

MINUTES OF THE
REGULATORY COMMITTEE

held on 12 June 2025 at 7pm

Present:

Councillor D. Clark (Chair)

Councillors N. Chambers, H. Clark, A. Davidson, R. Lee, S. Manley, L. Mascot, S. Scott
S. Sullivan and P. Wilson

1. Apologies for Absence

Apologies for absence were received from Councillors Davis, Frasca, Pappa and Potter. Cllr Sullivan substituted for Cllr Potter.

2. Minutes

The minutes of the meeting held on 27 March 2025 were agreed as a correct record and signed by the Chair.

3. Declaration of Interests

All Members were reminded to declare any Disclosable Pecuniary interests or other registerable interests where appropriate in any items of business on the meeting's agenda. None were made.

4. Public Question Time

Two public questions were asked at the meeting on Item 5 and four on Item 6, [which can be viewed via this link](#). The questions asked about the owner of the High Street, accessibility impact assessments on the High Street, whether due to recent successful appeals the policy remained fit for purpose, whether all businesses on the High Street should be consulted on the policy and any research regarding the impact of the policy on people with disabilities and visual impairments.

In response to the questions officers confirmed the below;

- The High Street is adopted Highway and the City Council has an agreement with the County Council to manage the operations of the High Street and the activities that take place in the area, whilst Essex Highways maintains the High Street.
- The Council's Access Officer had been a member of the core delivery team for Tindal Square and inclusive design had been at the core. BS8300 2019 and other best practice documents had been carefully considered along with consultation of disability user groups. The Council's Access Officer also carried out an Equality Act 2010 impact assessment and feedback resulted in changes to the way tables and chairs could be placed immediately in front of High Street businesses. The Policy had been updated to require furniture to be set away from frontages and other elements were adapted to indicate the 'keep free'

margin and show appropriate areas for tables and chairs, leading to a unimpeded route up and down the High Street for those with a visual impairment.

- The policy provided a clear rationale for how pavement licence applications were dealt with and it was crucial to ensure the City Centre remained safe and inclusive for all, by not restricting access on the busy High Street. A permissive system accepting any proposal would not be appropriate and structure and requirements in the policy were important. A review of the policy was being carried out, which if approved would allow the opportunity for stakeholders and any interested parties to respond and the three successful appeals had all been amendments of the original applications.
- The Chelmsford Business Improvement District were proposed to be consulted and they represented businesses in the City Centre and could disseminate the information via their E-shot to over 400 businesses.
- No studies had been carried out since the policy was introduced on the impact on those with disabilities or visual impairments and the research and reference to documentation had all been carried out during the design and implantation of the Tindal Square project.

5. [Business and Planning Act 2020 – Application to appeal the decision of a pavement licence](#)

The Committee were requested to consider an application to appeal the decision made by the Licensing Authority, in relation to the refusal of a pavement licence. The Committee heard that the initial application had been refused in accordance with the Council's Pavement licence policy and because it would obstruct pedestrian flow, after receiving representations from the Council's Public Health and Protection department and Planning department. The Committee were informed that the representations received were due to the proposed furniture reducing pedestrian flow, creating a pinch point at that part of the Highstreet and that the proposed plans would also be outside of the current pavement licence policy.

The Committee heard from the solicitor representing Wendy's, who asked the Committee to reconsider the decision made by officers. They stated there was sufficient evidence to demonstrate their application would not obstruct accessibility or usage of the highway and that they should be able to use the frontage of their business. They also stated that the reason for refusal was incorrect and that as they were south of 8 High Street, they were actually in accordance with the policy and complied with the requirements for being south of 8 High Street. The Committee were informed that the applicant's view was that their location did not require a designated hatched area due to being south of 8 High Street. They also stated that they would not obstruct pedestrian flow, adequate space would remain for access around their seating and the pre existing fixed seating on the High Street and that their application complied with minimum distances set by Government. The Committee were also reminded by the applicant that the Highways Authority had not objected to the application and as the Highway experts, the Committee should give considerable weight to their view.

The applicants also stated that other nearby businesses had been granted licences, including Queenies which was an exception to the policy, confirming that the Committee were not bound to follow the policy and could make individual exceptions where they felt it was necessary. In summary the applicants felt they complied with

the policy, the decision must be made on the applications own merits and that their application complied with all other requirements and would be a valuable addition to the High Street. It was also noted that when making their application, they understood it would be policy compliant due to being South of 8 High Street.

Officers confirmed to the Committee, that whilst the wording in the policy may be ambiguous, they remained confident that their view was the area in question was not suitable for tables and chairs, to ensure adequate pedestrian flow and that the refusal had been correct. They also stated that despite tables and chairs being in the location under the previous legislative regime, that did not mean they were automatically acceptable now, in an area with high footfall, less width and fixed seating in place nearby, reducing gaps further. Officers did not view the area as a normal pavement and that it was important to consider conflicts with street furniture and principle lines of pedestrian movement. It was also noted that, the application simply complying with the 2.5m distance did not automatically mean any application south of 8 High Street that achieved that, would be granted and that instead they were considered on a case by case basis.

The Committee discussed the merits of the application and acknowledged that if the application was within policy, it did not mean it should automatically be granted. Views were expressed that the application was not the same as Queenies, due to the addition of nearby fixed seating, leading to less room and that the area had changed significantly since Yo Sushi had tables and Chairs there in the past. Views were also expressed that the point made by the applicant about being compliant with policy due to being south of 8 High Street, were of importance and should be taken into account. It was also noted that despite the Highways Authority not objecting to the application, that did not mean the City Council had to accept it, as it was the City Council's pavement licence policy and not the Highways Authorities policy.

A proposal was put forward for a single row of seating, rather than the two applied for which would allow some seating to support the business, but also reduce the impact of the application on pedestrian flow up and down the High Street. A proposal of three barriers was agreed with specific details on the design of the barriers and their specific locations to be clarified between the applicant and officers to ensure they were of maximum benefit for those with visual impairments. The proposal was seconded and agreed by the Committee.

RESOLVED that the licence be granted with the below conditions;

- A single row of seating with tables, each table not exceeding a depth of 0.8m, rather than the two rows applied for and;
- Compliant barriers to be used that were of maximum benefit possible to those with visual impairments and;
- Revised plans to be submitted by the applicant in line with the above, to be agreed with officers before a licence is issued.

(7.10pm to 8.10pm)

6. Pavement Licence Policy Review

The Committee were asked to consider a report, seeking their approval for officers to carry out a consultation on the revised Pavement Licence Policy. It was noted that

the policy had been in place since 2022 and that it summarised the principles of the licensing regime, outlined where tables and chairs would normally be permitted and included an appendix with a plan of the Tindal Square development highlighting specific locations for tables and chairs that were permitted in that area. It was noted the specific plan was in relation to recent regeneration of the area, which had sought advice to ensure accessibility for all, including those with visual impairments and mobility requirements. It was noted that as a result, the 2022 policy had included 3 metre accesses on either side of the High Street in that area at the frontages of shops and had maintained a 5 metre width access in the middle of the High Street, to allow sufficient access for emergency and servicing vehicles.

The Committee were reminded of their decision on 27th February to overturn a decision on a pavement licence and their request to revisit the policy and review it in light of that decision. It was noted that a major overhaul had not been required, with the policy serving its purpose well since its introduction and that the recommended changes and additions were highlighted in the draft policy at Appendix 1. It was noted that clarification had been provided for eligible locations, with a map covering all of the City Centre, information on enforcement had been included and it was confirmed that the current policy would remain in force for the duration of any consultation and review process. It was noted that if agreed, the consultation would be made available to relevant stakeholders and would be open for 6 weeks, following which a report would be brought back to the Regulatory Committee to consider the comments and to agree a revised policy.

A member of the public stated their wish for all businesses on the High Street to be consulted directly, rather than through the BID and that the Council should be clear whether decisions were being made on a design basis or an accessibility one and that the current policy appeared inconsistent in that regard. They also referred to the advantage of tables and chairs being placed directly outside premises, which would assist with keeping the High Street cleaner and tidier.

In response to a question from the Committee, it was confirmed that the blue lines in the appendix were indicative of both current licences and potential future sites, that Grays Brewery Yard was not public highway and therefore separate to the policy and that the consultation would allow stakeholders to suggest other locations that might be suitable. Officers also noted and agreed to add potential locations near the Entertainer on Springfield Road and Cornhill/Market Square to the appendix. It was also noted that for the main public realm areas, officers would be happy to consult each business that could potentially apply for a Pavement Licence.

RESOLVED that;

1. The revised Pavement Licence Policy be agreed as a 'consultation draft', as set out in Appendix 1 and;
2. That a consultation be carried out on proposed changes to the Pavement Licence Policy to obtain views and feedback on the proposal and;
3. Cornhill/Market Square and near the Entertainer on Springfield Road to be added as potential locations on the map appendix.
4. That in addition to the consultees referred to in the report, each food and drink business in the main public realm areas be directly sent the consultation.

(8.11pm to 8.22pm)

7. Refusal of Vehicle Licence Applications (Vehicles Over 12 Years Old)

The Committee considered a report, that sought their approval to delegate authority to licensing officers, to determine appeals against the refusal of vehicle licence applications for vehicles over 12 years old, where no special or exceptional circumstances had been provided by the applicant. The Committee were informed that appeals were currently being referred to the Committee, even where the decision reflected a straightforward application of policy and no supporting evidence of exceptional circumstances for the vehicle had been provided. It was noted that multiple examples had cited personal financial hardship as the primary reason for retaining an older vehicle, but these had not typically been considered as sufficient grounds to deviate from policy. It was noted that the proposal would still allow officers to refer cases to the Committee, that were complex or viewed as appropriate for a committee level decision, for example vehicles with the ability to carry two wheelchairs.

The Committee heard that the proposal would ensure more efficient use of member and officer time, without compromising transparency or accountability and that the recommendation aligned with existing governance practices and supported proportional use of resources.

In response to a question from the Committee, it was confirmed that an annual report could be prepared on the amount of decisions made under the delegation and be presented to the Committee.

RESOLVED that authority be delegated to licensing officers to determine appeals against the refusal of vehicle licence applications for vehicles over 12 years old where no special circumstances are submitted.

8. Urgent Business

There were no matters of urgent business.

The meeting closed at 8.27pm

Chair