



Business and Planning Act 2020 - - Pavement café licence process

COVID_19 Economic Recovery – Updated CYC pavement café licensing process

Date: 08/04/21

Guidance note

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Version control

Version	Description of changes	
V1	COVID_19 Economic Recovery – Interim CYC pavement café licensing process, dated 9/07/20	Initial guidance published by CYC before the Bill was enacted to enable businesses to apply for licences
V2	COVID_19 Economic Recovery – Updated CYC pavement café licensing process, dated 23/07/20	Updated guidance following the enactment of the Business and Planning Act 2020
	<p>Key changes between V1 and V2:</p> <ul style="list-style-type: none"> - Removal of the interim process - Consultation and determination periods changed from 5 working days to 7 calendar days (as per legislation) - Duration of licence changed to minimum 3 months and maximum 12 months for all licences issued under the Business and Planning Act 2020 - Addition of the national smoke free seating condition - Application of the local conditions to deemed licence applications 	
V3	COVID_19 Economic Recovery – Updated CYC pavement café licensing process, dated 18/11/20	Updated guidance
	<p>Key changes between V2 and V3:</p> <ul style="list-style-type: none"> - Screens will be permitted on a case by case basis - Parasols will be permitted to cover the licensed area, but must be applied for - Electric patio heaters are now permitted. Fuel burning patio heaters will not be permitted. - Electric cables must be covered across the highway and in the licensed area - More detailed information on insurance requirements included - Additional information on the definition of outdoor areas 	
V4	COVID_19 Economic Recovery – Updated CYC pavement café licensing process, dated 26/11/20	Updated guidance
	<p>Key changes between V3 and V4:</p> <ul style="list-style-type: none"> - Addition of Parklet/Decked Area Guidance in Appendix C 	
V5	COVID_19 Economic Recovery – Updated CYC pavement café licensing process, dated 08/04/21	Updated guidance

Version	Description of changes
	Key changes between V4 and V5: Amendment of Parklet/Decked Area Guidance in Appendix C, change from SAG approval to Security and Safety Review

1. Purpose

This note presents City of York Council's approach to issuing pavement café licences in light of the Business and Planning Act 2020 and associated government guidance.

It describes the process through which pavement café licences will be issued in compliance with the Business and Planning Act 2020. These temporary licences will be valid for a maximum period of one year (and not beyond the end of 30 September 2021).

2. Pavement licences: new legislation and government guidance

Pavement café licences are granted by the local authority to allow businesses to place removable furniture in parts of the highway (generally footways and/or carriageway in pedestrianised areas).

On 25 June 2020, the government issued draft guidance on these licences to accompany licensing proposals introduced in the Business and Planning Bill in response to Covid 19. The Business and Planning Act 2020 came into force on 22 July 2020. The government guidance was updated on 22 July 2020.

The aim is to offer a streamlined process and to allow the licences to remain in place for a minimum period of 3 months and up to 30 September 2021.

The government's "Pavement licences: guidance" identifies the following key changes:

- The removal of the requirement for planning permission;
- The reduction of the consultation period for licence applications, from 28 to 7 days;
- The reduction in the time in which the local authority must determine the licence from 28 to 7 days, (after the 7 day consultation period has ended) with the licences deemed to have been granted and valid for a year if the authority has not determined within 7 days after the 7 day consultation period has ended;
- The capping of the maximum fee that can be charged for a licence at £100; and
- Temporary amendments to the Licensing Act 2003, to allow some applicants, who have a licence to serve alcohol on-premises, to sell alcohol for consumption off the premises without the need to apply for a licence variation.

It is important to note that the grant of a pavement licence only permits the placing of furniture on the highway. Other regulatory frameworks still apply such as the need for alcohol licences and the need to comply with registration requirements for food businesses.

3. Business and Planning Act 2020 pavement café licensing process

This section describes the pavement café licence application process under the new legislation and guidance.

a. Applying for a licence

Eligibility: 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 to place removable furniture in the adopted highway.

Identifying a pavement café area: The licensed area should be adopted highway adjacent to the premises.

If the proposed pavement café area is situated adjacent to any other property than the applicant's premises, the written consent of the interested frontages is required. The applicant will also need to provide evidence that their public liability insurance will cover the use of these areas.

b. Advanced information

What is adopted highway: Applicants can check if the area under consideration is adopted highway (including footways) at this link: [Road Adoption](#).

What to consider before submitting an application: Licences are unlikely to be granted in some areas, due to narrow footways, high traffic flows and other safety and accessibility issues. This is primarily based on the criteria set out in [Inclusive Mobility](#) (Section 3.1), resulting in licences unlikely to be granted in the following areas:

- On footways next to live carriageways, where the footway width is less than 2.5m or 3m for high flow areas. A corridor for passing pedestrians with a minimum width of 1.5m is required by Inclusive Mobility, increasing to 2m in high pedestrian flow areas; and
- In pedestrianised areas
 - Where the furniture would reduce the highway width to below 3m (width required for emergency access), unless an alternative access arrangement can be put in place and agreed with the emergency services. Where this can be put in place, a corridor for passing pedestrians with a minimum width of 1.5m will still be required, increased to 2m in high footfall areas;
 - Licences are likely to be restricted to footstreet hours;
 - Licences will be linked to the continuation of temporary Traffic Restriction Orders (TROs) and will be revoked if the TROs are revoked (e.g. footstreet extension areas and footstreet extended hours);
 - Other organisations might need to be consulted/consent where they have rights or manage specific areas, for example, Make It York in the footstreets area.

c. Application form

Applications must be sent to the local authority by email using the Council's standard application form and providing electronic versions of the documents listed below to support the application.

- Email address: cafelicence@york.gov.uk
- Webpage: [Cafe licence](#)

This requires the applicant to provide the following information:

- Specify the premises and, the part of the relevant highway to which the application relates (using a plan showing the location of the premises, so the application site can be clearly identified);
- Provide a plan clearly showing the proposed area to be covered by the licence in relation to the highway and the licensed premises (if not to scale, with measurements clearly shown), potentially supported by photos showing the proposed furniture and information on potential siting of it within the proposed area;
- If the application covers an area which is adjacent to other premises, evidence of the owner's consent and insurance cover are required;
- Specify the purpose (or purposes) for which the furniture will be used which must be to sell or serve food or drink, and/or for use by other people for the consumption of food or drink. In both cases the food or drink must be supplied from, or in connection with relevant use of the premises;
- State the proposed duration of the licence (3 months minimum and up to 12 months);
- Specify the days of the week on which and the hours between which it is proposed to have furniture on the highway;
- Describe the type of furniture to which the application relates, for example: tables, chairs, parasols, screens, heaters, and/or stalls;
- Describe how/where the furniture will be stored, off the highway (including footways), when the pavement café is not in use. This includes storage when the premises might be in use (for example where the highway is required for other purposes during the day but the premises remain open);
- Provide public liability insurance certificate or similar evidence of cover for a minimum amount of £5 million, including the proposed outdoor area(s);
- Specify the date on which the application is made;
- Provide contact details for the applicant;
- Provide evidence before the end of the consultation period that the applicant has met the requirement to give notice of the application (for example photographs of the notice placed in the premise's windows on various dates during the 7 day consultation period);
- Provide reference of existing/previous pavement licence or of licence application currently under consideration by the local authority (if applicable).

d. What does a pavement café licence allow?

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.

The furniture which may be used is:

- 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;
- Umbrellas, screens, and bins used in connection with the outdoor consumption of food or drink;
- Electric infrared outdoor heaters (no gas heaters or fire pits);
- Barriers will generally be required at either end of the pavement café area. These should be stable and sturdy canvas separator on metal uprights with a tapping rail (no protruding parts, no ropes or chains, high colour contrast preferable). This is to provide positive guidance for blind and visually impaired highway users.

Music speakers are not permitted.

Canopies, awnings, blinds etc. which are to be attached to the building will usually require advertisement consent or planning permission. If an applicant wants to include such equipment in a pavement café application, advice should be sought before the application is submitted.

This furniture must be removable (i.e. not a permanent fixed structure, able to be moved easily, and stored away when the premises are shut or if the highway is needed for other purposes).

It is important for the applicant to note that any licence issued under this process will not be valid after the end of September 2021. This should be considered when investing in outdoor furniture and equipment as these might not be possible to use after the licence expires.

Off-sales of alcohol authorisation

Premises licensed to sell/supply alcohol for consumption on the premises (pubs / bars / restaurants / cafes) can now also sell/supply alcohol for consumption off the premises without restrictions.

Premises licensed to sell/supply alcohol for consumption on and off the premises can now also sell/supply alcohol for consumption off the premises without restrictions, for example if there is a condition on your licence (such as 'off sales of alcohol can only be supplied in a sealed container'), this condition will not apply. Off sales can only be sold/supplied until 11pm. This provision will end on 30 September 2021.

This provision does not apply to premises that are authorised to sell/supply alcohol by means of a 'club premises certificate', for example private members clubs.

Advice should be sought from the Licensing Team – licensing@york.gov.uk

e. Consultation process

The applicant is required to affix a notice (using the Council's standard notice template provided on our website) to the premises, so it is easily visible and legible to the public, on the day they submit the application to the local authority. Applicants are encouraged to keep evidence of this (by taking a picture of the notice for example).

They must ensure the notice remains in place for the public consultation period, which is the period of 7 days, beginning the day after the application is submitted to the local authority.

The local highway authority will consult with:

- North Yorkshire Police Licensing Section;
- Make it York, York Museum Trust (where relevant); and
- Other such persons it considers appropriate.

The local authority will aim to support an online consultation process by publishing the notice and other information supporting the application on the Council's website (excluding personal information).

As this facility is not currently available, the notice will include information for members of the public to email the Council with a request for further information. If they want to consult the relevant documents for a specific application, these will be sent to them by email (excluding personal information). Members of the public will be invited to email their comments to the Council within the 7 day consultation period.

f. Determination of application

Once an application is received, the authority will aim to check the documents provided within 1 working day and acknowledge the receipt of a valid application or request further information from the applicant. Please note that the application may be refused if the required information has not been provided.

The local authority will aim to determine the application within 14 days (starting on the day after you have submitted your application, including 7 days for the consultation period and 7 days for determination after the end of the consultation period).

If the local authority fails to consider the application within this 14 day period, the pavement café licence applied for will be deemed to have been granted for a year (and will expire no later than the end of 30 September 2021). Please note that the national and local conditions (advertised by the Council on the day prior to the application submission date) set out in section E below will automatically apply to applications which are deemed granted.

If the local authority determines the application before the end of the determination period, the local authority can:

- Grant the licence in respect of any or all of the purposes specified in the application, for some or all of the part of the highway specified in the application, and impose additional conditions; or
- Refuse the application (please note that the application can also be refused by the authority if the information required to determine the application has not been provided).

If the applicant is unhappy with the decision taken by the authority, the applicant will be invited to log a complaint through the Have Your Say process. This will enable concerns to be escalated and considered by a member of the Council's management team. There is no formal appeal process against a decision made by the Council under the Business and Planning Act 2020.

g. National and local conditions

National conditions

National 'no obstruction' condition referred to in 5(4) and 3(6) of the Business and Planning Act 2020.

This condition refers to the right of traffic (other than vehicular) to enter and pass along the highway, to have normal access to premises adjoining the highway. It also includes the need for permitted traffic to be able to pass and utilities to have access to their apparatus in, on or over the highway.

National condition relating to clear routes of access

The national condition requires clear routes of access to 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 Inclusive Mobility.

This requires:

- 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.
- **The absolute minimum, where there is an obstacle, should be 1000mm clear space. The maximum length of restricted width should be 6 metres** (see also Section 8.3).
 - Section 8.3 states: Where an access route is predominantly less than 1800mm wide, **passing places** should be provided to allow two wheelchair users to pass each other. A passing place should be a minimum of 2000mm long by a minimum of 1800mm wide and located within direct sight of another, or at a maximum distance of 50 metres from another, whichever is the closer.
- If there are local restrictions or obstacles causing this sort of reduction in width, they should be grouped in a logical and regular pattern to assist visually impaired people.
- It is also recommended that there should be minimum widths of 3000mm at bus stops and 3500mm to 4500mm by shops though it is recognized that available space will not always be sufficient to achieve these dimensions.

National condition relating to smoke free seating

Where seating used for the purpose of consuming food or drink has been, (or is to be) placed on the relevant highway, the national condition requires a licence-holder to make reasonable provision for seating where smoking is not permitted. This

means that where businesses provide for smokers, customers will also have the option of sitting in a non-smoking area. This can be done by:

- Providing clear 'smoking' and 'non-smoking' areas, with 'no smoking' signage displayed in designated 'smoke-free' zones in accordance with Smoke-free (signs) regulations 2012;
- No ash trays or similar receptacles provided or permitted to be left on furniture where smoke-free seating is identified; and
- Providing a minimum 2 metres distance between non-smoking and smoking areas, wherever possible.

Local conditions

Emergency access - For fully pedestrianised streets a minimum width of 3 meters must remain free and unobstructed to facilitate emergency vehicles. This figure may be increased where there is a heavy pedestrian flow.

The area shall be vacated immediately if requested by the local authority, the Police, any other emergency service, or a statutory undertaker, without any liability for compensation, refund of application fee, or damage arising. The reasons for the area being vacated might be public safety, emergency, to allow events or works to be carried out in, under or above the highway or in the vicinity of the area, public procession, unrest, disturbance, or any other reason deemed necessary by the local authority.

Area to be used - Only the licensed and designated area shall be used for trading.

Times of use – The times and days of the week when the pavement café use is permitted will be stated in the licence. This might be linked to footstreet hours for example. State default start / end times for any applications deemed granted.

Access to the premises - A clear pathway of at least 1.2 metres wide shall be maintained at all times to allow entrance and exit from the licensed premises.

Public health and safety – The licence holder will be responsible for ensuring that uses conform to the latest guidance on social distancing and that any reasonable crowd management measures needed as a result of a licence being granted and businesses reopening are in place.

Public liability insurance - The licence holder shall maintain a policy of public liability insurance indemnifying the Council against any injury or damage to any person or property and against any actions, proceedings, claims, demands or liability arising from the use of the area under this licence (including any chairs and tables and any other objects including but not limited to heaters, where these are used).

For this purpose, the licence holder must take out a policy of insurance in the sum of at least £5,000,000 in respect of any one incident.

Evidence of this insurance policy shall be included in the licence application. The licence holder must produce to the Council on request the current receipts for premium payments and confirmation of the annual renewals of the policy. A valid Third Party Public liability Insurance certificate shall be held by the licence holder at all times to the satisfaction of the Council.

Furniture - Only approved tables, chairs, bins, and barriers (as detailed in the licence) shall be placed within the designated area. No other furniture (such as advertising boards) shall be placed within this area.

Where they are allowed, no canopy or umbrella shall be lower than 2.1 metres in height and they shall be adequately secure.

Barriers must be placed at each end of the pavement café area. These should be stable and sturdy canvas separator on metal uprights with a tapping rail (no protruding parts, no ropes or chains, high colour contrast preferable), to help with accessibility for visually impaired highway users.

Screens can be considered for some licensed areas and will be considered on a case by case basis. Where permitted and above 1m high, the screens must be transparent.

All furniture must be removed at the end of the approved hours of use.

Suitable storage for all furniture shall be identified by the applicant within the licensed premises and used for storage when the furniture is not in use thereafter. No equipment is to be stored on the highway at any time outside the licensed hours.

All equipment is to be suitable for use outside (non-reflective and of reasonable substance such that it cannot easily be pushed or blown over by the wind), kept clean and well maintained. No damaged equipment shall be used.

Tables, chairs and barriers shall not be positioned so as to obstruct or obscure road signs, visibility at junctions, traffic signals.

Parasols – Parasols are permitted within the licensed area, but they must be included in your application. These must not extend beyond the licensed area and should be centrally supported. Gazebos or parasols with sides are not permitted. For further information as to what defines an outdoor area see Appendix B.

Outdoor heaters -If outdoor heaters are to be used in the licensed area, they need to be included in your application and must be electric infrared heaters (meeting BS Standards BS EN 60529:1992 for electric heaters). Gas heaters or fire pits are not permitted.

Patio heaters that attach to the sides of the building usually require planning permission and can therefore not be permitted under this licensing process. Where electric infrared heaters are permitted, the Council expects licensees to reduce their environmental impact by switching to green energy tariffs and/or offsetting the emissions linked to the use of the outdoor heaters.

Electrical cables – Cables must be protected by an anti-trip cover, both within the licensed area and across the public highway.

Cleanliness - The licence holder will ensure that the designated area is maintained in a clean and tidy condition. The licence holder shall also take appropriate precautions to prevent the surrounding areas from becoming littered, as a result of trading activities.

Use of open vessels – Only reusable plastic or cardboard containers (or similar materials, i.e. not glass) may be used for outdoor customers.

Conduct of licence holder and customers - The behaviour of customers is the responsibility of the licence holder. The customers must not be a nuisance or annoy users of the highway or tenants/residents of adjoining premises.

The licence holder and customers must not unreasonably stop, endanger or hinder pedestrians, cyclists or vehicles using the highway.

Repeated complaints of this nature may result in your licence being suspended or revoked.

The licence holder is expected to co-operate with the reasonable needs of neighbouring premises. If there are disputes, licences might be suspended while the matter is investigated.

No smoking – The licenced area is to be a non-smoking area, including vaping, unless separate smoking and non-smoking areas meeting the requirements of the national condition (see above) can be met.

Toilet facilities – Toilet facilities must be available for customers to use on the premises.

Publicity - The licence shall be available to view within the premises to which it relates.

Validity - The licence shall be rendered invalid, should the licence holder cease to own the premises or cease employment at the premises to which the licence relates. A new application must be made by the new tenants/owners.

Where a licence is granted in an area which is subject to a Temporary TRO to restrict vehicular access, the validity of the licence might be conditional on the TRO being in place. If the Temporary TRO expires, the licence will be revoked.

Claims - The Council shall be indemnified against all claims, actions or other costs, howsoever arising.

The licence holder is responsible for the health and safety of their staff working in the licensed area. Measures to mitigate your health and safety concerns cannot be transferred to the local authority for action.

h. Licence application fee

A licence application fee of £25 will apply for a 3 month licence. For an annual licence under this process or to renew an existing licence, the fee will be £100 for 12 months. Licences granted under this process will not be valid beyond 30 September 2021.

For pavement café licences which were applied for from 1st January 2020 under the previous process, where the £660 fee was paid, a refund of £560 will be provided to the applicant.

Payment can be made either by bacs or by phoning City of York Council's accounts department using reference QN052/63100. See Appendix A for payment information.

i. Receiving your licence

If the decision is taken to grant the licence, two copies of the licence will be forwarded to the applicant. The applicant will be required to sign both copies, saying that they agree to abide by the conditions and terms set out in the licence. The applicant will then return one copy to the Council, keeping the other copy.

Provided that other approvals and licences are in place (if required), the applicant will then be able to commence use.

If the local authority has not responded within the statutory period (14 days), the licence application will be deemed granted and the authority will issue a temporary licence including the relevant conditions (these will include the national conditions

and the local conditions publicised by the Council on the day prior to the application form submission date – as listed in this document).

j. Amending an existing licence

Current licence holders (with planning permission) might want to request a change of conditions for their existing licence, for example requesting additional pavement space or asking to use umbrellas.

This can be done by contacting the local highway authority by email, requesting a review of existing conditions. The process (consultation and determination), criteria and conditions described above apply.

The revised conditions will be valid for up to a year, but not beyond the end of September 2021.

As applicants will already have paid for their pavement café licence, no additional fee will be charged.

If you wish to extend or vary the terms of a pavement cafe licence granted under the Business and Planning Act 2020 you will need to submit a new application as set out above, an additional application fee will be charged.

k. Enforcement, suspension and termination

If a condition imposed on a licence is breached, the local authority will issue a notice requiring the breach to be remedied and seek to recover any costs.

The authority may revoke a licence in the following circumstances:

- For breach of condition, (whether or not a remediation notice has been issued); or
- Where:
 - There are risks to public health or safety – for example by encouraging users to breach government guidance on social distancing by placing tables and chairs too close together;
 - The highway is being obstructed (other than by anything permitted by the licence);
 - There is 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;
 - The applicant provided false or misleading information in their application – for example they are operating a stall selling hot food and had applied for tables and chairs on which only drinks could be consumed; or
 - The applicant did not comply with the requirement to affix the notice to notify the public for the relevant period.

The local authority may also revoke the licence where all or any part of the area of the relevant highway to which the licence relates has become unsuitable for any purpose for which the licence was granted or deemed to be granted. For example, the licensed area (or road adjacent) is no longer to be pedestrianised.

The local authority also reserves the right to terminate or suspend the licence if the area is required for other highway purposes (for example for street or road works).

The licence holder can also surrender a pavement licence at any time by giving notice to the local authority. The application fee will not be reimbursed.

Appendix A – Payment details



Customer & Business
Support Services

CITY OF YORK COUNCIL BANK DETAILS

Bank transfer

ACCOUNT NUMBER: 70897558 **SORT CODE:** 40 - 47 - 31
ACCOUNT NAME: CITY OF YORK GENERAL ACCOUNT
BANK NAME: HSBC PLC
BANK ADDRESS: 13 PARLIAMENT STREET
YORK
YO1 8XS
BANK IDENTIFICATION CODE: MIDL GB 21 09Y
INTERNATIONAL BANK ACCOUNT NUMBER: GB57MIDL40473170897558

On the phone

DEPARTMENT: TRANSACTIONAL SERVICES
ADDRESS: PAYMENTS OFFICE
WEST OFFICES
STATION RISE
YORK
YO1 6GA
TRADING NAME CITY OF YORK COUNCIL
VAT REGISTRATION NUMBER GB 647 3650 22
E-MAIL: transactional.services@york.gov.uk
TEL. NUMBER: 01904 551146

Appendix B – Additional information on the definition of outdoor areas

If York is in Tier 2 (high risk) Covid-19 Alert Level, people from different households (or support bubbles) are no longer able to meet inside, but only in outdoor areas.

The Coronavirus Regulations define indoors as:

“A place is indoors if it would be considered to be enclosed, or substantially enclosed, for the purposes of section 2 of the Health Act 2006(b), under the Smoke-free (Premises and Enforcement) Regulations 2006(c), this being in Schedule 1 Part 1 Paragraph 8(4) of the Health Protection (Coronavirus, Local Covid19 – Alert Level) (Medium) (England) Regulations 2020, Schedule 1 Part 1 Paragraph 11(4) of the Health Protection (Coronavirus, Local Covid19 – Alert Level) (High) (England) Regulations 2020 and also in Schedule 1 Part 1 Paragraph 12(4) of the Health Protection (Coronavirus, Local Covid19 – Alert Level) (Very High) (England) Regulations 2020.”

Substantially enclosed is further defined if the premises has a ceiling or roof, but there are permanent openings in the walls which are less than half of the total areas of walls, including other structures which serve the purpose of walls and constitute the perimeter of premises. This is known as the 50 per cent rule.

Therefore, if 50 per cent of the walls or more are missing, it would not be classed as an indoor area; but if more than 50 per cent of the walls are present then it would be classed as indoors.

The LACORS guidance provides more information on this and is available here:

<https://www.cieh.org/media/1258/implementation-of-smokefree-legislation-in-england-guidance-for-council-regulatory-officers-second-edition.pdf>

Appendix C – Parklet and decked area guidance (November 2020)

This guidance provides additional information for businesses that are considering a platform area to enhance the provision of a pavement café. The aim of the guidance is to enable good quality proposals to be presented which can be approved quickly. It should be read in conjunction with the pavement café licence guidance.

Definition

A Parklet/Decked Area is an elevated space generally providing a level extension area to the footway for use of the carriageway/footway for activities such as pavement cafes. As a parklet/platform obstructs the highway (carriageway and/or footway) in a (semi) permanent manner applicants should first consider whether there are alternative approaches which have less impact on highway users.

Licensing process

A pavement café licence will need to be in place for the area proposed to be used for the parklet. The Council will consider licensing parklets on a temporary basis using Highway Authority powers under Section 115B&C of the Highways Act 1980. A standard 'Structure in Highway' fee will be chargeable for the consideration of the application – (for 2020-21, the fee is set at £263). Depending on the location, the licence may be conditional on the continuation of Temporary Traffic Orders for the street. To facilitate economic activity during Covid 19 restrictions, licences will initially be granted on a trial basis for up to 6 months, with a possible extension and an end date of September 2021 for pavement cafes, in line with the Business and Planning Act 2020. It is anticipated that planning consent would be needed for parklets to continue beyond that date.

This guidance is designed to support businesses, by helping them to understand the criteria that will be considered, so that the Council can approve as many applications as possible. Each application will need to be considered on its merits and in the context of the location

Space/Location

The proposed location will initially need to be assessed to check that the platform can be accommodated safely whilst retaining right of access for highway users including for emergency access. Generally at least 2.75m carriageway width will be required. At least 3m width will be required for emergency vehicles to pass the platform (this may include the footway where possible). At least 1.5m is required for pedestrian access (increased to 2m in high footfall areas). Individual locations and proposals may also need to be assessed for vehicle turning movements and will need to be assessed by a Security and Safety review and may need to have a formal Road Safety Review undertaken.

Platform design

If a platform can be accommodated safely the following key elements need to be considered in the detailed application:

- It must be possible to take the platform apart and store it away relatively quickly (a few hours) in case access to the road is needed, for example for utility companies.
- Carriageway width left available to vehicles once the platform is constructed should be at least 2.75m. The applicant will need to demonstrate (e.g. by

tracking vehicle movements) that clearance is available if the location is close to junctions/bends in the highway.

- Platform must be visible and protected as necessary to prevent vehicle strikes. Reflective strips shall be provided.
- Where a decked area is above utilities covers/highway drains, specific lift out covers which can be opened quickly to access these need to be included in the plan and provided.
- Surface/rain water needs to be able to run freely into street drains.
- Side railings must be no higher than 1m to enable visibility between vehicles, pedestrians, and users of the decked area and some natural surveillance of the decked area. Subject to approval, transparent sides higher than 1m may be used, (to maintain visibility), but must be in line with permeability guidance appropriate for Covid 19 restrictions (see Appendix B).
- If the platform includes the footway, pedestrians need to be able to use the footway when the pavement café is not in use. This might mean providing ramps at both ends of the platform (to be preferably flush but no more than a 6mm upstand). The ramps need to be within the licensee's frontage as they cannot encroach on entrances to neighbouring buildings.
- Businesses have an obligation - both legal and moral - to make their premises as accessible as they can for those with disabilities and for wheelchair access. This applies in the same way to the parklet.
- The parklet structure should have no sharp edges or rough finishes where members of the public might injure themselves.
- Public liability insurance (for up to £5 million for each individual event) needs to cover the platform.
- Roofs: Umbrellas are permitted in accordance with Café licence guidance. If a more substantial roof is proposed then the following items must be covered in the application:
 - The roof shall be designed as a structure to withstand wind/snow load – proof that the structure has been designed by a competent designer will be required;
 - The roof shall be removable with the rest of the parklet to allow access for utilities;
 - Roof supports shall not hinder pedestrian/vehicle inter-visibility;
 - The edge of roof shall not overhang the parklet;
 - The roof should not encourage use of the Parklet as a shelter out of operating hours – either the Parklet needs to be secured to prevent unauthorised access outside of operational hours, or the roof covering needs to be removed at the end of each day;
 - The proposed roof needs to be approved by a Security and Safety Review.