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Friday, 15 September 2023

Dear Sir/Madam

REGULATORY AND LICENSING COMMITTEE

A meeting of the Regulatory and Licensing Committee has been arranged to take place **MONDAY, 25TH SEPTEMBER, 2023 at 6.00 PM IN THE COMMITTEE ROOM** District Council House, Lichfield to consider the following business.

Access to the Committee Room is via the Members' Entrance.

The meeting will be live streamed on the Council's [YouTube channel](#)

Yours faithfully

A handwritten signature in black ink that reads 'Kerry Dove'.

Kerry Dove
Chief Operating Officer

To: Members of Regulatory and Licensing Committee

Councillors B Yeates (Chair), Salter (Vice-Chair), Anketell, Ashton, Bragger, Checkland, Coe, L Ennis, Evans, Leung, Warfield and Henshaw



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AGENDA

- | | | |
|----|---|---------|
| 1. | Apologies for Absence | |
| 2. | Declarations of Interest | |
| 3. | Minutes of the Previous Meeting | 3 - 4 |
| 4. | Polling Places Review | 5 - 10 |
| 5. | Adoption of Revised Conditions for Pavement Licences | 11 - 20 |
| 6. | Extension of and amendments to the Public Spaces Protection Order for dog control | 21 - 24 |
| 7. | Work Programme | 25 - 26 |



REGULATORY AND LICENSING COMMITTEE

20 JUNE 2023

PRESENT:

Councillors B Yeates (Chair), Salter (Vice-Chair), Anketell, Bragger, Checkland, Coe, Evans, Henshaw, Leung and Warfield

1 APOLOGIES FOR ABSENCE

There were apologies from Councillor Hugh Ashton and Councillor Laura Ennis.

2 DECLARATIONS OF INTEREST

There were no declarations of interest made.

3 MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting, held on 01 March 2023, were taken as read and approved as a correct record by the Chair.

4 FOOTPATH DIVERSION NO. 42 (PART) - FRADLEY & STREETHAY

Robin Carr (Public Rights of Way Consultant) outlined that the application has been made in connection with planning application 19/00555/REMM for the construction of 250 new dwellings and associated infrastructure, provision of football pitches and changing facility. Mr Carr noted that the majority of the diversion between points D and E is where development primarily affects the public right of way. The order would also regularise points A and E onto the walk-line, reducing the need for additional bureaucracy and changes in the longer term.

Members highlighted the importance of clear signage when changing the routes of public footpaths.

Members stated their belief that the houses outlined in the plan had already been constructed. Mr Carr confirmed that if the houses are substantially complete then the committee could not approve these changes to the footpath. Developers would have to begin their application again, using the Highways Act.

It was agreed by the committee and Mr Carr that approval could be given subject to a further site visit to confirm whether construction of the houses was substantially complete.

RESOLVED:

(A) Subject to a further site visit by Mr Carr to determine whether construction on the site was substantially complete, the committee agreed to the proposals in principle.

(B) The committee gave delegation to the Chair and Assistant Director Operations, Regulation and Enforcement to approve the proposed diversion of Public Footpath No. 42 (part) in the Parish of Fradley and Streethay as set out in Appendix A to allow for necessary development, subject to the findings of the site visit.

5 FOOTPATH DIVERSION NO. 43 (PART) - FRADLEY & STREETHAY

Mr Carr confirmed that the application has been made in connection with planning application 10/01498/OUTMEI for the demolition of existing buildings and redevelopment of the site to provide up to 750 new homes, primary school, health centre, nursery, public house, public and private open space, car and cycle parking together with landscaping and associated servicing (all matters reserved except points of access) and under the same application, highway improvement under reference 10/01498/OUTMEI.

RESOLVED: The committee approved the proposed diversion of Public Footpath No. 43 (part) in the Parish of Fradley and Streethay as set out in Appendix A to allow for necessary development.

6 PRESENTATION ON THE FUNCTIONS DELIVERED BY REGULATION AND ENFORCEMENT

James Johnson (Regulation & Enforcement Manager) gave a presentation of the functions delivered by Regulation and Enforcement. These included; Food and Health & Safety team; Environmental Protection and Private Sector Housing; Licensing; Community Safety and Partnerships; Emergency Planning.

In response to member questions, Mr Johnson confirmed that two officers are employed with a set number of hours to patrol dog fouling/litter, though the aim is to have a higher visibility presence to deter offences. He confirmed that in relation to empty homes, greater success is achieved via the enforced sale powers instead of compulsory purchase powers. He outlined environment crime as fly tipping, litter, flyposting, etc. The district council do regulate industry through permitting, with conditions attached to permits. Waste and smoke control are also regulated, though the Environment Agency generally regulate waters.

7 WORK PROGRAMME

The committee noted the contents of the work programme for 2023-2024. It was agreed that officers would work with the Chair to see if any items could be moved to better balance the workload of upcoming meetings.

Members suggested private housing standards could be discussed at a future meeting.

(The Meeting closed at 7.22 pm)

CHAIR

REVIEW OF POLLING PLACES

Report of the Electoral Registration Officer and Acting Returning Officer

Date: 25 September 2023

Agenda Item: x

Contact Officer: Christie Tims/Mark Hooper/ Sarah Pearce

Tel Number: 308002

Email: Christie.tims@lichfielddc.gov.uk

Key Decision? NO

Local Ward Members All Members



REGULATORY AND LICENSING COMMITTEE

1. Executive Summary

- 1.1 The Council is required to complete a review of all parliamentary polling districts and polling places at least every 5 years.
- 1.2 A polling district is an area whose electorate are all invited to vote at the same polling place. A polling place is a location in which one or more polling stations are provided to allow the electorate to vote. A polling station is a room, or part of a room, where voting takes place.
- 1.3 The review is a function of the Council and the Electoral Registration Officer (ERO) or (Acting) Returning Officer (ARO).
- 1.4 The next compulsory review must take place between 1 October 2023 and must be completed by 31 January 2025.
- 1.5 Due to the Parliamentary By-election in Tamworth currently underway and the potential for a UK Parliamentary general election to take place in 2024, it seems sensible that the review is undertaken no earlier than June 2024. However, issues highlighted in the last election in May 2023 are advised to ensure any issues are addressed in time for the Police and Fire Commissioner Elections in May 2024, initial notifications for which are sent out in late October.
- 1.6 The review is conducted in accordance with the Representation of the People Act 1982 and guidance issued by the Electoral Commission.

2. Recommendations

- 2.1 The committee is requested to approve the attached project plan and programme for the review.
- 2.2 The committee considers and identifies any further issues it considers relevant to include within the review for the impending Parliamentary by-election and ready for PFCC elections in May 2024.

3. Background

- 3.1 The Council is obliged to review the polling Districts and polling Places that it uses to support the running of parliamentary elections. Such a review considered the number of voters in a polling district and the suitability of the polling places which are used to provide the polling stations.
- 3.2 Whilst the Review needs to be undertaken for parliamentary reasons, in practice, the Council uses the same polling districts and polling places for other elections and referenda. Set out the

context/background/evidence base/statement of reasons which underpin the recommendations. Previous reports are included as links below.

3.3 Such a review is a formal process, and its recommendations are considered and approved by Council but, of course, more informal reviews are undertaken by the Returning Officer's team ahead of each election to ensure that polling places remain suitable and relevant in each case.

3.4 Definition of terms:-

- **Parliamentary constituencies:** these cannot be changed by the review. The division of these constituencies into polling districts and places is the subject of the review.
- **Polling district:** the geographical area created by the sub-division of a constituency or ward into smaller parts, within which a polling place is identified which is convenient to electors.
- **Polling place:** the building or area in which polling stations will be located.
- **Polling station:** the room, part of a room, or building where the poll takes place.

3.5 The boundaries of polling districts and the location of polling places are for the Council to determine, and the locations of the polling stations are the responsibility of the Returning Officer.

3.6 The review allows the council to identify optimum polling districts and polling places. There is no requirement to change any existing arrangements however any change, or decision not to change, must be justified.

Programme

3.7 The proposed programme of the review next year is as follows:

May 2024	PFCC Elections
June	Reference documents prepared and published to council website. Such documents include: <ul style="list-style-type: none">• Definition of the review and evaluation criteria for selecting districts and places• Electorate figures by district wards and polling districts• Details of existing polling places and polling stations• Details of potential alternative polling places• Maps of polling districts and polling places.• Key issues identified.• Links to consultation system.
June	Publicity issued to promote forthcoming review
June	Council writes to both Acting Returning Officers for the constituencies that are in the district seeking their views on the polling district and polling places.
June	Publication of notice to undertake review. Notice is published on the council's website and is sent to key stakeholders including local

	politicians and political parties, parish councils, polling station providers and other stakeholders.
June	Consultation period formally opens Responses are invited on the suitability of existing polling places and potential alternatives given the criteria for selecting polling places.
August	Consultation period ends
September	Review findings presented to Regulatory and Licensing Committee with a view to confirming recommendations for Council
October 2024	Council to consider recommendations.

Criteria for Polling Places

3.8 Polling Places contain one or more polling stations, and the following criteria are used when identifying a suitable Polling Place:

- Must be available for elections between 6.30am and 10.30pm and that the council has priority for bookings for elections.
- Must have facility for deliveries and collections outside of polling hours.
- Each polling station to have no more than 2,250 voters, this is double the amount previously approved by the electoral commission for the last formal review.
- Proximity to voters
- Accessible for all, including those with mobility or sensory difficulties
- Safe, warm, and well-lit
- Cost
- Permanent buildings are preferred but mobile polling stations can be utilised but only as a last resort.

Key Emerging Issues

3.9 The council uses around 60 polling places and the vast majority remain suitable. However, there are a number of issues that are emerging that may need further consideration that were born out of recent changes to use of schools and issues identified at the last district and parish election lessons learned report. These issues include:

Elmhurst / Shenstone Wood End – these polling districts have a very low number of voters. The review should look at whether these districts could be combined into other districts on the grounds of value for money.

Leomansley – use of Friary Grange Leisure Centre as an alternative to a mobile polling station was identified as an issue due to limited parking and difficulty to access for non-drivers. Alternatives have been suggested of re-instating the mobile station (subject to negotiation with Morrisons supermarket on location and drop-off-collection) or an additional station at St Chads on Leasowe where two Chadsmead stations are now located to avoid using the Chadsmead Primary School.

Chase Town – since the last review, the Mining College rooms have become unavailable as all their unit are now let and meeting spaces are located on first floor. In consequence, voters were relocated to Chasetown Methodist Church, which is in Hammerwich with Wall ward, which also hosts 2 polling stations there. Is there a better alternative available within the ward boundary?

Chase Town –Cherry Orchard Youth Club building has become unavailable and St Joseph and St Theresa R.C. Primary School are no longer willing to host election polling. As a consequence, all 3 stations are spread throughout Burntwood Leisure Centre (two in studio 1 and one in the squash courts). There was a complaint from squash court users and the walking distance to the squash courts was also a concern. Is there a better alternative for the stations required in this area?

Highfields – Highfields Primary School has asked to be removed as a polling place – no alternative sites have been identified as yet. The additional station may be accommodated in the Burntwood Memorial Institute, but this would then be the only station for this ward.

Boley Park – Darwin Hall is a location insistent on immediate payment for bookings before the polling day and confirmation of nominations, contrary to our contract procedure rules and before the site requirement confirmed.

St John’s - All 3 schools currently on rota for this polling ward (St Michaels’, Five Spires and St Josephs need to be advised imminently of the future pattern of use and potential need for additional unplanned use due to Parliamentary election. In future the District Council House can only accommodate one polling station at the rear of the Chamber, which is in place of the mobile at University Car Park for Leomansley ward.

Streethay – the polling station is currently provided in a mobile facility at Streethay Primary Academy. Development continues in this area so consideration of any suitable permanent polling place being available in future should be assessed.

Gentleshaw – request at the recent district and parish election to use the Gentleshaw Christ Church, which they refused as an alternative to using the village school. Instead, the Village Hall has been suggested as it is currently used by Cannock Chase District Council for polling as it is within their boundary. This site is only around 100 yards from the school and of sufficient size and layout to accommodate both district stations, provided they accept the booking when requested.

Longdon – the school location in this village has been super ceded by use of the village hall, when available at the request of parents at the school.

3.10 The use of Primary Schools –at every election, the Council receives complaints from parents whose children’s school is closed. The review can assess whether there are better alternatives than schools, these have been incorporated wherever possible, but other sites may become available.

It should be noted that schools are the only locations that the Returning Officer can invoke under statute to hold polling if other venues are not available.

Remaining schools not mentioned above are:

Chase Terrace Primary (Boney Hay & Central) – Nursery block only so no major disruption, **Ridgeway Primary School (Highfields)** limited options in this area and Highfields primary has already asked to be removed as a polling place.

3.11 The Committee is invited to identify any other issues that may need considering as part of the review.

Alternative Options	<ol style="list-style-type: none"> 1. The review can be undertaken in a myriad of different ways but must be completed before the deadline of 31 January 2025. 2. We can delay such a review until after the potential election, however it seems appropriate to ensure that polling places are as up to date as possible for a potential election.
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Consultation	1. The proposed consultation programme is attached. Statute dictates the prescribed consultees.
Financial Implications	<ol style="list-style-type: none"> 1. The cost of undertaking this review is limited to staff time and limited advertising costs. Choice of venues and their hire costs/use of mobile facilities may increase the cost of delivering elections which are recoverable. 2. ARO must demonstrate 'best value' in selecting their venues and may be challenged by the Electoral Commission to identify why schools and other free venues available to them were not used. In this instance, the Electoral Commission may not compensate returning officers for what it considers unnecessary spend for hire of rooms or mobiles.
Approved by Section 151 Officer	Yes/no*
Legal Implications	<ol style="list-style-type: none"> 1. The review is conducted in accordance with the Representation of the People Act 1982 and guidance issued by the Electoral Commission. 2. Failure to undertake an adequate review can lead to an appeal requiring intervention by the Electoral Commission.
Approved by Monitoring Officer	Yes/no*
Contribution to the Delivery of the Strategic Plan	1. To enable the democratic process whereby voters elect those councillors and members of Parliament that will drive through changes to improve the quality of life for people in the district/Parliamentary constituencies.
Equality, Diversity and Human Rights Implications	1. The aim of the review is to seek to ensure that all electors have reasonable facilities for voting, including having particular regard to the accessibility needs of disabled persons.
EIA logged by Equalities Officer	Yes EIA completed and submitted March 2023 – to be updated throughout planning and consultation process
Crime & Safety Issues	1. Locations should allow voters to attend in confidence and without interference.
Data assessment	1. Ward data will be considered from previous elections to ensure barriers to turnout can be assessed and mitigated where practicable.
Environmental Impact (including Climate Change and Biodiversity).	<ol style="list-style-type: none"> 1. Polling places should be easily accessible by walking wherever possible. In rural areas this is difficult given the population density and areas covered, and may result in more stations of fewer voters. 2. Local facilities that can be accessed without the need for cars are selected wherever possible to encourage people to walk to vote. 3. However, parking should be available for disabled voters to access sites wherever possible.
GDPR / Privacy Impact Assessment	Not required for this report

	Risk Description & Risk Owner	Original Score (RYG)	How We Manage It	Current Score (RYG)
A	No response to the review	Likelihood Yellow (material) and Impact Assessment. Yellow (material)	A comprehensive list of consultees has been compiled who will be informed individually of the review and information will be widely available on our website	Likelihood Green (tolerable) and Impact Assessment .Green (tolerable)
B	Insufficient staff time available for the review	Likelihood Yellow (material) and Impact Assessment. Yellow (material)	Staff time has been designated and work prioritised to ensure the review is conducted in a timely manner, without detriment to the other work of the electoral services team	Likelihood Green (tolerable) and Impact Assessment .Green (tolerable)
C	Overwhelming response	Likelihood Yellow (material) and Impact Assessment. Yellow (material)	As B above. This particular consultation closes on 14 November. Further reviews can be instigated as and when required.	Likelihood Green (tolerable) and Impact Assessment .Green (tolerable)
D	Election called during Review	Likelihood Yellow (material) and Impact Assessment. Yellow (material)	Work will be re-prioritised to ensure the review concludes before January 2025, should an election be called before the end of the current planned project. Consideration will be given to the delayed publication of the register of electors to allow more time where changes to boundaries are required.	Likelihood Yellow (material) and Impact Assessment. Yellow (material)
E	That suitable sites are not available in key locations	Likelihood Yellow (material) and Impact Assessment. Yellow (material)	Continually identify suitable sites to use and respond to notification of sites no longer suitable. Where necessary seek a site for a mobile location as a last resort.	Likelihood Green (tolerable) and Impact Assessment .Green (tolerable)
F	That facilities do not meet the new requirements introduced by the Elections Act 2022.	Likelihood Yellow (material) and Impact Assessment. Yellow (material)	Undertake regular inspections and seek feedback from users on equipment and processes that may assist them further.	Likelihood Green (tolerable) and Impact Assessment .Green (tolerable)

Background documents

[Agenda for Regulatory and Licensing Committee on Thursday, 3rd October, 2019, 6.00 pm \(lichfielddc.gov.uk\)](https://democracy.lichfielddc.gov.uk/documents/s14958/RL%202023%20Polling%20Places%20report.pdf)
<https://democracy.lichfielddc.gov.uk/documents/s14958/RL%202023%20Polling%20Places%20report.pdf>
<https://democracy.lichfielddc.gov.uk/documents/s14956/RL%202023%20Polling%20Places%20App%20A.pdf>

Relevant web links

Any links for background information which may be useful to understand the context of the report

AMENDMENT TO PAVEMENT LICENCE CONDITIONS

Date: 25 Sep 2023

Agenda Item:

Contact Officer: James Johnson

Tel Number: 01543 308040

Email: james.johnson@lichfielddc.gov.uk

Key Decision? YES/NO (delete as appropriate)

Local Ward Members N/A



REGULATORY AND LICENSING COMMITTEE

1. Executive Summary

- 1.1 Businesses such as cafes, bars and restaurants wanting to make use of the highway to provide tables and chairs must apply for a pavement licence to run from Oct 23 to Sep 24. This provides LDC with an opportunity to amend the conditions attached to current licences in order to simplify them, enable LDC to better assert and protect the rights of the public to the use and enjoyment of the highway, and remove references to restrictions that existed during the pandemic.

2. Recommendations

- 2.1 The committee is requested to approve the proposed pavement licence conditions found at Appendix 1.

3. Background

- 3.1 The Business and Planning Act 2020 relaxed existing controls over the use of the highway and introduced a streamlined route to allow businesses to obtain an annual licence to place removable furniture, such as tables and chairs outside of cafes, bars and restaurants quickly and at minimal cost in order to support them through the pandemic. This regime was due to end 30 Sep 2023 and be replaced with new controls contained in the Levelling-up and Regeneration Bill. This has yet to receive Royal Assent and therefore the current regime has been extended until 30 Sep 2024 through The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2023.

Alternative Options

1. The current conditions at Appendix 2 could be sustained for a further a year. These conditions are suboptimal and include references to restrictions that existed during the pandemic.

Consultation

1. No statutory consultation is required. Environmental health has been consulted on the conditions and are satisfied with the proposed amendments.

Financial Implications

1. The Act set the annual fee for a one-year pavement licence at no more than £100. £100 is the fee currently charged by LDC.
2. It is estimated to take on average five hours of officer time to issue a pavement licence. This includes receipt and processing of the application,

	<p>consultation with stakeholders, visiting the site to take measurements and observations, travel, making amendments to the application, determining the application is appropriate, and finally issuing the licence. This does not include any time to monitor compliance with the licence conditions or take enforcement action where it becomes necessary.</p> <p>3. It is therefore accepted that the £100 fee does not cover the cost of the licence and that the excess will be borne by the wider licensing budget.</p>
Approved by Section 151 Officer	Yes/no*

Legal Implications	<p>1. A condition of the licence is for the public liability insurance to be held, and for the licence-holder to indemnify Lichfield District Council against all actions, proceedings, claims, demands and liability arising from the use of the highway by the licence-holder.</p>
Approved by Monitoring Officer	Yes/no*

Contribution to the Delivery of the Strategic Plan	<p>1. Effective delivery of the pavement licensing regime contributes to the place shaping, high street economy and environment agendas.</p>
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Equality, Diversity and Human Rights Implications	<p>1. Consideration has been given to LDCs obligations under the Highways Act 1980 to assert and protect the rights of the public to the use and enjoyment of the highway.</p> <p>2. Particular consideration has been given to the partially sighted and the introduction of obstructions to the highway.</p> <p>3. These considerations are reflected in the conditions.</p>
EIA logged by Equalities Officer	<p>Yes/no*</p> <p>Equalities Officer confirmed not required.</p>

Crime & Safety Issues	<p>1. The impact of potential crime and disorder has been considered and is reflected in the conditions.</p>
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Data assessment	<p>1. N/A</p>
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Environmental Impact (including Climate Change and Biodiversity).	<p>1. The potential impact of noise and litter has been considered and are reflected in the conditions.</p>
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GDPR / Privacy Impact Assessment	<p>1. N/A</p>
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Risk Description & Risk Owner	Original Score (RYG)	How We Manage It	Current Score (RYG)
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A	Creating a choke point by restricting the width of the pavement impeding the flow of pedestrians. LDC.	Red	Assessment of plan and visit to site to obtain measurements. Checks on compliance with the licence.	Green
B	Accidents caused by creating an obstruction on the highway. LDC.	Yellow	Assessment of plan and visit to site to obtain measurements. Checks on compliance with the licence. Condition about insurance and indemnifying LDC against liability. Consideration of the partially sighted.	Green
C	Increase in litter leading to fall in amenity, pollution and burden to street cleansing.	Yellow	Condition about litter bin and keeping area clear of litter. Checks on compliance with the licence.	Green
D	Increase in ASB associated with bars and pubs.		Condition about licence-holder managing people using the area covered by the licence.	Green
E				

Background documents

[Regulatory and Licensing Committee 29 Jul 21](#)

Relevant web links

[Guidance: pavement licences \(outdoor seating\) - GOV.UK \(www.gov.uk\)](#)

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Conditions

BUSINESS AND PLANNING ACT 2020

A pavement 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 and drink supplied from, or in connection with the use of the premises. The pavement licence is non-transferable.

The pavement licence does not give or imply any permission to supply alcohol. Such entitlements are still be covered by licensing requirements.

Any breach of a condition imposed on the Pavement Licence may result in Lichfield District Council issuing a notice requiring the breach to be remedied or revoking the Licence.

NATIONAL CONDITIONS

(APPLICABLE TO ALL PAVEMENT LICENCES)

“no-obstruction condition” anything done by the licence-holder pursuant to the holder, or any activity of other persons which is enabled by the licence, must not have one of the specified statutory effects debarring grant of the licence, namely the effect of:

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

PAVEMENT LICENCE STANDARD CONDITIONS

1. The licence holder is responsible for complying with all requirements of the government’s response to the COVID-19 pandemic at all times whilst licensed, including actively managing any queues to the premises and ensuring social distancing is observed.
2. The licence holder is responsible for the conduct of people within the area of the Pavement Licence, allowing rowdy or unruly behaviour may lead to the revocation of the licence.
3. The location of the pavement licence must not hinder passage by the emergency services, or hinder access to, or the way out from the premise, or to any adjacent premises, including fire evacuation routes. All emergency exits and routes from buildings must be kept clear.
4. The location of the pavement licence must be within the limits of the front or side elevations of the premises applying for the licence. However, where there is a suitable area belonging to premises adjacent to the premises applying for the licence, this area can be considered with the agreement of the owner of the adjacent premises.
5. A pavement licence should have a clear width of 2000 mm which 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 should be regarded as the minimum acceptable under most circumstances giving

6. sufficient space for a wheelchair user and a walker to pass one another.
www.gov.uk/government/publications/inclusive-mobility/inclusive-mobility
7. The permitted area must be clearly identifiable and all furniture may only be positioned in accordance with the plan attached to this licence. Any Street Furniture placed within the permitted area of the Pavement Licence must not obscure sight lines for any highway user.
8. All furniture connected with any pavement licence, including umbrellas, must be securely fastened and made of a such substance to ensure that they are not liable to be moved by external forces, such as wind. Where possible any furniture should be non reflective.
9. A barrier may be required to separate furniture from the rest of the footway where this is needed to assist the visually impaired to navigate around the furniture:
 - a. Where a barrier forms part of the permitted furniture it must be more than 800mm high and incorporating a tapping rail (for long cane users) of not more than 100mm above the ground. Barriers must not be permanently fixed to the ground and must be designed to resist collapse or movement (e.g. by being blown over or accidentally stumbled into). The specification of barriers must be approved by the Council.
10. No barbecues, fire pits or naked flames are permitted in the licensed area.
11. No amplified music or sports commentary will be allowed in the licensed area without the authorisation of the Council.
12. Smoking of Tobacco/ Vaping and use of any smoking device (e.g. e-cigarettes) is not permitted within the licensed area and at least one 'no smoking' sign shall be visibly displayed within it.
13. The Licence holder must ensure that the area permitted by the Pavement Licence is maintained in a clean and tidy condition and they must take all necessary precautions to prevent the highway from becoming littered as a result of their trading activities. The area occupied by the Pavement Licence must be washed down thoroughly at the end of every day using a method sufficient to remove food debris and grease, including staining from food and drink spillages.
14. The licence holder must obtain and maintain public liability insurance in the amount of £5 million in respect of any one incident, and indemnify the District Council against all actions, proceedings, claims, demands and liability arising from the licence holder's use of the highway for the licensed purpose.
15. The licence holder must remove all furniture connected with the pavement licence from the licensed area:-
 - a) Outside the permitted hours stated on the licence
 - b) Immediately, if required by reasonable request at any time by an officer of the Council or Emergency Services
 - c) As necessary to permit works in, or the use of the highway by the Council, the highway authority, Emergency Services, and any utilities? or service providers?
 - d) Any other reasonable cause.
16. All furniture and fittings must be regularly cleaned and sanitised in accordance with Covid-19 guidance and maintained in a good state of repair.
17. The Pavement Licence must only be used during the days and hours stated.
18. If the licence is revoked all equipment must be removed with immediate effect and the licence holder must leave the highway in a clean, tidy and undamaged condition. If any

action is required by the local authority to remove the equipment or repair any damage to the highway, steps will be taken to recover all associated costs from the licensee.

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Pavement Licence
Part 1 Business and Planning Act 2020

This licence permits the licence-holder to place removable furniture on the pavement adjacent to the premises: to sell or serve food or drink supplied from, or in connection with the premises and for use by other persons for the purpose of consuming food or drink supplied from, or in connection with relevant use of, the premises.

Conditions of Licence

1. Anything done by the licence-holder pursuant to the licence, or any activity of other persons which is enabled by the licence, must not have the effect of:
 - (a) preventing 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) preventing any use of vehicles which is permitted by a pedestrian planning order or which is not prohibited by a traffic order,
 - (c) preventing statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or
 - (d) preventing 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.
2. The licence-holder is responsible for managing the conduct of people permitted to make use of the furniture within the area covered by the licence. No food or drink shall be consumed whilst standing in the area covered by the licence.
3. Furniture must not be placed outside of the area covered by the licence as described in the agreed plan.
4. A minimum of 2 metres unobstructed width must be maintained along the width of the footway, footpath or pedestrian area.
5. Furniture must be of a sturdy nature and not liable to movement by wind.
6. Where a barrier is used to distinguish the area covered by the licence, it must be between 1-1.2metres high with a tapping rail not more than 20cm above the ground to aid partially sighted pedestrians who use a long cane.
7. Barbecues, fire pits and naked flames are not permitted in the area covered by the licence.
8. Equipment that amplifies sound is not permitted in the area covered by the licence.
9. A minimum of 2metres shall be provided between any furniture for use by smokers, and furniture for use by non-smokers. Where 2metres is not possible, the entire area covered by the licence shall be smoke-free.
10. A litter bin shall be provided in the area covered by the licence, and where smoking is permitted, receptacles for cigarettes. The area covered by the licence must be kept free of litter, and litter from the area covered by the licence must not escape onto adjacent land. The area covered by the licence must be cleaned daily to remove detritus.
11. The licence-holder must, for the duration of the licence, hold public liability insurance to the amount of £5 million in respect of any one incident, and indemnify Lichfield District Council against all actions, proceedings, claims, demands and liability arising from the use of the highway by the licence-holder.
12. The licence-holder must remove all furniture from the area covered by the licence:
 - (a) outside the permitted hours stated on the licence,
 - (b) immediately when instructed to by an authorised officer of Lichfield District Council or Staffordshire County Council, or a constable or police community support officer,
 - (c) for any purpose pursuant to condition 1 of this licence, or
 - (d) when given a minimum of 24 hours' notice by Lichfield District Council of a public event that encompasses the area covered by the licence.
13. This licence shall be displayed in the window of the premises it relates to so that it is visible from the area covered by the licence.

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Proposals for consultation on the Public Space Protection Order for Dogs

Richard Cox, Cabinet Member for Community Engagement

Date: 25th September 2023

Agenda Item: 6

Contact Officer: Jack Twomey

Tel Number: 01543 308374

Email: jack.twomey@lichfielddc.gov.uk

Key Decision? YES/NO (delete as appropriate)

Local Ward Members Affects all Wards



REGULATORY & LICENSING COMMITTEE

1. Executive Summary

- 1.1 Public Space Protection Orders (created under the Anti-social Behaviour, Crime and Policing Act 2014) can cover a range of anti-social behaviours.
- 1.2 The Council's current dog related Public Space Protection Order (PSPO) is due for review, with any decision on renewal or amendment to the PSPO having to be completed by August 2024, which is when the current PSPO expires.
- 1.3 The report proposes a way forward in ensuring relevant stakeholders are consulted on what might reasonably be included in the renewed PSPO, prior to the proposals going to formal public consultation.

2. Recommendations

- 2.1 That the Committee agrees that a non-statutory general consultation exercise takes place with Parish Councils in order to obtain views on the various possible dog related Public Space Protection Orders (PSPOs), prior to those views being brought back to this Committee with recommendations or options on how we might proceed.

3. Background

- 3.1 Public Space Protection Orders (PSPOs) were created by the Anti-social Behaviour, Crime and Policing Act 2014 as a replacement for various powers, including Dog Control Orders.
- 3.2 The Council's current PSPO creates offences relating to dog fouling and the requirement to pick up dog faeces and carry a suitable receptacle (bag) to pick up fouling. It also bans dogs from specified fenced off children's play areas in the district.
- 3.3 PSPOs are in force for a maximum of three years, after which they should be reviewed and renewed or dropped as necessary. The review also gives us an opportunity to add elements to the PSPO which have previously not been included, should this be deemed appropriate.
- 3.4 In the period since the last PSPO was created it has become clear that some Parish Councils have concerns in relation to dogs on land which they control. In one case, for example, there is a children's play area which was not included in the ban on dogs from such areas but might reasonably be.

- 3.5 Because Parish Councils perhaps have a greater understanding of these local issues, it is proposed that the consultation with them will allow for any further areas that might be included in a PSPO to be considered. This consultation will take the form of a letter to Parish Councils as well as visits to any Parish Council meetings as necessary by the Environmental Protection and Housing Manager, to explain the law around PSPOs in more detail.
- 3.6 As part of any statutory consultation on the introduction of a new PSPO, the Council is required to consult with the Police and other stakeholders, as well as the public. Once proposals on the potential renewal of the current PSPO and any additional aspects have been considered, a further report will be brought to the Regulatory and Licensing Committee for a decision before pressing on with the statutory public and stakeholder consultation.
- 3.7 PSPOs should be created in response to a problem that needs addressing, such as dog fouling. We must balance the rights of the public to use facilities such as parks and public spaces without hindrance from dogs against the rights of dog owners to have the freedom to walk and exercise their dogs without unjustified restrictions. As a result there may be proposals put forward that are not considered to be justified.

Alternative Options	<ol style="list-style-type: none"> 1. We could press ahead with a simple renewal of the current PSPO, but this misses an opportunity to review and amend the Order. 2. We could move to propose a new PSPO with amendments, but this prevents input from parties who may have information on aspects which we ought to consider. Starting the process well in advance of the August 2024 deadline enables more consultation and more robustly thought out proposals as a result.
Consultation	<ol style="list-style-type: none"> 1. This is a pre-statutory consultation stage at which point we are informally looking for ideas on potential proposals to deal with aspects associated with dog control within the District. Any firm proposals <i>must</i> subsequently go through a statutory public consultation exercise and this will follow a further report to this Committee early in the new year.
Financial Implications	<ol style="list-style-type: none"> 1. Enforcement of any new PSPO will be undertaken within current resources and budgets. 2. Income from fixed penalties is not predicted to be significant enough to warrant consideration.
Approved by Section 151 Officer	Yes/no*
Legal Implications	<ol style="list-style-type: none"> 1. As this report relates to a non-statutory consultation and is merely requesting proposals to be put forward for consideration, there are no legal implications from it. 2. There <i>will</i> be legal implications from the report following this, which will outline the proposals before a statutory consultation exercise.
Approved by Monitoring Officer	Yes/no*
Contribution to the Delivery of the Strategic Plan	<ol style="list-style-type: none"> 1. Enabling people: to collaborate and engage with us 2. Shaping Place: to keep it clean, green and safe

Equality, Diversity and Human Rights Implications	<ol style="list-style-type: none"> 1. We must consider the rights and freedoms set out in Articles 10 and 11 of the Convention on Human Rights and whether the restrictions on these rights and freedoms an Order would introduce are lawful, necessary and proportionate. 2. Exceptions are made in relation to assistance dogs and some with physical or mental impairments.
EIA logged by Equalities Officer	Yes/no* Equalities Officer confirmed not required.
Crime & Safety Issues	<ol style="list-style-type: none"> 1. It is considered that the proposal will positively impact on our duty to prevent crime and disorder within the District (Section 17 of the Crime and Disorder Act, 1988). Failure to comply with a PSPO is a criminal offence.
Environmental Impact (including Climate Change and Biodiversity).	<ol style="list-style-type: none"> 1. Dog fouling aspects of an PSPO have in impact on local environmental quality.
GDPR / Privacy Impact Assessment	<ol style="list-style-type: none"> 1. Not considered necessary.

	Risk Description & Risk Owner	Original Score (RYG)	How We Manage It	Current Score (RYG)
A	Environment		Maintain an Order in place at all times to ensure enforcement can take place	Green (tolerable)
B	Legal - Appeal to the implementation of a PSPO		Ensure that the Order is legally robust by consultation with the Council's Legal team.	Green (tolerable)
C				
D				
E				

	Background documents Current PSPO (appendix)
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	Relevant web links Anti-social Behaviour, Crime and Policing Act 2014: Anti-social behaviour powers - Statutory guidance for frontline professionals Local Government Association: Public Space Protection Orders – Guidance for Councils (both available online)
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REGULATORY & LICENSING COMMITTEE WORK PROGRAMME FOR 2023/24

Item	20 June 2023	25 September 2023	13 December 2023	22 February 2024	Comments
Presentation on the functions delivered by Regulation and Enforcement	✓				
Introduction of a Fly Posting and Unauthorised Highway Advertising Policy	✓				
Footpath Diversion No. 42 (part) – Fradley & Streethay	✓				Application received from Mr Will Baggott, Barratt, West Midlands for the diversion of public footpath No. 42 (part) in the Parish of Fradley and Streethay.
Footpath No.43 (part) in the Parish of Fradley & Streethay	✓				Application from Fradley Residential LLP, for the proposed diversion of Public Footpath No. 43 (part) in the Parish of Fradley and Streethay.
Extension of and amendments to the Public Spaces Protection Order for dog control		✓			The Council's current dog related Public Space Protection Order (PSPO) is due for review, with any decision on renewal or amendment to the PSPO having to be completed by August 2024, which is when the current PSPO expires.
Polling Places Review		✓			Due to the Parliamentary By-election in Tamworth currently underway and the potential for a UK Parliamentary general election to take place in 2024, it seems sensible that the review is undertaken no earlier than June 2024. However, issues highlighted in the last election in May 2023 are advised to ensure any issues are addressed in time for the Police and Fire Commissioner Elections in May 2024, initial notifications for which are sent out in late October.
Adoption of revised conditions for pavement licences		✓			This has become necessary as the current regime brought in during the pandemic has not been replaced as intended, but extended and new licences now need to be applied for
Revised Street Trading Policy			✓		
Revised Taxi Licensing Policy			✓		
Setting of Regulation and Enforcement fees, charges			✓		

REGULATORY & LICENSING COMMITTEE WORK PROGRAMME FOR 2023/24

and fixed penalty amounts for 2024-25					
Food Safety Delivery Plan 2024-25				✓	
Review of the delivery of the monitoring of private water supplies					