

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>
--	--

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>
-----------------------	--

Data assessment	<p>1. N/A</p>
-----------------	---------------

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>
---	---

GDPR / Privacy Impact Assessment	<p>1. N/A</p>
----------------------------------	---------------

Risk Description & Risk Owner	Original Score (RYG)	How We Manage It	Current Score (RYG)
-------------------------------	----------------------	------------------	---------------------

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 \(www.gov.uk\)](#)