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 Mid Devon District Council  
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## BUSINESS AND PLANNING ACT 2020

### APPLICATION FOR THE GRANT OF A PAVEMENT LICENCE

<b>Please ensure that you read all of the 'information for applicants' and the general conditions, before completing and submitting an application.</b>	
<b>Information for applicants</b>	
<b>1.</b>	Licences granted under this Act will be in force for no less than 3 months and will not extend beyond 30 September 2021. The Council may issue a shorter length licence than requested, if considered appropriate to do so.
<b>2.</b>	All licences will be subject to a schedule of general conditions which can be found in Appendix A, and to such other conditions as may be listed on the licence.
<b>3.</b>	There is a 7 day public consultation period, starting the day after the Council have received a complete application (and the relevant fee). The application will not be considered as 'complete' until all of the required documents have been submitted. It should be noted that the 7 day consultation period does not include (a) Christmas Day, (b) Good Friday, or (c) a day which is a bank holiday.
<b>4.</b>	The application form <b>MUST</b> be accompanied by:
	<ul style="list-style-type: none"> <li>• A plan (or plans) showing the location of the premises highlighted by a red line, so the application site can be clearly identified. The plan should show the area covered by the licence in relation to the highway and be to a scale of 1:100. The plan should include the location of any entry/exit points to or from the premises and the precise location of any furniture to be placed on the highway.</li> <li>• Photographs, brochures or drawings showing design, dimensions and materials of the tables / chairs and any other furniture you propose to use.</li> <li>• In making this application there is a requirement for the applicant to affix a notice to the premises (see Appendix B), so it is easily visible and legible to the public on the day they submit the application to the Council. The notice must remain in place for 7 days, beginning the day after the application is submitted to the authority. Please submit alongside this application photographs of the Public Notice. One photograph should be taken of the wording on the notice, and another showing the notice in situ.</li> <li>• Evidence of Public Liability Insurance (£5 million)</li> <li>• Evidence of no objection from neighbouring frontager(s) to use footway space outside their property (if applicable)</li> <li>• Application fee of £100 – Cheque payments cannot be accepted</li> </ul>
<b>5.</b>	Once complete, this application form and any accompanying documents should be emailed to <a href="mailto:licensing@middevon.gov.uk">licensing@middevon.gov.uk</a> . The Council will then phone you to take payment of the application fee.

### Section A – Applicant Details (individual)

Title: Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Dr <input type="checkbox"/> Other [ <i>please specify</i> ]	
Surname:	
Other name(s):	
Home Address:	
Postcode:	
Phone (Daytime):	
Phone (Mobile):	
Email Address ( <i>this is the address on which we will correspond with you in respect of your application</i> ):	
Date of birth:	

### Section B – Applicant Details – Other Applicants (e.g. companies)

Name:	
Registered Address:	
Post Code:	
Phone (Daytime):	
Phone (Mobile):	
E-mail address ( <i>this is the address on which we will correspond with you in respect of your application</i> ):	
Registered number (where applicable):	

When granted, the pavement licence is personal to the named licensee/business and cannot be transferred. If the named licensee/business changes, a NEW licence will be required and the appropriate fee will be charged.

**Section C – Business Premises Details**

Trading Name:	
Postal Address:	
Post Code:	

**Section D - Use of the business premises**

I confirm that I have right to occupy the premises concerned by way of:	
Ownership / Part ownership of the title deed to the premises:	<input type="checkbox"/>
A current lease:	<input type="checkbox"/>
Other (please stipulate):	
Is any of the proposed licence area in front of any other premises?	YES/NO
<i>If YES you will need to attach to this application evidence from neighbouring frontage(s) that they have no objection to use of the footway space outside their property.</i>	

Which of the following is the above business premises used for? <i>(please tick ONE of the following options):</i>	
Use as a public house, wine bar or other drinking establishment	<input type="checkbox"/>
Other use for the sale of food or drink for consumption on or off the premises	<input type="checkbox"/>
Both of the above uses	<input type="checkbox"/>

**Section E - Type of application**

Is this application for a NEW Licence or to RENEW an existing Licence?	NEW <input type="checkbox"/>	RENEW <input type="checkbox"/>
If this is a renewal, then please provide the existing licence number:		

## Section F – Area of the highway proposed to be used

<p>Please provide a description of the area of the highway to which this application relates: <i>(Please note you are also required to submit a scale plan of 1:100 of this area with your application)</i></p>	
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## Section G – National conditions

<p>Please provide details of how you will comply with the national conditions (include any relevant distances / measurements where necessary).</p>	
<p><b>No-obstruction condition:</b> Under normal circumstances, a minimum clear footpath of 2m should be provided. Where this is not possible because of physical constraints, 1.5m may be regarded as the minimum acceptable.</p>	
<p><b>smoke-free seating condition:</b> Where businesses provide seating for smokers, customers will also have the option of sitting in a non-smoking area.</p>	

**Section H – Relevant purpose the application relates to**

Which of the following relevant purposes do you wish to put furniture on the highway for? <i>(please select ONE of the following options)</i>	
To sell or serve food or drink supplied from, or in connection with relevant use of, the premises	<input type="checkbox"/>
For the purpose of consuming food or drink supplied from, or in connection with relevant use of, the premises	<input type="checkbox"/>
Both of the above purposes	<input type="checkbox"/>

**Section I – Furniture to be placed on the highway**

Please provide a description of the furniture you propose to place on the highway, including the numbers proposed. <i>(Please note you are required to provide photographs, brochures or drawings of the proposed furniture with your application. You must also show on the plan attached to this application where the furniture is to be sited).</i>	
Tables:	
Counters/stalls/shelves:	
Chairs/benches/other seating:	
Parasols:	
Heaters:	
Barriers:	

Other (specify):	
Where will the above furniture be stored when not in use?	
What will be the arrangements for clearing and cleaning the space at the end of the day?	
Are you providing a waiter/waitress service?	
Will any other demarcation be used to define the area?	

**Guidance Note:** The plan should clearly identify the precise location of the proposed site position by marking the site boundary with a red line. The red line should include the whole area. The map should be sufficient to identify the nearest residential and commercial properties to the site in relation to the existing premises.

If you are applying for a location that is not immediately adjacent to the business premises, you will need to provide us with a map that identifies the proposed site position in relation to the business premises.

**Section J - Length of licence and proposed days and times of operation**

Date and period the licence is applied for (from / to): NOTE: <i>Licences can be granted for no less than 3 months and cannot extend beyond 30 September 2021.</i>	From:						
	To:						
Times requested (please use 24hr clock):							
	Mon	Tues	Weds	Thurs	Fri	Sat	Sun
From:							
To:							

## Section K – Management plan

Please use the boxes below to detail how you propose to manage the relevant area if a licence is granted.

Public nuisance:
Public safety and social distancing controls:
Crime and disorder:

## Section L – Date of application

Please state the date that this application for a pavement licence is being submitted:	
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## Section M - Declaration and signature

I hereby make an application for the grant of a pavement licence in accordance with the Business and Planning Act 2020.

I declare that the information provided in this form is true and I understand that I may be liable to legal proceedings being taken against me (or the revocation of a Pavement Licence which may be issued to me) if my disclosures are found to be knowingly misleading or untrue.

I understand that I am required to give notice of my application in accordance with the requirements of the Business and Planning Act 2020 and that failing to do so will lead to the revocation of any licence granted (or the application being refused if a licence has yet to be granted).

I understand that the application fee paid is non-refundable if my application is refused or if any licence granted is subsequently surrendered or revoked.

I confirm that I will adhere fully to the conditions issued in conjunction with a licence and understand that any breach may lead to the revocation of the licence.

I give my consent for the Council to process my data for the purposes of processing this application and any future enforcement.

Signature	
Print Name	
Position within company/business (if applicable)	
Date	

## Section N – Checklist

Please note that your application will not be considered complete and the public consultation period of 7 days will not begin unless all of the following documents have been submitted with your application. It should be noted that the 7 day consultation period does not include (a) Christmas Day, (b) Good Friday, or (c) a day which is a bank holiday.	
A plan (or plans) showing the location of the premises highlighted by a red line, so the application site can be clearly identified. The plan should show the area covered by the licence in relation to the highway and be to a scale of 1:100. The plan should include the location of any entry/exit points to or from the premises and the precise location of any furniture to be placed on the highway.	<input type="checkbox"/>
Photographs, brochures or drawings showing design, dimensions and materials of the tables / chairs and any other furniture you propose to use.	<input type="checkbox"/>
In making this application there is a requirement for the applicant to affix a notice to the premises, so it is easily visible and legible to the public on the day they submit the application to the Council. The notice must remain in place for 7 days, beginning the day after the application is submitted to the authority. Please submit alongside this application photographs of the Public Notice. One photograph should be taken of the wording on the notice, and another showing the notice in situ.	<input type="checkbox"/>
Evidence of Public Liability Insurance (£5 million)	<input type="checkbox"/>
Evidence of no objection from neighbouring frontager(s) to use footway space outside their property (if applicable)	<input type="checkbox"/>
Application fee of £100 – Cheque payments cannot be accepted	<input type="checkbox"/>
Once complete, this application form and any accompanying documents should be emailed to <a href="mailto:licensing@middevon.gov.uk">licensing@middevon.gov.uk</a> . The Council will then phone you to take payment of the application fee.	

## **DATA PROTECTION**

Any personal information which you provide will be held and used by Mid Devon District Council for the purpose of the Licensing Service to process your Pavement Licence application and administer any licence which is granted. This may include sharing your application (and accompanying information) with authorities that Mid Devon District Council decide to consult on your application.

Your information may also be shared within Mid Devon District Council for the purposes of carrying out our lawful functions. Otherwise your personal information will not be disclosed to anybody outside Mid Devon District Council without your permission, unless there is a lawful reason to do so, for example disclosure is necessary for crime prevention or detection purposes. Your information will be held securely and will not be retained for any longer than is necessary. There are a number of rights available to you in relation to our use of your personal information, depending on the reason for processing. Further details about our use of your personal information can be found online at <https://www.middevon.gov.uk/privacy-notice/>.



## PAVEMENT LICENCE CONDITIONS

Pavement Licences are subject to conditions; rules that have to be followed by the licence holder. It is important that all conditions are complied with. Where the Council considers that one or more have been breached, it has the power to take enforcement action, which includes revocation of the licence completely.

There are two compulsory, or "national" conditions that all licences will have (further details below), along with local conditions which will apply to all licences, including those that are deemed to have been granted. In addition to this, the Council can also attach any conditions that it thinks are reasonable in any particular case.

### National conditions

1. No-obstruction condition

Nothing must be done by the licence-holder (or any other person which is enabled by the licence) to:

- a) prevent 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) prevent any use of vehicles which is permitted by a pedestrian planning order or which is not prohibited by a traffic order,
- c) prevent statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or
- d) prevent 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.

Particular regard must be had to the needs of disabled people, and the recommended distances required for access by disabled people as set out in guidance issued by the Secretary of State. This 'Inclusive mobility' guidance can be found here:

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

Section 3.1 of the 'Inclusive mobility' guidance sets out a range of recommended widths which would be required, depending on the needs of particular pavement users and states that: *'a clear width of 2000mm allows two wheelchairs to pass one another comfortably. This should be regarded as the minimum under normal circumstances. Where this is not possible because of physical constraints 1500mm could be regarded as the minimum acceptable*

*under most circumstances, giving sufficient space for a wheelchair user and a walker to pass one another’.*

2. 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**

3. A licence is not transferable and the subletting of any licence is prohibited. The licence holder shall be responsible for any rates, taxes and other outgoings which may be charged.
4. The permitted hours of use (i.e. the days and times in which furniture can be placed and used in the licensed area) is as stated on the licence.
5. All furniture must be contained within and located as shown exactly on, the licensed area identified in the plan (or plans) attached to the licence as Annex 1.
6. Any furniture or equipment used must not overhang (or extend) outside the licensed area and must be stable enough (e.g. weighted down) to withstand wind or accidental contact.
7. No changes must be made to the licensed area and locations of any furniture, including barriers, without written permission from the Council.
8. Outside of the permitted hours of use, all furniture must be removed from the licensed area of the highway and be stored securely.
9. The licence holder shall remove tables and chairs (and any other furniture) from the highway immediately if required to do so to permit works in or the use of the highway by the Council, the police, the fire service, the ambulance service and any statutory undertaker or telecommunications code operator.
10. Staff must regularly monitor the licensed area and visit it, when necessary, to ensure it is kept clean and tidy. Any litter or waste arising from use of the licensed area must be cleared away, whether within the licensed area or its vicinity.
11. Waste from the licence holders operations must not be disposed of in the permanent litter bins provided by the Council. Any commercial premises must have a trade waste agreement in place and waste receptacles kept within the boundaries of the premises, apart from on the day of collection.
12. The licence holder must make no fixtures to or excavations of any kind in the surface of the highway, which shall be left entirely undisturbed.
13. The licence holder must ensure that a copy of the licence is clearly visible to the public and made available upon request to an authorised officer of the Council or the police.
14. The licence holder must ensure that the licensed area is set out and managed in a way that maintains appropriate levels of social distancing during Covid-19 restrictions (as defined by Government Guidance). This includes the arrangement of furniture and also any queuing systems that may limit the space available on the pavement.

15. The licence holder shall make no claim or charge against the Council in the event of any item being displayed or used being lost, stolen or damaged in any way from whatever cause.
16. The licence holder must at all times be covered by Public Liability Insurance which:
  - has minimum cover of £5 million and
  - indemnifies the Council from and against all actions, proceedings, claims, losses, expenses and liabilities whatsoever in respect of loss of life or personal injury or damage to property, howsoever caused, arising out of or in any way attributable to the use of tables and chairs (or any other furniture / objects) on the highway.

Evidence of this insurance must be available for inspection by the Council on request.

17. The granting of a licence by the Council does not give any approval other than the permission which the Council is authorised to give under the Business and Planning Act 2020. The requirements of the Licensing Act 2003 are separate and the pavement licence does not permit the sale of alcohol, regulated entertainment or late night refreshment in the relevant area. This means that musical entertainment will not be permitted in the approved area unless authorised under the Licensing Act 2003.
18. The licence holder must ensure that where available on the premises, sanitary accommodation is available for any customer using any chairs or seating provided by the business.
19. Any furniture used in the licensed area must be of sufficient high quality and appearance as not to be detrimental to the area. Any furniture or associated item must be in a good state of cleanliness and repair at all times and not pose a danger to highway users.
20. The area designated under the licence must be inspected by the licence holder prior to use (on a daily basis) to ensure the highway area is in good repair. Any cracks, damage or areas of risk must be reported to Highways at Devon County Council on the same day of discovery.
21. Failure to comply with the terms of the licence may result in the Council serving notice on the licence holder to rectify the fault(s). Costs incurred may be recharged to the licence holder.
22. The Council reserves the right to revoke a licence if the licence holder breaches any of the conditions (or for any other relevant reason).
23. A licence granted by this Council can be surrendered at any time by giving written notice to the Council.

**BUSINESS AND PLANNING ACT 2020**

Appendix B

**NOTICE OF APPLICATION FOR THE GRANT OF A  
PAVEMENT LICENCE**

Full name of applicant:	
Name and full postal address of premises (to which the application relates):	
Date application submitted to Mid Devon District Council (and date of this notice being published):	
Brief description of application (including number of tables, chairs and details of any other furniture):	
Final date for representations:	
<p>The application for a 'Pavement Licence' has been made to Mid Devon District Council and can be viewed on the Council's website: <a href="https://www.middevon.gov.uk/business/licensing/">https://www.middevon.gov.uk/business/licensing/</a>.</p> <p>Any person wishing to make representations regarding this application may do so by writing to <a href="mailto:licensing@middevon.gov.uk">licensing@middevon.gov.uk</a> no later than the final date for representations.</p>	
Signed:	
Dated:	