**FULL PERMISSIONS REQUIRED FOR OUTSIDE HOSPITALITY SPACE BEYOND 30th SEPTEMBER 2022**

The temporary relaxation of planning & building control of outdoor hospitality was extended until 30th September 2022 – in part to recognise ongoing business challenges but also to allow time for businesses to seek the necessary permissions as this will be required to operate after 30th September 2022.

Please note that any on road occupation ie use of parking bays etc (except Union St\*) will also cease on 30th September 2022.

\*If you are based in Union Street, please liaise directly with the UNESCO team re the permisions required.

We have pulled together some guidance for you to seek the necessary permissions if you haven’t already done so for Planning, Building Control/Warrants and Pavement Café Occasional Licences.

**Planning Permission**

Anyone who is currently operating with the agreement of the Hospitality Taskforce and who wishes to continue to do so beyond 30th September 2022 is therefore encouraged to lodge an application for planning permission as soon as possible to allow the application to be determined before the end of the relaxation period in September 2022.

Although temporary relaxation was given to a variety of outdoor hospitality developments these may not be supported on a permanent basis.  Generally, only good/high quality proposals will be supported, especially where these would be within a conservation area or adjacent to a listed building.

Development that is unlikely to be supported includes:

Outdoor seating in close proximity to residential properties

* Marquees, tents, canopies or ‘enclosed type structures’
* Poorly designed structures outside listed buildings or within conservation areas
* Heating and lighting apparatus
* Poor quality materials
* Development on narrow pavements
* Proposals that are remote from the premises from where they are managed

Applications should include details of how temporary structures and portable furniture will be stored when not in use.  This is particularly important in the city centre where businesses are discouraged from leaving structures such as canopies up permanently or from stacking furniture on pavements when not in use.

Further information on the planning application process can be found via the website  <https://www.dundeecity.gov.uk/service-area/city-development/planning-and-economic-development/development-management/make-a-planning-application>

For further information email planning@dundeecity.gov.uk

**Do you need a Building Warrant?**

For those unfamiliar with the Building Standards system we can offer advice bs.licencingenq@dundeecity.gov.uk

The purpose of the building standards system is to protect the public interest and sets out the standards to be met when building work or a conversion takes place, to the extent necessary to meet the building regulations.

The system is pre-emptive, designed to check that the proposed building work meets the standards.

The role of checking compliance rests with verifiers

Should a building warrant be necessary, the following information should be submitted to the Local Authority:

i)                    An application form

ii)                   The appropriate fee - The Building (Fees) (Scotland) Regulations 2004 set the fees that are charged by verifiers for building warrant submissions.

Fees are related to the ‘value of the works’.   In calculating the value of the works, the applicant must use the normal market costs rather than any discounted costs which they might be able to achieve. For example, even if the labour was unpaid because it is a self-build project, the value of the building work should still include a fair assessment of the value of labour had commercial contractors undertaken the work.

Please refer to pages 39 and 40 of the following link

<https://www.gov.scot/publications/procedural-handbook/documents/>

iii)                 A site location plan highlighting the location of the development

iv)                 Suitably detailed and scaled working drawings which should include a written specification of the works

For more information, please visit:

This information is found within the Technical Handbooks under Section 0 General, Regulations 3 Schedule 1 and Regulation 5 Schedule 3.

<https://www.gov.scot/publications/building-standards-technical-handbook-2020-non-domestic/>

Applications can be made online via the Building Standards Portal, alternatively we still have the facility to accept paper submissions. Further information can be accessed at the following link -

<https://www.dundeecity.gov.uk/services/planning-%26-building>

**Licensing (Pavement Café Occasional License)**

If alcohol is to be served in the outside area, then it must be licensed for on-sale consumption.  If the outdoor area already forms part of a Premises Licence, then the area can be utilised under the current terms of that Premises Licence.

If the outdoor area is not currently part of a Premises Licence, then the Licensing Board can permit the use of Occasional Licences.

In order to assist applicants for Occasional Licences of this nature the Board will consult with Police Scotland, Council’s Planning and Roads Department to ensure all aspects are covered.  With this in mind, the Board will require the following additional information to be provided as part of any application:

* A location plan (eg scaled at 1:1250 or 1:500) indication the area to be licensed
* A plan which clearly shows the proposed layout of the area to be licensed (eg access points, building links, dimension of seating area, table, chair and other furniture arrangements, plus any barriers or enclosures
* Details of proposed licensed hours - current times are 9pm and 10pm in July & August
* Access for children and young persons, and any activities to be carried out in the licensed area

An Occasional Licence has a maximum duration of 14 days in terms of the legislation and that is not something that the Board can extend or alter. For pubs and restaurants, a series of Occasional Licenses can be submitted at the same time.

Members’ Clubs that are wanting to use an external area that is not included in their premises licence can apply as per pubs and restaurants.

Should a premise wish to make an outdoor area permanent then this should be the subject of a formal major variation application to amend the Premises Licence. Applications forms are available via:  <https://www.dundeecity.gov.uk/licensing/licensing-scotland-act-2005-forms>

**Miscellaneous**

A reminder that all furniture should be removed each night.

We would also like to highlight that we have seen an increase in cigarette ends across the city centre and we would like to remind all licensed premises that one of the conditions of your Pavement Cafe License as attached on point 5:

*5(c) that states -  regularly clear all litter associated with the pavement cafe during the operating hours and, at the end of licensing period, clear all litter (this includes cigarette ends).*