



Public Document Pack

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20 July 2020

CABINET

A virtual meeting of the Cabinet will be held on **Monday 20 July 2020 at 5.00 pm** and you are requested to attend.

Members: Councillors Dr Walsh (Chairman), Oppler (Vice-Chair), Coster, Mrs Gregory, Lury, Stanley, Mrs Staniforth and Mrs Yeates

PLEASE NOTE: *This meeting will be a 'virtual meeting' and any member of the press and public may listen-in and view the proceedings via a weblink which will be publicised on the Council website at least 24 hours before the meeting.*

Different meeting arrangements are in place for the period running from 4 April 2020 to 7 May 2021 from the provisions of the Coronavirus Act 2020 and the meeting regulations 2020, to allow formal 'virtual meetings'.

This Council's revised Rules of Procedures for 'virtual meetings' can be found by clicking on this link: <https://www.arun.gov.uk/constitution>

Any members of the public wishing to address the Cabinet meeting during Public Question Time, will need to email Committees@arun.gov.uk by 5.15 pm on Friday, 10 July 2020 in line with current Cabinet Procedure Rules. It will be at the Chief Executive's/Chairman's discretion if any questions received after this deadline are considered.

For further information on the items to be discussed, please contact: committees@arun.gov.uk

A G E N D A

4. URGENT BUSINESS

(Pages 1 - 24)

With agreement from the Chairman there are two urgent reports to be considered by Cabinet at tonight's virtual meeting;

- 1) Cabinet – Wheel Authority 20 July 2020
- 2) Cabinet Report Pavement Licensing

Note : Report is attached for all Members of the Council only and the press (excluding exempt items). Copies of reports can be obtained on request from the Committee Manager).

Note : Members are reminded that if they have any detailed questions would they please inform the Chairman and/or relevant Director in advance of the meeting.

Note : Filming, Photography and Recording at Council Meetings - The District Council supports the principles of openness and transparency in its decision making and permits filming, recording and the taking of photographs at its meetings that are open to the public. This meeting may therefore be recorded, filmed or broadcast by video or audio, by third parties. Arrangements for these activities should operate in accordance with guidelines agreed by the Council and as available via the following link – Filming Policy<[here](#)>

ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF CABINET ON 20 July 2020

SUBJECT: Proposed Temporary Observation Wheel, Banjo Road, Littlehampton

REPORT AUTHOR: Joe Russell-Wells, Group Head of Neighbourhood Services

DATE: July 2020

EXTN: 37914

PORTFOLIO AREA: Neighbourhood Services

EXECUTIVE SUMMARY:

This report proposes that the Council endorses the temporary location of the 'Observation Wheel' in Littlehampton, upon the currently underutilised coach park area of Banjo Road car park.

Legal services have a licence agreement prepared for execution in short measure to allow build and operations to commence.

Surveys of the space and the examination of the operator's documents including insurance have been carried out by relevant teams within ADC and agreed subject to cabinet approval.

There is no financial outlay to the Council as all operator costs are organiser bearing.

There is potential for small income generation of 10% of gross ticket sales to the Council after the operator's costs have been met.

RECOMMENDATIONS:

That Cabinet endorses the proposal of the Observation Wheel for temporary location at Banjo Rd car park from 22 July 2020 for an operating period of 28 days commencing 24 July 2020.

1. BACKGROUND:

Bognor Regis Town Council initially received the enquiry, which was passed to Arun District Council. This was seen as a potential opportunity should Covid-19 restrictions permit, and the coastal area at Bognor Regis was initially scoped, however the required space is not available. Not to lose the opportunity for the District, Littlehampton was explored with the required space located within the coach parking area of Banjo Road car park, Littlehampton.

The location is agreed with Parking Services, Engineering / Surveyors, Property & Estates, Building Control and other key departments.

- The primary focus for the council is not fiscal however there is potential of an income of 10% of gross ticket sales, after the first £20,000 which are the operational costs of the wheel and will be retained by the Giant Wheel Company Ltd.
- Promote Arun District and Littlehampton as a visitor destination point, to give further reason for longer stays in the locality and wider region, generating the potential to increase the visitor economy by increasing footfall to business (retail, hospitality and recreation).
- The Angmering Estate (Duke of Norfolk) has agreed the temporary location of the wheel.
- There is scope for branded 'scrim' to be placed on parts of fencing surrounding the wheel, this has been offered to Harbour Park as advertisement space for those visitors unaware of the children's amusement/fairground rides. This would potentially be available to appropriate other retailers, venues.
- The wheel has a specially designed wheelchair access pod.
- Ticket pricing: Standard ticket £5, Junior (under 1.4m) £4, Family 2 + 2 or 1 adult + 3 children £15.
- Wheel is 35m in height to offer spectacular views.
- ADC Property & Estates, Engineers, car park services, surveyors, corporate health and safety/ Environmental Health, and events management are satisfied with the approach of the Giant Wheel Company and its safety Management.

2. PROPOSAL(S):

That Cabinet endorses the proposal of the Observation Wheel for temporary location at Banjo Rd car park from 22nd July 2020 for an operating period of 28 days commencing 24 July 2020.

3. OPTIONS:

- (i) To agree the proposal in section 2
- (ii) Not to agree the proposal in section 2

4. CONSULTATION:

This opportunity has arisen in a relatively short timescale. All Ward Members and the Town Council have been consulted, together with the operators of Harbour Park, Mr W Smart. Mr Smart has confirmed their support for the proposal.

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council	Yes	
Relevant District Ward Councillors	Yes	
Other groups/persons (please specify) Mr W Smart, Managing Director, Harbour Park Ltd UK	Yes	
5. ARE THERE ANY IMPLICATIONS IN RELATION TO	YES	NO

THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)		
Financial	Yes	
Legal	Yes	
Human Rights/Equality Impact Assessment		No
Community Safety including Section 17 of Crime & Disorder Act		No
Sustainability		No
Asset Management/Property/Land		No
Technology		No
Other (please explain)		No

6. IMPLICATIONS:

Financial: No funding, grant or other financial outlay required by ADC. Tickets sales generate the location and operational fees of the company and this is at the operators/owner's risk.

Small income generation of 10% of gross ticket sales after the reduction of £20,000 operators' costs.

Legal: Covenants relating to views from South Terrace have been mitigated by agreement of the Angmering Estate

7. REASON FOR THE DECISION:

To support ADC in the proposal to bring the temporary attraction to Littlehampton to add to the visitor offering, and provide the local and wider communities a new and unique view point of the area.

8. EFFECTIVE DATE OF THE DECISION: 29 July 2020

9. BACKGROUND PAPERS:

To access the link to the Giant Wheel Company 2020 brochure providing further information – [Please click here](#).

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ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF CABINET ON 20 JULY 2020

SUBJECT: Pavement Licensing

REPORT AUTHOR: Nat Slade, Group Head of Technical Services

DATE: 20 July 2020

EXTN: 37683

PORTFOLIO AREA: Technical Services

EXECUTIVE SUMMARY:

The Business and Planning Bill proposes to make it easier for businesses serving food and drink such as restaurants, cafes and pubs to seat and serve customers outdoors, to assist them in managing social distancing to control the spread of covid-19.

The temporary pavement licences process introduces a streamlined consent route to allow businesses to obtain a licence to place temporary furniture, such as tables and chairs outside of cafes, bars and restaurants quickly.

Cabinet is asked to consider adopting a policy setting out how the Council is to administer this new licensing regime, and agree the associated delegations.

RECOMMENDATIONS:

That Cabinet:

- 1) Adopt the Pavement Licensing Policy.
- 2) Set the application fee at zero.
- 3) Delegate authority to the Group Head of Technical Services in consultation with the Chairman of the Licensing Committee to make any amendments to the policy.
- 4) Delegate authority to the Licensing Subcommittee to determine licence revocations proposed by officers.
- 5) Delegate authority to the Group Head of Technical Services in consultation with the Chairman of the Licensing Committee to revoke pavement licences where the matter is considered urgent.
- 6) Delegate authority to the Group Head of Technical Services to determine applications, place conditions on licences and to serve enforcement notices.

1. BACKGROUND:

- 1.2 Placing tables, chairs and other items on the public highway is currently regulated by West Sussex County Council as Highway Authority. The current regime includes a 28 day consultation period.
- 1.3 The coronavirus restrictions have until recently prevented most food/drink businesses from serving customers, except for takeaways. These businesses may now serve customers on-site, though they must manage social distancing. In many businesses this will significantly reduce their number of covers (capacity), which in turn affects their economic viability.
- 1.4 The Business and Planning Bill proposes to help food businesses re-open and with their economic viability by streamlining the process of obtaining consent to place tables and chairs on the pavement outside their premises for their customers, where this is appropriate. Where this is appropriate, it will allow a food and/or drinking establishments to serve more customers.
- 1.5 The temporary licensing regime is to be administered by District and Borough Councils in two-tier local government areas. The new licensing regime has a much shorter consultation period of 7 days with a further 7 days in which the Council must determine the application. If the Council has not determined the application within this period, the applied for licence is deemed granted. These timescales are not sufficient for a Licensing Subcommittee to determine these matters, and it is therefore proposed that determination of licence applications is delegated to officers.
- 1.6 The policy sets out how it is proposed the Council administer and enforce this licensing regime, including how consultation will take place, how conditions will be attached and how site suitability will be assessed.
- 1.7 The Business and Planning Bill is still working its way through the different Parliamentary stages. When it is enacted the Pavement Licensing provisions will take immediate effect. The delegation proposed to make changes to the policy, enables the Council to deal with any amendments which are made to the Bill prior to enactment.
- 1.8 This pavement licensing regime is temporary and will expire on 30 September 2021.

2. PROPOSAL(S):

That Cabinet:

- 1) Adopt the Pavement Licensing Policy.
- 2) Set the application fee at zero.
- 3) Delegate authority to the Group Head of Technical Services in consultation with the Chairman of the Licensing Committee to make any amendments to the policy.
- 4) Delegate authority to the Licensing Subcommittee to determine licence revocations proposed by officers.
- 5) Delegate authority to the Group Head of Technical Services in consultation with the Chairman of the Licensing Committee to revoke pavement licences where the matter is urgent.
- 6) Delegate authority to the Group Head of Technical Services to determine applications, place conditions on licences and to serve enforcement notices.

3. OPTIONS:
 As an alternative to the recommendations above, Cabinet may:
 3.1 Amend and adopt the policy.
 3.2 Refuse to adopt the policy.
 3.3 Set the fee (not to exceed £100) in order to recover the Council's administration and compliance monitoring costs.

4. CONSULTATION:

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		X
Relevant District Ward Councillors		X
Other groups/persons (please specify) The Cabinet Member for Technical Services and the Chair of the Licensing Committee have been consulted on the policy and are supportive of it. Other District and Borough Councils within West Sussex, the Highway Authority and Police have been consulted during the development of the Licensing Policy.	X	

5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial	X	
Legal	X	
Human Rights/Equality Impact Assessment	X	
Community Safety including Section 17 of Crime & Disorder Act		X
Sustainability		X
Asset Management/Property/Land		X
Technology		X
Other (please explain)		X

6. IMPLICATIONS:
Financial
 The Bill allows Council's to charge a fee of up to £100 per application. In order to assist businesses with their recovery, and consistent with the intention of all other District and Borough Councils in West Sussex, it is proposed that the costs of administering this regime are not to be recovered from the applicants. I.e. there would be no fee to make an application for a pavement licence. This is in order to support the recovery of these food and drink businesses. The time that will be spent on this regime will determine the costs. It is not known how many applications will be submitted, nor levels

of compliance and therefore it is not known what the cost implications will be.

Legal

Enforcement action relating to this licensing regime will be undertaken in accordance with the Council's Enforcement Policy for Environmental Health, Private Sector Housing, Licensing & Cleansing. Existing licences issued by the Highway Authority will remain in place.

Human Rights/Equality

In determining applications, the impact on those pedestrians with mobility and vision issues will be considered to ensure that they can continue to safely use the pavements. Conditions have been identified for inclusion on all licences to achieve this which are consistent with section 3.1 of the Government's Inclusive Mobility report.

7. REASON FOR THE DECISION:

To introduce a streamlined route for businesses such as cafes, restaurants and bars to secure a licence to place furniture on the highway, where it is suitable to do so. This will support businesses to operate safely while social distancing measures remain in place. This will provide those businesses with much needed income over the summer months and protect as many hospitality jobs as possible.

8. EFFECTIVE DATE OF THE DECISION: 29 July 2020

9. BACKGROUND PAPERS:

Pavement Licensing Policy

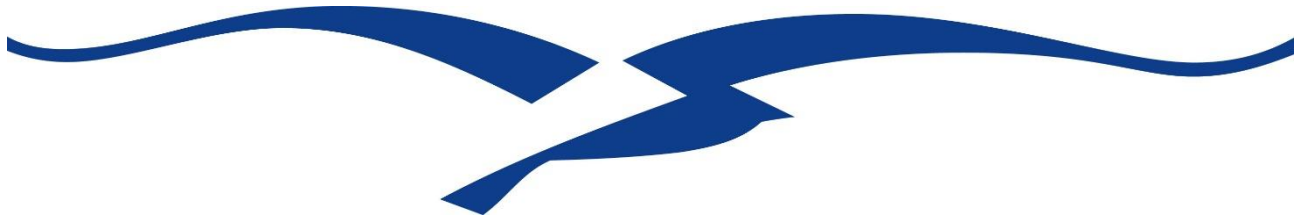
Equality Impact Analysis

Arun District Council Enforcement Policy Environmental Health, Private Sector Housing, Licensing & Cleansing

<https://www.arun.gov.uk/download.cfm?doc=docm93jjm4n15167.pdf&ver=15575>

Inclusive Mobility report

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/3695/inclusive-mobility.pdf.



Pavement Licensing Policy



Effective: TBC when Bill enacted
Version 1
20 July 2020

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1. Introduction

The Covid-19 pandemic has affected businesses across the economy causing many to cease trading for several months while others have had to significantly modify their operations.

As the economy starts to re-open, on 25 June 2020 the Government announced a further and urgent relaxation to planning and licensing laws to help the hospitality industry recover from the coronavirus lockdown by removing short term obstacles that could get in their way.

The Business and Planning Act makes it easier for premises serving food and drink such as bars, restaurants and pubs, as lockdown restrictions are lifted but social distancing guidelines remain in place to seat and serve customers outdoors through temporary changes to planning procedures and alcohol licensing.

The measures included in the Act modify provisions in the Licensing Act 2003 to provide automatic extensions to the terms of on-sales alcohol licences to allow for off-sales. The Act introduces temporary measures to boost the economy, with provisions lasting until the end of September 2021.

The Act also introduces a temporary fast-track process for these businesses to obtain permission, in the form of a “pavement licence”, from the Arun District Council for the placement of furniture such as tables and chairs on the pavement outside their premise which will enable them to maximise their capacity whilst adhering to social distancing guidelines.

Currently, tables and chairs permissions are granted as Pavement licences by West Sussex Council, the Highways Authority, under Part 7A of the Highways Act 1980. The fee varies between local authorities and there is a time consuming 28-day consultation period.

The new temporary measure places a cap on the application fee for businesses, and introduces a new 14-day determination period, ensuring that businesses can obtain licences in a timely and cost-effective manner aiding to their financial recovery.

2. Scope

2.1 Definition of pavement licence

A pavement licence is a licence granted by the local authority, or deemed to have been granted, which allows the licence-holder to place removable furniture over certain highways adjacent to the premises in relation to which the application was made, for certain purposes.

2.2 Eligible Businesses

A business which uses (or proposes to use) premises for the sale of food or drink for consumption (on or off the premises) can apply for a licence. Businesses that are eligible include: public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours.

A 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 or drink supplied from, or in connection with the use of the premises.

2.3 Eligible Locations

Licences can only be granted in respect of highways listed in section 115A(1) Highways Act 1980.

Generally, these are footpaths restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited. Highways maintained by Network Rail or over the Crown land are exempt (so a licence cannot be granted).

2.3 Type of furniture permitted

The furniture which may be used is:

- counters or stalls for selling or serving food or drink;
- tables, counters or shelves on which food or drink can be placed;
- chairs, benches or other forms of seating; and
- umbrellas, barriers and other articles used in connection with the outdoor consumption of food or drink.

This furniture is required to be removable, which in principle this means it is not a permanent fixed structure, and is able to be moved easily, and stored away of an evening, or after the premises has closed.

The Council would also expect the type of furniture to be 'in keeping' with the local area.

2.4 Planning Permission

Once a licence is granted, or deemed to be granted, the applicant will also benefit from deemed planning permission to use the land for anything done pursuant to the licence while the licence is valid.

3. Application and Determination of Pavement Licences

3.1 Submission of the Application

An application for a Pavement Licence must be made to the Council via the councils website found at www.arun.gov.uk/licensing (no other means of application will be accepted), and the following will be required to be submitted with the application:

- a completed Application Form
- a plan showing the location of the premises shown by a red line, so the application site can be clearly identified
- a plan clearly showing the proposed area covered by the licence in relation to the highway, if not to scale, with measurements clearly shown. The plan must show the positions and number of the proposed tables and chairs, together with any other items that they wish to place on the highway. The plan shall include clear measurements of, for example, pathway width/length, building width and any other fixed item in the proposed area.
- the proposed days of the week on which, and the times of day between which, it is proposed to put furniture on the highway,
- photos or brochures showing the proposed type of furniture and information on potential siting of it within the area applied;
- (if applicable) reference of existing pavement licence currently under consideration by the local authority;

- evidence that the applicant has met the requirement to give notice of the application (for example photographs of the notice outside the premises and of the notice itself);
- a copy of a current certificate of insurance that covers the activity for third party and public liability risks, to a minimum value of £5 million, and
- any other evidence needed to demonstrate how the Council's local conditions, and any national conditions will be satisfied.

3.2 Fees

The fee for applying for a licence under the new process are set locally, but are capped at £100. The Council has determined that the fee for applications will be £0 (zero).

3.3 Consultation

Applications are consulted upon for 7 days, starting with the day after the day on which a valid application was made to the Council.

The Council will publish details of the application on its website at www.arun.gov.uk/licensing

The Council is required by law to consult with the Highways Authority. In addition, to ensure that there are not detrimental effects to the application the Council will consult with:

- Arun District Council Economic Development
- Arun District Council Environmental Health
- Arun District Council Property and Estates
- Arun District Council Planning
- West Sussex Fire & Rescue Service
- Sussex Police
- The relevant Local Ward Councillor(s)
- The relevant Parish or Town Council
- The Littlehampton Traders Partnership
- Arundel Chamber of Commerce
- The Bognor Regis Business Improvement District

Members of the public and others listed above can contact the Council in writing via the portal found at www.arun.gov.uk/licensing to make representations.

The Council must take into account representations received during the public consultation period and consider these when determining the application.

3.4 Site Notice

An applicant for a pavement licence must on the day the application is made, fix a notice of the application to the premises so that the notice is readily visible to, and can be read easily by, members of the public who are not on the premises. The notice must be constructed and secured so that it remains in place until the end of the public consultation period. Evidence of the site notice requirement must be supplied to the Council.

The Site Notice must:

- state that the application has been made and the date on which it was made;
- state the statutory provisions under which the application is made;
- state the address of the premises and name of the business;
- describe the proposed use of the furniture;
- indicate that representations relating to the application may be made to the Council during the public consultation period and when that period comes to an end;
- state the Council's website where the application and any accompanying material can be viewed during the consultation period;
- state the address to which representations should be sent during the consultation period; and
- the end date of the consultation (7 days starting the day after the application is submitted to the authority).

A template Site Notice is shown as Appendix 1.

3.5 Site Assessment

The following matters will be used by the Council and consultees in considering the suitability of the proposed application:

- public health and safety – for example, ensuring that uses conform with latest guidance on social distancing and any reasonable crowd management measures needed as a result of a licence being granted and businesses reopening;
- public amenity – will the proposed use create nuisance to neighbouring occupiers by generating anti-social behaviour and litter; and
- accessibility – taking a proportionate approach to considering the nature of the site in relation to which the application for a licence is made, its surroundings and its users, taking account of:
 - any other temporary measures in place that may be relevant to the proposal, for example, the reallocation of road space. This could include pedestrianised streets and any subsequent reallocation of this space to vehicles;
 - whether there are other permanent street furniture or structures in place on the footway that already reduce access;
 - the impact on any neighbouring premises including residences;
 - the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1 of [Inclusive Mobility](#), and
 - other users of the space, for example if there are high levels of pedestrian or cycle movements.

Applicants are strongly encouraged to talk to neighbouring businesses and residences prior to applying to the local authority, and so take any issues around noise, and nuisance into consideration as part of the proposal.

3.6 Determination

Once the application is submitted the Council has 14 days from the day after the application is made (excluding public holidays) to consult on and determine the application. This consists of 7 days for public consultation, and then 7 days to consider and determine the application after the consultation. Applications will be determined by officers in accordance with the council's scheme of delegation and by criteria laid out in this policy. This will ensure adherence to the tight timescales statute provides for determination. Refusals will have the oversight of the Licensing Manager or their deputy.

If the local authority determines the application before the end of the determination period the local authority can:

- grant the licence in respect of any or all of the purposes specified in the application, and impose conditions
- grant the licence for some or all of the part of the highway specified in the application, and impose conditions, or
- refuse the application.

If the local authority does not determine the application within the 14-day period, the application will be deemed to have been granted.

3.7 Approval of Applications

The Council may approve applications meeting the criteria contained within these guidelines.

On approving the application, the Council will issue a Pavement Licence to which conditions will be attached. The licence will also contain specific terms such as days and hours when tables and chairs are permitted and appearance and location of the furniture corresponding to the application.

A copy of the Council's standard conditions, which will be attached to all Pavement Licences are shown at Appendix 2. Additional conditions may be attached if the Council considers it appropriate in the circumstances of any particular case.

The Council generally will only permit Pavement Licences between 09:00 and 21:00.

Applications outside these hours will be assessed in terms of the criteria detailed above. The Council however retains the right to specify permitted hours of trading that are less than those specified above in appropriate circumstances.

3.8 Licence Duration

If the Council determines an application before the end of the determination period (which is 7 days, beginning with the first day after the public consultation period, excluding public holidays) they can specify the duration of the licence, subject to a minimum duration of 3 months.

The expectation from the Government is that local authorities will grant licences for 12 months or more unless there are good reasons for granting a licence for a shorter period such as plans for future changes in use of road space. The council may grant permissions for a period of six months in the first instance. This is to allow a review of conditions at the end of the initial period and to accommodate provisions of planned works in some areas.

If a licence is 'deemed' granted because the authority does not make a decision on an application before the end of the determination period, then the licence will be valid for a year.

A licence granted or deemed to be granted will not be valid beyond 30 September 2021.

3.9 Refusal of Applications

If the site is deemed unsuitable for a Pavement Licence, or if relevant representations are made which cannot be mitigated by conditions then the application may be refused.

There is no statutory appeal process against decision to refuse an application.

4. Conditions

The Council's standard conditions are set out at Appendix 2. In some cases, extra measures may be required. This will be determined when assessing any application, on a case by case basis.

Where a local authority sets a local condition that covers the same matter as set out in national published conditions, then the locally set condition takes precedence over the national condition where there is reasonable justification to do so.

However, this is not the case for the statutory no-obstruction condition which is as applies to all Licences. The National 'no obstruction conditions are shown in Appendix 3.

5. Enforcement

The Council aims to work closely with other enforcement authorities to enforce the provisions of all appropriate legislation. The case remains that an obstruction of the Highway is an offence under The Highways Act 1980 and will be dealt with by the Highways Authority or the Police.

Obtaining a Consent does not confer the holder immunity in regard to other legislation that may apply, e.g. Public Liability, Health & Safety at Work, Food Hygiene and Safety, Alcohol and Entertainment Licensing, social distancing controls, and applicants must ensure all such permissions, etc. are in place prior to applying.

If a condition imposed on a licence either by the Council or via a National Condition is breached the Council will be able to issue a notice requiring the breach to be remedied and the authority can take action to cover any costs.

The authority may revoke a licence in the following circumstances:

1. If officers believe there has been a breach of condition, (whether or not a remediation notice has been issued) or
2. Where:
 - There are risks to public health or safety – for example by encouraging users to breach government guidance on social distancing by placing tables and chairs too close together;
 - the highway is being obstructed (other than by anything permitted by the licence);
 - there is anti-social behaviour or public nuisance – for example, the use is increasing the amount of noise generated late at night and litter is not being cleaned up;
 - it comes to light that the applicant provided false or misleading statements in their application – for example they are operating a stall selling hot food and had applied for tables and chairs on which drinks could be consumed; or
 - the applicant did not comply with the requirement to affix the notice to notify the public for the relevant period.

3. The Council may also revoke the licence where all or any part of the area of the relevant highway to which the licence relates has become unsuitable for any purpose for which the licence was granted or deemed to be granted. For example, the licensed area (or road adjacent) is no longer to be pedestrianised. The Council will give reasons where these powers are used.

6. Review Procedures

This Policy covers the Temporary Permission for Pavement Licences under the Business and Planning Act which are scheduled to expire on 30 September 2021.

This Policy will be reviewed from time to time should changes occur in relevant legislation, the nature of Pavement Licences generally, relevant social distancing measures or as a result of local considerations within the Arun District.

Site Notice Template for display by an applicant for a Pavement Licence.

[Section x] of the Business and Planning Act 2020.

I/We *(name of applicant)*,

do hereby give notice that on *(date of application)* [I/we] have applied to Arun District Council for a 'Pavement Licence' at:

(postal address of premises)

known as

(name premises known by)

The application is for:

(brief description of application (e.g outdoor seating to the front of the premises for serving of food and drink)

Any person wishing to make representations to this application may do so by entering a representation via the councils portal which can be found at:

licensing@arun.gov.uk

by: *(last date for representations being the date 5 working days after the date the application is submitted to the local authority (excluding public holidays))*

The application and information submitted with it can be viewed on the Council's website at: www.arun.gov.uk/licensing

Dated *(date the notice was placed which must be the same date as the date of application)*

Standard Pavement Licence Conditions

1. Permission to operate a pavement licence does not imply an exclusive right to the area of public highway. The licence holder must be aware that Arun District Council and others (e.g. police, highways authority, statutory undertakers) will need access at various times (including emergencies) for maintenance, installation, special events, improvements etc or any other reasonable cause. This may mean that the licensed area must cease operating and/or be removed for a period of time. On these occasions there would be no compensation for loss of business.
2. Arun District Council requires evidence that the licence holder has Public Liability Insurance for the operation of the Pavement Licensed area. This must indemnify Arun District Council and West Sussex County Council against all claims for injury, damage or loss to users of the public highway, arising from the use of the highway for the permitted purpose. The minimum level of indemnity must be £5 million in respect of any one incident.
3. Tables and chairs must not be placed in position outside of permitted times. When the licence is not in use, all tables and chairs and other furniture must be stored securely inside a premises away from the highway.
4. Arun District Council and/or West Sussex County Council are empowered to remove and store or dispose of furniture from the highway, at the cost of the licensee, if it is left there outside the permitted hours, or should any conditions of the licence be ignored. The Council will not be responsible for its safekeeping.
5. The licence holder is not to make or cause to be made any claim Arun District Council in the event of any property of the licence holder becoming lost or damaged in any way from whatever cause.
6. An unimpeded pedestrian route must be maintained at all times for people wishing to use the footway as per the National Licence Conditions.
7. The method of marking the boundary of the licensed area must be agreed between the licence holder and the Licensing Department prior to operation of the area. Whatever method is agreed a minimum of 2 metre wide walkway must be maintained clear of obstruction for the use of pedestrians.
8. Emergency routes to the premises and adjacent buildings must not be obstructed by the licensed area, which should not, in normal circumstances, extend beyond the width of the premises frontage.
9. Tables and chairs should be of an approved type and should be kept in a good state of repair. Furniture should be placed so as not to obstruct driver sightlines, or road traffic signs. Placement of tables and chairs must allow pedestrians to use the footway parallel to the frontage of the premises. Care should be taken in the use of hanging baskets, awnings, protruding umbrellas etc. Alternative items may not be used without first seeking the written authority of the Council. Patio heaters and A-boards or any other advertising structure must not be used.

10. All potential obstructions must be removed from the public highway when the premises are closed to prevent a safety hazard to pedestrians, particularly during the hours of darkness.
11. The licensee should ensure that the area operates in a safe and orderly manner, thereby ensuring that any safety risk or nuisance to customers, other users of the public highway or any adjacent land or premises in the vicinity, is minimised.
12. The operation of the area must not interfere with highway drainage arrangements.
13. During the hours of darkness suitable and sufficient lighting must be provided to ensure safe use of the area. Any proposals to provide additional lighting to the licensed areas must be agreed with the Highway Authority.
14. All detritus (food and drink remnants, spillages, bottles, cans, wrappers etc) must be regularly removed from the footway surface to reduce hazards to pedestrians. The licence holder must make arrangements to regularly check for and to remove litter and rubbish on pedestrian walkways, caused by persons using the licensed area, for a distance of up to 10 metres from the boundary of the Facility licensed area. The licence holder must ensure that any tables are cleared in an efficient manner during the hours of operation. The licence holder must ensure the licensed area and surrounding highway is to be washed down at the completion of each day's usage using a method sufficient to remove food debris, grease and other spillages that may occur.
15. The licence holder is not permitted to make any fixtures, or excavations of any kind, to the surface of the highway without prior written approval from the council. Any costs incurred as a result of damage to the highway, due to the positioning of tables and chairs etc, will be recovered in full from the licence holder by Arun District Council or West Sussex County Council.
16. The Licensee of a premises not licensed under the Licensing Act 2003 or any modification or re-enactment thereof, must not allow the consumption of alcoholic liquor within the area subject to this pavement licence.
17. The Licensee of a premises licensed under the Licensing Act 2003 or any modification or re-enactment thereof, must not allow the consumption of alcoholic liquor within the area subject to this pavement licence outside the hours in force for the premises itself.
18. The licence must be displayed on the premises with a plan of the agreed layout of the pavement licensed area.
19. The licensee is responsible for ensuring that the conditions of the licence and any other necessary permissions and regulations are adhered to. The Licence holder is to use the highway solely for the purpose of the licence in line with the provisions of this licence and for no other purpose whatsoever.
20. The licence holder must remove any tables, chairs and other furniture immediately at the end of the licence period or on revocation of the licence.

21. Arun District Council reserves the right to revoke this licence at any time if any of the above conditions are not fulfilled and maintained.

National Conditions

The Secretary of State publishes this condition in exercise of his powers under [clause 5(6)] of the Business and Planning Act 2020:

Condition relating to clear routes of access:

It is a condition that clear routes of access along the highway must be maintained, taking into account the needs of disabled people, and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1 of [Inclusive Mobility](#).

Guidance on the effect of this condition

1. To the extent that conditions imposed or deemed to be imposed on a pavement licence do not require the licence holder to require clear routes of access to be maintained, taking into account the needs of disabled people and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1 of [Inclusive Mobility](#), the licence is granted subject to those requirements.
2. To the extent that a licence is granted subject to a condition which imposes requirements to maintain clear routes of access that are inconsistent with the requirements set out in this condition this condition is not imposed on the licence.

Equality Analysis for a Policy, Project or Report

Pavement Licensing Policy	16 July 2020
Sarah Meeten, Licensing Manager	
<p>The Government is introducing legislation as an emergency measure to assist businesses providing food and drink for consumption on the premises by allowing them to apply to site chairs and tables on highways space for customers. This emergency provision is proposed to be in force until September 2021.</p> <p>The proposed policy will set out guidance for local businesses as well as make provision for conditions to be attached to permissions affording the council the opportunity to regulate effectively.</p>	

The Equality Act 2010 legally protects people from discrimination, both in the workplace and in wider society. It covers 9 specific groups of people who share 1 or more of these protected characteristics; age; disability; gender; gender reassignment; marriage & civil partnership; pregnancy & maternity; race; religion or belief; and sexual orientation.

As a local authority Arun District Council (and any other organisation that is carrying out a public function on our behalf) is further bound by the Public Sector Equality Duty. This means that we have to consider **all** individuals in their day-to-day work – in shaping policy, in delivering services and in relation to our own employees.

The Duty has three aims. It requires public bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act.
- advance equality of opportunity between people who share a protected characteristic and people who do not share it – this means removing or minimising disadvantages suffered by people due to their protected characteristics and encouraging people with protected characteristics to participate in public life or in other activities where their participation is low.
- foster good relations between people who share a protected characteristic and people who do not share it – this involves tackling prejudice and promoting understanding.

Having due regard means consciously thinking about the three aims of the Equality Duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by public bodies – such as in how they act as employers; how they develop, evaluate and review policy; how they design, deliver and evaluate services, and how they commission and procure from others.

The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Duty involves consciously thinking about the three aims as part of the process of decision-making. Doing this will entail understanding the potential effects of the organisation's activities on different people. Keeping a simple record of how decisions were reached will help public bodies show how they considered the Duty. Producing an Equality Impact Assessment after a decision has been reached will not achieve compliance with the Equality Duty.

Analysis

Consider what it is that you are trying to achieve and write a brief equality analysis in the box below. You should mention each of the nine protected groups, plus any others (e.g. families, people on low incomes, people in remote areas, etc) who may be affected. The following questions should help shape your thought process and subsequent decision making.

- Who will benefit most from this? Will anyone be treated more favourably as a result?

- Is there any evidence to suggest that your action or policy could have an adverse impact on some groups of people and specifically those with a protected characteristic? Does it present barriers or problems for any groups or communities?
- Is there any data, research or other evidence available to help or support your decisions?
- Have you considered any existing examples of good practice.
- How do you intend to deal with any adverse impact, or lessen it?
- Who else will you need to be working with to do this e.g. partners, contractors etc and what is their approach? How will this help?

The measure is proposed to allow business the opportunity to use highways land to make provision to increased seating for customers wishing to consume food and drink on the premises. Many businesses have had to drastically decrease capacity within venues due to Covid measures and this is making business sustainability difficult.

The policy will ensure that all applications are treated with consistency and that access to other premises or facilities in the vicinity in the area are not compromised. It will be a condition that clear routes of access along the highway must be maintained, taking into account the needs of disabled people, and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1 of [Inclusive Mobility](#). This will ensure that those mobility and accessibility issues are not adversely affected by the new measures.

The proposed statute means the council will be duty bound to accept applications for Pavement Licences, the system makes provision for a single application which will give the business owner a fast track permission to utilise highways space adjacent to premises. Planning permission will automatically be secured for the premises.

Applications will be consulted upon widely and enforcement maybe undertaken by the licensing authority or highways. If a licence holder breaches conditions of their permission, the licence may be revoked.

The policy was written in consultation with other authorities to ensure consistency where possible, especially for businesses with premises in other areas.