



Chelmsford City Council Regulatory Committee

27th February 2025

Business and Planning Act 2020 – Application to appeal the decision of a pavement licence.

Report by: Director of Public Places

Officer Contact:

Kate KOBER, Licensing Officer, Katherine.kober@chelmsford.gov.uk 01245 606446

Purpose

The Committee is requested to consider an application to review the decision that the licensing authority made in relation to the refusal of a pavement licence.

Options

Members are advised that they have the following options when determining this application.

-
1. To uphold the decision to refuse the licence.
 2. To grant the licence as applied for.
 3. To grant the licence with specific conditions or modifications.
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1. Introduction

- 1.1 Pavement licences were introduced under the Business and Planning Act 2020 ('the 2020 Act') and allows someone who has a business premises for the sale of food and/or drink to apply for a licence to place removable furniture on a highway. The furniture can be used for the sale or service of food or by the business's customers. On receipt of an application, there is a 14- day period of public consultation followed by a 14-day period of determination. Before determining an application, the local authority must consider any representations received during the consultation period and must consult the Highways Authority. If a local authority does not make a determination within the 14-day determination period, the licence is deemed granted.
- 1.2 Chelmsford City Council's Policy permits furniture placement only in specific areas at the top of the High Street, as detailed (hatched red) on the attached plans, due to the redevelopment of the area. A copy of our policy including plans is attached as **Appendix A**.
- 1.3 Legislation does not provide a statutory right to appeal for these decisions. However, councils may consider granting an informal review process to their Regulatory Committee.

2. Background

- 2.1 The premises is situated at 90 High Street, Chelmsford, towards the top of the high street and is surrounded by businesses and other restaurants. A google map image showing the location of the premises in satellite is attached **Appendix B**.
- 2.2 Queenies is adjacent to Costa Coffee who already have a pavement licence for furniture, including tables and chairs, situated outside of their premises.

3. Application

- 3.1 On the 18th October 2024, a complete application was received from Queenies located at 90 High Street Chelmsford Essex CM1 1DX, in accordance with section 2(1) & (2) of the Business and Planning Act 2020 using the Council's application form and procedures. Please see attached as **Appendix C**.
- 3.2 Queenies provided a detailed plan and photographs of the proposed furniture and planters which is attached as **Appendix D**.
- 3.3 Consultation was sent out to all responsible authorities on the 18th October 2024 with a closing date of 31st October 2024.

4. Representation and consideration

- 4.1 During the course of the application, four representations were made during the consultation period from Chelmsford City Council's Public Health and Protection department, Chelmsford Planning department, Essex County Council and the Access Manager for Economic Development. These are attached as **Appendix E**. There were no objections from other responsible authorities.
- 4.2 The Licensing Authority in accordance with Chelmsford City Councils policy refused the application and a letter of refusal containing the reasons why was sent to Queenies via email on 8th November 2024. This is attached as **Appendix F**.
- 4.3 Chelmsford City Council received an appeal email on 8th November 2024 regarding the refusal of a pavement licence application. The appeal, attached as **Appendix G**, highlights that Essex Fire Service did not object to the application, a fact the licensing authority can confirm.

5. Conclusion

- 5.1 In conclusion, while upholding the decision to refuse the licence aligns with existing policies and regulations, an alternative option could be to grant the licence as applied for, or grant with specific conditions or modifications, thereby addressing concerns while supporting local business operations.

List of appendices:

Appendix A – Policy & Plans
Appendix B - Google image of premise
Appendix C – Application
Appendix D – plans and photograph of proposed furniture.
Appendix E – objections from consultees
Appendix F – CCC refusal letter
Appendix G – Applicants letter of appeal.

Background papers:

Business and planning Act 2020

Corporate Implications

Legal/Constitutional:

The Council must ensure a fair and transparent review process, allowing the appellant to present their case and respond to any evidence. In reviewing any decision to refuse an application, the Committee must have due regard (and accord due weight) to Chelmsford City Council's pavement licensing policy, which outlines permitted areas and conditions for approval.

Financial:

A successful Judicial Review to the could lead to potential costs for the council, including legal fees or compensation if the refusal is deemed unreasonable.

Potential impact on climate change and the environment:

Granting a pavement licence may increase foot traffic, noise, and waste generation. Proper waste management and environmental considerations should be in place.

Contribution toward achieving a net zero carbon position by 2030:

None

Personnel:

Staff resources are required to manage the appeal process, enforce compliance, and address any emerging concerns.

Risk Management:

Key risks include legal challenges, reputational damage, and accessibility concerns. The council must balance business interests with public safety and urban planning policies.

Equality and Diversity:

Decisions must ensure accessibility for all, including individuals with disabilities and consider the impact on the wider community.

Health and Safety:

The council must ensure pedestrian safety, emergency access, and adherence to fire and noise regulations. Outdoor seating should not obstruct pathways or create hazards.

Digital:

Records of applications and appeal processes should be maintained electronically with appropriate data security measures.

Consultees:

Legal, Democratic Services

Relevant Policies and Strategies:

Business and planning Act 2020

APPENDIX A



Pavement Licensing Policy

1. Introduction

The Business and Planning Act 2020 (as amended) was introduced as temporary legislation to assist businesses and remove existing bureaucracy around what were known as Tables and Chairs Licences under the Highways Act. The Business and Planning Act 2020 has now been amended by the Levelling Up and Regeneration Act 2023 which makes the Pavement Licence regime permanent.

The Act allows Chelmsford City Council to permit specified furniture to be placed on the highway (mostly footpaths and pedestrianised areas) although where applicable, businesses may still need the activity to be licensed, for example, sale of alcohol.

2. Definition of 'pavement licence'

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

3. Eligible Businesses

A person (which includes a body corporate) 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, ice cream parlours or similar.

A licence permits the business to use furniture placed on the highway in order 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.

A pavement licence does not licence the activity, only the placing of the furnishings. The pavement licence is issued to a person or incorporated body. Where there is a change to that person or incorporated body then the licence will lapse, and a further application will need to be made by any new person.

4. 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).

This policy is applicable throughout the Chelmsford City Council district, although its main impact is within the city centre as other areas with demand for tables and chairs tend to be on privately owned land.

From 8 High Street northwards to the top of the High Street tables and chairs are only permitted in the hatched areas of the plan at Appendix 1. There must be a minimum width of 3 metres between the business façade and the tables and chairs, and a minimum 5 metre clear route along the centre of the street. The maximum depth of the area licensed for tables and chairs to be 2.5 metres.

To the south of 8 High Street, including Springfield Road and Moulsham Street, tables and chairs to be placed abutting the façade. The maximum depth of the area licensed for tables and chairs is to be 2.5 metres. Maximum depth of 2.5 metres does not apply to Exchange Square or Backnang Square.

Tables and chairs can only be placed in front of the façade the licence holder is responsible for.

Tables and Chairs will not be permitted where they would restrict any pedestrianised public highway to less than 2.5 metres in width or impede any designated cycle route.

Any application for tables and chairs in front of Shire Hall must be considered by the Council's Regulatory Committee.

5. Type of furniture permitted

Seating, tables and, if required, umbrellas and heaters (together with a secure base) as well as any proposed barriers to enclose the seating area are permitted.

The furniture must be fit for purpose and designed specifically for commercial outdoor use (and comply with all relevant BS standards). It must be kept in good order; damaged or faded items must be replaced.

This furniture is required to be removable, meaning that it is not a permanent fixed structure, and is able to be moved easily, and should be stored away when the premises are closed for activity.

There is an expectation that the type and style of furniture would be 'in keeping' with the local area.

Picnic benches and plastic tables and chairs designed for domestic use (e.g. white plastic furniture) are not permitted.

Any form of gazebo or enclosed shelter with one or more sides is not permitted.

6. Barriers

When tables and chairs are in place a standard barrier consisting of a fabric banner and associated post/rail system shall be used. The function of the barriers is to demarcate and contain the tables and chairs but also to give a clear warning particularly to people with visual impairments.

The barriers shall be secured by a purpose designed post and rail system with weighted post bases to prevent being knocked or blown over and be of a height range of 800mm to 1000mm so to not visually obstruct views down the street or be an obstructing hazard

Street café barriers should be of a design to complement the character of the surrounding area. Banners should be of one design, in a plain style and can incorporate the business name or brand logo. Posts and rails should be stainless steel, chrome plated or powder coated.

7. Times of Operation

The tables and chairs can be placed on the highway only when the premises are open for business and in any event not before 6.00 am and normally until the close of business.

Where nuisance is likely to be caused to residents e.g. late at night, businesses may be required to remove the tables and chairs before the close of business.

8. Planning Permission

Once a licence is granted the applicant will also benefit from deemed planning permission to use the land for anything done only pursuant to the licence while the licence is valid, but not for any other purpose.

9. Consultation

Applications are consulted upon for 14 days, starting with the day after that on which the application is made to the Council (an application will not be considered to have been properly made unless each requirement has been met).

The Council will publish details of the application on its website at www.chelmsford.gov.uk/business/licensing/find-a-licence/pavement-licence

The Council is required by law to consult with the Essex County Council Highways Authority. In addition, to ensure that there are no detrimental effects in granting such a licence the Council will also consult with:

- Chelmsford City Council Environmental Health Service
- Chelmsford City Council Planning Department
- Essex Police
- The appropriate Local Ward Councillor(s)
- The appropriate Parish or Town Council

Members of the public and others listed above can contact the Council to make representations.

The Council must take into account representations received during the public consultation period and consider in their determination of the application.

10. Cost

There is an application fee and a renewal fee payable every two years. Details can be found on the application form and Chelmsford City Council website.

11. Insurance

Operators must indemnify both Chelmsford City Council and Essex County Council in respect of injury, damage or loss arising out of the grant of permission (unless such claims arise out of the Councils' negligence). All operators must have public liability insurance in the sum of £10,000,000 in respect of any one event. A copy of this insurance must be produced to the Council before a licence will be issued.

The Licence holder shall make no claim or charge against the Council in the event of the furniture or other objects being lost, stolen or damaged in any way.

12. Litter

Refuse and litter deposited on the highway in the vicinity of the chairs and tables must be collected at not less than hourly intervals (or more frequent intervals if required under the Environmental Protection Act 1990).

Litter is not to be placed in the litter bins situated on the highway for use by the general public, but in the trade refuse bins.

All tables must be cleared as soon as practicable after being vacated by customers to avoid litter being deposited unnecessarily on the highway.

13. Miscellaneous Conditions

The Licence holder must remove any furniture if required to do so to permit works in or the use of the highway by the Council, the County Council, the emergency services any statutory undertaker or telecommunications code operator or where the Licence holder has been notified of a special event taking place.

No charge can be made by the Licence holder for the use of the furniture.

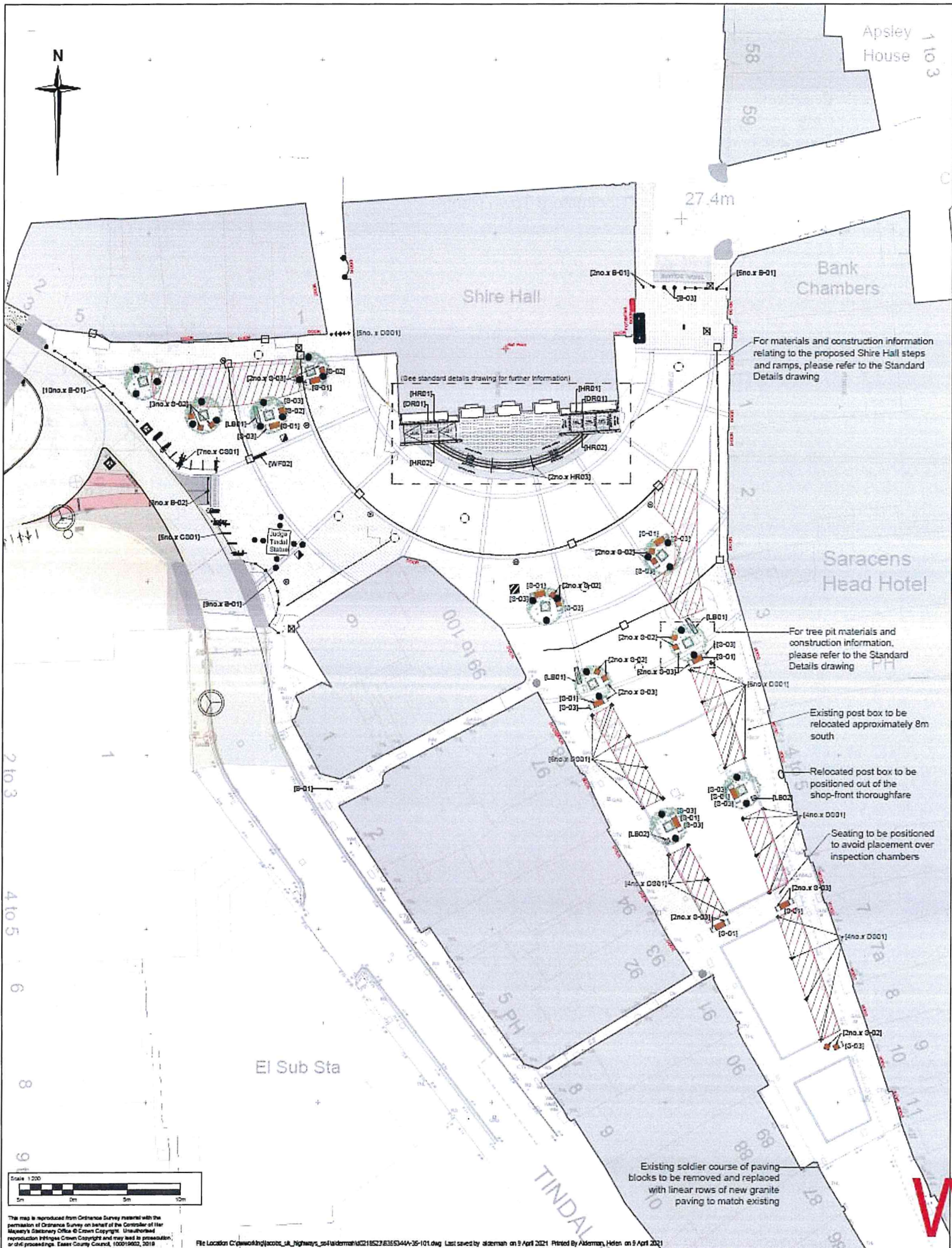
All licences are renewable every two years.

Appendices

Appendix 1

Map of Chelmsford City High Street with permitted areas for tables and chairs

Creation date	Version No.	Changes Approved:
June 2024	2	Policy updated to include legislative changes, adopt new and renewal fees and take into account decision of regulatory committee on 17/3/2022 to introduce specific restrictions in Chelmsford Town Centre



APPENDIX B





APPENDIX C

BUSINESS AND PLANNING ACT 2020
Levelling Up and Regeneration Act 2023
Schedule 22



APPLICATION FOR THE GRANT/RENEWAL OF A PAVEMENT LICENCE

Before completing this application please read any associated guidance that can be found on our website at www.chelmsford.gov.uk. If you need to provide additional information please do so on a separate appendix to this application and submit with all required documentation as requested

APPLICANT DETAILS		
Title:	First name(s):	Surname:
Postal Address:		
Post Town:		Post Code:
Phone (Home):		Phone (Mobile):
e-mail address:		
Date of Birth:		NI number:

BUSINESS PREMISES DETAILS	
Trading Name:	Queenies
Postal Address:	90 High Street Chelmsford Essex CM1 1DX
Purpose for which the business premises are used? (please tick one of the following options)	
Use as a public house, wine bar or other drinking establishment	
Other use for the sale of food or drink for consumption on or off the premises	
Both of the above uses	X

AREA OF HIGHWAY PROPOSED TO BE USED

Please provide a description of the area of the highway to which this application relates:

(Please note you are required to submit a scale plan of this area with your application)

The area we are applying for is located directly outside the named premises, 90 High Street, Chelmsford, Essex, CM1 1DX (Queenies)

Please see attached a topo site survey undertaken from number 8 High Street up to Shire Hall. This detailed plan shows the outside proposed area for seating.

Through the attached plan you can see a tracking plan that demonstrates emergency vehicle access from northbound to southbound on the high street. This tracking plan has been carried out in accordance with Essex Fire Tender v5.0. These plans show there is zero impedance on fire safety and emergency access through the high street.

Chelmsford City's Council pavement license policy at the top of the high street requires a 5m distance between any 2 fixed/static objects.

The distance between Queenies proposed seating to Costa Coffee's seating is 6m.

The proposed seating area is 6.7meters in width, total depth is 1.6m

RELEVANT PURPOSE THE APPLICATION RELATES TO:

Which of the following relevant purposes do you wish to put furniture on the highway for?

(please tick one of the following options)

To sell or serve food or drink supplied from, or in connection with relevant use of, the premises	
For the purpose of consuming food or drink supplied from, or in connection with relevant use of, the premises	X
Both of the above purposes	

DAYS AND TIMES

During what times do you propose to place furniture on the highway on each of the following days:

Please use the 24hr clock.

Mondays	0730	to	2300	Fridays	0730	to	2300
Tuesdays	0730	to	2300	Saturdays	0730	to	2300
Wednesdays	0730	to	2300	Sundays	0730	to	2300
Thursdays	0730	to	2300				

FURNITURE TO BE PLACED ON THE HIGHWAY

Please provide a description and quantity of the furniture you propose to place on the highway.

(Please note you are required to provide photographs or brochures of the proposed furniture with your application)

The furniture comprises of;

3 x Light weight tables (700mm x 700mm), These tables feature compression moulded ISOTOP tabletops which have a seamless usage surface. The material properties result in a robust, durable, and long-lasting product, perfect for busy restaurants, bars, and cafes that handle food, drink, and the wear of everyday life.

12 x Chairs. An aluminium frame with a durable powder-coated finish, Waterproof, Lightweight and stackable, UV stabilised, Nylon foot protectors (H: 86cm, W: 39cm, D: 45cm)

2 x Planters. Planters dimensions 1.6m Length, 0.4m Width, 1m Height). The planters are constructed from marine ply, C24 timbers. These have been finished in undercoat and an oil based long lasting gloss finish. Both planters have been composted and filled with seasonal plants. Each planter consists of 4 heavy duty lockable caster wheels.

Checklist:

- I have paid the fee of £500 for a new grant or £350 for a renewal application
- I have attached photographic evidence of the public notice
- I have enclosed a plan showing the extent of the area and layout of furniture
- I understand that I must now advertise my application.
- I understand that if I do not provide information requested that my application will be rejected.
- I understand that there is no assumed right of permission unless not determined within the required period. Where council refuse permission I understand that fees will not be refunded.

Rec. Ref

☒

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DECLARATIONS BY APPLICANT

I understand that I am required to give notice of my application in accordance with the requirements of the Business and Planning Act 2020 and that failing to do so will lead to the revocation of any licence granted.

I understand I must hold and maintain public liability insurance up to a value of £10million.

I understand my application will not be considered until all the required documents and information have been provided and the application fee of £500 has been paid.

I understand that the application fee paid is non-refundable if my application is refused or if any licence granted is subsequently surrendered or revoked.

I understand that the Authority is under a duty to protect the public funds it administers, and to this end may use the information I have provided on this form for the prevention and detection of fraud. I understand that it may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

I understand that should my application be granted I will adhere to the conditions on the licence and that if conditions are breached then the licence could be revoked.

I understand that failing to remove furniture following a revocation of the licence could mean that the council can recover the costs from the business for the removal and storage of the furniture and refuse to return the furniture until costs have been paid.

I understand that failing to pay the recovery costs to the council within 3 months, the council may dispose of the furniture by sale or other means and retain the proceeds.

I declare that the information given above is true to the best of my knowledge and that I have not wilfully omitted any necessary material. I understand that if there are any wilful omissions, or incorrect statements made, my application may be refused without further consideration or, if a licence has been issued, it may be liable to revocation.

I understand that the Authority is collecting my data for the purposes described on this form and will not be used for any other purpose, or passed on to any other body, except as required by law, without my consent.

Date Submitted: 17.10.2024

Signed:

Print Name:

Please return this form with all relevant documents and proof that the application fee has been paid to:

licensing@chelmsford.gov.uk

GUIDANCE NOTES

What should accompany the form?

Deemed licences?

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Proposed tables.

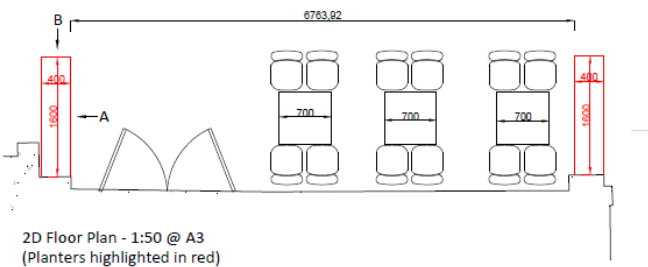
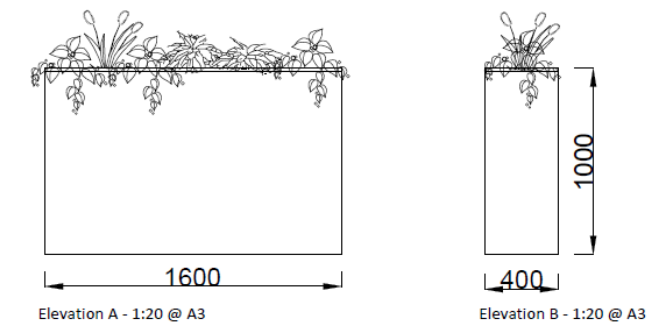


Proposed chairs



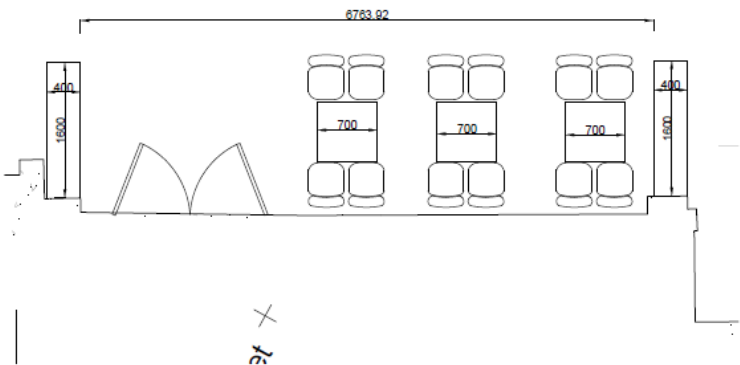
APPENDIX D

Proposed planters



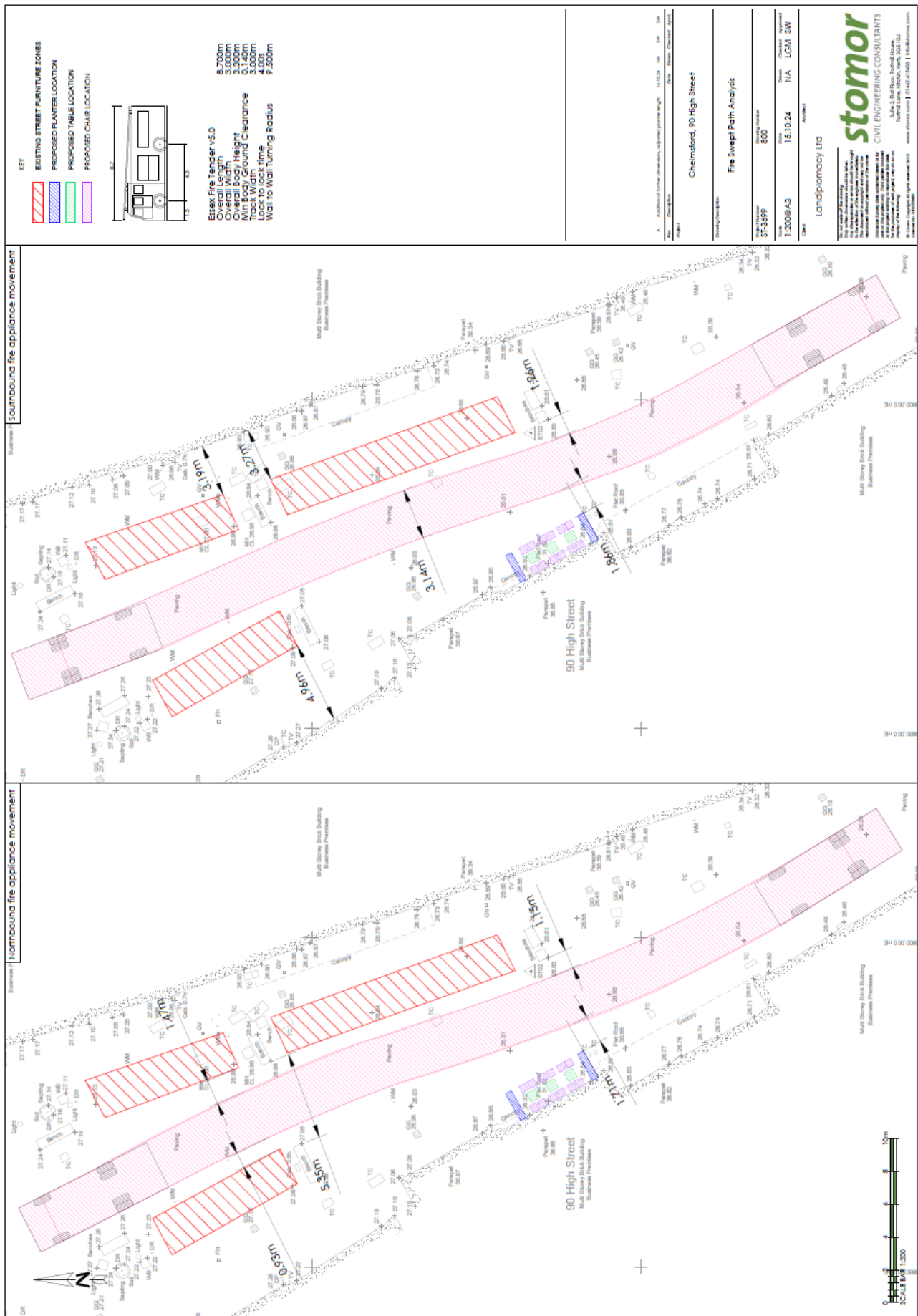
Rev	By	Date	Description
Client Queenies			
Project Address			
Drawing Queenies Outside Seating & Planter Detail			
Status First Draft Floor Plans			
Scale		Date	
See drawing - A3		18/10/2024	
This drawing is to be used in conjunction with all related drawings. Do not scale from this drawing. All dimensions must be checked and verified on site before commencing any work or producing shop drawings. The originator should be notified immediately of any discrepancy. Please note: No site visit has been taken prior to producing these drawings and have been created solely using the dimensions provided by client.			

Seating Plan



Rev	By	Date	Description
Client		Queenies	
Project Address			
Drawing		Queenies Outside Seating	
Status		First Draft Floor Plans	
Scale		Date	
1:50 @ A3		16/10/2024	
This drawing is to be used in conjunction with all related drawings. Do not scale from this drawing. All dimensions must be checked and verified on site before commencing any work or producing shop drawings. The originator should be notified immediately of any discrepancies. Please note: No site visit has been taken prior to producing these drawings and have been created solely using the dimensions provided by client.			

Site location plan



APPENDIX E

Queenies pavement licence representations:

Representation 1

I can't see how this introduces new evidence that allows us to make a different recommendation from the one made previously.

Any tables and chairs in front of 90 High Street would continue to provide an impediment adjacent to the building line and thus harm users who need this to be unobstructed and so easily navigate up and down the High Street.

To highlight a significant point in the reasoning for keeping a clear gap from the buildings in this part of the High Street - having clear unobstructed walkways along the building line in this stretch is quite deliberate as this helps people with visual impairments and neurodiverse conditions navigate along this busy part of the High Street. This is also a main reason for the PSPO regarding no A-boards in the high street. Allowing any tables and chairs area against the building at 90 High Street would break this clear building line and would set an unnecessary precedent that other premises in the area then try to follow.

Further to this, no enclosing barrier is proposed along the front length, such a barrier helps the visually impaired navigate around whilst also containing a cafes furniture and users of the area without further blockage. This photo (taken back in July) shows buggies and spill-out into the space, which further reduces an already constrained pavement

We should continue to have both sides of the high street alongside the building frontages as clear unobstructed routes for pedestrian movement.

The applicant this time has acquired the services of a civil engineering consultant to carry out a swept vehicle path for an emergency vehicle, a similar exercise was carried out as part of the Tindal Square public realm design so we are quite aware there is satisfactory space for this. Having detailed clear drawings as part of an application is of course very welcome, as this helps the Council in making a swift determination.

It does not change the fact that the City Council have a strong policy of "*there must be a minimum width of 3 metres between the business façade and the tables and chairs*" for this part of the High Street and the plan included with the policy helps identify this by the red hatched areas. The applicant at this location is not able to have tables and chairs 3 metres away opposite their façade as that would clearly impede the emergency vehicle path.

In terms of supporting local independent businesses, the Council have a business enabling role, unfortunately in this instance no help was sought from the Council in the choosing of a new premises where the appropriate advice would have been given.

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With regards to any alternative area, the plan in the policy gives a guide of the areas possible. If using any of these is not possible, the only scope that could be possible is next door, as mentioned to the team before. TSB (88-89 High Street) have a recessed area that sits back from the main building line (and back from Highway land but do check this). This is an opportunity the proprietor could explore privately with the bank.

The remainder of the consultation response, is an updated version of that sent in response to the previous application earlier in the year:

Queenies new premises 90 High Street lies within the Central Conservation Area and the street area is part of the newly created public realm of the City Council led-scheme Tindal Square.

The applicants proposal is a single row of tables and a double row of chairs in an area extending 1.6m out from the building face. Planters mark the north and south ends of the proposed tables and chairs area. There is no enclosure proposed along the front length.

The opposite side of the High Street is Costa Coffee, and there is a tables & chairs zone away from the building line which is framed at the southern end by the public (Granite) seats. This is the narrowest point across the street within Tindal Square project area that was considered appropriate for a tables & chairs area on its east side.

The proposed area alongside the building face of 90 High Street would obstruct the walking route along the building line on the west side of the High Street. It would in-effect close off the walking route along the west of the High Street building line. Tables and chairs here would be against policy for this part of the High Street.

The proposal is fundamentally against the principle of the street design and the approach to tables & chairs in this part of the high street (the Tindal Square project area), as agreed by the City Council cross-department public realm working group. The tables & chairs policy was amended accordingly in the revised Pavement Licencing Policy of 2022 which includes the map, and has stood ever since.

Key stakeholders were consulted to ensure that placement of seating and any furniture is arranged to make the High Street more accessible; this involved making sure the seating has a distance from doorways and building lines which helps people with visual impairments and neurodiverse conditions navigate the High Street.

The reason the designed area does not show tables and chairs outside 90 High Street is not only because of the principle of having a clear area for walking alongside the building to the start of a tables & chairs area, whilst allowing a clear area along the centre of the High Street for servicing vehicles, it is also the wider extent of the street make up is very relevant. In this exact location the east side of the High Street opposite has had a long-term presence of cafes and restaurants, and formed an important consideration in the scheme design. The west side did not and the principle was taken to avoid a haphazard approach to this part of the high street. The scheme design enables a zone each side of the street making it clear where

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tables and chairs could be satisfactorily considered for future occupation of neighbouring premises. The positioning of public benches is deliberate helping to define tables and chairs areas.

Further to this, the application area would give the effect of splitting the north part of the high street from Half Moon Square, the design of the public realm scheme for Tindal Square as well as the Half Moon Square scheme (constructed in 2016) carefully managed bringing the elements of the high street together. We must avoid undermining the success of City Council invested public realm schemes.

You might note Pret A Manger, 13-14 High Street has tables & chairs against the building, this is a significant enough distance away (16 meters + in Half Moon Square), and not part of the Tindal Square public realm area, unlike Costa Coffee immediately opposite Queenies which occupies the most southern part of the west side furniture zone as indicated on the policy plan.

The drawings with the application do have a discrepancy, the site location plan shows the area to start south of the entrance doors to Queenies, where as the outdoor seating plan shows the area across the whole shop front.

Please keep to the plan as included with the tables & chairs policy, which shows no tables and chairs outside 90 High Street and, to clarify, for the west side of the street the public bench outside No's.92-93 marks the starting point for the tables & chairs furniture zone heading north.

Kind regards

Jamie Cole

Planning Officer (Public Realm and Design)

Economic Development and Implementation, Sustainable Communities

Chelmsford City Council

Representation 2

We (CCC) have an obligation to the Duties within the Equality Act 2010 to impact assess our decisions and policies, and show 'Due Regard' to actions which may lead to cause disadvantage.

LEGALLY, we must have due regard to the need to:

- 1) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.**

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This includes eliminating unlawful discrimination because of a person's marriage or civil partnership status. However, marital status does not have to be considered for 2 or 3.

2) Advance equality of opportunity between people who share a protected characteristic and those who do not.

Advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people from protected groups where these are different from the needs of others. This includes taking steps to take account of a disabled person's disabilities.
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

3) Foster good relations between people who share a protected characteristic and those who do not.

Fostering good relations involves:

- Tackling prejudice and promoting understanding between people from different groups.

* N.B. *

Compliance with this duty may involve treating some people more favourably than others.

Kind regards

Paul

He / Him

PJ. Houghton DEP. Pg (Cert) NRAC

My working days are Tuesdays, Wednesdays & Thursdays.

Access Officer

Economic Development and Implementation

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Representation 3

This second application and submitted plans still do not correspond with the permitted areas for tables and chairs within the Tindal Square development area as outlined in the Chelmsford City Council Pavement Licence Policy. The application should therefore be refused. The policy is clear about where tables and chairs can be placed in this area of the High Street. There should be a clear space of 3m width maintained to the front of premises facades on both sides of the High Street from numbers 8 & 90 up to Shire Hall. The proposed seating area for Queenies does not meet these requirements as it abuts the premises with a depth of 1.6m. Furthermore, if seating was to be placed 3m away from the façade of 90 High Street this would significantly restrict the emergency and servicing access down the middle of the High Street below the minimum 5m required. It is for this reason, tables and chairs are not permitted in this area to the front of 90 High Street.

Regards,

Lewis Mould

Public Health and Protection Services Manager

Public Health and Protection Services, Public Places

Chelmsford City Council

Essex Highways
Seax House 2nd Floor
Victoria Road South
Chelmsford
Essex CM1 1QH

Date: 30 October 2024
Our Ref: TC/RC/82

Katherine KOBER <Katherine.KOBER@chelmsford.gov.uk>

Dear Chelmsford City Council

Business and Planning Act 2020

Application for a Pavement Licence - Queenies, 90 High Street, Chelmsford, Essex

I refer to your correspondence to the County Council's Highways Department, and consultation in respect of your Council exercising its powers to grant permission to Queenies for pavement licence in respect of the premises above.

In reviewing the application and supporting documents, we have considered the impact this would have on the highway and at this time we cannot support this application to allow the furniture described to be placed on the highway in the area identified by the location plan. In coming to this decision, we have considered that.

Eligible Location and Chelmsford City Council Pavement Licence Policy

To our knowledge the Chelmsford City Council's policy has not been changed, therefore Essex County Council's position remains the same, as per our previous response dated the 8th July 2024, details of which I have provided below.

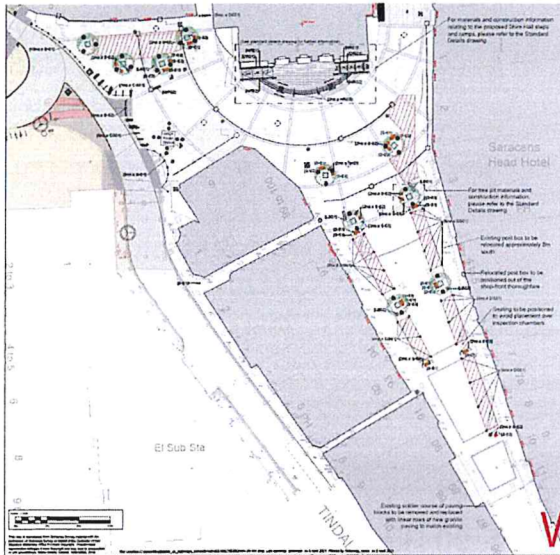
Licences can only be granted in respect of highways listed in section 115A(1) Highways Act 1980. Generally, these are footpaths restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited.

High Street, Chelmsford is designated Pedestrian Zone by way of traffic order, No waiting 9am to 6 pm and No loading at any time except Good Vehicles 6pm to 9am.

Chelmsford City Council's Pavement Licence Policy/Conditions prevents the City Council from granting such application on the basis that.

From 8 High Street northwards to the top of the High Street tables and chairs are only permitted in the hatched areas of the plan (below). There must be a minimum width of 3 metres between the business façade and the tables and chairs, and a minimum 5 metre clear route along the centre of the street. The maximum depth of the area licensed for tables and chairs to be 2.5 metres.

APPENDIX D



To the south of 8 High Street, including Springfield Road and Moulsham Street, tables and chairs to be placed abutting the façade. The maximum depth of the area licensed for tables and chairs is to be 2.5 metres. Maximum depth of 2.5 metres does not apply to Exchange Square or Backnang Square.

Tables and chairs can only be placed in front of the façade the licence holder is responsible for. Tables and Chairs will not be permitted where they would restrict any pedestrianised public highway to less than 2.5 metres in width or impede any designated cycle route.

Interest of Public Safety/Highway Obstruction

The furniture proposed will restrict the area of footway designated to allow access for emergency vehicles and pedestrians in the High Street, presenting a bottle neck situation, causing conflict between customers of Queenies', pedestrians and all highway users and vehicle access (goods vehicles and emergency vehicles).

The business owner would not be able to accommodate and place furniture to meet the minimum unobstructed width of 3 meters between the business façade and the tables and chairs, and a minimum of 5 meters clear route along the centre of the street.

The positioning of tables and chairs should never discourage persons from using the footway. The available route past must be straight, obvious and unobstructed; it should not pass through the area used by the tables and chairs.

The furniture should be placed so as not to obstruct drivers' sightlines or obstruct highway signs. Emergency routes from adjacent buildings and business must not be obstructed by the licensed area.

Section 3 of the Business and Planning Act 2020 authorises your Council to grant a person permission only if the authority considers that, taking into account any conditions subject to which it proposes to grant the licence, nothing done by the licence holder pursuant to the licence would have an affect specified in subsection 6.

We appreciate that this is disappointing, but we hope you appreciate that we must consider the impact on all users of the highway.

Yours sincerely

A handwritten signature in cursive script that reads "R Crouch".

Rachel Crouch
Network Assurance
Senior Traffic Regulation & Licencing Officer

Chelmsford, Essex CM1 1JE

APPENDIX F

DX123305 Chelmsford 7
Telephone: 01245 606606
Facsimile :01245 606681
Email: licensing@chelmsford.gov.uk

Our Ref: 24/00487/LATEMP
Officer: Kate Kober
Direct Dial: 01245606446
Date: 7th November 2024

Subject: Pavement Licence Application for Queenies, 90 High Street, Chelmsford, CM1 1DX

Dear Sirs,

I hope this letter finds you well. I am writing to inform you that your application for a pavement licence, submitted on 17th October 2024 has been carefully reviewed by the relevant authorities. Regrettably, we must inform you that your application has been refused, and we would like to outline the reasons for this decision.

The main reason for rejecting your application is the proposal is fundamentally against the principle of the street design and the approach to tables & chairs in this part of the high street.

Furthermore, we have received comments from other responsible authorities who were consulted with. Their observations are as follows:

- Any tables and chairs in front of 90 High Street would continue to provide an impediment adjacent to the building line and thus harm users who need this to be unobstructed and so easily navigate up and down the High Street
- Chelmsford City Council have a strong policy of "*there must be a minimum width of 3 metres between the business façade and the tables and chairs*" for this part of the High Street and the plan included with the policy helps identify this by the red hatched areas. The applicant at this location is not able to have tables and chairs 3 metres away opposite their façade as that would clearly impede the emergency vehicle path.
- This second application and submitted plans still do not correspond with the permitted areas for tables and chairs within the Tindal Square development area as outlined in the Chelmsford City Council Pavement Licence Policy
- if seating was to be placed 3m away from the façade of 90 High Street this would significantly restrict the emergency and servicing access down the middle of the High Street below the minimum 5m required. It is for this reason, tables and chairs are not permitted in this area to the front of 90 High Street.

Considering these considerations, we find it necessary to refuse your application for a pavement licence.

Please note that there is no formal appeal process under the law for a refused Pavement Licence application. However, the guidance does indicate that local authorities may allow an informal appeal to

PUBLIC PLACES

Director: Keith Nicholson

their licensing committee. This appeal is entirely at the council's discretion and is not guaranteed. If you wish to proceed with an appeal, please confirm your intent in writing and provide a detailed explanation of your grounds for appeal.

We understand the importance of outdoor seating for businesses like yours, and if you choose not to appeal this decision, we encourage you to consider submitting a new application with plans that better align with the council's policy.

Please be aware that local authorities have the power to issue a notice requiring the removal of furniture if an application is refused or not submitted by a specified date. Businesses must refrain from placing furniture on the highway without a Licence. If furniture continues to be placed in violation of the notice, the authority may remove and store the furniture, recover removal and storage costs from the business, and withhold the return of the furniture until those costs are paid. If the costs remain unpaid for three months after the notice, the authority can dispose of the furniture by sale or other means and retain the proceeds.

We appreciate your understanding in this matter.

Should you have any further questions or wish to discuss this decision in more detail, please do not hesitate to contact our office. If you wish to appeal this decision, please confirm in writing and provide an explanation of your reasons for appealing.

Yours sincerely

Daniel Winter
Licensing Lead Officer

APPENDIX G

Good afternoon,

Thank you for your email from Katherine Kober. I would like to ask that the recent rejection to the pavement license be put forward to the next available regularity committee. As you are aware we have provided documentation from Essex Fire Service stating they do not object, therefore this highlights that this doesn't go against public safety and merely goes against the current policy.

Regards,





Essex County Fire & Rescue Service

Rick Hylton
Chief Fire Officer / Chief Executive

Connor Baker
90 High Street
Chelmsford
CM1 1DX

South East Group Service Delivery Point
1st Floor Rayleigh Weir Fire Station
500 Rayleigh Road
Benfleet
Essex SS7 3TR

Enquiries To: Joleen May - Fire Safety Officer
Tel: +44 (0)1376 576500
Email: southeastgroupsdp@essex-fire.gov.uk

Our Ref: 204166
Your Ref:

Date: 24 October 2024

Dear Sir,

The Business & Planning Act 2020
THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005, as amended
Premises: 90 High Street Chelmsford CM1 1DX

I refer to your recent application made under the Business & Planning Act 2020.

Essex Police, Fire and Crime Commissioner Fire and Rescue Authority (hereafter called "the Authority") has now audited the application and is of the opinion, taking into consideration the information submitted, that you do not anticipate any additional risk to the public as a consequence of the proposed application being approved.

As a result, the Authority does not propose to carry out an inspection of the premises at this time. You are reminded that the siting of any tables, chairs etc. should not obstruct any Fire Hydrants or signage indicating their whereabouts, nor should any means of escape doors or escape routes be obstructed.

It is brought to your attention that these premises come under The Regulatory Reform (Fire Safety) Order 2005, as amended (The Order) and have now been entered on the Service Risk Based Inspection Programme. As a result, an announced audit may be carried out.

The inspection will be focused upon your site-specific fire risk assessment. You will have to demonstrate to the Inspecting Officer that you have implemented suitable and sufficient measures to satisfy the requirements of The Order.

For technical detail and guidance, you are strongly advised to purchase the guidance document from the list attached to this letter. Alternatively, these can be viewed online at <https://www.gov.uk/workplace-fire-safety-your-responsibilities/fire-safety-advice-documents>. When purchasing or installing equipment, compliance with the relevant British Standard is normally taken as being adequate. Should the issues set out in this report require major changes or costs, then you are advised to take professional advice before proceeding.

The Authority will pursue contraventions of the Order to a satisfactory conclusion: this may include enforcement action being taken proportional to the circumstances. Further, should a fire safety concern arise that is not subject to the provisions of The Order but does / will impact on the Licensing Act objective for public safety that cannot be satisfactorily resolved, it is likely to result in a request for a review of the licence being made by the Authority.

If you require further information regarding this or any other fire precautionary matter, please contact the above-named Officer quoting our reference number.

Yours faithfully,

Joleen May
Protection

cc: Kate Kober, Licensing, Chelmsford City Council