



EAST DEVON DISTRICT COUNCIL

Pavement Licensing Policy

Business and Planning Act 2020

Table of Contents

What is a pavement licence?	3
What does 'adjacent' to the premises mean?.....	3
How does this interact with other regulatory processes, such as alcohol licensing?.....	3
What businesses are eligible?	3
Eligible Locations.....	4
Furniture	4
Furniture Standards	5
Hours of Operation	5
Waste and Litter.....	5
Environment/Nuisance.....	6
How long are pavement licences valid for?	6
How to Apply.....	6
Fees	7
Pavement licence plan and layout guidance	7
Acceptable plan	9
Unacceptable plan and layout examples.....	9
Site Notice	10
What happens once the information is submitted.....	10
Assessment.....	11
Outcomes of application	12
Planning permission	12
Conditions.....	13
Is there a route to appeal a decision?	13
Enforcement	13
Liability	14
Additional information	14
Contact details:.....	15
APPENDIX 1: Site Notice	16
APPENDIX 2: Standard Conditions	17

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 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.

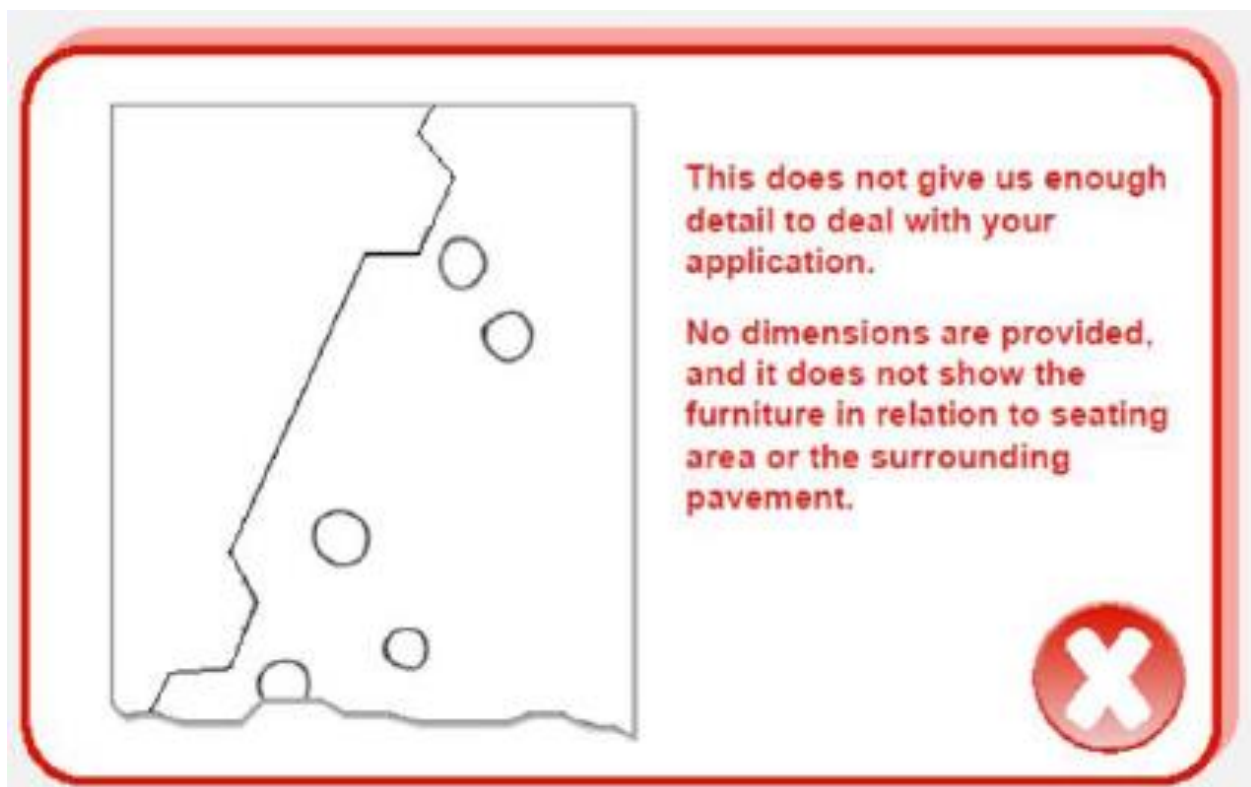
The plan must show the view of the area 'from above'. It must clearly show the pavement or highway area that is proposed to be used. It must include details like lampposts or benches that are permanent fixtures in the area (known as street furniture). The proposed Licensed Area must be outlined in RED.

Acceptable plan

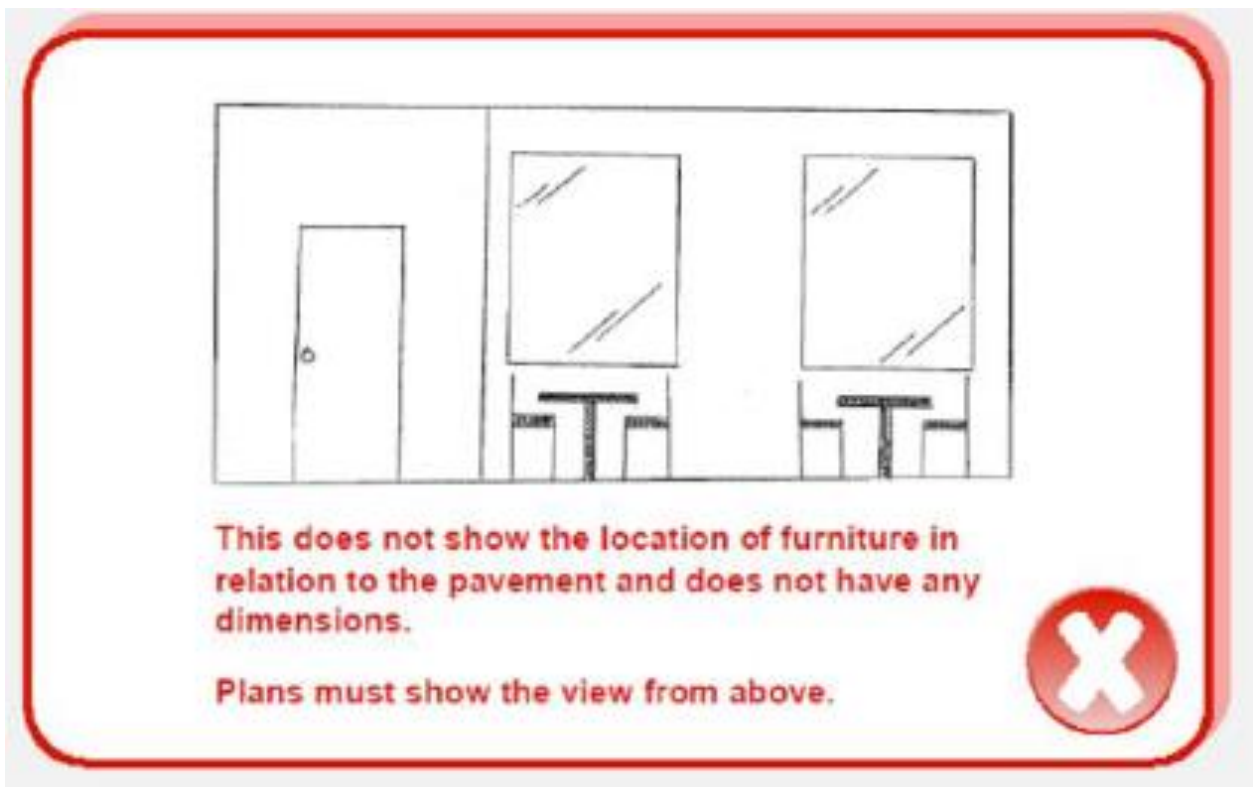


The above plan clearly indicates the premises that the Pavement Licence will be for (outlined in blue), the area that they wish to use for their trading (outlined in red) and the wider area around the premises including identifying street furniture in the locality. The plan also includes measurements 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/

Contact details:

Email: 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: _____

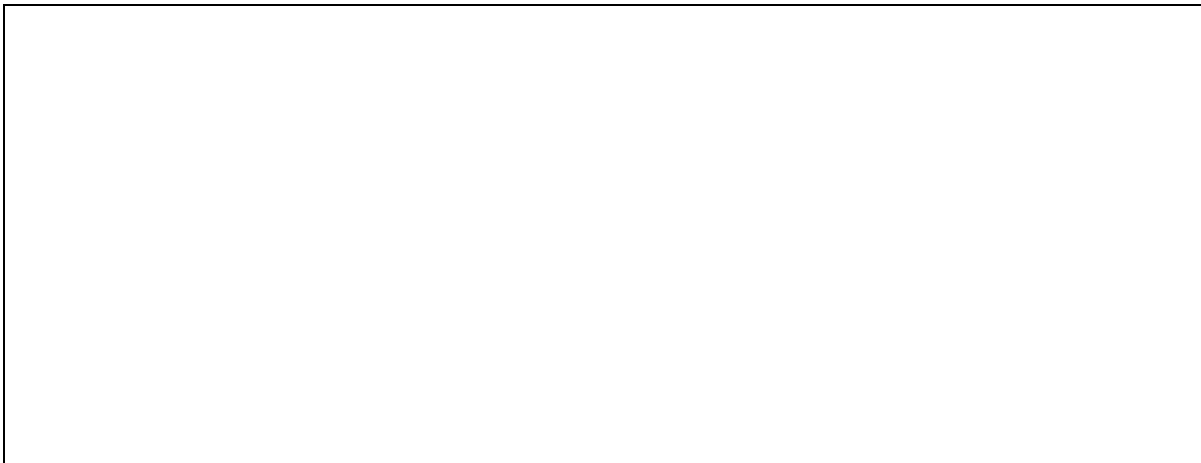
Address of business: _____

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

Any person wishing to make a representation regarding this application may do so in writing to: 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.