

# Pavement licensing policy

## Consultation report

### Contents

1. Summary.....	2
2. Survey goals and methodology .....	2
3. Survey process .....	2
4. Data analysis.....	3
1. Do you agree with the Council's definition of adjacent above? .....	3
2. Do you agree with the Council's definition of adjacent above? Additional comments .....	4
3. Do you agree with the proposed furniture standards above? .....	5
4. Do you agree with the proposed furniture standards above? Additional comments .....	6
5. Do you agree with the proposed general hours of operation above? .....	7
6. Do you agree with the proposed general hours of operation above? Additional comments .....	8
7. Do you agree with the proposed provision to control nuisance above? .....	9
8. Do you agree with the proposed provision to control nuisance above? Additional comments .....	9
9. Do you agree with the proposed arrangements for consultation on pavement licence applications above?.....	10
10. Do you agree with the proposed arrangements for consultation on pavement licence applications above? Additional comments .....	11
11. Do you agree with the assessment criteria above?.....	12
12. Do you agree with the assessment criteria above? Additional comments ..	13
13. Do you agree with the standard conditions above? .....	14
14. Do you agree with the standard conditions above? Additional comments .	15
15. Additional comments on the whole consultation .....	15
5. Key findings .....	16
6. Recommendations .....	17
7. Next steps .....	18

## 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?

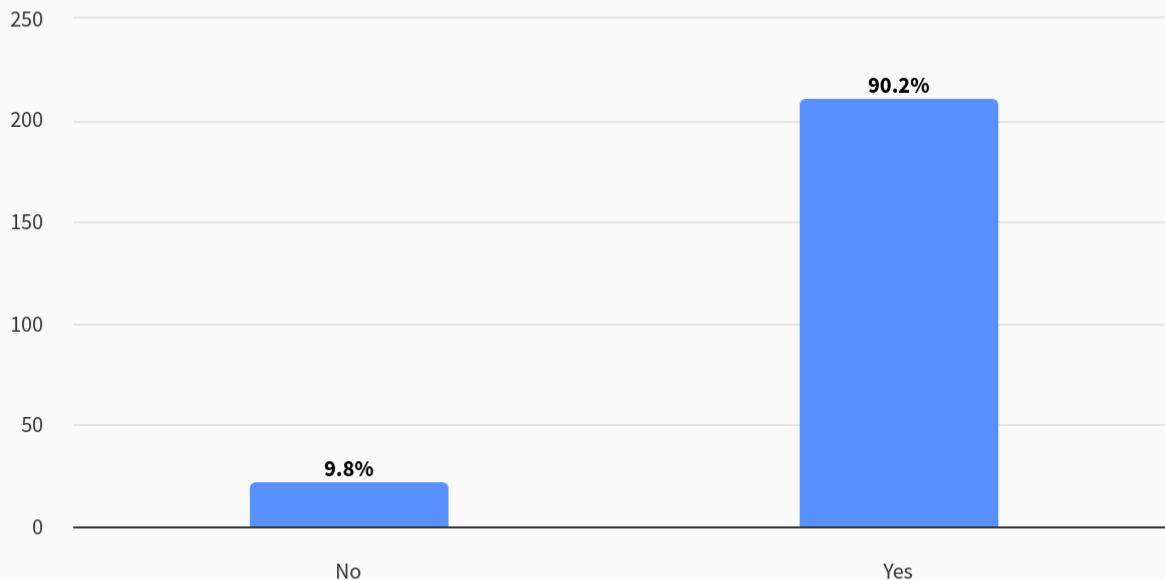
### **The council's definition of adjacent:**

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.

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



*All numbers and percentages are calculated on the total number of answers to the question.*

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.

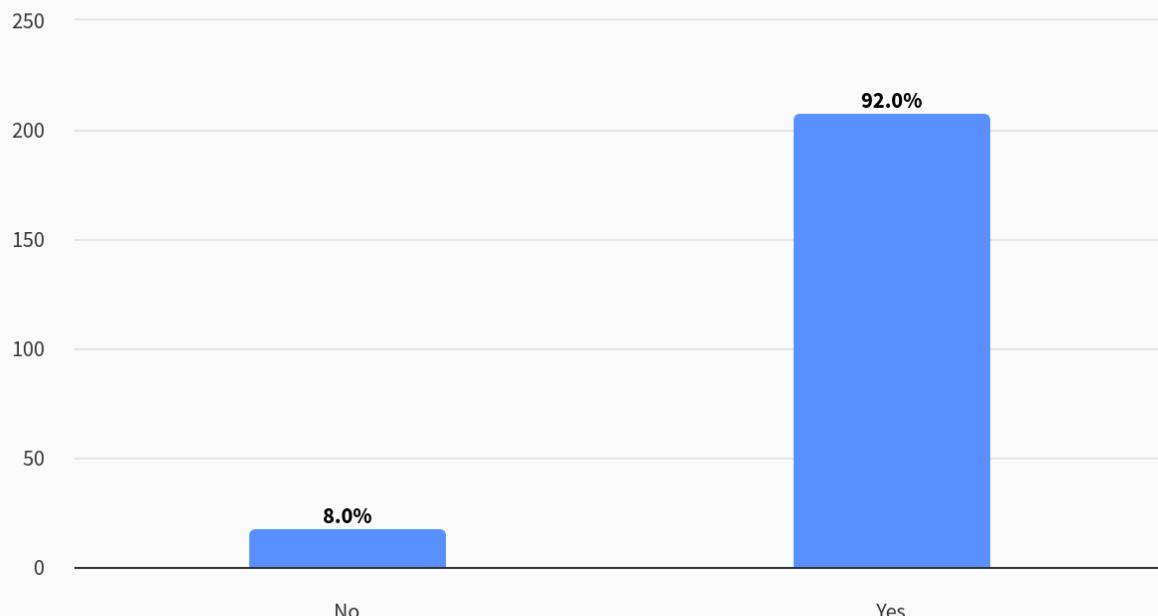
### 3. Do you agree with the proposed furniture standards above?

#### **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.

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



*All numbers and percentages are calculated on the total number of answers to the question.*

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

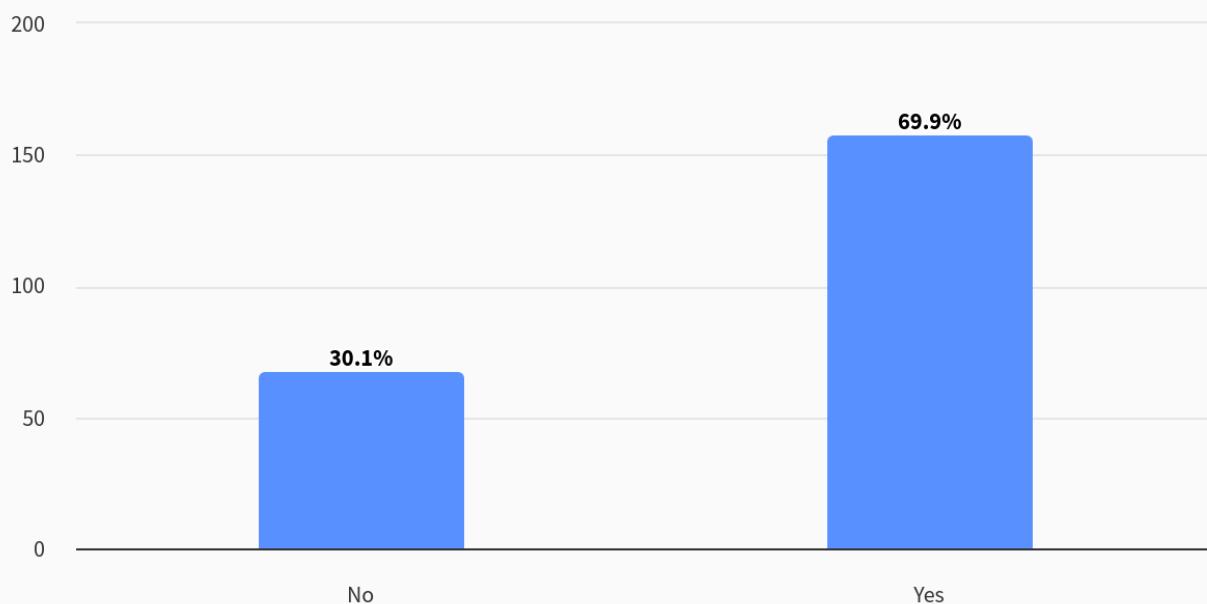
- Monitoring and enforcement: Respondents called for stronger enforcement, including spot checks, evening monitoring and penalties for non-compliance, to ensure fairness and safety.
- Cost and sustainability: Some felt strict design rules could burden small businesses or encourage waste by forcing new 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.

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



*All numbers and percentages are calculated on the total number of answers to the question.*

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

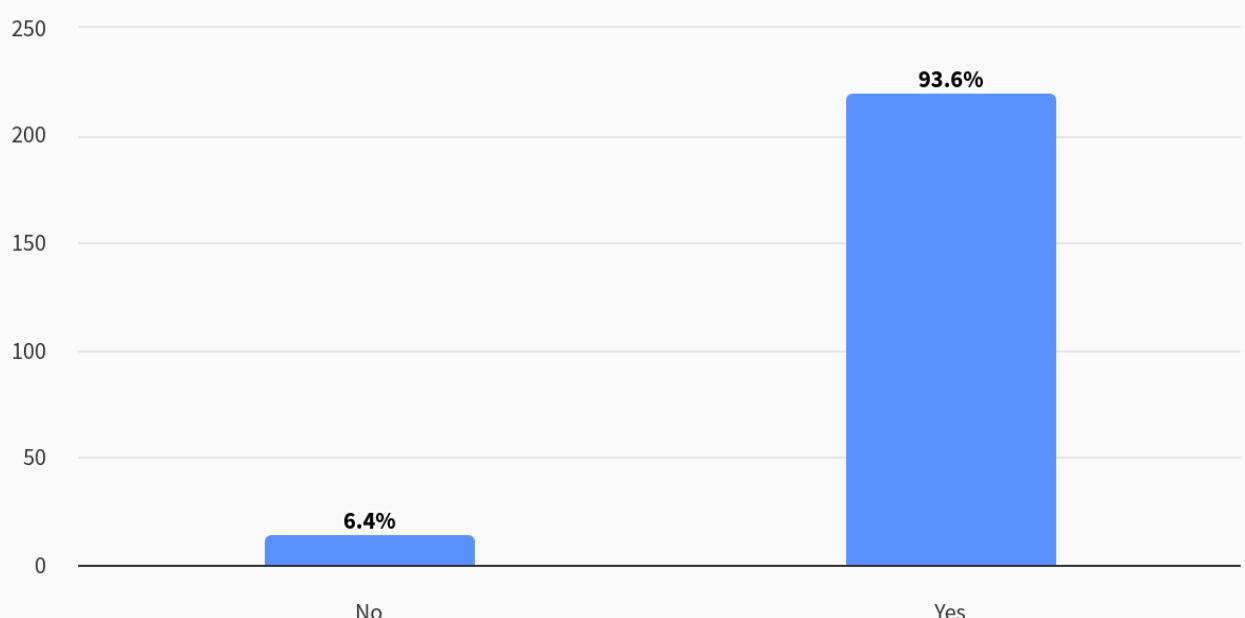
- Noise and antisocial behaviour: Many highlighted concerns about late-night noise, litter, and disruption to residents, asking for stricter limits where homes are nearby.
- Clear-up and compliance: Respondents wanted licence holders to remove furniture promptly after closing and ensure quiet dispersal,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

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



*All numbers and percentages are calculated on the total number of answers to the question.*

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:**

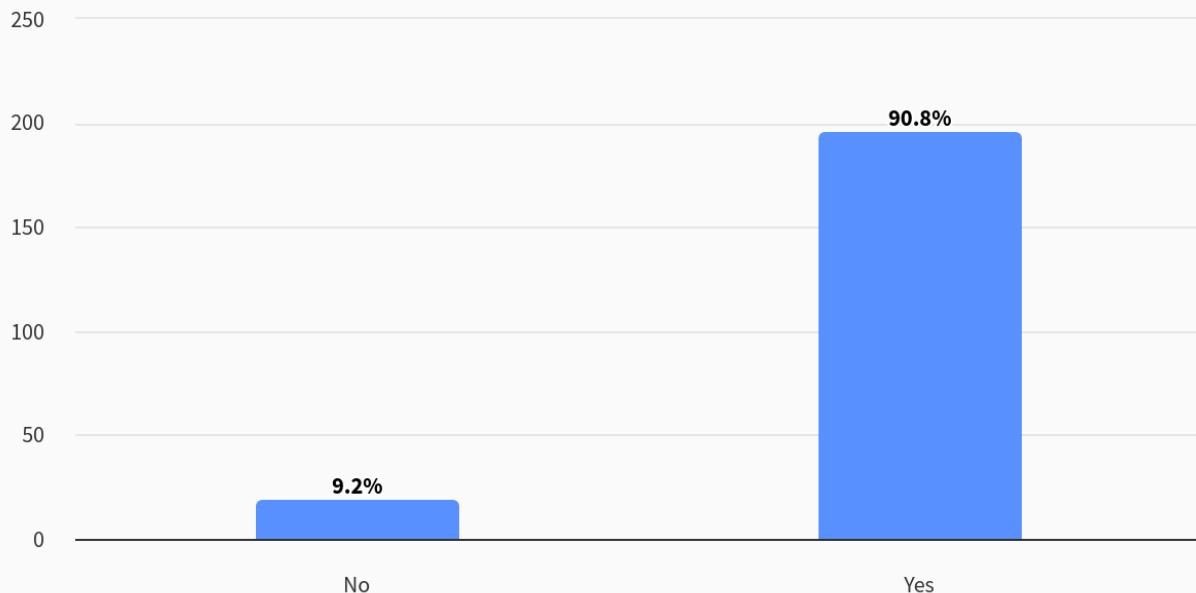
Once an application for a pavement licence has been accepted by the Council, the applicant must put up a public notice of the application. The notice must be easily visible and legible to the public and the applicant must ensure the notice remains in place for the whole of the public consultation period.

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

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



*All numbers and percentages are calculated on the total number of answers to the question.*

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.

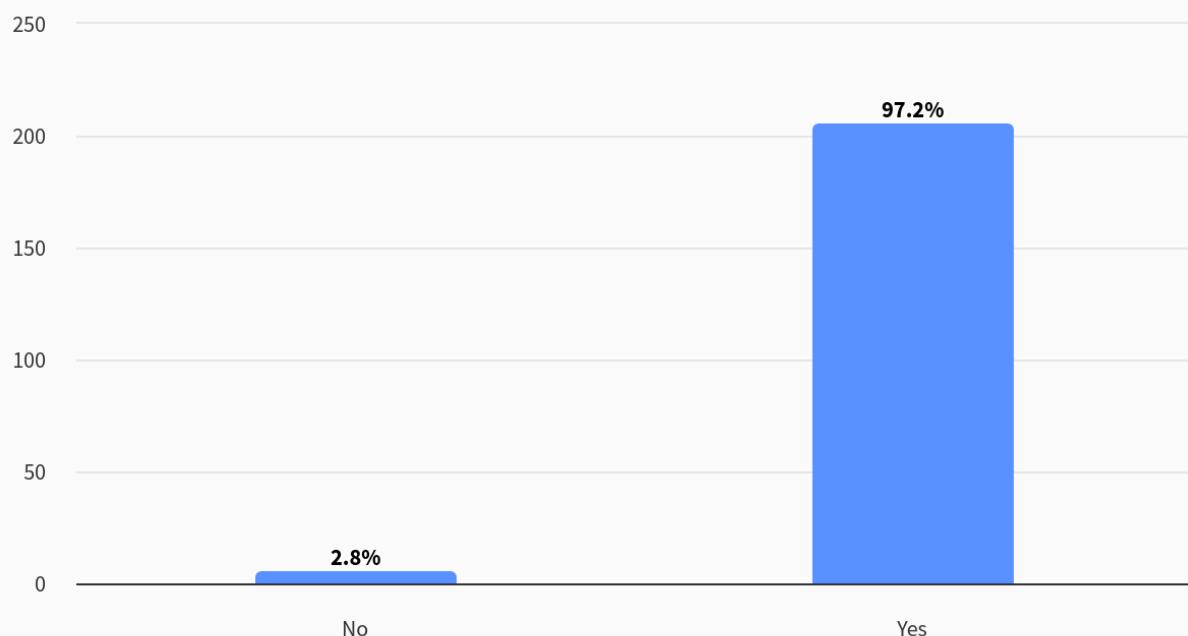
### 11. Do you agree with the assessment criteria above?

#### **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.

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



*All numbers and percentages are calculated on the total number of answers to the question.*

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.

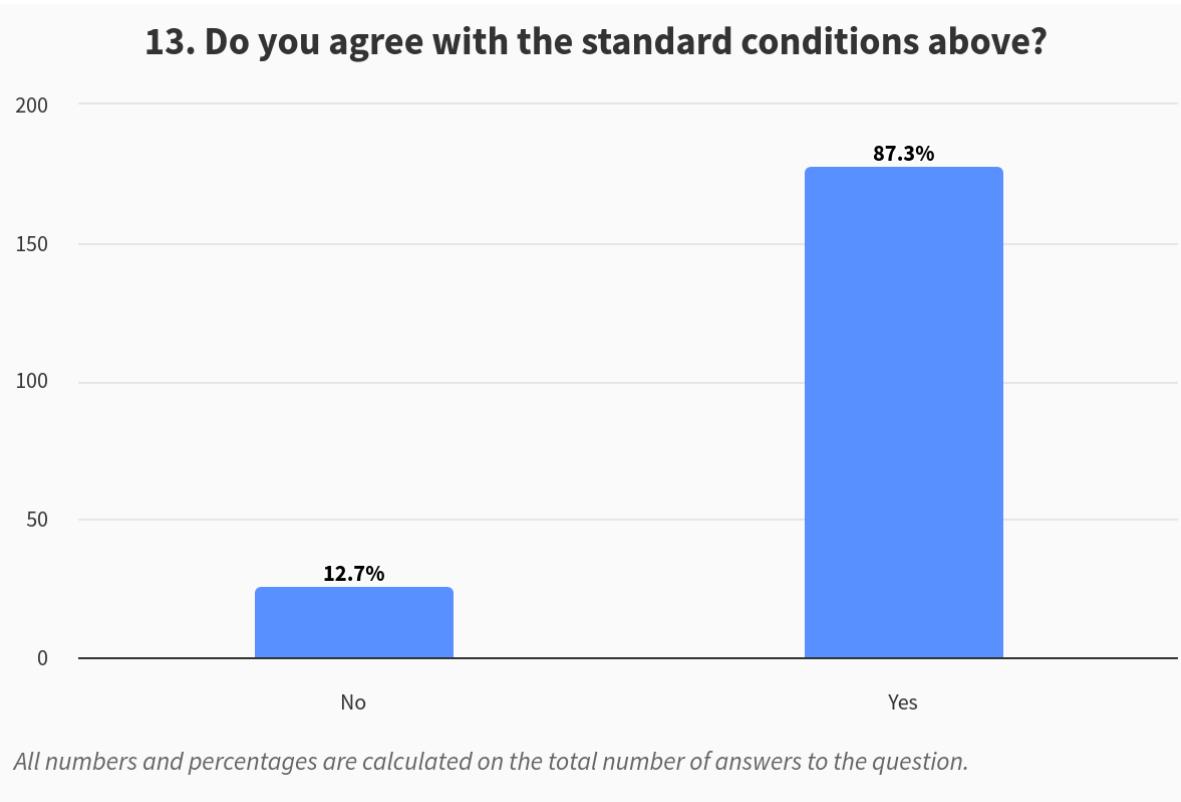


Figure seven: Shows respondents level of agreement to the standard conditions?

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](#)