. 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 10.00pm. 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.

15. The Licensee shall not sublet or share possession of the tables and chairs or the area covered by the Pavement Licence.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

21. 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.

22. 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.

23. 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.

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

25. 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 4 of the Inclusive Mobility, Guide to Best Practice and Access to Pedestrian and Transport

Infrastructure: <https://www.gov.uk/government/publications/inclusive-mobility-making-transport-accessible-for-passengers-and-pedestrians>

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: <https://www.gov.uk/government/publications/pavement-licences-guidance/pavement-licences-guidance>

26. 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.

27. 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.

28. 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.

29. 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.

30. 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.

31. The Licensee must at all times comply with all laws, Government and Health and Safety guidance regulations and requirements in respect of their operations 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.

32. The Licensee must ensure that they have all planning permissions and all other 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.

33. 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.