



BCP Council

PROVISION FOR PLACING EQUIPMENT/PLANTERS ON THE HIGHWAY

(Notes for Guidance and Conditions of Permission)

NOTES FOR GUIDANCE OF APPLICANTS

1. Permission for provision of placing equipment/planters on the Highway may otherwise be known as a “Pavement Licence”.
2. You should expect acknowledgement of receipt of your application within 10 working days.
3. Your application will be considered to be for a NEW licence, except where a preexisting licence has been granted and the date of renewal has not expired by more than 1 year.
4. All applicants are advised to carefully read these Notes and the Conditions of Permission, in Annexe 1 below, which may have altered since any previous application.
5. You are advised that submission and subsequent acknowledgement of an application, whether or not the conditions below appear to be met, is not a guarantee that permission will be granted.
6. Each application will be considered on its individual merits including for example; the amount of space removed from highway, visual impact of proposals, effect on local residents, users, neighbouring property.
7. Applicants should be aware that they may require **Planning Permission** for the change of use of the highway. Applicants should therefore satisfy themselves that they will not contravene any conditions approvals and or licenses granted by these bodies for use of the premises. Permission under this application **does not** infer or convey any approval or relieve the Applicant from obtaining necessary approvals from these bodies. The Local Planning Authority will be notified of all applications received for permission to place equipment/planters on the highway.

8. You may indicate your preferred hours, but the permitted hours will ultimately be stipulated by the Council.
9. All plants that are contained within the planters must not overhang or cause a danger/hazard to pedestrians using the Highway/footpath. All planters are to be maintained and plants replaced when necessary.
10. Planters are to be of a sturdy design and not easily removed by the public and not easily blown or fall over in strong winds or inclement weather.
11. Layout guideline dimension criteria:
 - A minimum clear footway width of 2.0 metres shall be maintained past the licenced area, normally adjacent to the building frontage. This requirement may be increased to 2.5 metres in town centres, pedestrianised areas and other busy pedestrian areas.
 - An absolute minimum clear width of 1.2 metres is required from any single point of obstruction e.g. bollard.
 - A minimum distance of 0.5 metre shall be maintained between the boundary of a licenced area and the edge of any vehicle carriageway.
 - A 2.0-metre-wide access to the premise should be kept clear at all times.
 - You must also make allowance for any other equipment and circulation requirements within the area applied for.
12. Markings or logo of a limited size may be permitted to enable identification of barriers, equipment etc.
13. The typical Conditions of Permission below are given to assist Applicants and will form part of any permission granted. For the sake of clarity where any duplication or conflict may occur with conditions included on the Permission then those on the Permission shall take precedence.
14. You are advised that you will be required to indemnify BCP Council against all proceedings claims or expenses that may arise out of the use and provision of these facilities and to hold a valid Public Liability Insurance policy of no less than £5 million pounds, which policy(s) must be produced for inspection prior to any grant of permission.
15. Please fully complete and sign the Application Form before returning it with the appropriate Fee.

16. The Return Address for applications is included at the bottom of the Application Form.



ANNEXE 1

PROVISION FOR PLACING EQUIPMENT/PLANTERS ON THE HIGHWAY

GENERAL CONDITIONS OF PERMISSION

Without prejudice to the Conditions 1 to 16 of the Permission the following general conditions that were also supplied for the guidance of Applicants apply to the Permission. For the sake of clarity if where any duplication or conflict may occur with conditions 1 to 16 above of the Permission then those shall take precedence.

- a) The location and size of the area, the Permitted Area, shall be determined by the Director, Growth and Infrastructure.
- b) Adequate clearance between the frontage of a building and any obstruction or between the Permitted Area and any obstruction and or carriageway is to be maintained to ensure the free movement of pedestrians through the area past and around the Permitted Area and to provide sufficient width for emergency vehicle access
- c) Separate advertisements and free-standing signs (i.e. 'A' boards) or menu boards will not be permitted in the street.
- d) The holders shall not use or suffer or permit any equipment for the generation of electricity within the Permitted Area.
- e) The holders will keep the area including the adjacent highway clean and tidy at all times.
- f) The BCP Council, its agents and statutory undertakers shall be given access to the Permitted Area at all times in order to discharge their statutory duties.
- g) All fire hydrants, surface water channels and gullies must remain unobstructed at all times.

- h) The delineation of each area which may require physical barriers shall be agreed with the Director, Growth and Infrastructure.
- i) All Planters placed by the holders shall be of a portable nature and stable and shall be removed from the street outside of permitted hours or when the business is closed or as required by the Director, Growth and Infrastructure.
- j) The Permission shall be withdrawn at the sole discretion of BCP Council and the holders will be required to remove all items in the event of any nuisance or undue obstruction arising as a result of their placement.
- k) The Highway Authority's consent is subject to the provisions of the Highway Act 1980 and other relevant highway and traffic regulations.
- l) The holders shall indemnify the BCP Council, as Highway Authority, against any claim in respect of injury, damage or loss arising out of the grant of the permission in the sum of £5million.
- m) The holders shall be responsible for making good any damage to the highway or additional cleaning required as a result of the activities covered by the granting of this permission.
- n) The holders will ensure that all plants contained within the planter(s) are maintained and to ensure that the planter itself is maintained in a safe condition throughout the permission of this licence
- o) The holders will agree to meet all the Council's reasonable costs in this matter. In this connection, for the first year a **Fee of £100** is payable. In subsequent years' subject to no alterations to the licence, an annual **Fee of £100** is payable. These charges may be subject to review from time to time.

SPECIAL CONDITIONS OF PERMISSION

Without prejudice to the Conditions 1 to 16 of the Permission the following special conditions apply if any.

NIL

