



Temporary Pavement Licences - **Guidance Notes Business and** **Planning Act 2020**

A guide for applicants

September 2021

1 – Introduction

During recovery from the Covid-19 pandemic, South Hams and West Devon Councils continue to support hospitality businesses by granting rights to use parts of the highway to restore the vitality of town centres. Outdoor seating can make a positive contribution to the street-scene and to the vitality of shopping and tourist area, bringing life, colour and interest onto the street, while enabling social distancing measures to be adhered to

Temporary Pavement Licences are specific to the public highway (paved or pedestrianised areas) and will be authorised by the granting of a temporary Licence. Seating areas that are sited on land that is not highway will require a licence from that land owner.

Temporary Pavement Licences will permit the daily siting of tables and chairs, parasols, counters or stalls, barriers and other items used in connection with the outdoor consumption of food and drink. All items and equipment must be removed at the end of each day's use.

Any licence granted will be for term of at least 3 months and will expire on 30th September 2022, at the latest.

It is now possible to apply online via the respective Council's website, where it will be necessary to provide full details of the business's proposal, including;

- A plan showing the size and location of the proposed area.
- A layout plan of the area, showing all furniture/equipment.
- Clear description and images of the proposed furniture/equipment.
- Proposed days and hours of operation.

2 – Layout

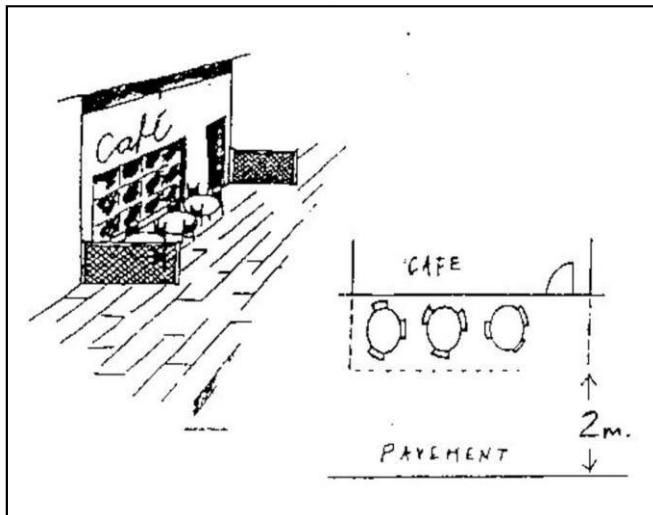
The layout of the proposed area is very important and you must provide full details of it as part of the application. You will need to:

- Provide dimensions of seating area

- Provide dimensions of unobstructed footway
- Clearly show table & chair arrangement and the layout of all other items
- Show the building and boundary lines
- Show where the kerbs are
- Allow space for wheelchair and pram access
- Allow access for emergency services and others who may require access □
Keep all emergency exits and routes clear

All layout options are subject to our approval. Once the licence is granted, you will be required to adhere to these plans at all times throughout the term of the licence.

Example 1 - Furniture directly fronting premises



A minimum 2m width of unobstructed footway must remain available to passing pedestrians (taking into account street furniture, streetlights, etc.)

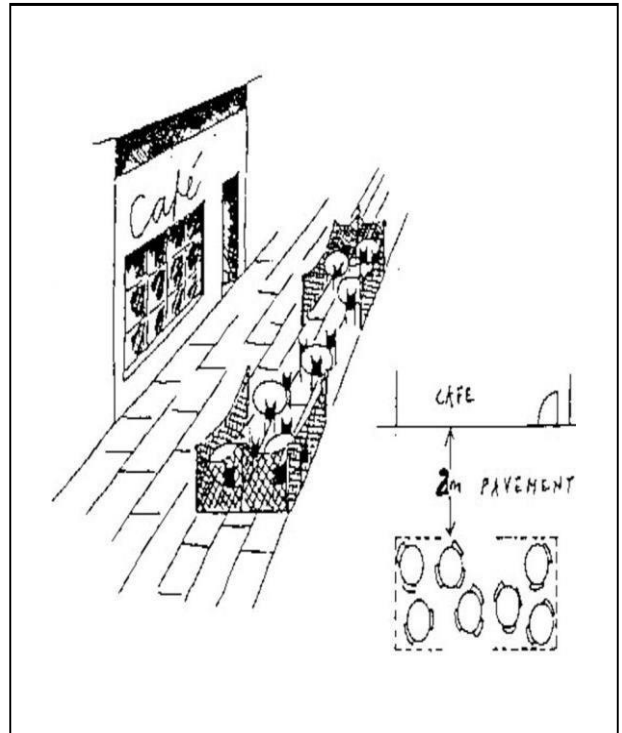
A physical barrier may be needed either end of the areas of tables and chairs to serve as a guide to the visually impaired.

Chairs and tables must be kept within the confines of the barrier at all times.

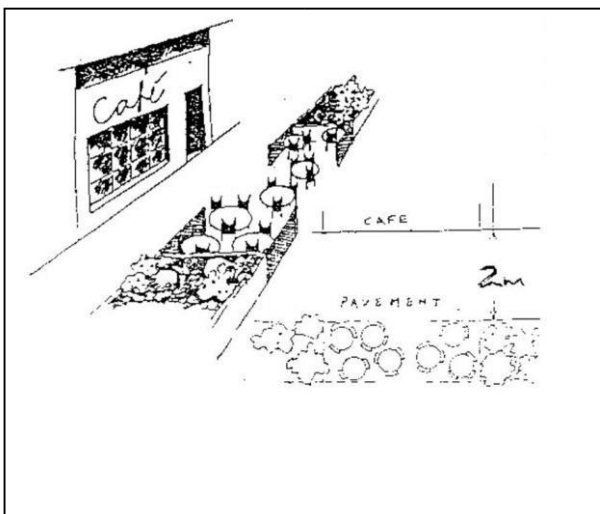
Example 2 - Furniture sited away from premises

You must leave a minimum 2m width of unobstructed footway between the front of your premises and the boundary of the seating area. You will be responsible for cleaning this area regularly throughout the day.

The tables and chairs may need to be enclosed by physical barriers in order to act as a guide for the visually impaired. Where vehicles are passing alongside, you must maintain 0.5m clearance from the carriageway. Where the site is in a pedestrianised area there must be 2m clear either side of the café furniture.



Example 3 - Furniture and existing features



Where possible, take advantage of the existing structures within the street scene, e.g. planters and other landscaping features, when setting out your tables and chairs.

A clearance of 0.5m from the carriageway must be maintained. A minimum 2m width of unobstructed footway must remain available to passing pedestrians.

Requirements may vary from one location to another and therefore details must be agreed on a case by case basis.

3 – Barriers

Barriers which are not acceptable

- **Post and Chain barriers** – potentially hazardous to pedestrians, particularly the visually impaired
- **Hoop top garden fencing** – too flimsy and not very tall, posing a serious trip hazard
- **The use of a small variety of plant tubs** – untidy and inadequate as a means of enclosure or guide for the visually impaired.

Ideal barriers

- **Stable and sturdy**, not flimsy; but light in weight (for ease of movement/ storage as they will be taken in and out each day)
- **Light in colour** (painted, natural colouring or similar) - a contrast to the café furniture
- **Close textured**, fence like in appearance, with a tapping rail (i.e. length of wood positioned at the base of the barrier, designed to assist the visually impaired)

Barriers must be removable at all times and not fixed to the ground.

You may be required to provide a moveable means of enclosure for any furniture sited outside your premises. This is primarily to guide the visually impaired.

The enclosure should be no more than 800mm high and there must be a tapping rail at the bottom to aid visually impaired people.

The foot or base plate of the barrier should not produce a trip hazard any greater than 20mm from the surface. Furniture must be sturdy enough to be able to resist pedestrian collision.

All items must be removed outside of the times specified on the licence and when the premises are closed.

The furniture needs to be in keeping with the visual appearance of the area.

4 – Furniture and equipment

The choice of tables and chairs for use outside your premises should reflect and enhance the street environment.



Your choice of furniture should be appropriate for the surface on which it will stand. Furniture must be of a high-quality uniform style and suitable for outside use. **Plastic garden furniture or picnic benches will not be permitted.**

All items contained within the enclosure must be portable enough to be brought in at the end of each working day, or to be moved quickly in the event of an emergency.

You may wish to consider the use of **parasols** as part of the seating area. Parasols need to be securely fastened. They must be high enough (minimum 2.1m) not to injure pedestrians and should not overhang the highway beyond the licensed area.



No other items are permitted - this includes **patio heaters**.

Designs for all items must be agreed with the Council, so please ensure you include details of proposed furniture and await confirmation that the Licence has been granted before purchasing anything.

Tables and chairs should be selected to ensure:

- that you can store them securely on your premises
- that their visual impact is in keeping with the area
- they are easy to clean, and are kept clean they do not pose any risk to the public.

5 – Storage

Nothing must be stored on the highway outside of the times specified on the licence, or when the premises are closed. During times specified on the licence, tables, chairs and barriers must be fully set up ready for use *or* stored within the premises. The latter is preferred when it is not intended or practical to use these tables

6 - Advertising

Any advertising material must be within the confines of the licenced area and can only relate to the premises rather than anything else.

7 – Safety and Public Health

It is your responsibility to ensure that:

- The seating area and the surrounding area is kept free of litter and other debris at all times.
- Spillages are cleaned immediately, and the surface kept safe. See HSE guidance for further information: <http://www.hse.gov.uk/slips/index.htm>
- Waste bins are kept within the licensed area, if necessary.

8 – Renewals

Temporary Pavement Licences granted under the Business and Planning Act are not renewable. If you wish to make the outside seating area a permanent feature of your business, you will need to apply to Devon County Council for a permanent pavement licence, which will be subject to a statutory 28 day consultation period.