



Public Document Pack

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10 September 2024

LICENSING COMMITTEE

A meeting of the Licensing Committee will be held in **The Council Chamber Arun Civic Centre Maltravers Road Littlehampton** on **Friday 20 September 2024 at 10.00 am** and you are requested to attend.

Members: Councillors Blanchard-Cooper (Chair), Haywood (Vice-Chair), Cooper, Goodheart, Madeley, McAuliffe, McDougall, Patel, Worne and Needs.

PLEASE NOTE:

A live webcast of the meeting will be available via the Council's Committee's [Web Page](#)

Any members of the public wishing to address the Committee meeting during Public Question Time, will need to email Committees@arun.gov.uk by 5.15 pm on **Friday, 13 September 2023** in line with current Committee Meeting Procedure Rules.

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

AGENDA

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

Members and Officers are reminded to make any declarations of pecuniary, personal and/or prejudicial interests that they may have in relation to items on this agenda and are reminded that they should re-declare their interest before consideration of the item or as soon as the interest becomes apparent.

Members and officers should make their declaration by stating:

- a) the item they have the interest in
- b) whether it is a pecuniary, personal and/or prejudicial
- c) the nature of the interest

3. MINUTES

(Pages 1 - 16)

To approve as a correct record the Minutes of the meeting held on 23 February 2024 (attached) and to note the minutes from the meetings of the Licensing Sub-Committee held on 23 May, 25 June and 19 August 2024, which are also attached.

4. ITEMS NOT ON THE AGENDA WHICH THE CHAIR OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES

5. PUBLIC QUESTION TIME

To receive questions from the public (for a period of up to 15 minutes).

6. START TIMES

The Committee is asked to approve its start times for meetings during 2024/25.

7. PAVEMENT LICENSING POLICY

(Pages 17 - 48)

To provide a revised Pavement Licensing Policy and amended fees for consideration and adoption.

8. KEY PERFORMANCE INDICATORS 2022-2026 - QUARTER 1 PERFORMANCE REPORT FOR THE PERIOD 1 APRIL TO 30 JUNE 2024

(Pages 49 - 54)

This report is to update the Committee on the Q1 Performance Outturn for the Key Performance Indicators (KPIs) which make up the Corporate Plan, for the period 1 April 2024 to 30 June 2024.

9. WORK PROGRAMME

(Pages 55 - 56)

The Committee's work programme for 2024/25 is attached for noting.

Note: If Members have any detailed questions, they are reminded that they need to inform the Chair and 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 - [PART 8 - CP - Section 5 Filming Photographic Protocol](#)

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Agenda Item 3

Subject to approval at the next Licensing Committee meeting

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LICENSING COMMITTEE

23 February 2024 at 10.00 am

Present: Councillors Blanchard-Cooper (Chair), Haywood (Vice-Chair), Bence, Cooper, Goodheart, Madeley, McAuliffe, McDougall and Worne

Apologies: Councillors Batley and Patel

Note: Councillor Cooper was absent from the meeting during consideration of the matters referred to in Minute 671 onwards and did not return to the meeting.

664. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Batley and Patel.

665. DECLARATIONS OF INTEREST

There were no declarations of interest.

666. MINUTES

The minutes of the previous meeting held on 15 December 2023 were approved and signed by the Chair. The minutes of the Licensing Sub-Committee held on 11 December 2023 were noted by the Committee.

667. ITEMS NOT ON THE AGENDA WHICH THE CHAIRMAN OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES

There were no urgent items.

668. PUBLIC QUESTION TIME

The Chair invited questions from members of the public who had submitted their questions in advance of the meeting in accordance with the rules of the Council's Constitution.

The Chair confirmed that one question had been submitted and this was read out by the questioner and responded to by the Chair. The questioner was then invited to ask a supplementary question and was advised by the Chair that an answer would be provided *outside of the meeting*.

(A schedule of full questions asked, and the responses provided can be found on the meetings webpage [here](#)).

Licensing Committee - 23.02.24

The Chair informed the Committee that he was aware that some members had questions following PQT. He advised that whilst he would not normally allow this he would on this occasion and asked members to keep their questions brief.

The Group Head of Technical Services undertook to provide the Committee with a briefing note providing further details of the steps being taken to resolve the issues raised by the questioner.

669. TAXI FARE SETTING

[Councillor Bence re-declared his Personal Interest as a member of West Sussex County Council during discussion of this Item]

The Environmental Health Team Manager was invited by the Chair to present the report. The report provided information to be considered for the annual review and setting of the maximum Hackney Carriages (Taxis) fare that drivers may charge customers for the period 1 April 2024 to 31 March 2025. He highlighted that officers had tracked diesel prices during the past twelve months and although prices had reduced they still remained at a fairly high level. Officers had considered the average fuel prices and cost of living, as well as the consultation responses received from the taxi trade and recommended that the proposed fares for 2024/25 be increased, as set out in appendix 2.

The recommendation was proposed by Councillor Blanchard-Cooper and seconded by Councillor Bence.

The Chair then invited members to make comment or ask questions. During the discussion a member sought clarification as to whether wheelchair users were charged a different fare based on the size of their wheelchair and the need for a larger wheelchair accessible vehicle, as well as the wording of the Equality Impact Assessment (EIA) regarding Disability (people with physical/sensory impairment or mental disability) at Appendix 3 in relation to the word 'Positive' impact. The Chair referred to paragraph 13.1 of the report that stated the charge was for the carriage of the person and not the type of vehicle used. He added that the wording sought to clarify that a taxi driver would not be able to charge a higher fare if a person required additional space for a wheelchair or for an assistance dog. The Environmental Health Team Manager explained that the EIA required officers to state if there was a positive or negative impact to ensure that there would not be any discriminatory charges. The Chair suggested that Councillor Worne should contact officers so that she could have an input into future EIAs.

A member raised concern that only just over half (52%) of the taxi trade respondents were in favour of the proposal with some respondents had stated concerns that an increase would drive down business and was of the opinion that the charges should remain affordable to those people in rural areas who often had no other transport options available. Reference was made to the fare increases being partly due

to current petrol and diesel prices, and therefore, this was an opportunity to influence behaviour by encouraging the use of hybrid and electric vehicles.

The Environmental Health Team Manager confirmed that there was no requirement for drivers to increase their fees following any fare increase and advised that a number of taxi drivers chose not to recalibrate their meters and keep the fares the same. He explained that as well as consideration of fuel increases the fee increase had considered other factors, such as higher inflation, insurance costs and vehicle repairs. Therefore a balancing act was required to consider these increased costs as well as ensuring that the price increases did not prohibit customers from being financially able to use a taxi as otherwise the taxi fleet in the District may diminish. A member asked officers to provide details, outside of the meeting, as to whether the number of taxi drivers and businesses in the District were in decline and the cause of any decline. Reference was made to a national shortage of taxi drivers and the importance of supporting taxi drivers within the District was raised, as if it became financially unviable for them to operate there would be a shortage of taxis available.

Responding to a member suggestion that the Council should facilitate the installation of electric vehicle charging points at taxi ranks, another member advised that West Sussex County Council was currently rolling one of the largest on-street electric charging point local council programmes in the Country.

The Environmental Health Team Manager confirmed that it was intended to reinstate a taxi forum once current licensing vacancies had been filled.

The Committee

RESOLVED

That Licensing Committee approve the table of fares as set out in Appendix 2, with effect from 1 April 2024.

670. LICENSING FEES

[Councillor Cooper declared a personal interest as a member of the Hair and Barber Council]

The Environmental Health Team Manager was invited by the Chair to present the report. The report set out the proposed licence fees for specified licensing regimes to take effect on 1 April 2024. He explained that officers currently provided significant advice to applicants for which they were unable to charge. Therefore, a new pre-application advice fee was proposed that would allow officers to recover some of their costs by charging for pre-application advice if the advice provided was longer than 30 minutes. Changes had also been made to the way taxi applications were made with payment being required in advance, which would ensure the recovery of costs if an application was abandoned or withdrawn. A fee incentive was also recommended for taxi vehicle applications by offering a discounted fee for full electric and plug-in hybrid taxi vehicles.

Licensing Committee - 23.02.24

A typographical error in the proposed fees schedule, at appendix 2, was brought to the attention of members. Under the heading Animal Boarding Franchise, Provision Boarding (franchises) Re-score fee, Part A should read £39.00. Details were provided of a new charge for Animal Licensing Minor Variations fee recommended at £40.00, which had been omitted from the fee table.

The recommendation was proposed by Councillor Goodheart and seconded by Councillor Madeley.

The Chair then invited members to make comment or ask questions. Responding to the comments made, the Environmental Health Team Manager provided details of how fees and charges were reviewed, advising the fee increases were set on a cost recovery basis. As regards to a suggestion that the Gambling Act 2005 fees seemed low due to the negative social consequences compared to the profits made by gambling shops, he explained that the Council could not use fees as a deterrent, and although the fees charged by the Council were below the statutory maximum they had been set on the required cost recovery basis.

As regards to dogs being abandoned or indiscriminately sold by breeders and the suggestion that the fee should include a cost element of the impact of dealing with these dogs, the Environmental Health Team Manager advised that it was not possible to increase fees as a deterrent. However, the fee could be reduced as an incentive but it should be noted that the Council would not be able to recover all of its costs. He drew attention to the current challenges the service faced in recruiting qualified staff, which had an impact on the amount of additional work the service could carry out. It was noted that if members had a desire for officers to undertake more proactive work to identify unlicensed breeders officers would need to carry out work to understand the resources required and how it would be funded. He said that separately there is an intention to review the on-cost model to ensure the Council is fully recovering its costs through licence fees. The Committee requested that the outcome be reported back to a future meeting of this Committee.

Responding to further questions the Environmental Health Team Manager explained an inspection process was in place regarding the competence of skin piercers and there was no licensing regime in place for licensing dogs. If a stray dog owner could not be identified the Council could not collect the stray dog fee and if they no longer wanted their dog the Council would attempt to obtain the fee from them. He referred to periods where there had been a high number of stray dogs, for example post-Covid 19 pandemic and potentially following the introduction of the XL Bully type requirement.

A member referred to paragraph 4.7 of the report and welcomed the new incentive recommended of a discounted fee for the licensing of full electric and plug-in hybrid taxi vehicles. It was incumbent on the Council to assess the costs relating to carbon emissions. Officers were asked to consider, when reviewing the 2025-26 fees, they consider amending the pre-application advice fee to 15 minutes for businesses and 30 minutes for individuals. Officers were asked to consider having detailed discussions

with members around the specifics of gambling, the cost of carbon emissions and pre-application advice ahead of a report being considered by the Committee.

It was agreed that the questions, and officer responses, submitted by Councillor McAuliffe in advance of the meeting regarding the Council's procedures relating to stray dogs if not claimed after seven days and a suggestion that organisational oncosts should be increased further to capture a proportion for carbon emission offsets would be forwarded to the Committee.

Responding to further questions the Environmental Health Team Manager confirmed that it was statutory requirement for all dogs to be fitted with a microchip. As regards to Barber shops a member advised that there was no statutory licensing requirement. The Environmental Health Team Manager added that Barber shops fell under the Health and Safety at Work legislation, regulated by the environmental health officers to ensure premises were safe and can investigate any accidents or injuries that occurred. Further details were provided regarding the licensing of vessels and navigators under the boat fees. The fee for temporary event notices did not appear in the fees table as it was a statutory fee and the different fees charged for Licensing Act pre-application advice was based on the complexity of the event.

The Committee

RESOLVED

That Licensing Committee adopt the licensing fees as set out in Appendix 1, to be effective from 1 April 2024.

[Councillor Cooper left the meeting at the end of this item and did not return].

671. Q3 PERFORMANCE REPORT FOR THE KEY PERFORMANCE INDICATORS (KPI'S) WHICH FORM PART OF THE COUNCIL'S VISION 2022-2026.

The Chair invited the Environmental Health Team Manager to present the report to Committee. The report set out the performance of the Key Performance Indicators at Quarter 1 for the period 1 April 2023 to 30 June 2023.

The Committee noted the report.

672. WORK PROGRAMME

The Committee noted the Work Programme.

The Committee suggested the following item for inclusion.

- Gambling Policy fee increase

(The meeting concluded at 11.13 am)

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LICENSING SUB-COMMITTEE

23 May 2024 at 2.30 pm

Present: Councillors McDougall (Chair), Haywood and Worne

Also in attendance were:

Neil Williamson – Environmental Health Team Manager
Andrew Burrows – Licensing Officer
Daniel Shing – Council Lawyer
Miguel Lincan – Trainee Solicitor
Blessing – Trainee Solicitor
Trading Standards – Peter Aston
Sussex Police – PC Lucas
Sussex Police – Lisa Hunt
Jane Fulton – Committee Manager
Katherine Davis – Committee Services Officer

13. ELECTION OF CHAIRMAN

Prior to the commencement of the meeting it had been agreed that Councillor McDougall would chair the meeting. The Chair then invited all parties present to introduce themselves.

14. DECLARATIONS OF INTEREST

There were no declarations of interest made.

15. ITEMS NOT ON THE AGENDA WHICH THE CHAIRMAN OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES

The Chair confirmed that there were no urgent items for this meeting.

16. EXEMPT INFORMATION

The recommendation to enter into exempt business was proposed by Councillor Worne and seconded by Councillor Haywood.

The Sub-Committee

RESOLVED

That under Section 100a (4) of the Local Government Act 1972, the public and accredited representatives of newspapers be excluded from the

Licensing Sub-Committee - 23.05.24

meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act by virtue of the paragraph specified against the items.

17. LICENSING ACT 2003, S51 APPLICATION FOR REVIEW OF A PREMISES LICENCE

The Chair noted that this hearing was being held in closed session following a request by the applicant to have the review held in camera due to ongoing criminal investigations. He advised that it was a formal hearing that would follow the hearing procedures approved by the Licensing Committee held on 23 June 2023.

The licence holder, Mr Ahmedi, had not arrived by the time the hearing at the hearing due to start at 2.30pm. It was confirmed that the licence holder had received notification of the Review Hearing and had been advised that Regulation 20 of the Licensing Act 2003 (Hearings) Regulations 2005 specified that the hearing could be adjourned to a specified date or proceed in their absence. The Sub-Committee considered that the Licence Holder was notified of the hearing and the consequences of failing to attend and agreed to proceed in his absence at 2.50pm.

The Chair asked if any representations had been received to enable the hearing to be dispensed with and was advised by the Licensing Officer that none had been received. The hearing was then formally commenced.

In line with the Council's licensing procedure, detailed representations were heard from all parties present.

The Licensing Officer presented the report which outlined the detail of a case of a review application from West Sussex County Council Trading Standards for the premises known as 14 High Street Littlehampton West Sussex BN17 5E. On the basis that the licensing objectives, in respect of the Prevention of Crime and Disorder, Public Safety and the Protection of Children from Harm had been seriously undermined.

West Sussex Trading Standards and Sussex Police each presented their case. There were no questions asked by the Sub Committee. The Council's Lawyer advised that if any questions were raised by the Sub-Committee during deliberations then they could call back the parties to answer those questions.

All parties were given the opportunity to sum up. The Sub-Committee then retired to consider its decision.

On reconvening the meeting, the Chair read out the following statement:-

The licensing Sub-Committee noted that the Licence Holder, Mr Ahmedi, was not present at the start of the meeting which was due to start at 2:30 PM and considered that he had been advised of details of the Review Hearing and Regulation 20 of the Licensing Act 2003 (Hearings) Regulations 2005 in which the hearing could be

adjourned to a specified date or proceed in their absence. At 2.50pm, the Sub-Committee considered that the Licence Holder was notified of the hearing and the consequences of failing to attend and agreed to proceed in his absence.

The Sub-Committee has considered the representations made by Sussex Police and West Sussex County Council's Trading Standards Team made orally during the review hearing and within the report as to whether the following licensing objectives had been undermined:

- The Prevention of Crime and Disorder
- Public Safety
- The Protection of Children from Harm

In addition, the Sub-Committee also considered the following:

- LA 2003's statutory licensing objectives
- Arun District Councils Statement of Licensing Policy
- Guidance under section 182 by the Home Secretary and Licensing Act 2003 in relation to reviews.
- Written representations from Public Health.

Having considered the evidence available and presented, the Sub-Committee concluded that the licensing objectives (1) The Prevention of Crime and Disorder, (2) Public Safety and (3) The Protection of Children from Harm had been undermined by activities at the premises as shown by Sussex Police and Trading Standards.

The Sub-Committee considered the range of options available and concluded that additional conditions would be inadequate to address the current concern for the review that had been put forward in relation to the illicit tobacco sold, quantity of illicit tobacco and vapes found and the number of incidents.

It was noted that:

1. The licence holder was granted the Premises Licence in September 2023 and in the short space of time the licence was granted, a number of issues had arisen.
2. Sussex Police and Trading standards had received a number of complaints about the premises, these were investigated and verified through enforcement action and site visits. The licence holder was not present to dispute those findings where illicit tobacco was found and sold.

The Sub-Committee also considered:

- Loss of revenue to government in customs duty through illicit goods
- The level of harm that could result from consumption of illicit and counterfeit products

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- The wider implications of licensing contraventions
- Similar representations and concerns from the Police and Trading standards for them to intervene demonstrates a high level of concern for upholding the licensing objectives which was substantiated on the visits undertaken.

The Sub-Committee has carefully considered the all the representations made in writing and orally presented at the hearing as set out in the report to reach this decision.

Whilst the concerns in relation to illicit tobacco are covered by separate legislation, all these activities in relation to illicit tobacco undermine and do not promote the licensing objectives. Such activity continues to be a risk to consumers and the community. The Licensing Sub-Committee was satisfied that the current status quo would continue to undermine the prevention of Crime and Disorder, Public Safety and Protection of Children from Harm.

Therefore the Sub-Committee considered that revocation of the premises licence is necessary, proportionate and reasonable in these circumstances.

It is noted that the Licence holder was not present and should seek legal advice on his rights regarding an appeal.

(The meeting concluded at 4.33 pm)

LICENSING SUB-COMMITTEE

25 June 2024 at 2.30 pm

Present: Councillors Blanchard-Cooper (Chair), Madeley and McDougall

Neil Williamson – Environmental Health Manager
Philippa Heath – Licensing Officer presenting reports
Daniel Shing – Council Lawyer
Miguel Lincan – Trainee Solicitor
Harvey Tait-Bower – Work Experience Student
Katherine Davis – Committee Services Officer

18. ELECTION OF CHAIRMAN

Prior to the commencement of the meeting it had been agreed that Councillor Blanchard-Cooper would chair the meeting. The Chair then invited all parties present to introduce themselves.

19. DECLARATIONS OF INTEREST

Councillor Blanchard-Cooper advised that as a member of Littlehampton Town Council's Planning and Transportation Committee, he had declared a personal interest in this matter when considered by the Committee, as he was Chair of Arun's Licensing Committee and had left the room during its discussion.

20. ITEMS NOT ON THE AGENDA WHICH THE CHAIRMAN OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES

The Chair confirmed that there were no urgent items for this meeting.

21. LICENSING ACT 2003 APPLICATION FOR A NEW PREMISES LICENCE

The Sub-Committee noted that the application and the representors were not present. The parties had been notified of the hearing and it was agreed that the meeting should proceed in their absence.

The Chair noted that this was a formal hearing that would follow the hearing procedures approved at Licensing Committee on 23 June 2023. He asked if any representations had been received to enable the hearing to be dispensed with and was advised by the Council's Lawyer that none had been received. The hearing then formally commenced.

The Licensing Officer outlined the detail of the case for an application for a new premises licence under Section 17 of the Licensing Act 2003 received from Ms

Licensing Sub-Committee - 25.06.24

Katarzyna Lecka-Shahzad in respect of Gondals, 45 High Street, Littlehampton, West Sussex, BN17 5EJ. The hours for the supply of alcohol being Monday to Sunday 08:00 hours – 23:00 hours for consumption off the premises. The Sub-Committee confirmed that they had received and read the agenda report. The application had been contested with two valid representations having been received from local residents. Additionally representations received from Sussex Police requesting conditions to be attached to the premises licence had been accepted by the applicant ahead of the meeting. This was followed by questions from the Sub-Committee which were responded to at the meeting.

The Sub-Committee then retired to consider its decision.

On reconvening the meeting, the Chair advised that the Sub-Committee had taken into account all the evidence available and presented in the report in respect of this matter, and also had due regard to the Statutory Guidance, the Council's own Licensing Policy and licensing objectives. The decision of the Sub-Committee was then delivered to all present.

The Sub-Committee considered the range of options available and concluded that additional conditions would not be necessary, therefore the Sub-Committee were in favour of granting the premises licence with the addition of those conditions already agreed as set out in the letter from Sussex Police of 29 May 2024.

It is noted that the Applicant nor the parties were present and if an appeal is considered, they should seek legal advice on their rights.

The Sub-Committee

RESOLVED

That the application be granted with the additional conditions agreed with Sussex Police.

(The meeting concluded at 3.43 pm)

LICENSING SUB-COMMITTEE

19 August 2024 at 10.00 am

Present: Councillors Blanchard-Cooper (Chair), Haywood and Patel
Bob Brown, Licensing Officer presenting reports
Neil Williamson – Environmental Health Manager
Harry Taylor - Chief Immigration Officer (presenting review application)
Daniel Shing (Legal)
Jane Fulton – Committee Services Manager
Katherine Davis – Committee Services Officer
Mr Muhammed Yousef Islam – Licence Holder

Councillor Wallsgrove was also in attendance for all or part of the meeting as a local ward member observing and did not speak on the matter..

Apologies: Goodheart (Patel in attendance in his place)

22. ELECTION OF CHAIR

Prior to the commencement of the meeting it had been agreed that Councillor Blanchard-Cooper would chair the meeting.

23. DECLARATIONS OF INTEREST

There were no declarations of interest.

24. ITEMS NOT ON THE AGENDA WHICH THE CHAIR OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES

The Chair confirmed there were no urgent items.

25. ADJOURNMENT

The Chair advised of a change to the membership of today's Sub-Committee, as Councillor Goodheart had sent his apologies and that Councillor Patel was in attendance in his place. He moved to adjourn the meeting for a period of 30 minutes until 10.00am to ensure that Councillor Patel so that he can fully read the agenda papers. The adjournment of the meeting until 10.00am was proposed by Councillor McDougall and seconded by Councillor Hayward.

Mr Islam provided the Sub-Committee with copies of the Home Office Immigration Enforcement team's decision relating to the Financial Penalty Imposed and a mitigation statement, Mr Taylor did not object to the late admission of these documents.

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The Committee

RESOLVED

To adjourn the start time of the Licensing Sub-Committee for a period of 30 minutes until 10.00am.

26. LICENSING ACT 2003 - REVIEW OF A PREMISES LICENCE

The Chair invited all parties present to introduce themselves. He advised that this was a formal hearing that would follow the hearing procedures approved by the Licensing Committee held on 23 June 2023. He asked if any representations had been received to enable the hearing to be dispensed with and was advised by the Licensing Officer that none had been received. The Licensing Officer also advised that further representations had been received from the premises licence holder and had been circulated to all parties before the start of the hearing. The hearing then formally commenced.

The Licensing Officer presented the report which outlined the detail of a case concerning an application from the Home Office Immigration Enforcement Alcohol Licensing Team for Passage to India, 15 The Square, Barnham, Bognor Regis, West Sussex, PO22 0HB. A supporting representation had been received from Sussex Police, which he would read out if the Sub-Committee requested. No questions were asked of the Licensing Officer following his outline.

Following the Council's procedure for Licensing Sub-Committees, detailed representations were heard from the applicant, the Home Office, acting as the Responsible Authority. On the basis that that the licensing objectives for the prevention of crime and disorder. The representations made were followed by questions from the Sub-Committee which were responded to at the meeting.

The premises licence holder, Mr Islam also made representations and answered the Sub-Committee's questions. He referred to the documents he had submitted to the Sub-Committee that provided details of his appeal in respect of the Civil Penalty he had received from the Home Office, which had resulted in a reduction in the Civil Penalty given. He expressed his remorse and explained how a business crisis had led to the employment of 5 illegal workers.

Following the summing up by the Home Office and the premises licence holder, the Sub-Committee retired to make their decision.

On reconvening the meeting, the Chair advised that the Sub-Committee had taken into account all the representations made before them, both written and oral in respect of this matter, and also had due regard to Statutory Guidance, the Licensing Act 2003's statutory licensing objectives; the Council's own Statement of Licensing Policy and licensing objectives; and guidance under Section 182 by the Home Secretary and Licensing Act 2003. The decision of the Sub-Committee was then delivered to all present.

Consideration had been given to the S182 guidance, particularly at paragraphs 11.27 and 11.28 where revocation is a consideration in some instances. The serious criminal activity of the employment of a person who is disqualified from that work by reason of their immigration status in the UK is listed at paragraph 11.27.

The Sub-Committee considered that the Prevention of Crime and Disorder licensing objective has been undermined through the employment of 5 illegal workers and the range of options available as set out in the report, it was concluded that revocation of the premises licence in this case was appropriate and proportionate.

It was noted that the licence holder was present but not legally represented and should seek legal advice on his rights to appeal the decision.

The Sub-Committee therefore

RESOLVED

That the license be revoked.

(The meeting concluded at 12.16 pm)

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Arun District Council

REPORT TO:	Licensing Committee - 20 September 2024
SUBJECT:	Pavement Licensing Policy
LEAD OFFICER:	Nat Slade – Group Head of Technical Services
LEAD MEMBER:	Cllr. Blanchard-Cooper – Chair of Licensing Committee
WARDS:	All Wards
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION:	
<p>Pavement licensing helps supports the business economy by providing a fast-track process to enable premises serving food and drink to seat and serve customers outdoors. Pavement licence fees have been calculated on a cost-recovery basis consistent with the council’s financial strategy adopted January 2024.</p> <p>The Council’s Financial Strategy 2024-2028 adopted by Full Council 10 January 2024 includes the action “maximise cost recovery” - For many services the level of fees that can be charged is limited by the principle of ‘cost recovery’. A comprehensive review of all charges will ensure that any fees and charges are truly representative of the actual cost of delivering services.</p>	
DIRECTORATE POLICY CONTEXT:	
<p>The licensing service sits within the Growth Directorate. The current pavement licensing policy was adopted in 2020.</p>	
FINANCIAL SUMMARY:	
<p>The fees proposed for pavement licensing will maximise cost recovery within the maximum amount legislation permits. The current fees are set at £100, the previous legal maximum, thus have been budgeted as such.</p>	

1. PURPOSE OF REPORT

- 1.1 To provide a revised Pavement Licensing Policy and amended fees for consideration and adoption.

2. RECOMMENDATIONS

That Licensing Committee:

- 2.1 Adopt the revised Policy.
- 2.2 Delegate to the Group Head of Technical Services to make minor changes to the Policy.
- 2.3 Adopt the revised pavement licence fees.
- 2.4 Delegate to the Group Head of Technical Services to make amendments to the adopted pavement licensing fees as required and within the legal maximum.

3. EXECUTIVE SUMMARY

- 3.1 This report presents a revised Pavement Licensing Policy and revised pavement licence fees for adoption, following recent amendments to the regulations which made pavement licensing permanent and increased the maximum amount chargeable for a licence.

4. DETAIL

- 4.1 The pavement licensing regime introduced temporarily in the The Business and Planning Act 2020 provided a fast-track process to enable premises serving food and drink to seat and serve customers outdoors was introduced in 2020 to help the hospitality sector recover from the coronavirus lock down and social distancing restrictions. The regime was originally due to end on 30 September 2024.
- 4.2 On 31 March 2024 the regime was made permanent through the Levelling-up and Regeneration Act 2023, with the maximum period a pavement licence can be held extended from one to two years, and the maximum fee that can be charged increased from £100 to £500 for a new application and £350 for a renewal. The Local Authority may set its fees up to the maximum level.
- 4.3 Amendments to the legislation also introduced powers to enable the council to take enforcement action to deal with tables and chairs placed on the pavement without a pavement licence, where one is required. Formerly, action could only be taken by the Highways Authority (West Sussex County Council). Arun is now able to give notice to require furniture to be removed, and if action is not taken, to remove the furniture and recover the costs in doing so. If costs are not paid the council can sell the furniture and retain any proceeds and these would be retained to offset the costs of removing, storing and selling furniture.

- 4.4 When an application for a pavement licence is received the law requires a public consultation period and establishes a maximum period that the council has to decide whether or not to issue a licence. Under the amended legislation the consultation period has been extended from 7 days to 14 days and the period the council has to decide (after consultation), is also extended from 7 to 14 days. If the council does not make a decision within this period, then the licence is deemed to be granted, however national conditions and those adopted by the council would still apply, as would the ability to use enforcement powers.
- 4.5 A pavement licensing policy was first adopted by Arun on 20 July 2020 (Cabinet decision) after the regime was first introduced. At that time whilst the maximum fee that could legally be charged was £100, Arun initially opted not to charge. This was amended in August 2021 to £100. Further minor amendments under delegated decision were made in 2022 and 2023 to extend the termination dates for the pavement licensing regime in accordance with amendments made by Government, to extend the original temporary legislation.
- 4.6 The Policy has now been revised to bring this in line with changes to legislation which were introduced in March 2024, including making the regime permanent and increasing the maximum fees to £500 for a new application and £350 for a renewal. The amended Policy is provided in **Appendix 1** and is recommended for adoption.
- 4.7 An analysis of the time taken to administer the pavement licensing regime has been carried out and the following fees are recommended.
- New Application – 1 year - £422 (statutory maximum £500)
New Application – 2 year - £487 (statutory maximum £500)
Renewal – 1 year - £294 (statutory maximum £350)
Renewal – 2 Year - £360 reduced to £350 in line with statutory maximum.
- 4.8 The fees above are recommended to ensure cost recovery is consistent with the council's financial strategy, adopted January 2024. It is noted that there would be a subsidy to the effect of £10 for each two-year renewal application received due to the maximum statutory fee being set at £350. A breakdown of the calculations used to determine the fees is provided in **Appendix 2**.

5. CONSULTATION

- 5.1 Public consultation has not been carried out because the changes being made to the policy are primarily to ensure consistency with amended legislation. Each application however will be subject to a public consultation process and considered on its own merits.

6. OPTIONS / ALTERNATIVES CONSIDERED

- 6.1 Not to amend the Policy. The current policy is out of date due to changes in legislation which means it is potentially confusing for businesses and the public and could be open to challenge.

6.2 Not to amend the pavement licensing fees. The current charge of £100 means a significant subsidy by the council which is inconsistent with the adopted financial strategy. These licenses were originally offered free to encourage uptake by businesses following coronavirus lockdown. The fees recommended are based on the costs to the council of administering the pavement licensing regime.

7. COMMENTS BY THE GROUP HEAD OF FINANCE/SECTION 151 OFFICER

7.1 The fees proposed within the body of this report are based on full cost recovery, albeit within a statutory cap. This moves away from the subsidised rates during the pandemic and the significant subsidy currently made by the Council in administering this licensing regime. The proposed fees also support the Council's Financial Strategy as presented to the Special Policy and Finance Committee on 8 January 2024. The Council's financial position, including a £4.3m use of reserves in 2023/24 to bridge the budgetary funding gap, therefore reduction in fees would increase the pressures in meeting current year budgets, that require a reserve contribution of £3.7m.

8. RISK ASSESSMENT CONSIDERATIONS

8.1 Council policies must be consistent with legislation and relevant guidance. An outdated Policy may create confusion for the public and be subject to legal challenge.

8.2 Fees must be set at an appropriate level and the council is not permitted to make a profit or they may be subject to challenge. Reducing the recommended fees would be inconsistent with council's adopted financial strategy (January 2024) which refers to maximising cost recovery.

9. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

9.1. The grant of a pavement licence only permits the placing of furniture on the highway. A pavement licence does not negate the need to obtain approvals under other regulatory frameworks, such as the need for a licence to sell alcohol, and the need to comply with registration and hygiene requirements for food businesses.

9.2. The legislative framework has already been outlined at paragraph 4 above.

9.3. On 2 April 2024, the Pavement licences guidance was published by central government to assist with the introduction of the new licensing regime.

9.4. There is no statutory appeal process against decision to refuse an application. At paragraph 3.9 of the Draft Policy to be adopted, any appeal made to a refusal, will be considered by a manager within Environmental Health and may be referred to the licensing sub-committee at their discretion.

9.5. Enforcement Notices can be served where furniture is set on the pavement without authorisation and the Council is now able to recover and dispose of the furniture if not claimed by the licence holder. This does not directly provide for prosecutions. Section 6(1) of the Business and Planning Act 2020 however also provides for the revocation of the Pavement Licence if the Council considers the licence holder has breached any conditions of the licence, which is another useful deterrent.

9.6. The Business and Planning Act 2020 sets out two conditions which continue to apply to pavement licences which are granted or deemed to be granted; these are: a no-obstruction condition and a smoke-free seating condition. These apply only to licences granted under the Business and Planning Act 2020, not existing licences permitted under Part 7A of the Highways Act 1980, or other relevant legislation.

10. HUMAN RESOURCES IMPACT

10.1 There are no direct human resource impacts from the proposals in this report.

11. HEALTH & SAFETY IMPACT

11.1 There are no direct health and safety impacts from the proposals in this report. Each application is subject to consultation with Environmental Health which should ensure any potential health and safety concerns are identified.

12. PROPERTY & ESTATES IMPACT

12.1 There are no direct Property and Estates impacts from the proposals in this report.

13. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

13.1 An equalities impact assessment has been carried out and is provided at Appendix 3. Fees are set based on the costs of providing the service and the costs are the same irrespective of the size of the business and number of table and chairs proposed to be placed on the pavement. The legislation and proposed Policy ensure a no obstruction condition is included on every licence and pavements which don't meet minimum width requirements (2m wide walkway maintained clear of obstruction) will not be supported.

13.2 Pavement licensing provides a low cost fast-track process to enable food and drink premises to seat and serve customers using pavements and has a positive social value. Checks and balances are carried out as part of the statutory consultation process and powers are available to deal with any licence holders that cause unreasonable impacts and to remove tables and chairs.

13.3 Local authorities must have regard to the Public Sector Equality Duty, under the Equality Act 2010 when devising and implementing the new licensing regime, which includes the need to have due regard to eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the Act. Any businesses which apply for a pavement licence will also need to have regard to their own duties under the Equality Act 2010, such as their duty under section 29 of the Act not to discriminate in providing their service and the duty to make reasonable adjustments.

14. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

14.1 No direct climate change impacts have been identified. Patio heaters are not permitted to be used in conjunction with a pavement licence issued by the council.

15. CRIME AND DISORDER REDUCTION IMPACT

15.1 Whilst there is potential for crime and disorder impacts in terms of noise, public nuisance and litter, this has not been a significant concern with pavement licences to date. Stakeholders will nonetheless be consulted on pavement licences including, Environmental Health, Sussex Police and the relevant town or parish council. Any adverse comments received may lead to a licence being refused or additional conditions and restrictions placed on the licence holder. The council can also revoke a licence should there be evidence of anti-social behaviour or public nuisance. Licences will not generally be approved beyond 9pm.

16. HUMAN RIGHTS IMPACT

16.1 There are no direct human rights impacts from the proposals in this report.

17. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

17.1 There are no direct freedom of information or data protection impacts from the proposals in this report. A public register will be maintained showing all applications received and placed on consultation, and licences issued.

CONTACT OFFICER:

Name: Neil Williamson

Job Title: Environmental Health Team Manager

Contact Number: 01903 737 676

BACKGROUND DOCUMENTS:

Appendix 1 – Amended Pavement Licensing Policy

Appendix 2 – Pavement Licensing Fee Calculations

Appendix 3 – Equality Impact Assessment

Financial Strategy 2024-2028 Adopted by Full Council 10 January 2024

Current Pavement licensing policy | Arun District Council

Pavement licences: guidance - GOV.UK (www.gov.uk)

Public Register - Licensing

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Pavement Licensing Policy

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1. Introduction

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

As the economy reopened, in 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 2020 made it easier for premises serving food and drink such as bars, restaurants and pubs, to seat and serve customers outdoors through changes to planning procedures and alcohol licensing.

Amendments to legislation made on 31 March 2024 made pavement licensing permanent through the Levelling-up and Regeneration Act 2023, increased the maximum fees that can be charged from £100 to £500 for a new application and £350 for a renewal. The changes also provided district and borough councils with additional enforcement powers and increased the maximum term of a pavement licence from one to two years.

Pavement licensing provisions provide a fast-track process for qualifying businesses to obtain permission from the council, for the placement of furniture such as tables and chairs on the pavement outside their premises.

Prior to pavement licensing tables and chairs permissions were granted by West Sussex County Council, as the Highways Authority, under Part 7A of the Highways Act 1980.

2. Scope

2.1 Definition of pavement licence

A pavement licence is a licence granted by the council or deemed to have been granted if not determined within 14 days after the consultation period has finished, that allows the licence-holder to place removable furniture over certain highways adjacent to the premises 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 allows 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).

2.4 Type of furniture permitted

Furniture that 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 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.

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

2.5 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 via our website found at <https://www.arun.gov.uk/pavement-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.
- Details of the total number of seats (including existing seating), and the number of sanitary conveniences available, the proposed days of the week on which, and the times of day between which, it is proposed to put furniture on the highway. Pavement licences will not be granted beyond 9pm.
- 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 our local conditions, and any national conditions will be satisfied.

For pavement licence renewals (where there are no changes to an existing licence) we may reduce the above requirements.

3.2 Fees

The fee for a licence will be set locally and reviewed on an annual basis but is capped by legislation currently at £500 for a new application, and £350 for a renewal.

For an application to be considered a renewal there must have been no amendments made from the existing licence.

The required fee must be paid in full at the time the application is made.

3.3 Period of licence

The maximum period for a licence as established by the legislation is two years.

We will offer licences for periods of either one or two years, for which separate fees will apply.

3.3 Consultation

Applications are consulted on for 14 days, starting with the day after the day on which a valid application is made.

We will publish details of the applications on our website [Arun | Environmental Health Online Services | Licence Register](#)

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

Arun District Council Environmental Health
Arun District Council Planning/South Downs National Park Planning
West Sussex Fire & Rescue Service
Sussex Police
The relevant Local Ward Councillor(s)
The relevant Parish or Town Council
Littlehampton Traders (via the most relevant organisation) as relevant
Arundel Chamber of Commerce as relevant
The Bognor Regis Business Improvement District as relevant

as well as other agencies or council departments as deemed appropriate by the licensing authority, such as Arun Economic Development and Property and Estates

Members of the public and others listed above can make representations via the online licensing consultation register

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

3.4 Site Notice

The 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 us.

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 (including number of seats);
- Indicate that representations relating to the application may be made to us 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 (14 days starting the day after the application is submitted to the authority).

A template Site Notice is provided in Appendix 1.

3.5 Site Assessment

The following matters will be considered by the council and consultees in determining the suitability of an application:

- Public health and safety – for example, appropriateness of proposed furniture and any risks of injury e.g. from trips, protruding parts etc, and sufficiency of sanitary provision.
- Public amenity – will the proposed use likely create nuisance to neighbouring occupiers or cause anti-social behaviour or litter;
- 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 4 of *Inclusive Mobility A guide to Best Practice on Access to Pedestrian and Transport Infrastructure*, 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 28 days from the first day after the application is made (excluding public holidays) to consult on and determine the application. This consists of 14 days for public consultation, and then 14 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 against criteria laid out in this policy. This will ensure adherence to the statutory time scales provided for determination.

If the licence is determined before the end of the determination period the council 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 application is not determined within the 28 day period, the application will be deemed to have been granted but is still subject to the council's published conditions and national conditions

3.7 Approval of applications

Where approved a Pavement Licence will be granted for up to two years (one year if this has been specified by the applicant), or for such reduced period as the assessing officer deems appropriate.

Standard conditions will be applied to all Pavement Licences (as detailed in Appendix 2). Additional conditions may be attached where deemed appropriate. The licence will also contain specific terms such as days and hours when tables and chairs are permitted and the appearance and location of the furniture corresponding to the application.

We will generally 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 that are less than those specified above in appropriate circumstances.

3.8 Licence Duration

If we determine an application before the end of the determination period we can specify the duration of the licence, although the expectation is that they are granted for the maximum period of two years, unless there are good reasons for granting a shorter period.

If a licence is 'deemed' granted because the authority does not make a decision before the end of the determination period, then the licence will be valid for two years. However, if a licence that has been deemed granted does not meet the conditions set out in the legislation or any local conditions, it can be revoked at any time on the grounds that it has breached the conditions.

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. Any appeal made to a refusal, will be considered by a manager within Environmental Health and may be referred to the licensing sub-committee at their discretion.

4. Conditions

The council's standard conditions are set out at Appendix 2. In some cases, extra measures may be required and will be determined when assessing each application, on a case-by-case basis, with additional conditions applied as deemed appropriate.

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.

The Act sets out two National Conditions that apply to pavement licences that are granted or deemed granted. These are: a no-obstruction condition and a smoke free seating condition. Details of these conditions are provided in Appendix 3.

5. Enforcement

We aim 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 would be dealt with by the Highways Authority or the Police.

Obtaining a Consent does not confer the holder immunity to other legislation that may apply, e.g. Public Liability, health and safety, food hygiene, alcohol and entertainment licensing, and applicants must ensure all other requirements and permissions, are in place prior to applying.

If a condition imposed on a licence either by the council or via a National Condition is breached a notice may be issued by the council requiring the breach to be remedied.

If the licence holder fails to rectify the breach the council may:

- Amend the licence with the consent of the licence holder,
- Revoke the licence or
- Take steps itself to remedy the breach and recover the costs of doing so

The council will seek to recover the full costs of remedying any such breaches.

The authority may also revoke a licence, or amend with the licence holder's consent in the following circumstances:

- If it considers the highway is no longer suitable for the use granted there are risks to public health or safety –the use is causing an unacceptable

obstruction of the highway the use is causing risks of anti-social behaviour or public nuisance – for example, the use is increasing the amount of noise generated late at night and/or litter is not being cleaned up;

The council may also revoke a licence for:

- Breach of condition, whether or not a remediation notice has been issued, or
- 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.

The council will give reasons where these powers are used.

New powers were introduced on 31 March 2024 that enable the council to deal with those operating in absence of a required pavement licence. In these circumstances the council may issue a notice to require removal of the furniture and to cease placing furniture on the highway unless authorised to. If the person fails to do so the council may remove and store it and recover the full costs of doing so, and not return the furniture until those costs are paid in full.

If within three months of being given the above notice the costs have not been paid, or the furniture has not been recovered the council may dispose of it as it sees fit and retain the proceeds of sale. Determinations on how to dispose of furniture will be made by a manager within Environmental Health. Costs recovered, including from any sale of items, will be retained by the council.

6. Surrender

The licence holder may surrender a pavement licence at any time by giving notice to the local authority. Notice must be made in writing and sent by email to licensing@arun.gov.uk

Refunds will not be granted where a licence is surrendered.

7. Review

This Policy covers the Permission for Pavement Licences under the Business and Planning Act 2020

This Policy will be reviewed at least every five years. The Group head of Technical Services is delegated to make minor changes to the policy as may be required, for example due to legislative changes.

Revision number	Details	Approved by	Date

1	New Policy	Cabinet	20 July 2020
2	Extended termination date and introduced £100 fee	Delegated decision	19 August 2021
3	Extended termination date	Delegated decision	9 September 2022
4	Extended termination date	Delegated decision	30 June 2023
5.	Full review. Updated to reflect changes to make regime permanent, increase fees and amended enforcement powers	Licensing Committee	20 September 2024

Appendix 1 Site Notice Template

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

Section 2 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 type and number of 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 council's licence register portal which can be found at:

<https://eh.arun.gov.uk/>

by: **(last date for representations being the date 14 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)**

Appendix 2 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 against 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 Team 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.

Appendix 3 National Conditions

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.

No obstruction

Section 5(5)

A “no-obstruction condition” is a condition that 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 an effect specified in section 3(6).

Section 3(6)

The effects referred to in subsection (5) are—

(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.

Smoke-free

Section 5(6)

A “smoke-free seating condition” is a condition that, where the furniture to be put on the relevant highway consists of seating for use by persons for the purpose of consuming food or drink, the licence-holder must make reasonable provision for seating where smoking is not permitted.

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Action	Time (minutes)	Cost (£)	Officer
Accept application , and allocate	15	11.6875	TSA
Review and check validity and all required information present	40	36.66667	LO
Create and issue consultation	40	31.16667	TSA
Travel time	60	55	LO

Carry out inspection	40	36.66667	LO
Assessment by EH	30	35.75	SEHO
Review consultation responses	60	55	LO
Complete assessment and prepare determination and licence	60	55	LO

Discussion with Manager (10% of cases) 60 14.575 LO/EHTM

Counter check 15 13.75 LO

Issue Determination 20 15.58333 TSA
Update Tascomi and save records 10 9.166667 LO

Two Year only only- send reminder liability insurance 15 11.6875 TSA
Two year only- check liability insurance 15 13.75 LO

Part B

Complaints and investigations Approx 8 per year 480 440

Routine inspections during year 20% 100 605

Policy review and fee setting 180 272.25

Officer Role	Hourly Rate of Officer (Including on-costs)
Technical Support Assistant (TSA)	46.75
Licensing Officer	55.00
Environmental Health Team Manager (TM)	90.75
Senior EHO	71.5

New - 1 year	Part A	£370	Stat Max £500
	Part B	£52	
	Total	£422	
New - 2 year	Part A	£395	Stat Max £500
	Part B	£92	
	Total	£487	
Renewal 1 Year	Part A	£243	Stat Max £350
	Part B	£52	
	Total	£294	
Renewal 2 Year	Part A	£268	Stat Max £350
	Part B	£92	
	Total	£360 Limited to £350	

Costs divided across licences 1317.25
Number Licences 33 39.91667

Reminder letter prior to expiry of licence (all licence: 15 11.6875

51.60417

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EQUALITY IMPACT ASSESSMENT

Name of activity:	Pavement Licensing	Date Completed:	31/7/2024		
Directorate / Division responsible for activity:	Growth	Lead Officer:	Neil Williamson		
Existing Activity	N	New / Proposed Activity	2N	Changing / Updated Activity	Y

What are the aims / main purposes of the activity?

Revision of the pavement licence policy to reflect update legislation. Amended fees within the revised maximum fee level and consistent with cost recovery strategy.

What are the main actions and processes involved?

Updated Policy to ensure consistency with revised legislation, permanent regime, extend licences to maximum 2 years, amended enforcement powers, increased fees.

Who is intended to benefit & who are the main stakeholders?

Premises selling food and drink who can utilise pavements to located chairs and tables.

Have you already consulted on / researched the activity?

No additional consultation carried out as amendments are inline with revised legislation. It is a statutory requirement that each pavement licence is placed on consultation allowing stakeholders an opportunity to raise any concerns with the council.

Impact on people with a protected characteristic (What is the potential impact of the activity? Are the impacts high, medium or low?)

Protected characteristics / groups	Is there an impact (Yes / No)	If Yes, what is it and identify whether it is positive or negative
Age (older / younger people,	Yes	Age related a sales concern.

children)		Licensing obligations still apply regards sale of alcohol. It is also a statutory requirement that each pavement licence is placed on consultation allowing stakeholders an opportunity to raise any concerns with the council.
Disability (people with physical / sensory impairment or mental disability)	Yes	Potential obstruction. Standards require a 2m wide unobstructed route to ensure there is no obstruction to pedestrians when a pavement licence is issued. It is a statutory requirement that each pavement licence is placed on consultation allowing stakeholders an opportunity to raise any concerns with the council.
Gender reassignment (the process of transitioning from one gender to another.)	No	
Marriage & Civil Partnership (Marriage and registered civil partnerships)	No	
Pregnancy & maternity (Pregnancy is the condition of being pregnant & maternity refers to the period after the birth)	No	
Race (ethnicity, colour, nationality or national origins & including gypsies, travellers, refugees & asylum seekers)	No	
Religion & belief (religious faith or other group with a recognised belief system)	No	
Sex (male / female)	No	
Sexual orientation (lesbian, gay, bisexual, heterosexual)	No	

Whilst Socio economic disadvantage that people may face is not a protected characteristic; the potential impact on this group should be also considered	Yes	Cost to business. Fees are paid only by businesses seeking a new pavement licence or renewal. The fees are not banded based on size of business or number of seats as the work required to process and regulate this regime are the same regardless of the size of the business.
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What evidence has been used to assess the likely impacts?
Officer knowledge and experience of operating the regime since 2020.

Decision following initial assessment			
Continue with existing or introduce new / planned activity	Y	Amend activity based on identified actions	N

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Action Plan			
Impact identified	Action required	Lead Officer	Deadline

Monitoring & Review	
Date of last review or Impact Assessment:	
Date of next 12 month review:	July 2025
Date of next 3 year Impact Assessment (from the date of this EIA):	July 2027

Date EIA completed:	31 July 2024
Signed by Person Completing:	NW

Arun District Council

REPORT TO:	Licensing Committee – 20 September 2024
SUBJECT:	Key Performance Indicators 2022-2026 – Quarter 1 Performance Report for the period 1 April 2024 to 30 June 2024
LEAD OFFICER:	Jackie Follis – Group Head of Organisational Excellence
LEAD MEMBER:	Councillor Blanchard-Cooper
WARDS:	N/A
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION:	
The Key Performance Indicators support the Council's Vision and allows the Council to identify how well we are delivering across a full range of services.	
DIRECTORATE POLICY CONTEXT:	
This report is produced by the Group Head of Organisational Excellence to give an update on the Q1 Performance outturn of the Key Performance Indicators.	
FINANCIAL SUMMARY:	
Not required.	

1. PURPOSE OF REPORT

- 1.1. This report is to update the Committee on the Q1 Performance Outturn for the Key Performance Indicators (KPIs) which make up the Corporate Plan, for the period 1 April 2024 to 30 June 2024.

2. RECOMMENDATIONS

- 1.2. It is recommended that the Committee notes the contents of this report and provides any questions or comments on the indicators relevant to this Committee to the Policy and Finance Committee on 24 October 2024.

2. EXECUTIVE SUMMARY

- 2.1. This report sets out the performance of the Key Performance indicators at Quarter 1 for the period 1 April 2024 to 30 June 2024.

3. DETAIL

- 3.1. The Council Vision 2022-2026 was approved at Full Council in March 2022. To support the Vision we need a comprehensive and meaningful set of performance measures which allow us to identify how well we are delivering across a full range of services. Two kinds of indicators were agreed at the Policy and Finance Committee on 17 March 2022. The first of these are annual indicators and will primarily update the progress against strategic milestones. In addition to this 'key performance indicators' (KPIs) will be reported to committees every quarter. These KPIs are known as our Corporate Plan.
- 3.2. A short report and appendix will go to each of the other Committees in the cycle of meetings after each quarter has ended. This appendix will only contain the indicators which are relevant to each Committee.
- 3.3. A full report showing quarterly performance against all indicators (which are measured at that quarter) will go to the relevant Policy and Finance Committee meeting at the end of the cycle of the other Committee meetings. Members of the other Committees will be able to give comments or ask questions about the KPI indicators that are relevant to their Committee and these will be submitted to the Policy and Finance Committee for consideration.
- 3.4. Thresholds are used to establish which category of performance each indicator is within.

Achieved target	100% or above target figure
Didn't achieve target but within 15% range	85%-99.9% below target figure
Didn't achieve target by more than 15%	85% or less target figure

- 3.5. There are 43 Key Performance indicators. 1 of these indicators relates to this Committee.
- 3.6. Appendix A gives full commentary for this indicator.

Status	Number of Key Performance indicators in this category at Q1
Achieved target	1
Didn't achieve but within 15% range	0
Didn't achieve target by more than 15%	0
TOTAL	1

4. CONSULTATION

- 4.1. No consultation has taken place.

5. OPTIONS / ALTERNATIVES CONSIDERED

- 5.1. To review the report
- 5.2. To request further information and/or remedial actions be undertaken

6. COMMENTS BY THE GROUP HEAD OF CORPORATE SUPPORT/SECTION 151 OFFICER

- 6.1. None required.

7. RISK ASSESSMENT CONSIDERATIONS

- 7.1. None required

8. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

- 9.1 As this report is an information paper, there are no recommendations for the Committee to consider. This report is to be taken as read only with Members having the opportunity to ask questions at the meeting on service performance. Members can also submit questions or comments on the indicators relevant to their committee and these will be considered by the Policy and Finance Committee on 8 February 2024.

9. HUMAN RESOURCES IMPACT

- 9.1. Not applicable.

10. HEALTH & SAFETY IMPACT

- 10.1. Not applicable.

11. PROPERTY & ESTATES IMPACT

- 11.1. Not applicable.

12. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

- 12.1. Not applicable.

13. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

- 13.1. Not applicable.

14. CRIME AND DISORDER REDUCTION IMPACT

- 14.1. Not applicable.

15. HUMAN RIGHTS IMPACT

- 15.1. Not applicable.

16. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

16.1. Not applicable.

CONTACT OFFICER:

Name: Jackie Follis

Job Title: Group Head of Organisational Excellence

Contact Number: 01903 737580

BACKGROUND DOCUMENTS: *None*

No.	Indicator	Service Committee to consider this	CMT Member	Frequency data collected	Assess by	Target 202425	April 24 Status	May 24 Status	June 24 Status	Q1 Status	June 24 Commentary
CP14	% of licence applications determined within the various statutory or service time limits	Licensing	Karl Roberts	Quarterly	Higher is better	90%	No data - quarterly indicator	No data - quarterly indicator	No June figure, see Q1 figure	Achieving Outturn for Q1 93.10%	Q1: Target is being achieved, however due to continued vacancies and absence, this has meant impacts on other areas of licensing work, including skin piercing and animal licence inspections, and progress with policy reviews, in order to maintain timeliness of application determination

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Licensing Committee	Report Title	Report Author	Send to Gemma for CMT by 2pm Thurs	CMT Tues	Draft Reports to Committees	Agenda Prep Meeting	Final Reports to Committees	Date of Meeting	Full Council Meeting Date
Karl Roberts Nat Slade									
	Council Vision Performance Report 2023-24	J Follis	9 May 2024	14 May 2024	24 May 2024	31 May 2024	14 June 2024	28 June 24	17 July 2024
Page 55	Pavement Licensing Fees and Policy	N Williamson	1 August 2024	6 August 2024	16 August 2024	22 August 2024	6 September 2024	20 Sept 24	7 November 2024
	Q1 Performance Report for the Key Performance Indicators (KPI's) which form part of the Council's Vision 2022-2026	J Follis							
	CCTV in Taxis Licensing Fees	N Williamson N Williamson	31 October 2024	5 November 2024	11 November 2024	15 November 2024	29 November 2024	13 Dec 24	8 January 2025
	Q2 Performance Report for the Key Performance Indicators (KPI's) which form part of	J Follis							

Licensing Committee Karl Roberts Nat Slade	Report Title	Report Author	Send to Gemma for CMT by 2pm Thurs	CMT Tues	Draft Reports to Committees	Agenda Prep Meeting	Final Reports to Committees	Date of Meeting	Full Council Meeting Date
	the Council's Vision 2022-2026								
Page 56	Taxi Fare Setting Q3 Performance Report for the Key Performance Indicators (KPI's) which form part of the Council's Vision 2022-2026	N Williamson J Follis	16 January 2025	21 January 2025	27 January 2025	31 January 2025	14 February 2025	28 Feb 25	19 March 2025