

**5 September 2024 at 7pm**

**Marconi Room, Civic Centre, Chelmsford**

## **Membership**

Councillor R. Lee (Chair)  
Councillor D. Clark (Vice-Chair)

## **and Councillors**

N. Chambers, H. Clark, A. Davidson, S. Davis, J. Frasca, A. John, J. Hawkins, L. Mascot, V. Pappa, S. Scott, and P. Wilson

Local people are welcome to attend this meeting, where your elected Councillors take decisions affecting YOU and your City. There will also be an opportunity to ask your Councillors questions or make a statement. These have to be submitted in advance and details are on the agenda page. If you would like to find out more, please email [dan.sharma-bird@chelmsford.gov.uk](mailto:dan.sharma-bird@chelmsford.gov.uk) or telephone (01245) 606523

# Regulatory Committee

5 September 2024

## AGENDA

### 1. Apologies for Absence

### 2. Minutes

To consider the minutes of the meeting held on 11 July 2024.

### 3. Declaration of Interests

All Members are reminded that they must disclose any interests they know they have in items of business on the meeting's agenda and that they must do so at this point on the agenda or as soon as they become aware of the interest. If the interest is a Disclosable Pecuniary Interest they are also obliged to notify the Monitoring Officer within 28 days of the meeting.

### 4. Public Question Time

Any member of the public may ask a question or make a statement at this point in the meeting. Each person has two minutes and a maximum of 20 minutes is allotted to public questions/statements, which must be about matters for which the Committee is responsible.

The Chair may disallow a question if it is offensive, substantially the same as another question or requires disclosure of exempt or confidential information. If the question cannot be answered at the meeting a written response will be provided after the meeting.

Any member of the public who wishes to submit a question or statement to this meeting should email it to [committees@chelmsford.gov.uk](mailto:committees@chelmsford.gov.uk) at least 24 hours before the start time of the meeting. All valid questions and statements will be published with the agenda on the website at least six hours before the start time and will be responded to at the meeting. Those who have submitted a valid question or statement will be entitled to put it in person at the meeting.

### 5. Consultation Re Increase in Taxi (Hackney Carriage) Fares - Tariff

### 6. Application to appeal the decision of a refusal of a Pavement Licence (Black Sheep Coffee)

### 7. Application to appeal the decision of a refusal of a Pavement Licence (Queenies)

8. Street Collection Policy

9. Urgent Business

To consider any other matter which, in the opinion of the Chair, should be considered by reason of special circumstances (to be specified) as a matter of urgency.

MINUTES OF THE  
REGULATORY COMMITTEE

held on 11 July 2024 at 7pm

Present:

Councillor R.J. Lee (Chair)

Councillors A. Davidson, S. Davis, J. Frasca, L. Mascot, V. Pappa, S. Scott, and P. Wilson

1. [Apologies for Absence](#)

Apologies for absence were received from Councillors Chambers, D. Clark, H. Clark, Hawkins, and John.

2. [Minutes](#)

The minutes of the meeting held on 29 February 2024 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](#)

One public statement had been submitted in advance, which related to Item 5, this was heard by the Committee during the discussion of that item and is detailed under that minute.

5. [Hackney Carriage \(Taxi\) Trade Tariff Petition Proposal by Chelmsford Taxi Drivers' Association \(CDTA\)](#)

The Committee considered a proposal made by the CDTA, to introduce a Call out/Booking fee for fares charged in respect of Hackney Carriages (Tariff Charges). The Committee were asked to consider the petition and if they were in agreement, it was noted that the proposal would be advertised for 14 days and if any objections were submitted the matter would be considered at a future meeting or the proposals would be put in place if no objections were received. The Committee were informed that the proposals aimed to address and enhance service levels, especially for residents outside the City Centre, by effectively covering 'dead miles', the distance travelled by a Hackney Carriage without a passenger. It was noted that this would primarily occur when the taxi was operating privately and travelling to pick up passengers rather than being hailed on the street or picking up from designated ranks. The Committee heard that Brentwood District Council had a similar scheme, but they were the only Council in Essex to have one.

The Committee heard from a representative of the CDTA who spoke in support of the scheme. They stated that there would be in effect by no price increase for the end customer, waiting times would be reduced significantly and it would allow Hackney drivers to access the niche Private Hire work. It was noted that the price the customer pays would still be the same as if booking a private hire, as the 'dead miles' would in effect normally be calculated into the price quoted for the journey. Therefore, in effect the customer would be paying the same, but with a better chance of getting a taxi to them outside of the City Centre. The Committee also heard that the proposals would greatly benefit wheelchair users as 95% of all wheelchair accessible taxis were Hackneys rather than Private Hire so there would be more available vehicles for them.

The Committee also heard from another taxi driver who had submitted a public statement for the meeting. They felt that the proposal was another way for 6 seater vehicles to get more higher value fares and they did not feel enough facts had been provided to prove the proposals were warranted. They also felt that the proposals should be researched more fully and deferred to a future meeting, or be rejected and it be made clear that the proposals could not be revisited for a number of years.

In response to questions from members on the proposals, it was noted that;

- The Operators could choose the price for the call out fee, but it would of course be in their interest to price this fairly and at the market rate.
- Roughly 5% of Private Hire vehicles were wheelchair accessible, compared to around 50% of Hackney's being wheelchair accessible.
- Journey prices would still be made clear to the customer before confirming a booking so they would always be aware of the final price.
- The playing field between Private Hire's and Hackney's would essentially be equalised if agreed.
- The larger Private Hire companies generally used the Chelmsford Tariff to set their fees and the only exceptions were for large events or airport runs.

Members of the Committee raised concerns, over the booking fee being a discretionary charge rather than a specific amount, the area in which the fee would start to be charged, a lack of data on the topic and a lack of information from the scheme in Brentwood.

**RESOLVED** that the item be deferred to the next meeting of the Committee and officers be asked to gather more information on the specific areas of the proposal listed below;

- How had the scheme been operated in Brentwood, its effectiveness and had there been any complaints?
- The distance upon which the booking fee could be charged and where the tariff would actually apply to?

*(7.02pm to 7.40pm)*

## 6. Application to appeal the decision of a refusal of a Pavement Licence

Cllr Pappa declared a non registrable interest in this item and left the meeting whilst it was considered.

The Committee were requested to consider an application to review 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, specifically section 2 where the proposed area was not adjacent to the premises. It was noted that there was no set appeal process in the relevant legislation, but Council's could undertake an internal review process, which the Regulatory Committee had been asked to do by Biriyani Boy. The Committee heard that the application had been properly made for the premises on Baddow Road and that comments had been received during the consultation period from the Council's Public Protection Manager and Essex Highways. It was noted by the Committee that the application, detailed the tables and chairs being removed by 10pm and that if approved, the application would need to be changed to meet the criteria of plastic chairs not being permissible.

The Council heard from representatives of Biriyani Boy who stated that they had previously held licences and were disappointed that the recent application had been refused. They stated that it brought extra business to their area of Baddow Road, they did not think a refusal was justified and that the shop next to them had given permission for their outside space to be used. They felt that by granting the licence it would help to promote small businesses in the City Centre and help it to thrive. They also stated that the proposals would not affect wheelchair users as there was still a large gap to the side of where the tables and chairs would be.

The Committee agreed that the proposals would support a small local business and the Baddow Road area of town generally and they therefore decided to support the application. It was noted however that the area applied for would need to be amended slightly by officers and then agreed with the applicant, therefore the Committee decided to grant a delegation to the Director of Public Places to approve the application once it was amended accordingly.

**RESOLVED** that the Director of Public Places be granted delegated authority to approve the application, upon a new reduced area being agreed between officers and the applicant.

*(7.40pm to 7.50pm)*

## 7. The 'Police, Factories, etc, (Miscellaneous Provisions) Act 1916 – Adoption of Model Street Collection Regulations

The Committee were asked to consider a report, seeking their approval to the making of the "Model Street Collection Regulations", as set out in Schedule 1 of the Charitable Collections (Transitional Provisions) Order 1974 ("the Model Regulations"), within the district of Chelmsford. The Committee heard that before reviewing the street collection policy, it was recommended that the Council make the Model Regulations for street collections. It was noted that the regulations prescribed various requirements relating to the application process and the way collections must take place. The Committee heard that there was no obligation to make the

model regulations and the Council could set its own (i.e. bespoke, in whole or in part, regulations), but they would then need additional consideration by the Department of Culture, Media and Sport before confirmation and given that the Model Regulations are set out in the legislation there is no guarantee that bespoke regulations would be acceptable.

In response to questions from the Committee, it was confirmed that there had been evidence of street collections taking place in Chelmsford where concerns had been raised that the collections were not genuine (in terms of the stated destination of the proceeds or the public were being misled in some way). It was therefore, recommended by officers that the Council had the means to regulate and exercise some control over street collections with a view to preventing reoccurrence of such incidences. Ultimately, the Council could take enforcement action (i.e. prosecute where there was a breach of such regulations). Any such regulations would be operated in conjunction with a street collection policy which would in turn, be put before the Committee at a future date for approval.

**RESOLVED** that pursuant to section 5 (1) of the Police, Factories, & c. (Miscellaneous Provisions) Act 1916, the Council make the Model Street Collection Regulations as set out in the Schedule to the 'Charitable Collections (Transitional Provisions) Order 1974 (SI 1974/140).

(Such Regulations not to come into operation unless and until confirmed by the Secretary of State (DCMS) and published for such time and in such manner as directed by the Secretary of State).

(7.50pm to 8.15pm)

### **Exclusion of the Public**

Resolved that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for Items 8 & 9 on the grounds that they involved the likely disclosure of exempt information falling within paragraph 1 of Part 1 of Schedule 12A to the Act.

#### 8. [Local Government \(Miscellaneous Provisions\) Act 1976 – Application for a new Hackney Carriage/Private Hire Dual Driver’s Licence](#)

*Public interest statement: It is not in the public interest to disclose the content of the report because the information in it concerns the interests and circumstances of an individual who has an expectation that such information would not normally be released to the public. To do otherwise would establish a precedent for the future treatment of personal information.*

The Committee was informed that under the provisions of the Local Government (Miscellaneous Provisions) Act 1976, a district council should not grant a licence to drive a hackney carriage or private hire vehicle unless it was satisfied that the applicant, amongst other criteria, is a fit and proper person to hold such a licence. It was noted by the Committee that there is no statutory definition of what constitutes a fit and proper person, but that Chelmsford City Council had established its own guidelines which the Committee was required to have regard to when determining applications.

The Committee was informed that they were being asked to consider an application for a new Hackney Carriage/Private Hire Dual Driver's Licence by Mr X, who had relevant convictions on their record and to determine whether or not they were a fit and proper person to hold a licence. The Committee were reminded of its adopted 'Guidelines Relating to the Relevance of Convictions' document which detailed the time period's an applicant should be free of certain convictions. It was noted that the applicant's criminal convictions were outside of the quoted time periods, but it had been felt by officers that due to the lack of background information and nature of the offences it was considered appropriate for a decision to be made by the Regulatory Committee, rather than at officer level.

Mr X attended the meeting to speak to the Committee and answer questions about their criminal convictions and application. They explained the circumstances behind the convictions and gave further background information about the offences and their criminal record since the events in question.

The Committee were satisfied that Mr X was a fit and proper person to hold a licence. The Committee also noted that the offences had been committed a long time ago and outside of the timelines quoted in the 'Guidelines Relating to the Relevance of Convictions' document.

**RESOLVED** that;

- i. Mr X be granted the licence as applied for and;
- ii. Detailed reasons for the decision be agreed with the Chair and sent to Mr X.

(8.27pm to 9.06pm)

9. [Local Government \(Miscellaneous Provisions\) Act 1976 – Application for a Review of a Hackney Carriage/Private Hire Dual Driver's Licence](#)

*Public interest statement: It is not in the public interest to disclose the content of the report because the information in it concerns the interests and circumstances of an individual who has an expectation that such information would not normally be released to the public. To do otherwise would establish a precedent for the future treatment of personal information.*

The Committee was informed that under the provisions of the Local Government (Miscellaneous Provisions) Act 1976, a district council should not grant a licence to drive a hackney carriage or private hire vehicle unless it was satisfied that the applicant, amongst other criteria, is a fit and proper person to hold such a licence. It was noted by the Committee that there is no statutory definition of what constitutes a fit and proper person, but that Chelmsford City Council had established its own guidelines which the Committee was required to have regard to when determining applications.

The Committee was informed that they were being asked to consider a review of a dual hackney carriage/private hire drivers licence held by Driver X, following a request from Essex Police to suspend the licence due to a previous criminal



investigation and to determine whether or not they remained a fit and proper person to hold a licence.

The Committee were informed that Driver X had held a licence for just over 20 years and had been subject of a previous review regarding their conduct in 2021, which had resulted in a one month suspension and mandatory attendance of the Green Penny training course. The Committee heard that in 2023 there had been a request made by Essex Police for Driver X's licence to be suspended, which officers actioned, due to an ongoing criminal investigation into a serious sexual assault, but that in early 2024 the investigation had been concluded with no further action. The Committee heard that due to the nature of the allegations, officers still felt a continued suspension of the licence was appropriate, until further information could be gathered for the Regulatory Committee to then make a decision on lifting the suspension or revoking the licence.

The Committee heard that an enhanced DBS certificate had been sought from Driver X, which had been applied for, but not yet received by Driver X or seen by officers. The Committee also heard that further disclosures had been made by Essex Police which detailed actions of Driver X on the night of the allegations which raised further concerns from officers about Driver X being a fit and proper person. Therefore officers informed the Committee, that despite the criminal investigations not resulting in charges, there were still concerns about inconsistencies in Driver X's account and unresolved safety issues, that put into question their status as a fit and proper person. The Committee were also reminded of the history of complaints and investigations against Driver X, including allegations of misconduct towards a vulnerable passenger and a subsequent serious sexual assault investigation.

Driver X attended the meeting to provide their version of events and answer questions from the Committee. The Committee asked questions about the allegations made against Driver X and Driver X informed them that the allegations were false and that was why the Police had ended their investigation. Driver X also provided the Committee with the enhanced DBS certificate, that they had received on the day of the meeting. The relevant part of the certificate was read out to the Committee by officers and it included a disclosure from the police, regarding the allegations that in their opinion, raised significant concerns for someone applying to work in a workforce such as a taxi driver, working with vulnerable members of the public.

**RESOLVED that:** (i) the dual drivers licence held by Driver X be revoked pursuant to section 61 (1) (b) of the Local Government (Miscellaneous Provisions) Act 1976 for other reasonable cause: namely, that the Committee was no longer satisfied that Driver X was a fit and proper person to hold such licence; and

(ii) that the revocation shall have immediate effect - as it appears to the Committee, pursuant to section 61 (2B) of the 1976 Act, that it is in the interests of public safety that this be the case. An explanation as to why the Committee's considers this to be the case is included within the reasons for decision sent to Driver X. (Driver X's licence is to remain suspended until the decision notice formally notifying them of the immediate revocation of their licence has been sent out.) and;

(iii) that detailed reasons for the decision be agreed with the Chair and sent to Driver X

*(9.07pm to 10.04pm)*

10. Urgent Business

There were no matters of urgent business.

The meeting closed at 10.04pm

Chair



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## Chelmsford City Council Regulatory Committee

5<sup>th</sup> September 2024

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### **CONSULTATION RE INCREASE IN TAXI (HACKNEY CARRIAGE) FARES – TARIFF.**

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Report by: Licensing Lead Officer - Daniel Winter

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Officer Contact: Licensing Lead Officer [Daniel.winter@chelmsford.gov.uk](mailto:Daniel.winter@chelmsford.gov.uk)  
01245606317

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#### Purpose

To consider feedback from Private Hire Operators and other Local Councils about the petition that was received on the 24<sup>th</sup> May 2024 to assist members of the regulatory committee in their understanding of the implications of adding a 'Booking Fee'.

#### Recommendations

Members are requested to further consider the petition, and the feedback received and seeks agreement to allow for public consultation in accordance with the statutory requirements.

## 1. Background

- 1.1. Section 16 of the District of Chelmsford Byelaws, approved on January 22, 1975, established tariff charges for Hackney Carriage fares, with periodic reviews typically prompted by a licence holder's application, often via petition.
- 1.2. The Committee is aware of the statutory process for setting or varying Hackney Carriage fare tables.
- 1.3. Under Section 65 of the Local Government (Miscellaneous Provisions) Act 1976, councils must publish a notice in at least one local newspaper detailing the fare table or variation, allowing at least 14 days for objections. This notice must also be available at council offices for public inspection during reasonable hours.
- 1.4. If no objections are made within the specified period, or if objections are withdrawn, the fare table becomes effective after the notice period or upon withdrawal of objections whichever is later.
- 1.5. If objections are not withdrawn, the Council must consider them and set a new implementation date, not later than two months after the objection period ends, for the fare table with or without modifications.
- 1.6. Setting fares, also known as the tariff, involves the Council determining the rates or fares within the district. This includes charges for time and distance travelled, as well as any other charges related to the hire of a vehicle or the arrangements for hiring a vehicle
- 1.7. The tariff was last set with effect from 8<sup>th</sup> December 2022. A copy of the current Tariff is included at **Appendix A**.

## 2. Introduction

- 2.1 On the 24<sup>th</sup> May 2024 the Chelmsford Taxi Drivers Association (CTDA) proposes amending the current Hackney Carriage tariffs to include a 'Call-Out/Booking fee' of up to £30. The stated aim is to improve service levels, particularly for residents outside Chelmsford city centre, enhancing overall service efficiency and customer satisfaction. Members should note that Hackney Carriage Vehicles can legally be pre-booked as well as ply for hire. Full petition details are in **Appendix B**.
- 2.2 On the 11<sup>th</sup> July 2024 Members of the Regulatory Committee reviewed the petition and resolved that the item be deferred to the next meeting of the Committee and officers be asked to gather more information on the specific areas of the proposal listed below;
  - How had the scheme been operated in Brentwood, its effectiveness and had there been any complaints?
  - The distance upon which the booking fee could be charged and where the tariff would actually apply to?

- 2.3 The licensing Authority sent out an email to all Chelmsford Private Hire Operators asking for feedback to the petition. A copy of the Questions asked are attached as **Appendix C**.
- 2.4 Responses from other local council's including Brentwood are attached to this report as **Appendix D**.
- 2.5 Response from Private Hire operator Happicabs as **Appendix E**
- 2.6 Response from Private Hire operator Fareways as **Appendix F**
- 2.7 As part of our inquiries, we consulted Andy Ashton, who has calibrated all our meters in the past and does so for other councils as well. His response is attached as **Appendix G**.

### 3. Implications

- 3.1 If the tariff change is agreed, the proposed table of fares will need to be advertised in the local paper for 14 days (from 12/09/2024 until 25/09/2024) and displayed in the Council offices and on the Council's website. It would also be the intention of officers to inform individual licence holders as part of this process.
- 3.2 Where there are no objections it is proposed that the changes take effect on 26/09/2024 subject to the production and distribution of the revised tariff card.
- 3.3 Where there are objections, the committee will need to consider the proposal further in the light of those representations, if following consideration, the tariff increase is approved it must come into effect not later than 26<sup>th</sup> November 2024

### 4. Options

- 4.1 Members may consider amending any part of this proposal and have the following options:
  - a) Support the proposed booking fee for Hackney Carriages as submitted and approve the changes for consultation and implemented in accordance with the proposed timescale where no objections are received.
  - b) Modify the proposed booking fee and approve the modified change for consultation and implemented in accordance with the proposed timescale where no objections are received.
  - c) Not to approve the proposed implementation of a booking fee to the current tariff.
- 4.2 In the event that an objection or representation is submitted after the consultation, the matter must be referred back to the Regulatory Committee for further consideration and where necessary, establish a further implementation date.

- 4.3 Committee members should be aware that if approved the new implementation date must be set within 2 months of the original date

List of appendices:

- A. Current Tariff
- B. CDTA Petition
- C. Questions to Chelmsford Private Hire Operators
- D. Other Council response
- E. Response from Happicabs
- F. Response from Fareways
- G. Pending a response from Andy Ashton.

Background papers:

None

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Corporate Implications:

Legal/Constitutional: None

Financial: None

Potential impact on climate change and the environment: None

Contribution toward achieving a net zero carbon position by 2030: None

Personnel: None

Risk Management: None

Equality and Diversity: None

Health and Safety: None

Digital: None

Other: None

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Consultees:

The Petitioners

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Relevant Policies and Strategies:

N/A

# APPENDIX A

## Chelmsford Hackney Carriage Fares 2022



### Hackney Carriage Fares (YARDS) – UP TO 4 PASSENGERS

#### Tariff 1:

*06:00 to 23:00 Monday to Saturday (excluding public holiday)*

First 625 yards or 2 minutes and 34 seconds (pull off)	£3.60
Each subsequent 71.0 yards. (Equates to £2.479 per mile after 625 yards)	£0.10
Waiting time per 17.5 seconds	£0.10

#### Tariff 2

*23:00 to 06:00 daily and anytime on public holidays (all day) 18:00 to 22:00  
Christmas Eve and New Year's Eve*

First 700 yards or 3 minutes and 15 seconds (pull off)	£4.80
Each subsequent 50.7 yards (Equates to £3.471 per mile after 700 yards)	£0.10
Waiting time per 14.10 seconds	£0.10

#### Tariff 3:

*06:00 to 23:00 Sundays*

First 410 yards or 1 minute and 17 seconds. (pull off)	£4.70
Each subsequent 71.6 yards (Equates to £2.458 per mile after 410 yards)	£0.10
Waiting time per 11.60seconds	£0.10

#### Tariff 4:

*For hiring's begun between 22:00 24<sup>th</sup> December and 06:00 27<sup>th</sup> December and between 22:00 on 31<sup>st</sup> December and midnight on 1<sup>st</sup> January (no extras)*

First 495 yards or 1 minutes and 56 seconds. (pull off)	£5.60
Each subsequent 84.7 yards (Equates to £4.156per mile after 495 yards)	£0.20
Waiting time per 19.8 seconds	£0.20

#### Miscellaneous extras:

For each additional passenger above one per journey	£0.30
For items carried outside the passenger compartment	£0.20
Each bicycle, push chair or perambulator	£0.20
Each other parcel or item of luggage	£0.20
Spoilage charge-a reasonable charge may be levied to a <b>maximum</b> of:	£65.00

## Chelmsford Hackney Carriage Fares 2022



### Hackney Carriage Fares (YARDS) – 5 OR MORE PASSENGERS (NOT APPLICABLE TO WHEELCHAIR USERS AND CARERS)

#### Tariff 5:

*6:00 to 23:00 Monday to Saturday (excluding public holiday)*

Time and yardage as above (pull off)	£5.40
Each subsequent 71.0 yards ((Equates to £3.718 per mile after 625 yards)	£0.15
Waiting time per 17.5 seconds	£0.15

#### Tariff 6:

*23:00 to 06:00 daily and anytime on public holidays (all day) 18:00 to 22:00  
Christmas Eve and New Year's Eve*

Time and yardage as above (pull off)	£7.20
Each subsequent 50.70 yards (Equates to £5.207 per mile after 700 yards)	£0.15
Waiting time per 14.10 seconds	£0.15

#### Tariff 7:

*06:00 to 23:00 Sundays*

Time and yardage as above (pull off)	£7.05
Each subsequent 71.6 yards (Equates to £3.687 per mile after 410 yards)	£0.15
Waiting time per 11.60 seconds	£0.15

#### Tariff 8 :

*For hiring's begun between 22:00 24<sup>th</sup> December and 06:00 27<sup>th</sup> December and between 22:00 on 31<sup>st</sup> December and midnight on 1<sup>st</sup> January (no extras)*

Time and yardage as above (pull off)	£8.40
Each subsequent 84.7 yards (Equates to £6.234 per mile after 495 yards)	£0.30
Waiting time per 19.8 seconds	£0.30

#### Miscellaneous extras:

For each additional passenger above one per journey	£0.30
For items carried outside the passenger compartment	£0.20
Each bicycle, push chair or perambulator	£0.20
Each other parcel or item of luggage	£0.20
Spoilage charge-a reasonable charge may be levied to a <b>maximum</b> of:	£65.00

# APPENDIX B

## **Hackney Carriage (Taxi) trade Tarif amendment proposal by Chelmsford Taxi Drivers Association (CTDA)**

### Proposal

To consider the current restrictions on Hackney Carriage (Taxis) affecting the service levels, which upon adjustment, could easily and greatly be enhanced for the benefit of members of the public.

### Current Status

Drivers are currently hesitant to take booked (Telephone or App Booking) journeys outside the city center due to meter limitations, causing inconvenience for customers, especially wheelchair users.

The Association propose a solution similar to that introduced by Brentwood Council to instigate a 'Call-Out/Booking fee' initiative that could alleviate the problem.

This fee, quoted at telephone or App booking, allowing Taxi vehicles to efficiently serve distant locations, benefiting both customers and taxi businesses by reducing wait times without altering the final fare as shown on the meter.

The proposed approach provides transparency and control for customers, addressing the current challenges in the transportation system.

### In detail

As you may be aware, Taxis vehicles have to run the meter for every job they undertake within the boundary of Chelmsford.

This makes perfect sense for all rank and flag down work in the City. Eg from the Station to Springfield. Private Hire (PH) firms are able to price trips at a price they deem fair for the job and in agreement with the customer at the time of booking.

Many Taxi vehicles can obtain work direct through their own phone or being sub contract from PH firms and undertake PH work as well as Taxi work. Primarily this occurs at peak times when the PH firm is very busy and wait times for customers increase that may be unacceptable to them. This for regular bookings and all wheelchair work.



The problem that is occurring is trips that do not start/finish or pass through the city centre where the Taxi vehicles are mainly based normally on Ranks.

For example. A resident in Great Waltham wanting to travel to Broomfield Hospital for an urgent requirement.

A PH firm would price that job at around £15 to account for the driver having to drive the 5+ mile trip to Great Waltham to drive just 2 miles back to the hospital. However, a Taxi driver would not be able to charge £15, he would have to meter the job at approximately £8.

This leads to the situation where Taxi drivers would not be given (or accept) these types of job received directly or from the PH firms. This means in peaks times the residents who need these type of trips (who may be happy to pay and would ultimately pay the £15 to the PH firms) have excessive wait times or not get there at all, as they do not have access to the overflow bank of Taxis waiting on Ranks in the city centre.

There are occasions when customers plead for taxis to come from the city centre, but the drivers are commercially unable, unwilling to take the job on.

Many a time customers will suggest they are willing to pay a premium to get to the destination/appointment that is urgent and or important.

This is particularly relevant to residents on the outskirts and the more rural parts of the Chelmsford district who need a taxi but aren't necessarily travelling to Chelmsford City Centre eg South Woodham Ferrers to Rettendon, Great Leighs to Boreham. The same can be said for areas closer to Town be it Galleywood to Gt Baddow, Springfield to Chelmer Village.

This situation, however, leads to a bigger problem for Chelmsford's disabled community who have special and at times urgent requirements.

As you know, the vast majority of wheelchair accessible vehicles in Chelmsford are Hackney Carriage - 100+ vehicles. In the scenario above where a wheelchair user from Great Waltham needs to get to the Hospital, they are now in the unenviable position of trying to find either a PH firm with a PH licensed Wheelchair Accessible Vehicle (of which there are very, very few) so they can pay the £15 fare to the hospital, or they can try and find and persuade a Taxi vehicle to do the fare for £8.

This is not a good situation for these vulnerable customers, and it is causing a lot of problems for them.

There is however an easy solution. In Brentwood, they have solved the problem by allowing a 'Call Out/Booking fee' to be added to the fare booked with a Taxi. The price would be quoted to the customer at the time of booking and would be either accepted or not by the customer. Eg the fare on the meter would be approx £8 with £7 call out as a vehicle will come from the City Centre.

Should the customer not want to pay the fee that would be their choice, either choosing to wait for an available PH vehicle or finding their own way to their destination or choosing not to go at all.

This booking fee would allow PH firms with access to Taxi vehicles to provide the best possible taxi service they can, with reduced wait times. This is a win, win situation for all.

The call out fee does not change what the customer will ultimately pay – which will always be £15 in the above scenario.

By allowing the customer access to Taxi vehicles (that are waiting on ranks) will substantially reduce the waiting time, and in the case of Disabled customers, it enables them to have access to an actual vehicle that is capable of taking them. Without this proposed 'call out' charge, many including Disabled customers are being left unable to obtain much needed transport when they want it, at the price they are willing to pay dependant on their particular need. Urgent or important or both in some cases.

This gives the customer the control they need.

Rate card to read

'A Call Out/Booking Fee charge maybe applied on Telephone or App bookings dependant on location to the value no greater then £30 plus the metered fare'

Ian Vernon  
Chelmsford Taxi Driver Association (CTDA)

Glen Stafford Independent Driver

# APPENDIX C

Hello

I hope this message finds you well. This email is being sent to all Chelmsford Operators. We have already spoken to some of you however please assist us in providing a written response.

If this reaches you and you no longer operate an operator's licence, then please let us know so we can remove you from the list and close off your licence following its surrender.

Our Regulatory Committee considered a petition to our tariff last night. It was not agreed but put on hold with a request for more information specifically on how the bookings are managed and subcontracted to Hackney carriage drivers. To assist in this review, we are seeking your valuable insights on the following aspects:

How do you currently manage bookings that are subcontracted out to Hackney carriage drivers?

How is the radius/zone for these bookings determined, and what criteria are used?

What fees are associated with these subcontracted bookings?

How are jobs passed over to Hackney Carriages.

How do you work out your current fees for Private hire Bookings.

We would appreciate your feedback on how such a change to the tariff could impact your business. Specifically:

How would the introduction of a booking fee or call-out fee benefit your operations?

Are there any concerns or reasons why you might oppose this change to the tariff?

Your input is crucial in helping us understand the practical implications and potential benefits or drawbacks of this proposed change. We value your experience and perspective and look forward to your feedback.

Thank you for your cooperation and assistance in this matter.

Kind Regards

**Daniel Winter (MioL)**

## Licensing Lead Officer

# APPENDIX D

## **Brentwood Council response**

Hi Dan, this was included on the last tariff increase. which was requested by the trade (well 202020). It didn't really attract any comment from anyone members or other drivers. So went through without any concerns.

I'm not sure how well used it is. It was only requested as sometimes 202020 get bookings for the other side of the district which isn't very well served by any trade, and if they charge a booking fee to cover the travel there for their PHV's, and if they only had HC they wanted to be able to do the same as an extra.

Don't forget that under Gladden V Brentwood you don't need an Operators licence to operate HC's.

Here are the reports and the minutes.

[Agenda for Planning and Licensing Committee on Tuesday, 28th June, 2022, 7.00 pm | Brentwood Council \(moderngov.co.uk\)](#)

[Agenda for Planning and Licensing Committee on Tuesday, 26th July, 2022, 7.00 pm | Brentwood Council \(moderngov.co.uk\)](#)

We have never had any complaints about it. Not sure how many actually use it.

Let me know if you need anything else.

**Paul Adams | Licensing Manager**  
T: 01277 312503 | M: 07768 777100 | [www.brentwood.gov.uk](http://www.brentwood.gov.uk) | [paul.adams@brentwood.gov.uk](mailto:paul.adams@brentwood.gov.uk)

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## **Southend Response**

Hi Dan

We have never been asked. It comes down to passenger awareness in my view, then the choice is theirs.

Regards,

**Adam Penn**, Regulatory Services Manager | Regeneration, Housing & Regulatory Services | Environment & Place | Southend-on-Sea City Council | Civic Centre, Victoria Avenue, Southend-on-Sea SS2 6ER

01702 534341 (Direct) | [adampenn@southend.gov.uk](mailto:adampenn@southend.gov.uk) | [www.southend.gov.uk](http://www.southend.gov.uk)



Current Consultations

[Gambling Licencing Policy - Consultation 2024 | Your say Southend](#)

[Licensing Act 2003 Policy Document Consultation | Your say Southend](#)

## Responses from Private Hire Operators

### Happicabs

Hi Daniel

Thank you for your email. As per our call, I can clarify the following;

There are two requests we'd like to make

1. Booking Fee - also known as Admin Fee, Surcharge, Service Charge etc.

This is a fee that an operator charges in addition to the fare from the passenger to cover any administrative costs associated with handling a booking.

For example; we receive a call to handle a group booking to and from a local wedding venue. The costs incurred to manage a booking such as this are high due to time spent in pricing, booking and managing. We may charge a booking fee of £2 per booking in this example. Each booking will have its own booking fee in respective.

An operator may also add a standard booking fee for each booking they make. Happicabs currently charges a minimum of £0.80 per booking it makes via its telephone, app or web. This can increase up to £20 per booking depending on the customer requests, time and effort involved in managing the administrative part of the booking.

This is something that we currently cannot charge on bookings made and transferred to a HACKNEY CARRIAGE. These fees are removed and as a result loss incurred for the company.

We'd like the new tariff to incorporate a booking fee tariff maximum of £20 for PH operators making bookings and passing onto HC vehicle drivers.

2. Call out Charge also known as Dead Mileage charge or unpaid miles charge.

This is a fee that is charged when a vehicle drives a considerable amount of distance to pick-up the passenger and then drivers further away. Resulting in extra costs for the unpaid miles to reach the passengers pick-up point. This is what the Hackney Trade are requesting for so they can charge additional mileage to cover the costs for journeys that fall within the district but are considerably far away to get to. For example; if a journey was to be booked from Danbury to Danbury, Happicabs would charge (Fare+Dead Mileage). Our dead mileage is set to kick in once a pick-up and destination fall outside of 2.5 miles radius to Chelmsford Station. So, if a journey started from Boreham to Chelmsford City Centre, no dead miles will be charged or vice versa. If a journey was to start from Hatfield Peverel Station to Boreham, dead

mileage would be taken from either pick-up point or drop-off point (whichever is shortest) and the calculation will be taken from the edge of operating zone (2.5 miles) to the pick-up or drop-off point (whichever is shortest).

The problem we currently have is that we cannot pass these jobs onto hackneys as they're not allowed to do jobs that start and end in the district that incur a dead mileage fee. My example above starts from Braintree District however other examples cause issues such as a journey from and to Little Waltham to Great Waltham, is a considerable distance to travel from the city centre without a dead mileage charge.

How do you currently manage bookings that are subcontracted out to Hackney carriage drivers?

We manually dispatch booking to hackneys however we have to be mindful of booking fees and dead mileage charges. We have to avoid dead mileage charge jobs so hackneys remain complaint and we always remove booking fees so meter rate is only charge. This impacts service, availability and added work for our ops team.

How is the radius/zone for these bookings determined, and what criteria are used?

We set 2.5 miles radius as our operating zone from Chelmsford station.

What fees are associated with these subcontracted bookings?

Anything up to £20 in booking fees (see my booking fees section above please)

How are jobs passed over to Hackney Carriages.

By a computerised dispatch system.

How do you work out your current fees for Private hire Bookings.

This is explained above.

Thank you,

Waqas

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## **Second Response from Happicabs**

Hi Daniel,

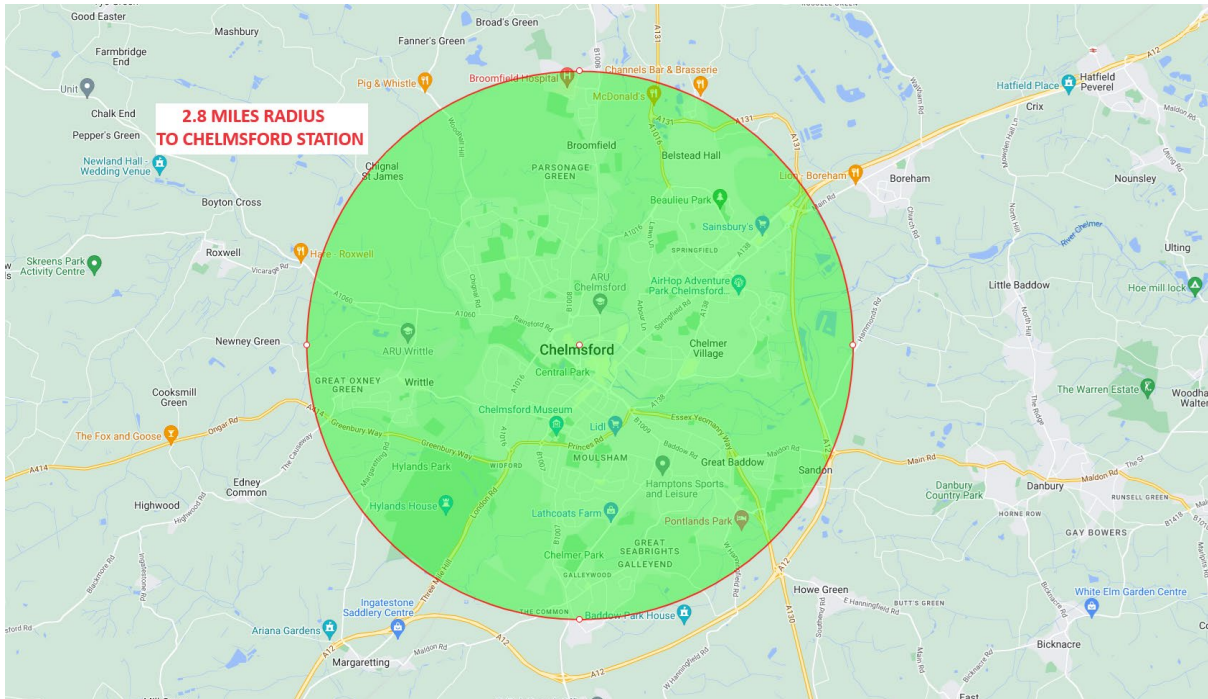
I have given the call out/dead mileage part a further thought. I suggest there should be a operational zone where a dead mileage shall not be applied. The reasons for



this are to ensure tariff consistency and the public are given a fair price for the journeys they're looking to book. This shall also emit any potential complaints around pricing made by the public.

The suggestion is a zone 2.8 miles radius to Chelmsford Station should not permit any Hackney Carriage to add a dead mileage charge if the following conditions are met:

- Journey starts within the 2.8 miles radius zone *i.e. Journey starts in Springfield and ends in Hatfield Peverel (Springfield is within Operational Zone, dead mileage shall not apply).*
- Journey ends within the 2.8 miles radius zone *i.e. Journey ends in Danbury and starts in Great Baddow (Great Baddow is within Operational Zone, dead mileage shall not apply).*
- Journey starts and ends within the 2.8 miles radius *i.e. Journey starts in Great Baddow and ends in Meadgate (Both areas are within Operational Zone, dead mileage shall not apply).*
- Journey that starts and ends outside but goes through the 2.8 miles radius zone *i.e. Journey starts in Danbury and ends in Roxwell (Both areas are outside Operational Zone but you need to go through the zone to reach the other end, dead mileage shall not apply).*
- Journey starts and ends outside the 2.8 miles radius *i.e. Journey starts in Danbury and ends in Bicknacre, dead mileage is applied from the edge of the closest operational zone. In this case being Sandon.*



**Figure 1 - 2.8 miles Radius to Chelmsford Station**

Consider this as the operation or operating zone.

I do not agree with the customer being charged for a fee for a HCV to driver out of the City Centre to a local area i.e. Springfield for a pick-up and brought back to either the City Centre area **or** taken elsewhere either within or outside the operational zone. The current tariff is at one of the highest tariff cars in Essex, the tariff has tolerances for a fare not to exceed the tariff card within 2.8 miles within Chelmsford City Centre.

### **South Woodham Ferrers (SWF)**

We must set boundaries for SWF too to ensure the area is protected in terms of taxi inflation costs. The same rules to apply with dead mileage charges within SWF operating zone.



**Figure 2 - 1 mile Radius to South Woodham Ferrers Asda**

The councillors may also want to consider a maximum cap on the dead mileage for the Chelmsford District. Maybe introduce a flat rate card that guides the drivers the maximum they can charge based on the area of pick-up or destination only if outside the zone. This will ensure consistency and should any pricing disputes arise, the city council licensing team have a guide to judge whether it was correctly charge or overcharged, and deal with it accordingly.

I strongly suggest this policy is introduced however it should come with a guide and boundaries to ensure the taxi trade are and remain to be governed by tariff rate card. The risk of not introducing an operational zone may lead to dead mileages being added to local fares that start and end within the area of operation (and as per my recommendation above as to where it should and should be applied.).

If you require any more information, please feel free to contact me or meet me in person at our office in Writtle.

Kind regards,

Waqas

## Response from Fareways Taxis

Morning Daniel,

I hope you are well.

Our software is programmed to autodispatch jobs to drivers, it has no preference over a hackney or private hire. Jobs are offered to the closest driver in that area, if there is not one the system will then look further afield. Drivers can either accept or decline a job. Only jobs that are under £50, and only require a saloon car are dispatched this way, anything outside of this criteria is manually dispatched by an operator.

The areas on our dispatch system have been manually set up. For example, Springfield is broken down into multiple areas, Old Springfield, North Springfield, Springfield industrial estate. This ensures the closest driver is sent. If there is a booking from Sainsburys and there wasn't a driver in the aforementioned areas, the system would next look for a driver in Chelmer Village, Beaulieu, Channels estate etc. If a driver does not accept the booking it would go out for 'bid' and a driver from any area can take the booking.

We do not charge customers any fees on our jobs unless they are out of town and not coming back to Chelmsford, and that is only dead mileage.

Renters/owner drivers pay us 18% commission of a metered fare, this for both hackney and private hire. Drivers receive 100% of their tips.

Jobs are offered to drivers through an app which the drivers download onto their phone. The job shows the route of the journey and price before they accept it, if the driver does not want to do the job, they can reject it.

We do not charge fees for private hire bookings. The fare is calculated on a virtual meter, not too dissimilar to hackney meter, or a price is agreed at the time of booking. Hackneys use their council meter.

The benefits of a booking fee for us as a company is increasing the availability of wheelchair accessible vehicles. We only have 2 of our own wavy and these are often fully booked. It is difficult to get a hackney to cover a job that is on the outskirts of Chelmsford and only going a mile i.e Waltham to Broomfield Hospital. I would hope that if a call out fee was introduced it would increase wheelchair availability over a weekend and peak times (rush hour). If a fee was introduced it would be helpful if we could be provided with phone numbers for wheelchair accessible vehicles and we could pass the job over to them, or give the passenger an alternative number to call.

The vehicles that Fareway own are all private hire, we operate drop and stop within Chelmsford. Drop and stop is providing passengers with quicker pick up times for asap bookings and also means we do not need to charge booking fees as there is usually a car in the area. A booking fee is not something we would implement for our own work, however we would use it for quoting wavy if they were being subcontracted outside of our circuit.

I think there would need to be a clear pricing structure and maximum fee that can be charged for each area. I also think it should be displayed or readily available in each vehicle to avoid abuse and customers being overcharged.

Please contact me if you require any further information.

Kind regards

Carly

Fareway Taxis

01245 355555

## Andy Ashton Response

Good afternoon, Dan.

I can confirm that I do service and support Taxis that are licenced in Brentwood.

I was surprised that Brentwood Council had allowed a *variable* amount of up to £20.00 as this is clearly open to abuse in practice, whether it is displayed on a meter or not.

The very nature and purpose of a taximeter is to safeguard the public from being charged any more than the maximum permitted charge per mile/hour as defined by the Table of Fares (ToF).

The council (any LA) only has 'jurisdiction' within its own district boundaries. Therefore, any journeys undertaken from point to point within the licensed district cannot be charged any more than what is displayed upon the meter.

The wording, or similar found on many ToF's usually states:

"TAXIS MUST USE THE METER ON ALL JOURNEYS WHICH START AND END WITHIN ( THE DISTRICT). The meter need not be used on journeys which terminate beyond (the district) boundary and or when the hirer and driver have agreed the price before the journey commences."

A Taxi accepting a private hire or pre- booking is still a Taxi when it comes to what it can charge when conducting business as outlined above. The driver, at his own discretion, can also give a discount to the fare shown on the meter.

As well as Brentwood and Chelmsford Councils, I also serve the following areas:

Harlow, Epping Forest, Uttlesford, Braintree, Basildon, East Herts, Broxbourne, Watford, Babergh, West Suffolk, Breckland, Fenland, Sevenoaks, Tonbridge & Malling, Tunbridge wells and several others that travel to use me.

I am not aware that any other area listed above allows such a maximum booking fee, if any at all, to be displayed on their ToF.

I have however found you an example.

Basingstoke and Deane/ Hart District Council have set a fixed booking fee 'extra' of £1.25. ( copy attached to this email).

In principle, a small 'fixed' booking fee to cover dead mileage and time might be appropriate if a Chelmsford City based cab firm accepted a local 'point to point job in let's say Boreham and had to travel several miles to do the job. It would be a discretionary charge but up to £20.00??

£20 will possibly buy enough diesel to cover the drivers entire shift and may be seen as excessive by some if applied in all instances where a driver had to travel a few miles to cover a pre-booked job.

As far as the programming of the Taximeter is concerned, extras are usually limited, in the case of Chelmsford, to £5.00 maximum, to cover most combinations as listed on the Chelmsford ToF.

In practice, many drivers in many areas do not charge extras and this alone adds unnecessary variations to different customers who are taken by different drivers. Some charge, some don't.

There is no special provision for a booking fee (of up to £20.00) on Brentwood taximeters. The wording of the ToF appears to allow for a mutual agreement to take place rather than for it to be displayed as an extra on the taximeter.

Extras in Brentwood are limited by the maximum number of passengers carried in a saloon or multi seater vehicle, for example, their only applicable extras that can be added on their meters is 40p per head for extra passengers in excess of one, up to the maximum of 7 (8 seater vehicles).

I hope the above information and any views I have shared, help with your decision making process.

Yours sincerely

Andy Ashton

A Ashton Ltd (Taximeters)



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## Chelmsford City Council Regulatory Committee

5<sup>th</sup> September 2024

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

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Report by: Director of Public Places

### Officer Contact:

Daniel WINTER, Licensing Lead Officer, [Daniel.winter@chelmsford.gov.uk](mailto:Daniel.winter@chelmsford.gov.uk) 01245 606317

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### 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 for Black Sheep Coffee.

### 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.
- 

### 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 in specific areas at the top of the High Street, as detailed (hatched in 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 located at 61 High Street, Chelmsford near the centre of the high street, at the junction of Springfield Road and Chelmsford High Street, and is surrounded by various businesses and restaurants. Google Maps satellite images showing the location are attached at **Appendix B**.
- 2.2 Black Sheep Coffee is located near Coffeestop, a pop-up café that sets up near the monument at the junction of both roads in the town centre on market days which are Tuesday, Friday, Saturday, and Sunday. Coffeestop has historically had a pavement licence and provide furniture around the monument. Their licence expired on the 25<sup>th</sup> July 2024 and are currently in the process of reapplying.

## 3. Application

- 3.1 On the 12<sup>th</sup> July 2024, a complete application was received from Coff33 Ltd in relation to its premise located at 61 High Street Chelmsford Essex CM1 1DH, 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 The applicant 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 15<sup>th</sup> July 2024 with a closing date of 28<sup>th</sup> July 2024.

#### 4. Representation and consideration

- 4.1 Three representations were made during the consultation period from Chelmsford City Council's Town Centre Management and planning department, and Essex County Council. These are attached as **Appendix E**
- 4.2 A letter of refusal and reasons were sent to the applicant via email on 7<sup>th</sup> August 2024. This is attached as **Appendix F**
- 4.3 Chelmsford City council received a letter of appeal, on 7<sup>th</sup> August 2024, in relation to the refusal of the application for a pavement licence. Please see attached at **Appendix G**.
- 4.4 In the interest of fair democracy and to support the members of the regulatory committee, the Licensing Authority informally approached those who made an objection to the original application and asked for their views for the proposed amendment to the plans. Please see responses attached to this report as **Appendix H**

#### 5. Conclusion

- 5.1 Black Sheep Coffee, located near the town centre, applied for a pavement licence. The application included detailed plans and photos, and consultation with relevant authorities ended. Three representations from local authorities raised concerns, leading to the application's refusal by Chelmsford City Council.
- 5.2 Essex County Council, in response raised concerns about potential overcrowding, especially on market days when the area can become congested. They suggested the Council consider restricting the licence on market days. The Planning Department highlighted that the west side of the High Street is a key emergency access route, historically kept clear of tables and chairs. They noted that previous applications for pavement licences in this area were denied for similar reasons. The Chelmsford Market Manager echoed these concerns, emphasizing the need to maintain clear vehicle access on the west side of the High Street.

#### 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.
- Appendix H – Informal responses to proposed amended plans

#### Background papers: Business and planning Act 2020

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## Corporate Implications

**Legal/Constitutional:** The local council must ensure that the appeal process follows principles of procedural fairness. This means providing the appellant with a fair and transparent opportunity to present their case, access to relevant information, and a chance to respond to any evidence against them.

**Financial: Damages and Compensation:** In some cases, if the council's initial decision to revoke the licence is found to be unjust or based on flawed reasoning, they might be required to pay damages or compensation to the appellant.

**Potential impact on climate change and the environment:** If the pavement licence allows for outdoor seating or other activities that attract customers, it could lead to increased foot and vehicular traffic in the area. This could result in higher emissions from vehicles and contribute to air pollution, counteracting efforts to reduce greenhouse gas emissions.

Outdoor commercial activities associated with pavement licences can lead to increased noise levels and waste generation. This might have negative impacts on the local environment, affecting both residents and ecosystems.

Pavement licences often involve food and beverage service, which can generate additional waste. If proper waste management practices are not in place, it could lead to increased littering and improper disposal, harming the local environment.

Contribution toward achieving a net zero carbon position by 2030: None

**Personnel:** Legal Expertise, Regulatory Compliance, Stakeholder Engagement, Financial Planning, Environmental Assessment, Urban Planning, Policy Development.

**Risk Management:** Legal and Regulatory Risks, Reputation Risks, Financial Risks, Operational Risks, Environmental Risks, Social and Community Risks, Litigation Risks, Compliance Risks: Economic Impact, Climate and Sustainability Risks.

**Equality and Diversity:** Equal Treatment, Community Impact, Community Engagement, Accessibility, Language and Cultural Sensitivity, Economic and Social Equity, Public Consultations, Diverse Representation, Mitigating Displacement, Community Benefits.

**Health and Safety: Public Safety:** The council must prioritize public safety in all decisions related to pavement licences. The appeal outcome should not compromise the safety of pedestrians, customers, or residents in the area.

**Emergency Access:** The council should ensure that the appeal decision does not obstruct emergency access routes, such as sidewalks, fire lanes, or entrances to buildings.

**Fire Safety:** If the appeal allows for outdoor seating or other activities, fire safety measures should be in place to prevent fire hazards and ensure safe evacuation routes.

**Crowd Management:** If the appeal outcome leads to increased foot traffic or gatherings in the area, the council should consider measures to manage crowds and prevent overcrowding, especially during events or peak hours.

**Accessibility:** Outdoor activities associated with pavement licenses should not impede accessibility for individuals with disabilities. Proper pathways and clear access routes should be maintained.

**Noise Control:** The appeal outcome might involve outdoor activities that generate noise. The council should establish noise control regulations to ensure that noise levels do not negatively impact nearby residents or businesses.

**Food Safety:** If the appeal allows for food and beverage service, businesses should adhere to food safety regulations to prevent contamination and ensure the health of customers.

**Lighting and Visibility:** Proper lighting should be provided for outdoor activities that continue after dark to ensure visibility and safety for both pedestrians and drivers.

**Waste Management:** The council should set guidelines for waste management to prevent littering and maintain a clean and safe environment in the area.

**Weather Considerations:** If the appeal outcome leads to outdoor activities, the council should consider weather conditions and establish guidelines for dealing with adverse weather, such as rain, wind, or extreme temperatures.

**COVID-19 Precautions:** In light of the ongoing COVID-19 pandemic, the council should consider any additional health and safety precautions that might be necessary to prevent the spread of the virus in outdoor commercial activities.

**Inspections and Enforcement:** The council should have a mechanism in place to regularly inspect and enforce compliance with health and safety regulations related to the appeal outcome.

**Digital: Electronic Records:** Maintain electronic records of all communications, decisions, and documents related to the appeal process. This helps in maintaining a clear audit trail and can be valuable in case of disputes.

**Data Security:** Any digital platforms used to store and share sensitive information related to the appeal must adhere to strict data security and privacy standards to prevent unauthorized access or data breaches.

Other: None

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Consultees: Legal, Democratic Services

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Relevant Policies and Strategies: Business and planning Act 2020

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## **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](http://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



For materials and construction information relating to the proposed Shire Hall steps and ramps, please refer to the Standard Details drawing

For tree pit materials and construction information, please refer to the Standard Details drawing

Existing post box to be relocated approximately 8m south

Relocated post box to be positioned out of the shop-front thoroughfare

Seating to be positioned to avoid placement over inspection chambers

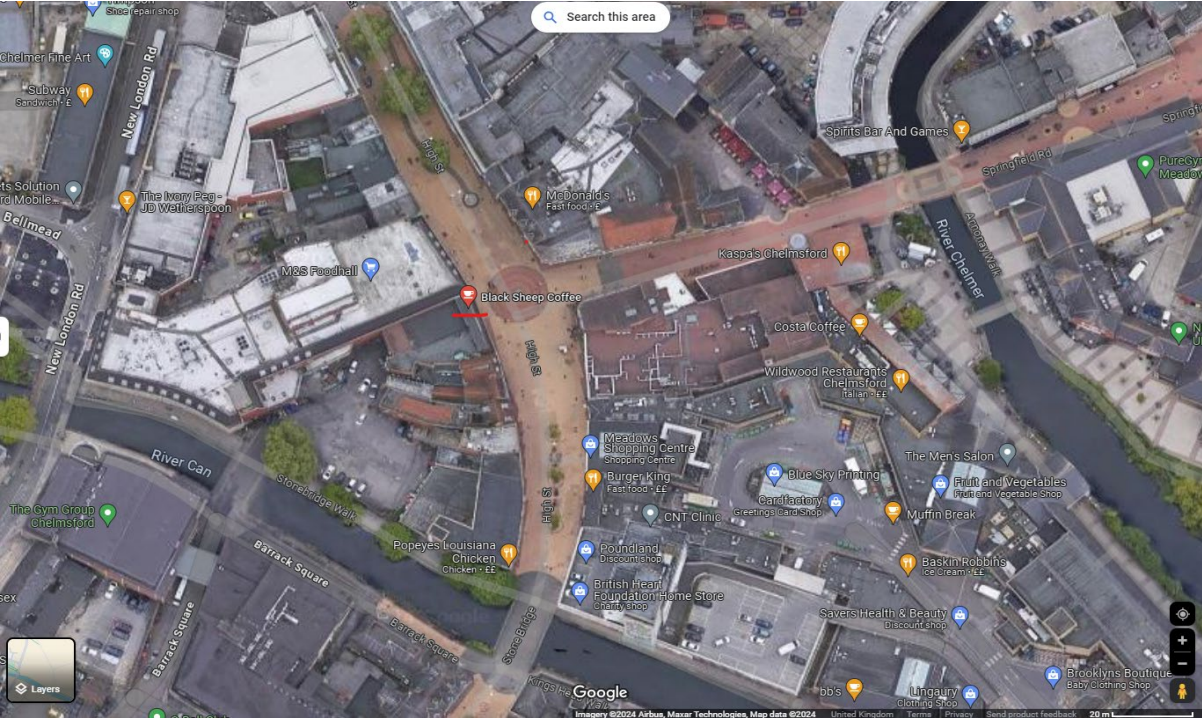
Existing soldier course of paving blocks to be removed and replaced with linear rows of new granite paving to match existing



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Essex County Council, 100019602, 2019

File Location C:\working\jacobs\_uk\_highways\_essex\aidemah\d0218529\B35344A-35-101.dwg Last saved by aidemah on 5 April 2021 Printed by Aidemah, Helen on 5 April 2021

# 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](http://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: Coff33 LTD 29 High Street, Brentwood, Essex, CM14 4RG		
Post Town: Brentwood	Post Code:	
Phone (Home):	Phone (Mobile):	
e-mail address:		
Date of Birth:	NI number:	

BUSINESS PREMISES DETAILS	
Trading Name: Black Sheep Coffee	
Postal Address:  61 High Street, Chelmsford, Essex, CM1 1DH	
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	

**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)  
 To place 4 tables and 8 eight chairs as per the drawing submitted.

With Post and banners around the table and chairs.

**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



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	7am to 7pm	Fridays	7am to 7pm
Tuesdays	7am to 7pm	Saturdays	7am to 7pm
Wednesdays	7am to 7pm	Sundays	7am to 6pm
Thursdays	7am to 7pm		

## 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)  
Using black metal round tables and chairs

Posts and banners

Photos uploaded.

### 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



## 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:**

12/07/2024

**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](mailto:licensing@chelmsford.gov.uk)

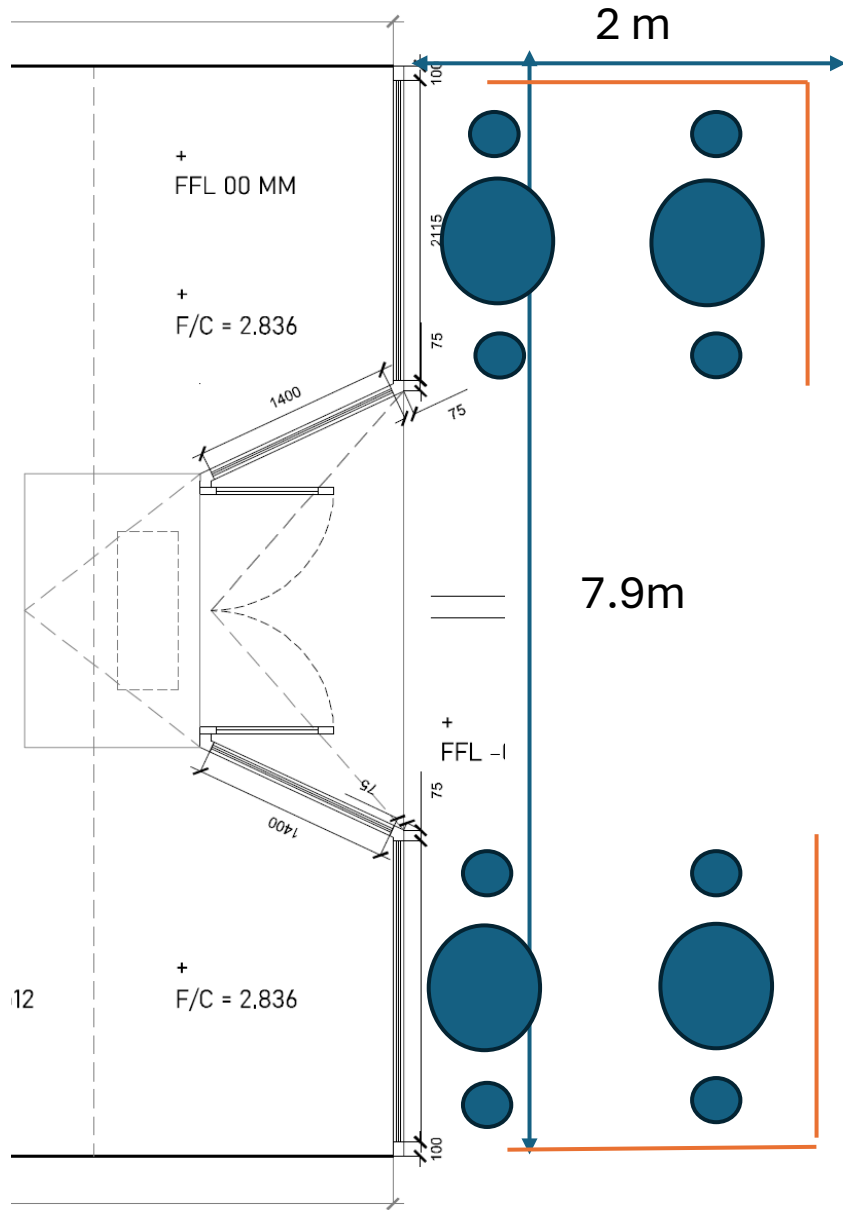
## GUIDANCE NOTES

What should accompany the form?

Deemed licences?



# APPENDIX D





Black Sheep Coffee



Table Dimensions  
Height 720mm  
Width 450mm

Chairs Dimensions  
Height seat 450mm  
Width 540mm  
Depth 560mm  
Height 730mm

# APPENDIX E

## Essex County Council response.

Dear Katherine

### **Business and Planning Act 2020**

### **Application for a Pavement Licence – Black Sheep Coffee, 61 High Street, Chelmsford.**

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 \* for pavement licence, please find attached consent in response to the consultation. I would be grateful if you could send us a copy of the licence for our records.

I have specified one site specific condition in respect of this application to prevent overcrowding on market days, I understand on market days this area can become congested with trader's good (furniture for sale). It is for the Council to decide if they wish to grant the pavement licence for all days, or for days other than market days.

Daniel, I am not sure if you can share with us the details of pitch spaces available in the City Centre (maybe a plan)? This would assist us understand the area/highway use for all.

If you require any further assistance or information, please do not hesitate to contact me.

Kind Regards

**Rachel Crouch** | Senior Traffic Regulation & Licencing Officer

**Network Assurance**

Positive Mental Health Champion 



**SAFER / GREENER / HEALTHIER**

**T: 07933 511665**

County Hall A2 Annexe, Seax House, Market Road, Chelmsford, CM1 1QH

[rachel.crouch@essexhighways.org](mailto:rachel.crouch@essexhighways.org)

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## **Planning response**

Hi Kate

61 High Street is on the west side of the High Street immediately adjacent to the town sign, in the Chelmsford Central Conservation Area. The premises benefits as a vista point when viewing down Springfield Road.

I don't believe this part of the High Street west side, has ever had tables & chairs. On the old Table and Chair 2012 licences plan the centre of the High Street space opposite here was indicated as an events area, the west side to be kept clear for emergency access.

This west side of the high street (i.e. along the front of 61 High Street) still is the emergency access vehicle route. We have the street market, event space, street furniture and town sign all in the middle of the high street keeping the edges as clear as possible for pedestrians. At this location my view is that tables and chairs here would obstruct both the emergency access and pedestrian flow. As well as emergency services and Highways you should check with Phil Chittock and Pauline Rider.

You will also be aware of

- Coffeestop Co by the Town Sign who had a Pavement Licence granted July 2023, this is immediately opposite 61 High Street in the centre of the street, anything opposite here would further constrain the movement of people and emergency access
- The neighbour at 60 High Street (Zambrero) applied for a Pavement Licence in May and August 2022, I provided comments on both. I haven't seen any tables and chairs outside this unit, I assume no licence was granted for similar reasoning as my comments above.

Kind regards

**Jamie Cole**

**Planning Officer (Public Realm and Design)**

Economic Development and Implementation, Sustainable Communities

Chelmsford City Council

Tel: 01245 606281

Email: [jamie.cole@chelmsford.gov.uk](mailto:jamie.cole@chelmsford.gov.uk)

Civic Centre, Duke Street, Chelmsford, CM1 1JE

Web: [www.chelmsford.gov.uk](http://www.chelmsford.gov.uk)

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**Chelmsford Market Manager**

Hi Kate,

I can only echo everything that Jamie has put in his email below. As Jamie says, most importantly, the West side of the High Street must always remain clear for vehicle access. Zambrero were not granted a licence for the same reasons.

Kind regards

Pauline

**Pauline Rider**

**Chelmsford Markets & Shopmobility Manager**

Directorate of Public Places

Chelmsford City Council

Tel: 01245 605716/07841 802722 (Tuesday – Saturday)

[pauline.rider@chelmsford.gov.uk](mailto:pauline.rider@chelmsford.gov.uk)

[www.chelmsford.gov.uk/market](http://www.chelmsford.gov.uk/market)

[www.chelmsford.gov.uk/shopmobility](http://www.chelmsford.gov.uk/shopmobility)

Chelmsford, Essex CM1 1JE

DX123305 Chelmsford 7  
Telephone: 01245 606606  
Facsimile :01245 606681  
Email:[licensing@chelmsford.gov.uk](mailto:licensing@chelmsford.gov.uk)

Black Sheep Coffee  
61 High Street  
Chelmsford  
Essex  
CM1 1DH

Our Ref: 24/00504/PAVLI  
Officer: Kate Kober  
Direct Dial: 01245606446  
Date: 02/08/2024

Subject: Pavement Licence Application for Black Sheep Coffee, 61 High Street, CM1 1DH.

Dear

I hope this letter finds you well. I am writing to inform you that your application for a pavement licence, submitted on 15<sup>th</sup> July 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 that the proposed furniture would restrict emergency vehicle access and pedestrian flow.

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

- With the current seating and market stall relating to Coffee Stop adjacent to Black Sheep Coffee, additional seating in this location would not leave the 3-meter space for emergency vehicles and would create a pinch point, especially on market days.
- The West side of the high street is the emergency access route.

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

We understand the importance of outdoor seating for businesses like yours, and we encourage you to revisit an application that meets our requirements.

Please be advised that local authorities can give notice requiring the business to remove furniture, where an application was refused or never applied for before a date specified and to refrain from putting furniture on the highway unless they gain a licence.

We would like to express our appreciation for 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.

**PUBLIC PLACES**  
**Director: Keith Nicholson**

Yours sincerely



Daniel Winter  
Licensing Lead Officer

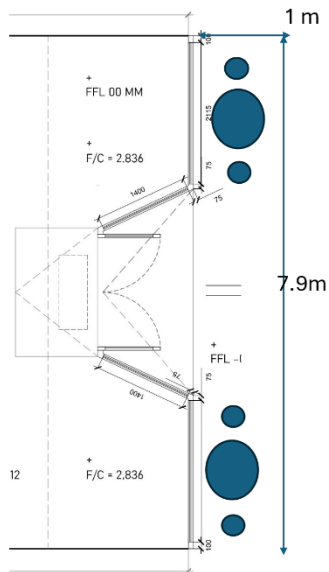


## APPEAL

Hi all,

Can I appeal your refusal?

Please see attached new proposal extending out 1 meter rather than 2 meters.



Kind regards



# APPENDIX H

## **Informal response to amended plans**

### **Town Centre Mgt Team**

Good afternoon, Dan,

I just reiterate the refusal reasoning from the 1<sup>st</sup> refusal. Any seating within this area would create an obstruction of traffic during our TRO times as well as for emergency vehicles and we have no other access routes. This space is lessened by the current Coffee Stop location 4 of 7 days, including the 2 highest footfall days thus making an option untenable.

Kind regards

**Phil Chittock**

**City Centre and Tourism Manager**

Marketing and Communications Team, Connected Chelmsford

Chelmsford City Council

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### **Essex County Council**

#### **RE: Appeal - Black Sheep Coffee 61 High Street Chelmsford**

Further your email and notification of appeal, whilst we understand that there is no formal consultation in respect of an appeal, we would like to support our original objection with the following points for consideration.

- With the current seating arrangements (capacity) and market stall footprint relating to Coffee Stop adjacent to Black Sheep Coffee this restricts the use of the area by other premises, any additional seating in this location would

restrict the access for any emergency vehicles and create a pinch point, especially on market days.

- If the seating capacity and footprint of the market stall was reduced to limit the use of the circular paved area around the monument, an application for table and chairs for Black Sheep Coffee could be considered, depending on the size and the number of table and chairs required.



If you require any further information, please do not hesitate to contact us.

Kind Regards

**Rachel Crouch** | Senior Traffic Regulation & Licencing Officer

**Network Assurance**

Positive Mental Health Champion 



## **Planning**

Hello Dan

Thank you for the email and opportunity to provide feedback. Comments from public realm and accessibility points of view remain as previously provided.

To add to this:

- To emphasise the key point, there are no tables & chairs areas alongside any building frontage in this core High Street area between the Town Sign and Lloyds Band island building, for the primary reason this stretch of street contains the high street market along its central area and the very high footfall here. Along the building fronts we are very fortunate in having clear unobstructed walkways which helps people with visual impairments and neurodiverse conditions navigate along this busy stretch of the High Street. Allowing tables and chairs area against the building at 61 High Street would set an unnecessary precedent that other premises in the area then try to follow.
- You will recall McDonalds on the opposite side of the High Street has a tables and chairs area away from the building and integrated in the high street market set up. The market also has a tables and chairs area for one of its stallholders near the town sign.
- To the south, closer to Stone Bridge, there is Robins 53 High Street and Popeyes 51-52 High Street, which do have tables and chairs along their building frontage. This area is a considerable distance away, some 50metres, making it irrelevant to the appeal site and more core market area of the street.

Kind regards

**Jamie Cole**

**Planning Officer (Public Realm and Design)**

---

## **Market Manager**

Good morning Daniel,

My feedback is as follows:

The area that Black Sheep wish to use for tables and chairs is part of the thoroughfare for all vehicles on Market days. There is no access on the opposite side of the high street (Metro & McDonalds side), so with a metre of tables and chairs outside Black Sheep this would reduce access drastically. Access is already very limited on Market days, and their sign has been knocked already by a passing vehicle because of this (see picture attached).

Allowing Black Sheep to put tables and chairs on the highway in this area would severely restrict vehicle access to all areas of the High Street on Market days. Emergency vehicles would find it extremely difficult, if not impossible to pass this pinch point area of the high street.

Kind regards

Pauline

**Pauline Rider**

**Chelmsford Markets & Shopmobility Manager**



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## Chelmsford City Council Regulatory Committee

5<sup>th</sup> September 2024

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

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Report by: Director of Public Places

### Officer Contact:

Kate KOBER, Licensing Officer, [Katherine.kober@chelmsford.gov.uk](mailto: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.
- 

### 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 plan 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 25<sup>th</sup> June 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 25<sup>th</sup> June 2024 with a closing date of 9<sup>th</sup> July 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 Town Centre Management and planning department, Essex County Council and Environmental services. These are attached as **APPENDIX E**

- 4.2 The Licensing Authority in accordance with Chelmsford City Councils policy, refused the application and a letter of refusal and reasons why was sent to Queenies via email on 15<sup>th</sup> July 2024 as well as a hand delivered copy of the letter on 19<sup>th</sup> July 2024. This is attached as **APPENDIX F**
  - 4.3 Chelmsford City council received a letter of appeal, on 23<sup>rd</sup> July 2024, in relation to the refusal of the application for a pavement licence. Please see attached at **APPENDIX G**.
  - 4.4 Chelmsford City Council issued a letter of warning on 26<sup>th</sup> July 2024 requesting that the existing furniture, which was unauthorised, be removed no later than 29<sup>th</sup> July 2024. This is attached as **APPENDIX H**
  - 4.5 On the 1<sup>st</sup> August 2024, Chelmsford City Council issued an unauthorised street furniture removal notice due to non-compliance with the previous warning letter, which was also ignored. The Licensing Authority then arranged the safe removal of the furniture and placed it into storage. A copy of this notice is attached as **APPENDIX I**
5. **Conclusion**
- 5.1 In conclusion, while upholding the decision to refuse the licence aligns with existing policies and regulations, alternative options 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.
- Appendix H – CCC warning letter for unauthorised furniture.
- Appendix I – Unauthorised Street furniture removal notice

**Background papers:** Business and planning Act 2020

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#### Corporate Implications

Legal/Constitutional: The local council must ensure that the appeal process follows principles of procedural fairness. This means providing the appellant with a fair and transparent opportunity to present their case, access to relevant information, and a chance to respond to any evidence against them.



**Financial: Damages and Compensation:** In some cases, if the council's initial decision to revoke the licence is found to be unjust or based on flawed reasoning, they might be required to pay damages or compensation to the appellant.

**Potential impact on climate change and the environment:** If the pavement licence allows for outdoor seating or other activities that attract customers, it could lead to increased foot and vehicular traffic in the area. This could result in higher emissions from vehicles and contribute to air pollution, counteracting efforts to reduce greenhouse gas emissions.

**Outdoor commercial activities associated with pavement licences** can lead to increased noise levels and waste generation. This might have negative impacts on the local environment, affecting both residents and ecosystems.

**Pavement licences often involve food and beverage service**, which can generate additional waste. If proper waste management practices are not in place, it could lead to increased littering and improper disposal, harming the local environment.

**Contribution toward achieving a net zero carbon position by 2030:** None

**Personnel:** Legal Expertise, Regulatory Compliance, Stakeholder Engagement, Financial Planning, Environmental Assessment, Urban Planning, Policy Development.

**Risk Management:** Legal and Regulatory Risks, Reputation Risks, Financial Risks, Operational Risks, Environmental Risks, Social and Community Risks, Litigation Risks, Compliance Risks: Economic Impact, Climate and Sustainability Risks.

**Equality and Diversity:** Equal Treatment, Community Impact, Community Engagement, Accessibility, Language and Cultural Sensitivity, Economic and Social Equity, Public Consultations, Diverse Representation, Mitigating Displacement, Community Benefits.

**Health and Safety: Public Safety:** The council must prioritize public safety in all decisions related to pavement licences. The appeal outcome should not compromise the safety of pedestrians, customers, or residents in the area.

**Emergency Access:** The council should ensure that the appeal decision does not obstruct emergency access routes, such as sidewalks, fire lanes, or entrances to buildings.

**Fire Safety:** If the appeal allows for outdoor seating or other activities, fire safety measures should be in place to prevent fire hazards and ensure safe evacuation routes.

**Crowd Management:** If the appeal outcome leads to increased foot traffic or gatherings in the area, the council should consider measures to manage crowds and prevent overcrowding, especially during events or peak hours.

**Accessibility:** Outdoor activities associated with pavement licenses should not impede accessibility for individuals with disabilities. Proper pathways and clear access routes should be maintained.

**Noise Control:** The appeal outcome might involve outdoor activities that generate noise. The council should establish noise control regulations to ensure that noise levels do not negatively impact nearby residents or businesses.

**Food Safety:** If the appeal allows for food and beverage service, businesses should adhere to food safety regulations to prevent contamination and ensure the health of customers.

**Lighting and Visibility:** Proper lighting should be provided for outdoor activities that continue after dark to ensure visibility and safety for both pedestrians and drivers.

**Waste Management:** The council should set guidelines for waste management to prevent littering and maintain a clean and safe environment in the area.

**Weather Considerations:** If the appeal outcome leads to outdoor activities, the council should consider weather conditions and establish guidelines for dealing with adverse weather, such as rain, wind, or extreme temperatures.

**Inspections and Enforcement:** The council should have a mechanism in place to regularly inspect and enforce compliance with health and safety regulations related to the appeal outcome.

**Digital: Electronic Records:** Maintain electronic records of all communications, decisions, and documents related to the appeal process. This helps in maintaining a clear audit trail and can be valuable in case of disputes.

**Data Security:** Any digital platforms used to store and share sensitive information related to the appeal must adhere to strict data security and privacy standards to prevent unauthorized access or data breaches.

Other: None

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**Consultees:** Legal, Democratic Services

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**Relevant Policies and Strategies:** Business and planning Act 2020

## **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](http://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.



# 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](http://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 name premises, 90 High Street, Chelmsford, Essex, CM1 1DX.

This area is 6.7meters in width, the total depth is 2.4 meters. These outside seating will leave a 6.3 meter gap between Queenies and Costa Coffee's external seating.

**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 2200
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;

4 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.

16 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 2.4m 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 plater 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



## 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:** 21/06/2024

**Signed:**

**Print Name:**

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

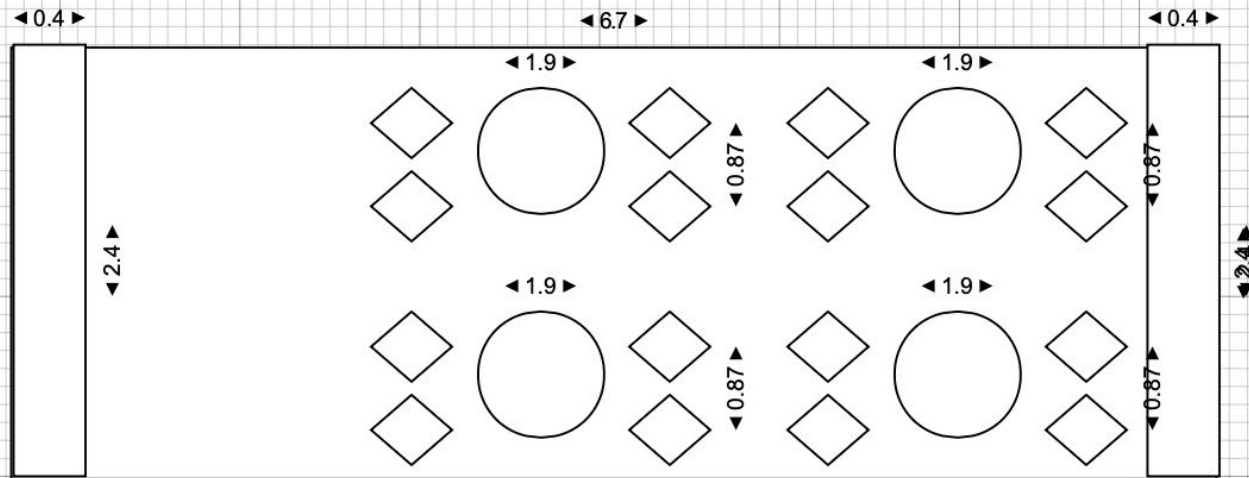
[licensing@chelmsford.gov.uk](mailto:licensing@chelmsford.gov.uk)

## GUIDANCE NOTES

What should accompany the form?

Deemed licences?

# APPENDIX D



Site:	<b>90 High Street</b>	Drawing:	<b>801506</b>	Project:	<b>0000416</b>	Drawn:	<b>Name</b>	Notes:	<b>90 High Street Chelmsford Essex CM1 1DX</b>
Title:	<b>Queenies Outside plan</b>	Scale:	<b>1:50</b>	Date:	<b>21/06/24</b>	Rev:	<b>A</b>		

**APPENDIX D**



# APPENDIX E

## Representation 1

Thanks for sending this over.

My concern is around the narrowing of the space approval would cause due to the fact Wendy's would also wish to have a similar area creating a pinch point.

My personal preference would be to reject this application, with a view that this would placate Wendy's who I believe also had a rejection.

**Phil Chittock**

**City Centre and Tourism Manager**

Marketing and Communications Team, Connected Chelmsford  
Chelmsford City Council

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## Representation 2

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 double row of tables and chairs in an area extending 2.4m out from the building face.

This is made clear on the application form and photograph included showing the tables and chairs area abutting the building. However looking at the plan alone it would not be clear where on the street the area being applied for is.

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. From the public seats to the tables & chairs area Queenies seek is a gap of 5m (the application form quotes 6.3m).

The proposed area alongside the building face of 90 High Street would severely obstruct the walking route along the west side of the High Street. It would in-effect close off any walking route along the west of the High Street. This is 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 [regulatory-committee-17322-agenda-pack.pdf](https://www.chelmsford.gov.uk/regulatory-committee-17322-agenda-pack.pdf) ([chelmsford.gov.uk](https://www.chelmsford.gov.uk)) 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 scheme design enables a zone each side of the street making it clear where 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.

Please keep to the plan (attached) 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.

Also, 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 +), and not part of the Tindal Square public realm area, unlike Costa Coffee immediately opposite Queenies.

Kind regards

**Jamie Cole**

**Planning Officer (Public Realm and Design)**

Economic Development and Implementation, Sustainable Communities

Chelmsford City Council

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## Appendix E – Representation 3

The application for a pavement licence has not been made in accordance Chelmsford City Council's Pavement Licence Policy. The policy is clear about where tables and chairs are permitted to be placed in the area of Tindal Square and the top part of the High Street. The policy specifies that a clear space of 3m width should be 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. 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. 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

# APPENDIX E



Essex Highways  
Seax House 2<sup>nd</sup> Floor  
Victoria Road South  
Chelmsford  
Essex CM1 1QH

Date: 8<sup>th</sup> July 2024  
Our Ref: TC/ RC/019

Daniel.WINTER@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 for pavement licence in respect of the premises above.

In reviewing the application and supporting documents, we have considered the impact the furniture will have to all users of 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.

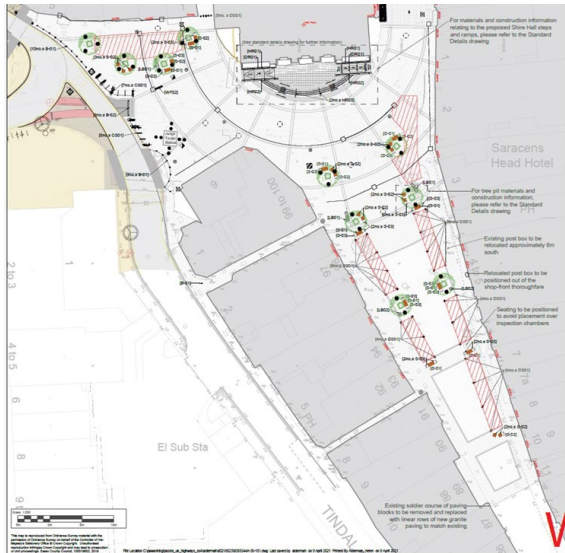
**Eligible Location and Chelmsford City Council Pavement Licence Policy**

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.*



*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.

When considering applications for pavement licence the Council should have regard to the Government Guidance, which sets out a national conditions. <https://www.gov.uk/government/publications/pavement-licences-guidance/pavement-licences-guidance>

*Provisions require that local authorities consider the needs of disabled people. To do this, authorities should consider the following matters when setting conditions, determining applications.*

- any conflict of street furniture with the principal lines of pedestrian movement particularly for disabled people, older people and those with mobility needs. The positioning of furniture should not discourage pedestrians from using the footway or force pedestrians into the highway. The available route must be entirely clear for pedestrians to use and not be impeded with tables and chairs.*
- Section 3.2 of [Inclusive Mobility](#) - gives advice on the needs of particular pavement users sets out a range of recommended widths which would be required, depending on the needs of particular pavement users. Section 4.2 of [Inclusive Mobility](#) sets out that footways and footpaths should be as wide as practicable, but under normal circumstances a width of 2000mm is the minimum that should be provided, as this allows enough space for two wheelchair users to pass, even if they are using larger electric mobility scooters. Local authorities should take a proportionate approach if this is not feasible due to physical constraints. A minimum width of 1500mm could be regarded as the minimum acceptable distance between two obstacles under most circumstances, as this should enable a wheelchair user and a walker to pass each other.*
- any need for a barrier to separate furniture from the rest of the footway so that the visually impaired can navigate around the furniture, such as colour contrast and a tap rail for long cane users. In some cases, it may be appropriate to use one or more rigid, removable objects to demarcate the area to which the licence applies, for example wooden tubs of flowers. However, as these are not necessary for the consumption of food, this will need to be balanced to ensure any barriers do not inhibit other street users, such as the mobility impaired, as such barriers may create a further obstacle in the highway. Advertising boards are not included in the definition of furniture within the pavement licensing regime, therefore, should not be used as a barrier;*

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  
Rachel Crouch  
Network Assurance  
Senior Traffic Regulation & Licencing Officer



## APPENDIX F

Civic Centre, Duke Street  
Chelmsford, Essex CM1 1

DX123305 Chelmsford 7  
Telephone: 01245 606606  
Facsimile :01245 606681  
Email:[licensing@chelmsford.gov.uk](mailto:licensing@chelmsford.gov.uk)

Queenies  
90 High Street  
Chelmsford  
Essex  
CM1 1DX

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

Dear

I hope this letter finds you well. I am writing to inform you that your application for a pavement licence, submitted on 24<sup>th</sup> June 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 that the proposed furniture and plans go against Chelmsford City Council's Pavement policy.

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

- Highway obstruction – In reviewing the application and Chelmsford City Council policy, we would consider this application to conflict with the use of the highway and fail to meet the national conditions, therefore cause an obstruction.
- Queenies' proposal to place tables and chairs outside 90 High Street, part of the Tindal Square public realm scheme, conflicts with city policies that maintain clear pedestrian pathways. The plan would obstruct the walking route on the west side of the street, which is against the revised Pavement Licensing Policy of 2022. The design of the area, emphasizing accessibility and clear zones for seating, was created to help all pedestrians navigate the High Street effectively. The designated area outside 90 High Street should remain a clear walkway, not a seating zone.
- The application for a pavement licence has not been made in accordance Chelmsford City Council's Pavement Licence Policy. The policy is clear about where tables and chairs are permitted to be placed in the area of Tindal Square and the top part of the High Street. The policy specifies that a clear space of 3m width should be 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. 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

## PUBLIC PLACES

Director: Keith Nicholson

required. For this reason, tables and chairs are not permitted in this area to the front of 90 High Street.

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

Please be advised that local authorities can give notice requiring the business to remove furniture, where an application was refused or never applied for before a date specified and to refrain from putting furniture on the highway unless they gain a licence.

Please arrange for the safe removal and storage of the furniture by **Monday 22<sup>nd</sup> July 2024**. If furniture continues to be placed on the highway, in violation of the notice, the authority may remove and store the furniture, recover the costs from the business for the removal and storage of the furniture and refuse to return the furniture until those costs have been paid. If within 3 months of the notice, the costs are not paid, the authority can dispose of the furniture by sale or other means and retain the proceeds.

We would like to express our appreciation for 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.

While there is no formal appeal process, we welcome any objections regarding this decision that promote diplomacy, fairness, and democratic principles. Should an objection to this decision be made it will be addressed at a future regulatory committee meeting.

Yours sincerely



Daniel Winter  
Licensing Lead Officer



Mr Daniel Winter  
Licensing Lead Officer  
Chelmsford City Council  
Civic Centre  
Duke Street  
CHELMSFORD  
Essex CM1 1JE

Our Ref: dd/cw/BAK4-5/1963

23<sup>rd</sup> July 2024

By email only: [licensing@chelmsford.gov.uk](mailto:licensing@chelmsford.gov.uk)

Dear Mr Winter

**Queenies, 90 High Street, Chelmsford, Essex CM1 1DX**  
**Pavement Licence Application**  
**Your Ref : 24/00443/PAVLI**

We write with reference to the above and further to your letter dated 15<sup>th</sup> July 2024.

We seek an informal appeal against the decision of Chelmsford City Council to refuse to grant a pavement licence at Queenies, 90 High Street, Chelmsford, Essex CM1 1DX.

We understand that there is no informal appeal process but would ask that we are given the opportunity to present to the Licensing Sub-Committee the arguments why the application should be granted. Whilst we may amplify this letter at a later stage, at this point we wish to make the following observations:

- 1) There is no obstruction to the highway and we understand there have been no complaints from users of the highway, ie, the public or public services. We do not accept in any event given that there is a clear passage and opportunities for the public to navigate the High Street safely and that it is fully accessible.
- 2) We understand there is no formal objection from Essex County Council Highway Authority but if we are incorrect on this point, please provide us with a copy of their objection.
- 3) Our proposal is reasonable in the sense of visual impact and amenity. The tables, chairs and ancillary planters are visually pleasing and are of a high standard. Our client believes that they actually add positively to the street scene.

## **Dadds Solicitors**

Crescent House, 51 High Street, Billericay, Essex, CM12 9AX  
T: 01277 631811 F: 01277 631055 E: [office@dadds.co.uk](mailto:office@dadds.co.uk)  
W: [www.dadds.co.uk](http://www.dadds.co.uk) DX: 32202 BILLERICAY

Authorised and regulated by the Solicitors Regulation Authority – Dadds LLP (OC358152). A list of members is open to inspection at the office

- 4) Each application should be decided on its own merits and we ask Chelmsford City Council not to apply its pavement licensing policy strictly and without consideration of each application on its own merits. It appears on the face of the decision that it is one of policy and not of safety. All emergency services can use the High Street to pass and repass, the public can pass and repass and we see no practical reason at this stage why the furniture should be removed. We hasten to point out that Chelmsford City Council has allowed on multiple occasions the use of the High Street between numbers 8-90 up to the Shire Hall for various purposes and the whole of that area has been obstructed by marquees, stages, exhibitors, traders and stalls on multiple occasions and it therefore appears to be at odds with the licensing policy and does not allow for emergency vehicles to pass, notwithstanding most obstructions, as described above, can be moved.

Whilst writing, could we please request that you forward to us copies of all correspondence or communication from any responsible authority or third party regarding our client's application. This is to include all communication as well as any formal objection. We are content at this stage for any personal or private information to be redacted accordingly.

We thank Chelmsford City Council in anticipation that they will consider this informal appeal and place this matter before the Licensing Sub-Committee at the earliest opportunity.

Yours sincerely

Dadds

**DADDS LLP**

# APPENDIX H



## Business & Planning Act 2020

(Levelling-up and Regeneration Act 2023)

Pavement Licence Number:

N/A

Address:

Page 91 of 117

Queenies, 90 High Street, Chelmsford, Essex, CM1 1DX

Pursuant to Section 13 of the Levelling Up and Regeneration Act 2023 and the relevant provisions of the Business and Planning Act 2020, this notice is hereby served to address unauthorized placement of removable furniture on a relevant highway.

As per Section 7A of the Levelling Up and Regeneration Act 2023, it has been observed as on, dated, 26<sup>th</sup> July 2024 that removable furniture has been placed on the public highway without proper authorisation nor licence.

The Local Authority hereby requires the individual(s) responsible for placing the furniture to take the following actions:

- Remove all unauthorised furniture being placed on the High Street
- Refrain from placing any furniture on the High Street unless authorised to do so.

The individual responsible is directed to take all actions outlined above by: **29<sup>th</sup> July 2024**

In the event of non-compliance with this notice the local authority reserves the right to:

- remove and store the furniture.

The individual(s) or organisation responsible shall be liable to reimburse the reasonable costs incurred by the authority in removing and storing the furniture and the furniture will not be returned until the incurred costs are settled.

# APPENDIX I

## **Business & Planning Act 2020**

(Levelling-up and Regeneration Act 2023)

### **Unauthorised Street Furniture Removal Notice**

This is reference to the furniture removed from **Queenies, 90 High Street, Chelmsford, Essex, CM1 1DX**. As the previous Compliance Notice, issued on 26<sup>th</sup> July 2024, explained, failure to comply with its requirements could result in the removal and storage of the furniture.

As a result of the non-compliance of the Notice, in that the authorised furniture remained on the High Street from 29<sup>th</sup> July 2024, the local authority will remove all unauthorised street furniture in accordance with the Business & Planning Act 2020 (Levelling-up and Regeneration Act 2023).

#### **Items removed and description:**

<b>Tables</b>	4
<b>Chairs</b>	16
<b>Planters</b>	2
<b>Parasols/Umbrellas</b>	0
<b>Heaters</b>	0

Barriers	<input type="radio"/>
Other furniture related to outdoor consumption of food and drink	<input type="radio"/>
Authorised officer:	SIMON PARHAM. 

Chelmsford City Council reserve the right to recover the cost of removal and storage of unauthorised street furniture and may seek to recover these costs. An invoice may be issued in due course.

Chelmsford City Council will endeavour to ensure that no damage is caused to the property removed but cannot be held responsible should any claim be made for damages.

**If any fees incurred are not settled 3 months from the date of service of the Compliance Notice, the items removed may be disposed of in any manner the local authority sees fit.**

**If any fees incurred are settled within 3 months then the items will be returned and/or made available for collection at an appropriate time for both parties.**

Date: 1/8/24



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## Chelmsford City Council Regulatory Committee

5<sup>th</sup> September 2024

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### Street Collection Policy

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**Report by:**

Director of Public Places

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**Officer Contact:**

Daniel Winter Lead Licensing Officer

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### 1. Purpose

- 1.1 The Council's Street Collections Policy provides guidance relating to charitable street collections on how the Council administers applications for permits, applies the law / regulations and ensures fairness to charities. The Council's existing Policy was published in October 2018 and so is due for review.
- 1.2 Officers have undertaken a comprehensive review of the existing policy and made appropriate changes to ensure that it takes account of current best practice and updated guidance. A draft version of this new policy is set out in Appendix A.
- 1.3 The Committee is asked to consider the draft policy and agree the method of consultation with the public and relevant stakeholders.

### 2. Recommendations

That the Regulatory Committee concludes;

- (i) The revised Street Collections Policy is agreed as a 'consultation draft', as set out in **Appendix A**;

- (ii) Officers commence the consultation process with the public and key stakeholders (as outlined in this report);
  - (iii) (subject to only minor or inconsequential amendments / changes arising from comments or feedback received during the consultation process), that the Head of Service, be authorised to make such changes to the draft Policy at **Appendix A**; (consequential amendments would be brought back to Committee for consideration)
  - (iv) Subject to (i) – (iii) above the revised Street Collections Policy be adopted.
- 

### 3. Background

- 3.1 Chelmsford City Council (the Council) is responsible for issuing permits for charitable street collections within the district as directed by 'The Police, Factories, etc. (Miscellaneous Provisions) Act 1916 (the Act).
- 3.2 The Act requires that anyone wishing to make a public collection or sell articles for a charitable purpose anywhere in the district of Chelmsford must have a Street Collection Permit. This enables the Council to regulate the number of collections taking place at any one time, to regulate the method of collection and to ensure that only legitimate collections are permitted to take place.
- 3.3 The Street Collections Policy details:
  - how street collection permits will be fairly allocated.
  - how applications are to be made.
  - additional information for charitable bodies who may be seeking a permit for a street collection.
- 3.4 The Policy affects any person charity, society, committee, or other person responsible for any collection of money or sale of an article for charitable purposes in any street or public place. Permits will be issued in line with this policy and granted for a specific date and for a specified locality. Operating outside the conditions of the permit or the requirements of the Street Collection Regulations is an offence.
- 3.5 The Policy does not apply to:
  - collections or sale of article(s) for charitable purposes in non-public places (if private land, consent should be obtained from the landowner).
  - collections made incidental to meetings in the open air.
  - the selling of articles in the ordinary course of trade, for the purpose of earning a livelihood, where no representation is made by or on behalf of the seller that any part of the proceeds of the sale are for charitable purposes.
- 3.6 The Council's existing Policy was published in October 2018 and had an effective operational end date of August 2023. Consequently, the Policy is now out of date and action is required to ensure it remains relevant.



- 3.7 Officers have undertaken a comprehensive review of the current Policy and its requirements, and a revised version is included in **Appendix A** for consideration.
- 3.8 For the Committees awareness, the following changes / amendments have been made to the previous version of the Policy:
- 3.8.1 **Section 1** - Additional detail has been provided outlining legislative framework for issuing Street Collection Permits including details of the relevant appeal mechanism.
- 3.8.2 **Section 4.5** - In order to ensure that there is sufficient processing capacity by the Licensing Team and that popular collection periods are allocated fairly, applications for street collections within the first three months of the year must be submitted with a minimum of three months' notice.
- 3.8.3 **Section 5** - Greater detail is now provided on acceptable behaviour from collectors.
- 3.8.4 **Section 6** - Requirements for a registered charity number to be provided on the application form and a letter of authority from the charity to be provided with an application.
- 3.8.5 **Section 7** - Exemptions - notably collections on behalf of the Royal British Legion Poppy Appeal.
- 3.8.6 **Section 8** - Hearings Procedure.
- 3.8.7 **Section 9** - Requirements for Charity Collectors to produce a Proceeds Statement Form.
- 3.8.8 **Section 10** - Offences and penalties for not complying with the requirement to obtain a Street Collection Permit.
- 3.9 The Committee is invited to review the revised draft Policy at **Appendix A** and agree for officers to undertake a 6-week consultation to include the following stakeholders:
- Those that have applied for permits since 2020;
  - Local Charities;
  - Representatives of charitable organisations;
  - Chelmsford City Councillors;
  - All Parish Councils;
  - Chelmsford's Stakeholders, including High Chelmer Shopping Centre, The Meadows, Bond Street, Parks and the Town Centre Management teams.
- 3.10 Consultation will be undertaken by a combination of direct mail / emails to stakeholders and by placing details on the Council's website.
- 3.11 After the 6-week period, officers will review consultation responses. If comments received are minor in their nature (i.e. do not materially change the meaning or scope of the draft policy) then officers would request that the Head of Service for Public Health and Protection be authorised to make any necessary changes and that the amended draft

Policy be adopted.

- 3.12 Should the Council receive comments of a material nature, a further report will be made to this Committee with an updated draft of the Policy for consideration.

#### 4. Conclusion

- 1.4. The Council's Street Collection Policy has expired and requires renewal. Officers have conducted a review of the existing policy making appropriate changes to ensure that the draft Policy (in Appendix A) reflects changes to guidance and current best practice. Officers are requesting permission to undertake a consultation involving a range of stakeholders (outlined in paragraph 3.9) for a period of six weeks. Subject to minor / inconsequential comments resulting from the consultation, authorisation is sought for the Head of Service for Public Health and Protection to make the necessary changes to the policy and if agreed, the policy be adopted. Should material changes arise from the consultation period a further report will be made to the Regulatory Committee.

#### List of appendices:

- Appendix A – Draft Street Collection Policy

#### Background papers:

None

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#### Corporate Implications

##### Legal/Constitutional:

The Council is empowered under Section 5 of the Police, Factories, etc (Miscellaneous Provisions) Act 1916, as amended by the Local Government Act 1972, to licence collections made in 'any street or public place' for 'charitable or other purposes.

Financial: None

Potential impact on climate change and the environment: None

Contribution toward achieving a net zero carbon position by 2030: None

Personnel: None

Risk Management: None

Equality and Diversity: Impact assessment not required

Health and Safety: None

Digital: measures will be in place to ensure relevant personal data is managed in accordance with the Data Protection Act and GDPR requirements.

Other: None

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#### Consultees:

Legal Services

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Relevant Policies and Legislation

[The Charitable Collections \(Transitional Provisions\) Order 1974](#)

[The Police, Factories \(Miscellaneous Provisions\) Act 1916 as amended by Section 251](#)



Chelmsford City Council

# Street Collection Policy

2023 - 2028

Implemented Date.....

# CONTENTS

## Section

- 1 The Law
- 2 Definition of the policy
- 3 Scope of the policy
- 4 Permit Requirements
- 5 Collectors Behaviour
- 6 Registered Charities and Charitable Organisations
- 7 Exceptions
- 8 Hearing Procedure
- 9 Proceeds Statement form
- 10 Offences and Penalties
- 11 Appendices

Public Places	Date Produced: 28/03/2024
Public Health and Protection Services	Last Reviewed: October 2018
Licensing	Ref & Issue No: 4
Policy in respect of Street Collections	Next Review Due: October 2028
	Originating Officer: Daniel Winter
	Authorised By: Keith Nicholson Director of Public Places

## Aim of Policy

The aim of this policy is to:

- ensure members of the public know which organisation they are donating to and to ensure all monies collected are given to the correct charity or charitable organisation.
- ensure all monies collected are given to registered charities and unregistered organisations who prove their charitable purposes.
- Control the number of charitable collections on any day to ensure visitors to Chelmsford City are not repeatedly being approached to donate monies to several organisations on the same date and
- ensure collectors act in a civil, polite, and orderly manner.

## 1. The Law

- 1.1. Chelmsford City Council has local regulations in place regarding street collections and the sale of items for charitable purposes. These were made under powers conferred by the Police, Factories etc. (Miscellaneous Provisions) Act 1916 (as amended). This policy should be read in conjunction with the regulations, a copy of which is attached at **Appendix A**.

- 1.2 The regulations mean that anyone wishing to make a public collection or sell articles for a charitable purpose must first have a Street Collection Permit from the local authority in whose area it wishes to collect. Amongst other things, this process enables a local authority to ensure that the organisation is legitimate and to regulate the method of collection and the number of collections that are taking place at any one time.
- 1.3 Any person/organisation who is dissatisfied with the refusal of an application for a street collection permit may request that the application be considered formally by the Council's Regulatory Committee. This must be done in writing within 21 days of the date of the refusal letter and must state the grounds on which the review is being requested.
- 1.4 The Act does not make provision for legal appeals against the decision of the Council in relation to the refusal of Street Collection Permits. Should a person aggrieved by a decision of the Council feel it necessary, they may seek a Judicial Review of the decision.
- 1.5 Formal action may be taken if any organisation fails to present a properly completed statement form detailing the amount collected and other matters as required by the Regulations (Copy of this form is **Appendix B**).

## **2. Definition of a Street Collection**

- 2.1 A street collection is defined as a collection of monies that takes place on "street". This includes any highway and any public bridge, road, lane, footway, square, court, alley, or passage, whether a thoroughfare or not. A permit is also required if collections are made in car parks or shop doorways.
- 2.2 For those wishing to collect on private property i.e. within a store/supermarket etc. a permit is not required by the local authority. Permission should be sought from the landowner/store proprietor before commencement of a collection.
- 2.3 Where a charitable collection takes place outside a premises, on a premises frontage or in a car park, even if the outside area is in private ownership, a street collection permit would be required together with the consent of the store manager/landowner.

## **3. Scope of Policy**

- 3.1 This policy affects any person, society, committee, or other body of persons responsible for any collection of money or sale of any article for charitable purposes in any street or public place within the Chelmsford District. Permits will be issued in line with this policy and granted for a specific date for a specified locality. Operating outside the conditions of the permit or the requirement of the regulations will be an offence.
- 3.2 The regulations, and therefore this policy, do not extend to:
  - collections or sale of articles for charitable purposes in non-public places
  - collections made incidental to meetings held in the open air.
  - the selling of articles in the ordinary course of trade, and for the purpose of earning a livelihood, and no representation is made by or on behalf of the seller that any part of the proceeds of the sale will be devoted to charitable purposes.

- 3.3 The grant of a permit to collect does not absolve the applicant of his or her responsibilities to the public. All applicants for a street collection permit should be aware of their need to ensure that they have adequate insurance and public liability cover. If applying to collect in the city centre, it is advisable to contact the City Centre Management team to ensure that their permitted day does not conflict with any other activity occurring in the area.
- 3.4 The grant of a permit does not allow the placing of any vehicle as this would potentially cause an obstruction on the Highway, however the use of a stand, tables, chairs, items of equipment or independent display material may be allowed providing permission is obtained from the City Centre Management team beforehand.

The policy will be implemented by the Licensing Section of Public Health and Protection Services.

#### **4 Applying for a Street Collection Permit**

##### POLICY ON APPLICATIONS FOR CHARITABLE COLLECTIONS

- 4.1 Chelmsford City Council will require all applicants to first secure permission and schedule their preferred collection date with any relevant company or organisation responsible for the location concerned, before applying for a permit from the Licensing Department. For collections within Chelmsford City Centre, this will be from the Town Centre Management team. In some circumstances written permission will be required. All applications must be accompanied by the relevant permission, uploaded as a supporting document to their application. A copy of the application is included as **Appendix A**.
- 4.2 All applications must be submitted via the Council's approved online application process. Any application that is not completed in full will not be processed. Notification of this will be emailed to the applicant.
- 4.3 An application must be made no less than one calendar month and no more than three calendar months before the proposed collection date. We will not accept applications submitted outside this time unless there are exceptional circumstances.
- 4.4 We will not issue a permit to any organisation or body if a return has not been received in relation to any permit granted in any previous year.
- 4.5 We won't consider applications for the following year unless the requested collection date falls within the first three months of that year. If so, applications must be submitted before October of the preceding year. This prevents collectors from booking too far in advance at peak times of the year.
- 4.6 We will accept and process applications on a first come, first served basis. This is to ensure that all charities, whether large or small, have equal access to popular collection dates.
- 4.7 We will issue a maximum of 4 collections permits per calendar year (January to December) for each organisation or individual and only one of those collections can cover two consecutive days.
- 4.8 We will not issue a permit for a location where it may give rise to obstruction. Any person or item

positioned and causing an obstruction will be relocated.

- 4.9 Collections must not begin before 9am Monday to Saturday or 10am on Sundays and bank holidays or continue after 7pm on any day.
- 4.10 In considering any application, we will have due regard to any request or conditions made by a landowner in respect of applications for permits on private land.

### **Policy on the issue of Street Collection permits in Chelmsford City Centre**

- 4.11 Collection permits will be issued for Saturdays and Sundays only from 1<sup>st</sup> January to 31<sup>st</sup> November (inclusive). Collection permits may be issued for any day of the week in December.
- 4.12 Only one street collection permit will be issued for the Chelmsford City High Street area at any time, however exceptional circumstances could apply.
- 4.13 Only one collection permit will be issued in each area (zone) of the town centre outside the High Street at any one time. These zones include High Chelmer Shopping Centre, Meadows Shopping Centre and Bond Street as shown in **Appendix D**.
- 4.14 Applications for street collection permits outside the above city centre zones will be issued, however, each charity is limited to one permit per area, twice a year. These areas cover Moulsham Street, Chelmsford Parks, and other streets within the district.
- 4.15 We will not permit anyone to assist or take part in any collection without the written authority of the society, committee, or other body to whom a permit has been granted.
- 4.16 We will only permit a maximum number of 6 collectors for any collection unless exceptional circumstances apply. If more than 6 are required for collections on the High Street, then prior approval is required from the Town Centre Management team. All collectors must be over the age of 16 or supervised by an adult if under the age of 16.
- 4.17 We will not charge for the issue of a permit for a street collection. We have a Public Spaces Protection Order (PSPO) in place in Chelmsford city centre, which means you are not allowed to distribute free literature in the High Street, such as flyers or leaflets.

### **5 Collectors Behaviours**

- 5.1 During fundraising, avoid actions that may startle or distress the public, act dishonestly, manipulate donors, or damage the organisation's reputation. This includes behaviours like smoking or drinking alcohol while wearing charity-branded clothing, using illegal drugs, being lewd or aggressive, pressuring donations, exploiting one's position, or any behaviour harming the organisation's reputation. Enforcement action may be taken under the PSPO, potentially resulting in a fine of up to £1000.
- 5.2 Do not cause obstruction, congestion, or nuisance to the public, and do not block pathways.
- 5.3 Do not mislead the public by suggesting conversations are not about fundraising.



- 5.4 Avoid approaching seated individuals or those in unrelated queues unless authorised by private site agreements.
- 5.5 Refrain from approaching individuals engaged in official duties or working.
- 5.6 Do not interfere with or disrespect staff from local businesses.
- 5.7 You must not position yourself within three meters of:
- a shop entrance;
  - a pedestrian crossing;
  - a cashpoint machine;
  - a station entrance;
  - a market stall; or
  - a street trader, vendor or busker.
- 5.8 Where a collection box is being carried it must not be shaken.
- 5.9 All collecting boxes, receptacles or trays must prominently display the name of the charity/fund for which they are collecting for.
- 5.1.0 No payment or reward shall be made or given to any collector or vendor directly or indirectly, or to any person connected with the promotion or conduct of a collection, 100% of the monies collected must be given to the society/charity for which the collection was obtained.
- 5.1.1 Collectors who are also members of the Public Fundraising Regulatory Association (PFRA) must adhere to the Activity Code of Fundraising Practice on face-to-face fundraising. Failure to comply could result in the refusal of further permits issued by Chelmsford City Council
- 5.1.2 Members of the public who have experienced any behaviour that contravenes the guidelines outlined in sections 5.1 to 5.6 are encouraged to lodge a complaint. Complaints should be submitted through our online complaints form, which can be accessed on our website.

## **6 Registered Charities and Charitable Organisations**

- 6.1 Chelmsford City Council will consider applications from registered charities and a registered charity number will need to be provided on the application form.
- 6.2 Should the collection be on behalf of a registered charity then a letter of authority will be required which must accompany the application from the organisation.

## **7 Exceptions**

- 7.1 Chelmsford City Council reserves the right to deviate from this policy where it is satisfied that there is sufficient cause for doing so.
- 7.2 A general exception to this policy is applied in respect of:

- Royal British Legion Poppy Appeal. No permit is required.
- RAFA (the Royal Air Force Association) will be granted a permit for a street collection for its Wings Appeal on the Saturday following the 15th of September (Battle of Britain Day) – or on the 15th if that date falls on a Saturday.

7.3 In an exception to the policy restricting the number of permits for any organisation to 4 per calendar year, collection permits may be granted to the Salvation Army for collections in December by the Salvation Army Band, if the relevant permissions have been granted by the landowners/town centre management team and the application is duly made.

7.4 Other exceptions to the policy may be made in the following circumstances and will require a written request to the Public Health and Protection Services Manager.

- Response to natural disasters (e.g. earthquakes/tsunamis)– an application may be made outside the normally required time.
- Collections for national charitable events such as Children in Need, Red Nose Day and Sports Relief are discouraged as the organisers themselves prefer sponsored events however, if the relevant permission has been obtained from the landowner or Town Centre Management team, a permit will be granted (even if another collection permit has already been granted in that location)

7.5 An organisation may make representations by letter or email to the Public Health and Protection Services Manager at Chelmsford City Council, to request a deviation from policy. This will only be granted if there are significant and material reasons for doing so.

- **Requirements imposed by other parties.**

When public places are under private ownership, we will issue a permit with the permission of the landowner. The landowner may stipulate conditions to which this authority will abide. We are currently aware of the following restrictions regarding privately owned land:

- Asda, South Woodham Ferrers: only allows one collection per month and no collections for animal charities are permitted.

## **8 HEARING PROCEDURE**

8.1 Where Licensing Services are unable to issue a permit to an applicant, for example if the applicant has a dishonesty related conviction, then the application would need to be determined by the Regulatory Committee.

8.2 Where an application is to be considered by the Regulatory Committee the applicant will be notified of the time and date of the hearing.

8.3 Prior to the hearing, all parties will be supplied with a copy of the report. The report will contain a summary of the application, representations, and any other relevant information.

8.4 At the hearing, all parties will have the opportunity to address the Regulatory Committee and ask questions of fact from other parties. The Regulatory Committee may also ask questions from all parties that they feel are relevant to the determination process.

8.5 The Regulatory Committee will communicate their decision to the legal and democratic team after the hearing. All parties will receive written confirmation as soon as is practicable and within 5 working days

## **9 PROCEEDS STATEMENT FORM**

9.1 Within one month after the date of any collection or sale, the person, society, committee, or other body of persons responsible for the collection shall forward to Chelmsford City Council Licensing Authority, a statement in the form set out in the Schedule to the Regulations, unless there are multiple collections in the same month, in which case the return must be submitted to the Licensing Authority within one month of the final collection. This form will be attached to the permit when it is granted. An example is attached as **Appendix B**

## **10 OFFENCES & PENALTIES**

10.1 This document should not be relied upon as an accurate statement of the law, only indicative of the general offences and penalties. You should seek independent legal advice if you are unsure of any information in this document.

10.2 Any person who acts in contravention of the Street Collection Regulations will be liable on summary conviction to a fine not exceeding Level 1 on the Standard Scale (currently £200).

### DEFINITIONS

<i>Collection</i>	means a collection of money or a sale of articles for the benefit of a charity or other purposes and the word “collector” shall be interpreted accordingly.
<i>Promoter</i>	means a person who causes others to act as collectors.
<i>Licensing Authority</i>	means Chelmsford City Council.
<i>We</i>	means Chelmsford City Council.
<i>Permit</i>	means a permit for a collection.

### **Comments and Review**

This policy will be subject to review at 5-year intervals unless there is a change in legislation or guidance is issued that might affect elements of this policy before that time. Anyone wishing to comment on this policy may do so in writing to the Public Health and Protection Services Manager, Chelmsford City Council, Civic Centre, Duke Street, Chelmsford Essex CM1 1JE or via the Council's Comments, compliments, complaints page on the Council's website at [www.chelmsford.gov.uk](http://www.chelmsford.gov.uk)

From time to time and should the need arise, the Director of Public Places, in consultation with the relevant Cabinet Member or Chair, is authorised to make minor changes to this Policy, in accordance with the General Powers of Competence within Chelmsford City Council's Constitution.

## **LIST OF CONSULTEES**

**Town Centre Management team (TCM)**

**Market Manager Pauline Rider**

**City Centre and Tourism Manager – Phil Chittock**

**Business Compliance Manager – Jane Smith**

**Operations Manager – Lewis Mould**

**High Chelmer Shopping Centre – Jacqui Dunphy & Karen Howard**

**Meadows Shopping Centre – Sue Patel**

**Bond Street Management Team**

**Customer & Business Support Manager – Jo Sylvester**

**Legal Services – William Butcher**

**Democratic Services – Dan Sharma-Bird**

## 11 Appendices

Appendix A: Copy of the Council's Regulations

Appendix B: Copy of form required for the statement  
of amount received

Appendix C: Application Form

Appendix D: Map to show zones for street collection within Chelmsford City Centre

Signed \_\_\_\_\_ date \_\_\_\_\_  
(Environmental Services Manager on behalf of Director of Public Places)

# APPENDIX A

## STREET COLLECTION REGULATIONS

1. In these Regulations, unless the context otherwise requires—

*“collection”* means a collection of money or a sale of articles for the benefit of charitable or other purposes and the word

*“collector”* shall be construed accordingly;

*“promoter”* means a person who causes others to act as collectors;

*“the licensing authority”* means Chelmsford City Council;

*“permit”* means a permit for a collection;

*“contributor”* means a person who contributes to a collection and includes a purchaser of articles for sale for the benefit of charitable or other purposes;

*“collecting box”* means a box or other receptacle for the reception of money from contributors.

2. No collection, other than a collection taken at a meeting in the open air, shall be made in any street or public place within the **District of Chelmsford** unless a promoter has obtained a permit from the licensing authority a permit.
3. Application for a permit shall be made in writing not later than one month before the date on which it is proposed to make the collection:  
  
Provided that the licensing authority may reduce the period of one month if satisfied that there are special reasons for so doing.
4. No collection shall be made except upon the day and between the hours stated in the permit.
5. The licensing authority may, in granting a permit, limit the collection to such streets or public places or such parts thereof as it thinks fit.
6. (1) No person may assist or take part in any collection without the written authority of a promoter.  
  
(2) Any person authorized under paragraph (1) above shall produce such written authority forthwith for inspection on being requested to do so by a duly authorised officer of the licensing authority or any constable.
7. No collection shall be made in any part of the carriage way of any street which has a footway:  
  
Provided that the licensing authority may, if it thinks fit, allow a collection to take place on the said carriageway where such collection has been authorised to be held in connection with a procession.
8. No collection shall be made in a manner likely to inconvenience or annoy any person.
9. No collector shall importune any person to the annoyance of such person.
10. While collecting—
  - (a) a collector shall remain stationary; and
  - (b) a collector or two collectors together shall not be nearer to another collector than 25 meters:

Provided that the licensing authority may, if it thinks fit, waive the requirements of this Regulation in respect of a collection which has been authorized to be held in connection with a procession.

11. No promoter, collector or person who is otherwise connected with a collection shall permit a person under the age of sixteen years to act as a collector.
12. (1) Every collector shall carry a collecting box.
  - (2) All collecting boxes shall be numbered consecutively and shall be securely closed and sealed in such a way as to prevent them being opened without the seal being broken.
  - (3) All money received by a collector from contributors shall immediately be placed in a collecting box.
  - (4) Every collector shall deliver, unopened, all collecting boxes in his possession to a promoter.
13. A collector shall not carry or use any collecting box, receptacle or tray which does not bear displayed prominently thereon the name of the charity or fund which is to benefit nor any collecting box which is not duly numbered.
14. (1) Subject to paragraph (2) below a collecting box shall be opened in the presence of a promoter and another responsible person.
  - (2) Where a collecting box is delivered, unopened, to a bank, it may be opened by an official of the bank.
  - (3) As soon as a collecting box has been opened, the person opening it shall count the contents and shall enter the amount with the number of the collecting box on a list which shall be certified by that person.
15. (1) No payment shall be made to any collector.
  - (2) No payment shall be made out of the proceeds of a collection, either directly or indirectly, to any other person connected with the promotion or conduct of such collection for, or in respect of, services connected therewith, except such payments as may have been approved by the licensing authority.
16. (1) Within one month after the date of any collection the person to whom a permit has been granted shall forward to the licensing authority—
  - (a) a statement in the form set out in the Schedule to these Regulations, or in a form to the like effect, showing the amount received and the expenses and payments incurred in connection with such collection, and certified by that person and a qualified accountant;
  - (b) a list of the collectors;
  - (c) a list of the amounts contained in each collecting box;

and shall, if required by the licensing authority, satisfy it as to the proper application of the proceeds of the collection.

(2) The said person shall also, within the same period, at the expense of that person and after a qualified accountant has given his certificate under paragraph (1)(a) above, publish in such newspaper or newspapers as the licensing authority may direct a statement showing the name of the person to whom the permit has been granted, the area to which the permit relates, the name of the charity or fund to benefit, the date of the collection the amount collected, and the amount of the expenses and payments incurred in connection with such collection.

(3) The licensing authority may, if satisfied there are special reasons for so doing extend the period of one month referred to in paragraph (1) above.

(4) For the purposes of this Regulation “a qualified accountant” means a member of one or more of the following bodies: —

the Institute of Chartered Accountants in England and Wales;  
the Institute of Chartered Accountants of Scotland;  
the Association of Certified Accountants;

the Institute of Chartered Accountants in Ireland.

**17.** These regulations shall not apply—

- (a) in respect of a collection taken at a meeting in the open air; or
- (b) to the selling of articles in any street or public place when the articles are sold in the ordinary course of trade.

**18.** Any person who acts in contravention of any of the foregoing regulations shall be liable on summary conviction to a fine not exceeding [level 1 on the standard scale]



**FORM OF STATEMENT**

[ ] Street Collection

[ ] House to House Collection

Name and Address of Person responsible for Collection and/or sale:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Name and Address of the Society benefiting from the collection and/or sale:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Date of Collection or Sale: \_\_\_\_\_

**STATEMENT OF INCOME AND EXPENDITURE**

Income	Amount	Total	Expenditure	Amount	Total
From Collection or Sale as per list of Collectors and Vendors and amounts attached hereto			Printing & Stationery		
			Postages		
			Advertising		
From other sources			Street Collection Boxes & Carriage		
Bank Interest			Badges or other adornments		
Other items, viz			Other items (if any)		
			Disposal of balance (insert particulars)		
	£			£	

**CONTINUED OVERLEAF**

**CERTIFICATION**

Certified by: _____ Hon. Treasurer
Address: - _____ _____ _____
on the: _____ day of _____ 20____
_____ _____ Chairman
Certificate and Address of Auditor: _____ _____ _____ _____

This form must be returned to the Council's Licensing Section, Public Health and Protection Services at the address at the top of the front page, together with:

- (a) a list of collectors
- (b) details as to the content of each collection box/envelope
- (c) a copy of advertisement placed in local newspaper relating to the collection and/or sale.

## STREET COLLECTION APPLICATION FOR PERMIT

I/WE being the person(s) named in '1' below hereby apply for a permit to make a street collection and/or sale as follows:

1 (a) Names and address & telephone number, email of person(s) responsible for the collection and/or sale

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(b) Position(s) within society

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2 Name of Charity or Fund for the benefit of which the collection and/or sale is to be made

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3 Address of administrative centre of Charity or Fund

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4 Objective(s) of Charity or Fund

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5 Area or areas of Chelmsford City within which it is desired to make the collection and/or sale

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6 If you intend to collect in Chelmsford City Centre, please circle your preferred area for collection from the list:

High Chelmer   Meadows   High Street   Bond Street   Moulsham St   Parks   Other

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7 **Date on which it is desired to make the collection and/or sale**

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8 Hours between which it is desired to make the collection and/or sale

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9 Method to be adopted in making the collection and/or sale (i.e. sale of flags, emblems etc. or collection of money)

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Signature of applicant \_\_\_\_\_ Date \_\_\_\_\_

If you are not in any way directly connected with the Charity named above but are a charitable collection, your attention is drawn to the following:

The Law requires that you make the following declaration to each and every person donating to you, that

- You are not a charity, but you are a charitable collector.
- You will be making a remuneration from the money you are about to donate.
- Furthermore, you must indicate the percentage of the monies from the last collection made by you which were donated to

charity. Please refer to the notes below.

Once completed, this application must be submitted to the Council's Licensing Section, Safer Communities, at the address given at the top of the application form not later than ONE MONTH before the date on which it is proposed to make the collection and/or sale.

If the Charity named overleaf has not previously applied for a permit to conduct a collection and/or sale within the Chelmsford City, the following must accompany the application:

- (a) the aims and objectives of the organisation including any supporting documents, e.g. constitution and/or articles of association;
- (b) details of street collection permits approved or refused (other than with the Chelmsford City Council); and
- (c) a copy of the organisation's most recent audited accounts.

If you are not in any way directly connected with the Charity named overleaf but intend to collect on their behalf, you must also submit a letter from the Charity on whose behalf you are collecting authority you to undertake the collection

Map to show four zones for street collection

