

Report to the Council

Committee: Licensing **Date:** 2 November 2010
Subject: Pavement Licences **Item:** 16
Chairman: Councillor Pat Brooks

Recommendations:

- (1) That applications under section 115E of the Highways Act 1980 for consent to erect and place a facility on the highway be determined by officers if no objection is made or by a Licensing Sub-Committee in the event of an objection;**
- (2) That the standard conditions set out in the attached Appendix be applied to consents in accordance with section 115F of the Highways Act 1980;**
- (3) That, in accordance with section 115F of the Highways Act 1980, a fee of £250 per annum be charged for a consent to five or more tables and associated chairs; a fee of £150 per annum be charged for less than five tables and associated chairs; and a fee of £150 per annum if only chairs, boards or other items are to be placed on the highway;**
- (4) That all policy matters except the formulation of the policy relating to these consents be determined by the full Licensing Committee; and**
- (5) That appropriate amendments be made to the Council's Constitution.**

The Highways Act 1980 allows applications to be made to local authorities for permission to place tables, chairs, portable advertising boards and similar objects on pavements which are adopted as highways.

Essex County Council's Highways Department have asked the District Council to exercise these powers in this District in the light of increasing numbers of tables, chairs, advertising boards and other items being placed on the pavements in the District.

Once an application is made, consultations must be undertaken. A notice must be prepared and placed outside of the premises and served on neighbouring properties which might be affected. The consent of the owner of any property adjoining the area of pavement must be obtained. The Council can impose reasonable conditions and consents are subject to annual renewal.

The grant of such consents is regulated by statute and we have discussed a scheme of delegation, standard conditions and fees.

We are proposing that officers be delegated to determine applications if no objection is made or if officers consider this appropriate. In the event of an objection we are proposing that the application be determined by a Licensing Sub-Committee.

We are proposing that all policy matters except the formulation of the policy relating to these consents be determined by the full Licensing Committee.

We are recommending that a fee of £250 per annum is charged for a consent to five or more tables and associated chairs and a fee of £150 per annum for less than five tables and associated chairs. If only chairs, boards or other items are to be placed on the highway we are proposing a fee of £150.

We recommend as set out at the commencement of this report.