

EAST HERTS COUNCIL

LICENSING COMMITTEE – 20 NOVEMBER 2014

REPORT BY DIRECTOR NEIGHBOURHOOD SERVICES

CONSIDERATION OF A PROPOSAL TO TAKE OVER THE RESPONSIBILITY OF LICENSING TABLES AND CHAIRS ON THE HIGHWAY (PAVEMENT LICENCE) FROM HERTFORDSHIRE COUNTY COUNCIL'S HIGHWAYS

WARD(S) AFFECTED: ALL

Purpose/Summary of Report:

- To inform the Members of the Licensing Committee about the details of discussions undertaken with Hertfordshire County Council in relation to pavement licensing.

RECOMMENDATION FOR LICENSING COMMITTEE: that

(A)	The Licensing Committee makes a recommendation regarding whether Officers should work towards an agency agreement with Hertfordshire County Council relating to pavement licensing.
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1.0 Background

1.1 Applications for Pavement Licences within East Herts, made under Section 115E of the Highways Act 1980, are currently the responsibility of Hertfordshire County Council.

1.2 At a previous meeting of the Full Licensing Committee the issue of pavement licenses and 'A' boards was raised by the Chairman of the Committee. It was suggested that Officers should look into the possibility of the responsibility for the pavement licensing being moved to a District rather than County level.

1.3 Following this meeting an approach was made to the Assistant Network Manager (Enforcement and Compliance) to open discussions around this subject.

1.4 An initial meeting was held at which it was made clear that this

would be a move that would be welcomed by the County Council as it is operating well in the two other Hertfordshire Authorities that have taken on the responsibility for pavement licences.

2.0 Report

- 2.1 If any agency agreement were to be signed to give the responsibility for Pavement Licences to East Herts Council this would involve extra work for the Licensing Section but would also result in an additional revenue stream. The capacity of the section to take on this work will be examined once more information has been gathered regarding the volume of the work this move would be likely to generate.
- 2.2 During discussions the County Council have suggested that they may be able to provide some additional resource during the transfer and setting up of the regime. The details of this will be examined further if the Licensing Committee wishes Officers to pursue an agency agreement.
- 2.3 As part of the discussions the question was asked regarding how many pavement licences are currently granted within East Herts. County Council were unable to provide any details of pavement licences that are currently granted so if the responsibility were transferred to a District level then we would be starting from scratch. This does not give an indication of the likely numbers of licences that may be applied for or the volume of work involved.
- 2.4 East Herts Council would need to implement a pavement licence policy which would clearly set out all the issues around pavement licences within the district. An example of a policy from another Hertfordshire Authority, and approved by County Council, is attached to this report as **Essential Reference Paper 'B'**.
- 2.5 As Members can see there are standard conditions attached to the policy which will apply to all granted licences and there is also scope for putting bespoke conditions on individual licences where appropriate.
- 2.6 The other Hertfordshire Authority responsible for pavement licences has chosen to operate with a different set of standard conditions and these are attached to this report as **Essential Reference Paper 'C'**.
- 2.7 This indicates that conditions suitable to the needs of the East Herts District and its businesses could be drafted that would differ

from the other authorities. This would need to be done in consultation with the County Council.

- 2.8 The issue of the fees charged would need to be examined as both authorities currently charge differing amounts and County Council have not provided the fee that they would currently charge. One authority charges £367.00 for the grant of a pavement licence and £315.00 for a renewal but the other varies the fees depending on the number of tables and chairs requested with the highest fee for grant being £345.00.
- 2.9 Although the second approach is an attempt to help smaller businesses it does not necessarily follow that a business requesting fewer tables and chairs is a small local business. Equally it is likely that it would take more work to issue a licence for 10 tables as it would for 2 tables. If a flat fee was not thought to be appropriate then the criteria for charging different amounts would need to be examined, for example the Licensing Act 2003 uses the non-domestic rateable value of the premises to decide the fee level.
- 2.10 Currently County Council Enforcement of tables and chairs on the Highway is reactive due to the resources available to them. As a District Authority our Officers, whether from Environmental Health, Licensing etc., already visit these businesses regularly so ensuring compliance would be easier and more cost effective.
- 2.11 In the last 12 months a number of complaints relating to tables and chairs on the highway have been direct, incorrectly, to the Licensing Section. These have been varied but a few examples of those passed on to Highways are:
- People with push chairs unable to get passed.
 - People with impaired vision bumping into them.
 - The Police having issues with people sat outside drinking blocking the pavement, particularly during events where there may be road closures.

By implementing a clear policy it would be possible to avoid many of these issues and also to address issues as and when they arise.

- 2.12 As the Members of the Licensing Committee will appreciate there is a lot of work to be done if an agency agreement is something they wish to be pursued. Officers believe that the cost of this time

could be recovered through the introduction of this new revenue stream.

- 2.13 Officers equally appreciate that the authority seeks to promote prosperity within the District so the policy and fee structure would be designed so as to cause the minimum impact to existing businesses and encourage new businesses whilst ensuring compliance. It would introduce a level playing field for all those seeking to put tables and chairs on the Highway.
- 2.14 If the Licensing Committee wishes Officers to proceed then the next step will be to estimate the volume of work taking of the responsibility for pavement licences would generate. It would then seem appropriate to set up a task and finish group to examine a fee structure and look at a draft policy including any standard conditions.
- 2.15 The issue of 'A' boards and Advertising signs on the Highway is dealt with separately by County Council. A 'Code of Practice' is currently being worked on and a number of pilot schemes are being set up including one in Bishop's Stortford with the help of the Town Council. At the time of writing the report the 'Code of Practice' was not finished so could not be circulated to the Licensing Committee. The Licensing Section has asked to be kept informed of the progress of the pilot schemes although it is likely that the implementation will sit at Town Council level rather than at District level. Officers will keep the Licensing Committee informed of progress.

3.0 Implications/Consultations

- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

None.

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