

## **NON EXEMPT**

### **EAST HAMPSHIRE DISTRICT COUNCIL**

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#### **LICENSING COMMITTEE**

**25 September 2015**

#### **LICENSING OF A FACILITY (TABLES AND CHAIRS) ON THE HIGHWAY POLICY**

#### **Report of the Licensing Team Leader**

#### **FOR DECISION**

**Key Decision: No**

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#### **1.0 Purpose of Report**

- 1.1 The purpose of this report is for Licensing Committee to consider changes to the Licensing of a Facility (Tables and Chairs) on the Highway Policy.

#### **2.0 Recommendation**

- 2.1 That the Licensing of a Facility on the Highway Policy be adopted.

#### **3.0 Summary**

- 3.1 Policies are an integral part of a Local Authorities decision making process; informing and guiding decision makers and providing a valuable aid to consistent decision making. The Purpose of this Policy is to guide Officers of the Council, Members of the Council's Licensing Committee, licence holders and new applicants as to how East Hampshire District Council intends to carry out the licensing of facilities on the highway within its district.
- 3.2 On 27<sup>th</sup> February 2008, Council had approved a scheme for the licensing of tables and chairs on the highway. The Council's Policy for Licensing was last reviewed in 2008. It is intended that policies should be reviewed regularly to ensure the Policy reflects current best practice to protect public safety and amenity without putting unnecessary burdens on licence holders.
- 3.3 In considering changes, feedback received from the trade and others since the last review of Policy has been taken into account. Additionally Policy has been updated to reflect the Council's Corporate Strategy. The proposed Policy can be seen as Appendix I to this report.
- 3.4 Aside from some minor change to formatting and wording of the Policy, there is only one difference between the proposed Policy for Committee to consider and the current Policy approved in 2008.
- 3.5 This change relates to the renewals of Pavement Café Licences and aims to reduce the burdens on licence holders and the Licensing Officers through reducing the amount of administration required to renew a Licence.

- 3.6 Currently, Licence holders must submit a renewal application, including an application form, fee, scale plan of the facility and proof of public liability insurance. Additionally as part of the renewal application, Licensing Officers must visit the site to erect a notice advertising that there has been an application and must consult with responsible authorities and interested parties on a facility which is already licensed.
- 3.7 The updated Policy proposes that licence holders should only be required to submit a renewal application, fee and proof of insurance in order for the existing facility to be renewed for a further 12 months.
- 3.8 This would reduce the administrative burden on both the licence holders and Licensing Officers in handling renewal applications and is in line with the Council's strategic objectives of Financial Sustainability and Public Service Excellence.
- 3.9 There are still safeguards to protect public safety and amenity, in that any new application, or variation to an existing licence would be subject to a full consultation process. Similarly, the Council still has the ability to refuse, suspend or revoke licences should a licenced facility result in complaints.
- 3.10 The proposed Policy changes have been subject of consultation with responsible authorities and interested parties. The responses can be seen at Appendix II to this report.

#### **4.0 Implications**

##### 4.1 Resources:

There are no resource implications in this report.

##### 4.2 Legal

The Council has power to grant permissions for objects such as tables and chairs and portable advertising boards (a Facility) under Part VIIA Highways Act 1980 (the Act). The Act also gives the Council power to require the payment of reasonable charges for the grant of permission. Where the Council are not the owners of the subsoil beneath the part of the highway where permission is to be granted, then the charges may not exceed the standard amount. The standard amount being such charges as will reimburse the Council their reasonable expenses in connection with granting the permission. Where the Council are the owners of the subsoil beneath the part of the highway where permission is to be granted, then the charges may be set at such reasonable level as may be determined from time to time.

##### 4.3 Strategy:

Reviewing this Policy is necessary to meet our strategic objective of public service excellence.

Making changes to Policy which will suit their business needs of licence holders but still protect the public is key to the Council's aim of becoming a business friendly Authority and objective of creativity and innovation.

#### 4.4 Risks:

Not updating the Policy means that current best practice is not reflected and there are additional burdens on licence holders and Officers through unnecessary administration.

#### 4.5 Communications:

Organisations and groups who are normally consulted on applications have been consulted on the proposals. We intend to write to all licence holders to advise them of the more efficient renewal process should this be agreed by Committee.

#### 4.6 For the Community:

The licensing scheme for tables and chairs will contribute towards safer and more vibrant communities. The scheme encourages a café style culture and will help to provide safer and more attractive town centres for residents, visitors and businesses.

### 5.0 Consultation

The proposals have been subject of consultation with interested parties during September 2014.

During a 28 days consultation period, we have received two responses. These are enclosed in Appendix II to this report and are supportive of the proposals.

### 6.0 Appendices:

Appendix I – Licensing of a Facility on The Highway (Tables and Chairs) Policy 2015  
Appendix II – Summary of parties consulted and responses

#### Background Papers:

None

#### Agreed and signed off by:

Legal Services: Nick Leach, 9 September 2015

Environmental Health Service Manager: Lorna Read, 10 September 2015

Executive Head: Andrew Pritchard, 21 September 2015

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