

Pavement Licences during the winter months

Southwark Council have reviewed our procedures to enable us to help hospitality businesses as much as we can during the winter months. The Council will allow umbrellas, halogen heaters and gazebo canopies as part of pavement licences where it is appropriate and agreed with a Council Officer of the Highway Licensing team. Agreement will be on a case by case basis, each location brings with it factors that need to be considered, therefore a borough wide approach is not possible.

If you wish to add cover and heating to your outside area, the simplest way may be to use umbrellas with integrated electric heaters. We realise that the storage of these items, or the cost of them to use in the short term may not be practical in many locations, therefore we will allow alternatives.

Outdoor heaters

Electric halogen heaters can be used if a risk assessment is produced to show how they will be managed safely. Do not attach them to buildings as this may require planning permission. Ideally they will be attached to a safe structure such as an umbrella or gazebo canopy and be directed to create the most benefit. Lamps with timers are available and waste less energy.

Electric cables leading to your outside area must not create trip hazards and must comply with electrical safety regulations. Cables should not be placed across an area used by pedestrians or cyclists. You must submit a risk assessment to cover the following hazards; fire, electrocution, burns, manual handling, instability.

Gas heaters use significantly more energy and do not align with the Council's aim to improve air quality and should be avoided. The storage of gas bottles also bring with them many Health and Safety requirements. Please do not use gas heaters on the public highway.

The use of heaters on the highway has previously been refused due to their environmental impact. To allow the heaters, we ask that you think about how you will offset these carbon emissions. Please think about a practical way you can save energy in other ways or improve air quality around your premises. If you are using barriers, could you replace these with planters containing specific plants that clean the air? Does your energy supplier allow you to pay for carbon offsetting? Is your energy supplier carbon neutral? Let us know the solution you have found so we can collate the information and feed back to anyone worried about the impact of using the heaters.

Gazebos

It is preferred that umbrellas are used. If that is not practical in a particular location, with prior agreement we may allow the use of a gazebo canopy to cover an area of tables and chairs on the highway that has a pavement licence. A gazebo canopy will only be allowed if it has practically the same effect as a large umbrella and it does not have sides, i.e. only the canopy can be used.

You may want to place barriers around the gazebo to block wind. Any barriers around the gazebo canopy must not create an enclosed space. The pavement licence is intended for use as an outside area only, any barriers or screens used around the sides must not be of a size that creates an inside area. You cannot create an inside area on the highway in any circumstances.

Note: An inside area is created once the space is 50% enclosed. The pavement or street furniture licence conditions will be breached and the licence can be revoked. Once an outside area is 50% enclosed it becomes a smoke free premises under the Health Act 2003.

There must be a pavement licence in place to allow socially distanced tables and chairs associated with the gazebo canopy.

Gazebo canopy conditions:

- Must be weighted in line with manufacturers' instructions. Any items used to weight the gazebo must not create trip hazards to the users of the licenced area and must not encroach on any part of the highway used by pedestrians.
- Nothing can be attached to the highway (i.e. screwed into the surface of the highway). The cost of repairing any damage caused will be charged back to the licence holder or premises.
- The gazebo on the highway must not be enclosed. Using a gazebo without sides maintains airflow and reduces hidden spaces on the highway.
- CCTV coverage must not be blocked and there must not be a reduction of natural surveillance, this will be location dependant. If CCTV is blocked this could breach your premises licence conditions. You will be asked to prove CCTV coverage is not blocked before permission is granted.
- Gazebos must be removed immediately at the request of a Council officer or the emergency services.
- Can only be used directly over socially distanced seating/tables and chairs, it cannot be used as an area for vertical drinking or cover areas used by pedestrians or other road users.
- Must be stored off the highway when not in use.
- Must not interfere with any street signs or impede the sight lines of any road user.

Additional considerations: Are you located in a conservation area? The use of gazebos may have a detrimental effect on the character of the area and may be refused for that reason. Gazebos should be plain and neutral in colour in all locations.

Blankets: A cost effective and environmentally friendly way to keep your customers warmer would be to provide blankets. If you choose to do this you must make sure they are sanitised before re-use.

On 1st June 2021 the Council will revert back to previous rules and heaters should not be used as part of any Street Furniture or Pavement licence. Please consider this when purchasing new equipment, it will not be allowed to be used on the highway after that date.

What you need to do

If you wish to use umbrellas or heaters, or would like to check if you can use a gazebo canopy as part of your current pavement licence, please contact Highwayslicensing@southwark.gov.uk outlining your plans and including the appropriate risk assessment. <https://www.hse.gov.uk/simple-health-safety/risk/index.htm>

If you already have a pavement licence, you do not need to apply for a whole new licence, the changes will be added to your current licence once agreed by a Council officer, please include your licence number in your email.

If you need to apply for a pavement licence, please check the details on this web page and make an online application: <https://www.southwark.gov.uk/business/licences/roads-and-highway-licences/pavement-licences>

This guidance will be reviewed periodically as rules, restrictions and COVID-19 infection rates change, if you have any feedback please let us know.

We look forward to assisting you wherever we can.

Craig Taylor
Highway Licensing and Enforcement Manager