

## PAVEMENT PERMISSION

### 16 GOLDEN CROSS PARADE, ROCHFORD, ESSEX.

#### 1 PURPOSE OF REPORT

- 1.1 This report introduces an application for the grant of a Pavement Permission Licence made under section 2 of the Business and Planning Act 2020.

#### 2 INTRODUCTION

- 2.1 On 25 June 2020 the Government announced a relaxation to planning and licensing laws to help the hospitality industry to recover from the coronavirus lockdown by removing short term obstacles that would ordinarily get in their way.
- 2.2 The legislation introduced a temporary fast-track process for a “pavement licence”, for the placement of furniture such as tables and chairs on the pavement adjacent to their premise which will enable them to maximise their capacity whilst adhering to social distancing guidelines.

#### 3 BACKGROUND

- 3.1 An application for the grant of a Pavement Permission Licence was submitted by Mr Steven Pegg on behalf of County Ales Ltd and refers to the premises to be known as Two Green Bottles, 16 Golden Cross Parade, Rochford, Essex. SS4 1UB
- 3.2 The premises to which the application is a proposed Micro Pub with the intention of predominantly selling Craft Ales, Beers and Wines. The premise is located within a small parade of shops at the junction of Mansted Gardens and Craven Close. This premises is applying for an Alcohol Licence which is subject to a separate report.
- 3.3 The application for the grant of a Pavement Permission Licence was first submitted on 4 February 2021, and requested the use of twelve (12) chairs and three (3) tables at a size of 50cm<sup>2</sup>.
- 3.4 **Appendix A** consists of a copy of the original application form and the premises plan.

#### 4 DETERMINATION OF AN APPLICATION

- 4.1 Once the information is submitted to Rochford District Council, the authority has 10 working days from the day after the application is made (excluding public holidays) to consult on and determine the application. This consists of 5 working days for public consultation, and then 5 working days to consider and determine the application after the consultation.

- 4.2 If Rochford District Council does not determine the application within the 10 working day period, the application will be deemed to have been granted.
- 4.3 The application made by Mr Steven Pegg was submitted to the Responsible Authorities for consideration and any representations were to be submitted in writing to the Licensing Team by 11<sup>th</sup> February 2021 in accordance with section 2 (4) of the Act.

**Considerations when deciding whether to Grant a Pavement Licence**

- 4.4 Rochford District Council will consider the following on each 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 re-opening;
  - 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 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.

**5 DECISION OF THE LICENSING DEPARTMENT**

- 5.1 In accordance with section 3 of the Business and Planning Act 2020, the application was reviewed by members of Essex Highways, Essex Police, Rochford District Council Community Safety Team, Planning Department and Environmental Health.
- 5.2 The responsible authorities ‘the group’ determined that the application submitted on 4 February 2021 failed to comply with the National Standard of

‘no obstruction’ condition referred to in section 5(4) and section 3(6) of the Business and Planning Act 2020.

- 5.3 The application was refused on 9 February 2021 and a copy of the refusal letter is attached as **Appendix B**.

## **6 REVISED PROPOSAL**

- 6.1 On 10 February 2021 the applicant asked for the group to reconsider the application with reducing the number of tables to two (2) and four (4) chairs.

## **7 REPRESENTATIONS**

### **Responsible Authorities**

- 7.1 The application was reviewed by both Essex Police and Rochford District Council Planning Department and representations were made against the application.
- 7.2 Essex Highways assessed the application and raised concerns.
- 7.3 **Appendix C** is a copy of the representations from the Responsible Authorities.

### **Other Persons**

- 7.4 There were two (2) representations received from local residents during the consultation period.
- 7.5 **Appendix D** is a copy of the residents representations.

## **8 RECONSIDERED APPLICATION DECISION**

- 8.1 The group reconvened on 12 February 2021 to reconsider the application on the revised basis.
- 8.2 The application was refused on the grounds the proposed use may create nuisance to neighbouring occupiers by generating anti-social behaviour and litter.
- The group felt that as the business had yet to be granted an Alcohol Licence and operate as a licensed premises, it should run as a Micro Pub for at least 6 months (pending an Alcohol Licence being granted) and demonstrate to the responsible authorities and residents that the venue can be run safely and that the outside seating area would not create additional noise or concerns.
  - The group felt that the venue should re-apply under the Pavement Permission legislation (Highways Act 1980) once they have completed a ‘bedding in period’ of running the venue in accordance with the Licensing objectives.

- 8.3 A copy of the refusal letter to the applicant is attached in **Appendix E**.

## **9 APPEALS PROCESS**

- 9.1 Under the Business and Planning Act 2020, there is no statutory appeal process for these decisions, however, Rochford District Council have permitted appeals to the Licensing and Appeals Committee.
- 9.2 Mr Steven Pegg on behalf of County Ales Ltd appealed against the decision. copy of the appeal is attached as **Appendix F**.

## **10 RESOURCE IMPLICATIONS**

- 10.1 Consideration of this application has been carried out within existing resources.

## **11 LEGAL IMPLICATIONS**

- 11.1 This application is made under the Business and Planning Act 2020 which temporarily streamlined the process for pavement licences to help promote economic recovery and growth. The legislation sets down the criteria for the granting a licence and the consultation process. It is clear from the legislation that careful consideration must be given to other users of the highway so as to not to cause any obstruction. Finally, if a licence is granted it will automatically expire on the 30 September 2021 unless there is a date specified prior to that.

## **12 EQUALITY AND DIVERSITY IMPLICATIONS**

- 12.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:
- To eliminate unlawful discrimination, harassment and victimisation
  - To advance equality of opportunity between people who share a protected characteristic and those who do not
  - To foster good relations between those who share a protected characteristic and those who do not

An Equality Impact Assessment has been completed and found there to be no impacts (either positive or negative) on protected groups as defined under the Equality Act 2010

## **13 RECOMMENDATION**

- 13.1 It is proposed that the Committee **RESOLVES** the application with one of the following options:
- (1) Grant the Pavement Permission Licence; or

- (2) Grant the Pavement Permission Licence and impose conditions, or
- (3) Refuse the application.



Assistant Director People & Communities

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**Background Papers:-**

Rochford District Council Pavement Permission Policy 2020

For further information please contact Steven Greener, Principal Licensing Officer on:-

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If you would like this report in large print, Braille or another language please contact 01702 318111.