

Council

Wednesday, 20th September, 2023, 6.00 pm

Shield Room, Civic Centre, West Paddock, Leyland, PR25 1DH

Supplementary Agenda

I am now able to enclose, for consideration at the above meeting of the Council, the following information:

- | | |
|---|-------------------|
| 5 Cabinet | (Pages 71 - 74) |
| To receive and consider the report of the Cabinet meeting held on 13 September. | |
| 14 Café Pavement Licence | (Pages 75 - 106) |
| To receive and consider the report of the Deputy Chief Executive. | |
| 15 Electric Vehicle Charging Points (ORCS Phase II) | (Pages 107 - 112) |
| To receive and consider the report of the Director of Communities. | |

Chris Sinnott
Chief Executive

Electronic agendas sent to Members of the Council

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Report of Cabinet

1. Any Cabinet recommendations on the reports that require a decision by full Council appear as separate items on the agenda.
2. Please note that the report may not reflect the wording used in the minutes, as they have yet to be formally agreed.
3. All decisions taken by Cabinet on 13 September 2023 can be found on the published Decision Notice.

Meeting held on 13 September 2023

South Ribble Quarter One Performance Monitoring Report 2023-24

4. I presented a report that provided an update on the performance of the projects within the Corporate Strategy for Quarter One 2023-24.
5. Overall performance is good with 86% projects rated green or amber. Of the 22 indicators, 12 could be reported at the end of quarter one with eight indicators performing better than target and one indicator performing worse.
6. I explained that progress was being made with Leyland Town Deal and we were confident we could meet the delivery of the project within the set Government time frames.

Capital and Balance Sheet Monitoring Report Q1

7. The Cabinet Member (Finance and Public Protection), Councillor Matthew Tomlinson, presented a report that outlined the outturn financial position of the Council in respect of the capital programme at 31 July 2023. He also highlighted key issues and explained key variances whilst providing an overview of various elements of the Council's balance sheet as at 31 July 2023.
8. We noted that the Council had taken a couple big decisions including providing funding for the new Tardy Gate play area. However, Councillor Tomlinson advised that as the authority was cash rich and interest rates high there had been a boost to the council's income through interest received and there was still no borrowing.

Revenue Budget Monitoring Report Q1

9. The Cabinet Member (Finance and Public Protection) Councillor Matthew Tomlinson presented a report that set out the revenue and reserves forecast for 2023/24 for the Council, based on the position as at 31 July 2023.

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10. Councillor Tomlinson explained the report considered day to day spending and that if business carried on as it is now throughout the year there was an anticipated overspend by £320,000. Councillor Tomlinson emphasised the report was a forecast and the quarterly monitoring reports would give opportunity for issues to be flagged early.
11. As the current reserve balance was currently standing at £4.5 million, should the overspend occur this year it would bring the general reserves down to £4.2 million.
12. We noted an issue with spending in waste services and were advised the Cabinet Member (Neighbourhoods and Waste) was looking into the service with the Director of Customer and Digital.
13. Another overspend was occurring in the Housing service due to a larger increase in presentations of homelessness. Housing benefit had not kept up with the recent rent increases and would no longer cover private renting in South Ribble. This was acknowledged to be a national problem. Councillor Tomlinson also provided that the social housing providers within the borough were not currently planning on building any new social housing.
14. We agreed that the rising presentations in homelessness was a big problem across the country and discussed what more could be done to help those individuals within South Ribble.
15. The Cabinet Member (Planning, Business Support and Economic Development) expressed concern that no new social housing was being built by the housing providers and agreed to investigate it further.

Credit Union – Progress Update

16. The Cabinet Member (Wealth Building, Social Justice, Equality and Diversity) Councillor Jacky Alty, presented a report that sought to update us on the progress made by Unify Credit Union, following the provision of a grant to provide credit union facilities to those living and working within South Ribble.
17. Councillor Alty explained that the grant had been agreed to be paid back over a three-year period with Unify establishing a sustainable credit union branch within the borough. It was an alternative to high street lending and brought employment and development opportunities.
18. Unify were confident that when the contract ends in March 2024, they would be sustainable, with 613 loans issued in the first year of running. They had also employed an apprentice at national living wage with the apprenticeship now concluded, the individual had secured a full-time position with Unify.

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19. We congratulated the Cabinet Member (Wealth Building, Social Justice, Equality and Diversity) on the successes of the credit union and commended the work of the union in providing a valuable service to residents.

I would like to recommend that Council note the report.

Councillor Paul Foster
Leader of the Council

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| Report of | Meeting | Date |
|---|---------|---------------------------------|
| Director of Planning and Development (Introduced by Cabinet Member (Finance and Public Protection)) | Council | Wednesday, 20 September 2023 |

Café Pavement Licence

| | |
|------------------------------|----|
| Is this report confidential? | No |
|------------------------------|----|

| | |
|-----------------------|----------------|
| Is this decision key? | Not applicable |
|-----------------------|----------------|

| | |
|---|---|
| Savings or expenditure amounting to greater than £100,000 | Significant impact on 2 or more council wards |
|---|---|

Purpose of the Report

1. To seek approval to extend the current Café pavement licensing scheme until 30th September 2024 in line with The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2023.

Recommendations to Council (delete if not applicable)

2. To note the changes to the Business & Planning Act 2020 introduced by The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2023.
3. To agree to extend the proposed duration of granting of pavement licences until 30th September 2024 as per The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2023.
4. To confirm the level of fee charged in respect of applications for pavement licences issued under the Business & Planning Act 2020, (£100).
5. To extend the delegated authority given to Officers.

Reasons for recommendations

6. It is a statutory requirement to extend the current Café Pavement Licensing Scheme until 30th September 2024 in line with The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2023.

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Other options considered and rejected

7. There are no other options available. It is a statutory requirement to extend the current Café Pavement Licensing Scheme until 30th September 2024.

Corporate priorities

8. The report relates to the following corporate priorities: (Please bold one)

| An exemplary council | Thriving communities |
|--|--|
| A fair local economy that works for everyone | Good homes, green spaces, healthy places |

Background to the report

9. The Business and Planning Act 2020 obtained Royal Assent on 22 July 2020. The Act introduced several powers and requirements on local authorities that affect how they deal with a variety of issues, with the aim of supporting local businesses and helping economic recovery following on from the COVID-19 crisis.
10. The Act introduced a temporary fast-track process for these businesses to obtain permission, in the form of a "pavement licence", from the Local Authority for the placement of furniture such as tables and chairs on the pavement outside their premises which enables them to maximize their capacity.
11. Any business selling and/or serving food or drink may apply for a pavement licence to have tables and chairs and other street furniture placed on the highway adjacent to their premises for the benefit of their customers.
12. The new powers are temporary, and were originally placed until 30 September 2021, however, The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2022, extended the temporary outdoor furniture provision until 30th September 2023.
13. This has now been extended for a further year until 30th September 2024.
14. Under the Business and Planning Act 2020, pavement licences are currently handled by the Licensing Authority, as an alternative to the previous regime which was the responsibility of the Highways Authority.

Licensing & Public Safety Committee 06/09/2022

15. On 12/09/2023 a report was taken to the Licensing & Public Safety Committee, with a proposal asking members to agree to extend the pavement café licensing regime for another 12 months in line with the legislation until September 2024.
16. At the meeting member unanimously voted to approve the report and as a result this report is before of members of the council for final approval.

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Recommended approach

17. Any premises with a current Café Pavement Licence issued by this authority, who wish to maintain their outside areas currently covered by a licence, will need to re-apply.
18. As the application process is designed to be as burden free and expedited as possible, this should not cause any delay in re-issuing licences to premises and not be subject to a lengthy process.
19. The legislation does enable the Council to issue a pavement licence for a shorter duration than the length of the scheme, however guidance issued by the Local Government Association indicates that the Council should only consider issuing for a shorter duration than the length of the scheme, where there is reasonable reason to do so e.g. where the application is linked to a time limited road closure.
20. In 2020, the fee for pavement licences was set to £100. It has remained at this cost since.
21. It is recommended that Council confirms to retain the same fee of £100 for each new pavement licence in line with the maximum amount specified by Government.
22. The policy and the application form have been updated to reflect the extension of Pavement Licences for another year until the 30th September 2024 and can be found at Appendix 1 and 2, respectively.
23. The policy seeks to extend authority to delegate decisions to officers in the following way;

| Function | | Decision Delegated to |
|--------------------------------|--|---|
| Grant of Pavement Licence | Where, during the public consultation period, no representations have been received. | Licensing Officers. |
| | Where, during the public consultation period, representations have been received. | Licensing Manager with Chair/Vice Chair of Licensing/Portfolio holder |
| Revocation of Pavement Licence | In line with Paragraph 5 of the Policy above | Licensing Manager with Chair/Vice Chair of Licensing/Portfolio holder |

24. Members are now asked to formally approve the extension of the current Café pavement licensing scheme until 30th September 2024 in line with The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2023, adopting the policy attached to this report as appendix 1.

Climate change and air quality

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25. The work noted in this report does not impact the climate change and sustainability targets of the Councils Green Agenda and all environmental considerations are in place.

Equality and diversity

26. South Ribble Borough Council is responsible for licensing all Café Pavement Licenses within the Borough
27. This policy applies to all proprietors of Premises requiring a Café Pavement Licence regardless of gender, age, disability, religious belief, race, ethnic minority, or sexual orientation. No overriding impact have been identified around the protected characteristic within the impact assessment attached as appendix 3.

Risk

28. The implementation of the Regulations and being in a position to accept and determine applications is a legal duty placed upon South Ribble Borough Council.
29. If the Council fails to implement the Regulations, it may be challenged when exercising its functions through several routes, e.g. service complaints to the Local Government and Social Care Ombudsman and judicial review. Conversely, by implementing the requirements of the Regulations, the Council is complying with its legal obligation.

Comments of the Statutory Finance Officer

30. The recommendation is to support a 12-month extension to the existing scheme.
31. The extension would result in additional income to the council as the fee is £100 per application.

Comments of the Monitoring Officer

32. There are no concerns with this report from a Monitoring Officer perspective. Essentially this relates to a 12-month extension to an existing scheme. We are acting in accordance with the relevant legislation.

Background documents

Background document 1 - Licensing and Public Safety Committee 12/09/2023 report
[Cafe Pavement Licensing - Committee template.pdf \(moderngov.co.uk\)](#)

Appendices

Appendix 1 - New proposed policy wording
Appendix 2 - New application form
Appendix 3 – Equalities Impact assessment

| | | | |
|----------------|--------|------------|-------|
| Report Author: | Email: | Telephone: | Date: |
|----------------|--------|------------|-------|

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| | | | |
|--------------------------------|-------------------------------------|-----------------|------------|
| Chris Ward (Licensing Manager) | christopher.ward@southribble.gov.uk | 01772 625330 | 13/09/2023 |
|--------------------------------|-------------------------------------|-----------------|------------|

This decision will come into force and may be implemented five working days after its publication date, subject to being called in in accordance with the Council's Constitution.

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Pavement Licensing Policy

The Business and Planning Act 2020 (Pavement Licences)
(Coronavirus) (Amendment) Regulations 2023



Effective: (date)
Version 1 – First Policy Draft
Sept 2023

Updated September 2023 to cover 2023 - 2024

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1. Introduction

The Covid-19 pandemic has affected businesses across the economy causing many to cease trading for several months while others have had to significantly modify their operations.

As the economy starts to re-open, on 25 June 2020 the Government announced a further and urgent relaxation to planning and licensing laws to help the hospitality industry recover from the coronavirus lockdown by removing short term obstacles that could get in their way.

The Business and Planning Act makes it easier for premises serving food and drink such as bars, restaurants and pubs, as lockdown restrictions are lifted but social distancing guidelines remain in place to seat and serve customers outdoors through temporary changes to planning procedures and alcohol licensing.

The measures included in the Act modify provisions in the Licensing Act 2003 to provide automatic extensions to the terms of on-sales alcohol licences to allow for off-sales. It will be a temporary measure to boost the economy, with provisions lasting until the end of September 2024.

The Act also introduces a temporary fast-track process for these businesses to obtain permission, in the form of a “pavement licence”, from the South Ribble Council for the placement of furniture such as tables and chairs on the pavement outside their premise which will enable them to maximise their capacity whilst adhering to social distancing guidelines.

Currently, tables and chairs permissions are granted as Pavement licences by Lancashire County Council, the Highways Authority, under Part 7A of the Highways Act 1980. The fee varies between local authorities and there is a time consuming 28-day consultation period.

The new temporary measure places a cap on the application fee for businesses, and introduces a new 14-day determination period, ensuring that businesses can obtain licences in a timely and cost-effective manner aiding to their financial recovery.

2. Scope

2.1 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, for certain purposes.

2.2 Eligible Businesses

A business which uses (or proposes to use) premises for the sale of food or drink (alcohol or non alcohol) 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, and ice cream parlours.

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

2.3 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).

2.3 Type of furniture permitted

The furniture which may be used is:

- counters or stalls for selling or serving food or drink;
- tables, counters or shelves on which food or drink can be placed;
- chairs, benches or other forms of seating; and
- umbrellas, barriers, heaters and other articles used in connection with the outdoor consumption of food or drink.

This furniture is required to be removable, which in principle this means it is not a permanent fixed structure, and is able to be moved easily, and stored away of an evening.

The Council would also expect the type of furniture to be 'in keeping' with the local area.

2.4 Planning Permission

Once a licence is granted, or deemed to be granted, the applicant will also benefit from deemed planning permission to use the land for anything done pursuant to the licence while the licence is valid.

3. Application and Determination of Pavement Licences

3.1 Submission of the Application

An application for a Pavement Licence must be made to the Council, and the following will be required to be submitted with the application:

- a completed Application Form submitted electronically and sent to licensing@southribble.gov.uk.
- the required fee of £100, paid by credit or debit card
- a plan showing the location of the premises shown by a red line, so the application site can be clearly identified
- a plan clearly showing the proposed area covered by the licence in relation to the highway, if not to scale, with measurements clearly shown. The plan must show the positions and number of the proposed tables and chairs, together with any other items that they wish to place on the highway. The plan shall include clear measurements of, for example, pathway width/length, building width and any other fixed item in the proposed area.
- the proposed days of the week on which, and the times of day between which, it is proposed to put furniture on the highway,
- the proposed duration of the licence (for e.g. 3 months, 6 months, or a year);
- evidence of the right to occupy the premises (e.g. the lease);

- photos or brochures showing the proposed type of furniture and information on potential siting of it within the area applied;
- (if applicable) reference to any existing pavement licence currently under consideration by the local authority;
- evidence that the applicant has met the requirement to give notice of the application (for example photographs of the notice outside the premises and of the notice itself);
- a copy of a current certificate of insurance that covers the activity for third party and public liability risks, to a minimum value of £5 million,
- a declaration as to the truth of the contents of the application and accompanying documents and an acknowledgement that the pavement licence is liable to revocation if the application contains false or misleading statements and
- any other evidence needed to demonstrate how the Council's local conditions, and any national conditions will be satisfied.

3.2 Fees

The fee for applying for a licence under the new process are set local but are capped at £100. The Council has determined that the fee for applications will be £100.

3.3 Consultation

Applications are consulted upon for 7 days, starting with the day on which a valid application was made to the Council.

The Council will publish details of the application on its website at www.southribble.gov.uk.

The Council is required by law to consult with the Highways Authority. In addition, to ensure that there are not detrimental effects to the application the Council will consult with:

- South Ribble Council Town Centre Management
- South Ribble Council Environmental Health Service (including Environmental Control and Food and Safety Teams)
- South Ribble Council Planning Department
- Lancashire Fire & Rescue Service
- Lancashire Police

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 these when determining the application.

3.4 Site Notice

An applicant for a pavement licence must on the day the application is made, fix a notice of the application to the premises so that the notice is readily visible to, and can be read easily by, members of the public who are not on the premises. The notice must be constructed and secured so that it remains in place until the end of the public consultation period.

Evidence of the site notice requirement must be supplied to the Council.

The Site Notice must:

- state that the application has been made and the date on which it was made;
- state the statutory provisions under which the application is made;
- state the address of the premises and name of the business;
- describe the proposed use of the furniture;
- indicate that representations relating to the application may be made to the Council during the public consultation period and when that period comes to an end;
- state the Council's website where the application and any accompanying material can be viewed during the consultation period;
- state the address to which representations should be sent during the consultation period; and
- the end date of the consultation (5 working days starting the day after the application is submitted to the authority).

A template Site Notice is shown as Appendix 1.

3.5 Site Assessment

The following matters will be used by the Council and consultees in considering the suitability of the proposed application:

- public health and safety – for example, ensuring that uses conform with latest guidance on social distancing and any reasonable crowd management measures needed as a result of a licence being granted and businesses reopening;
- public amenity – will the proposed use create nuisance to neighbouring occupiers by generating anti-social behaviour and litter; and
- accessibility – taking a proportionate approach to considering the nature of the site in relation to which the application for a licence is made, its surroundings and its users, taking account of:
 - any other temporary measures in place that may be relevant to the proposal, for example, the reallocation of road space. This could include pedestrianised streets and any subsequent reallocation of this space to vehicles;
 - whether there are other permanent street furniture or structures in place on the footway that already reduce access;
 - the impact on any neighbouring premises
 - the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1 of [Inclusive Mobility](#), and
 - other users of the space, for example if there are high levels of pedestrian or cycle movements.

Applicants are strongly encouraged to talk to neighbouring businesses and occupiers prior to applying to the local authority, and so take any issues around noise, and nuisance into consideration as part of the proposal.

3.6 Determination

Once the application is submitted the Council has 14 days from the day after the application is made (excluding public holidays) to consult on and determine the application. This consists of 7 days for public consultation, and then 7 days to consider and determine the application after the consultation.

If the local authority determines the application before the end of the determination period the local authority can:

- grant the licence in respect of any or all of the purposes specified in the application,

- grant the licence for some or all of the part of the highway specified in the application, and impose conditions, or
- refuse the application.

If the local authority does not determine the application within the 14- day period, the application will be deemed to have been granted.

3.7 Approval of Applications

The Council may approve applications meeting the criteria contained within these guidelines.

On approving the application, the Council will issue a Pavement Licence to which conditions will be attached. The licence will also contain specific terms such as days and hours when tables and chairs are permitted and appearance and location of the furniture corresponding to the application.

A copy of the Council's standard conditions, which will be attached to all Pavement Licences are shown at Appendix 2. Additional conditions may be attached if the Council considers it appropriate in the circumstances of any particular case.

The Council generally will only permit Pavement Licences between 09:00 and 21:00.

Applications outside these hours will be assessed in terms of the criteria detailed above. The Council however retains the right to specify permitted hours of trading that are less than those specified above in appropriate circumstances.

3.8 Licence Duration

If the Council determines an application before the end of the determination period (which is 7days, beginning with the first day after the public consultation period, excluding public holidays) they can specify the duration of the licence, subject to a minimum duration of 3 months.

The expectation from the Government is that local authorities will grant licences for 12 months or more unless there are good reasons for granting a licence for a shorter period such as plans for future changes in use of road space. As such, the Council will normally grant applications until 30 September 2024.

If a licence is 'deemed' granted because the authority does not make a decision on an application before the end of the determination period, then the licence will be valid for a year.

A licence granted or deemed to be granted will not be valid beyond 30 September 2024.

3.9 Refusal of Applications

If the site is deemed unsuitable for a Pavement Licence, or if relevant representations are made which cannot be mitigated by conditions then the application may be refused.

There is no statutory appeal process against decision to refuse an application.

4. Conditions

The Council's standard conditions are set out at Appendix 2. In some cases, extra measures may be required. This will be determined when assessing any application, on a case by case basis.

Where a local authority sets a local condition that covers the same matter as set out in national published conditions, then the locally set condition takes precedence over the national condition where there is reasonable justification to do so.

However, this is not the case for the statutory no-obstruction condition which is as applies to all Licences. The National 'no obstruction' condition is shown in Appendix 3.

5. Enforcement

The Council aims to work closely with other enforcement authorities to enforce the provisions of all appropriate legislation. The case remains that an obstruction of the Highway is an offence under The Highways Act 1980 and will be dealt with by the Highways Authority or the Police.

Obtaining a licence does not confer the holder immunity in regard to other legislation that may apply, e.g. Public Liability, Health & Safety at Work, Food Hygiene and Safety, Alcohol and Entertainment Licensing, Social distancing controls, and applicants must ensure all such permissions, etc. are in place prior to applying.

If a condition imposed on a licence either by the Council or via a National Condition is breached the Council will be able to issue a notice requiring the breach to be remedied and the authority can take action to cover any costs.

The authority may revoke a licence in the following circumstances:

1. For breach of condition, (whether or not a remediation notice has been issued) or
2. Where:
 - There are risks to public health or safety – for example by encouraging users to breach government guidance on social distancing by placing tables and chairs too close together;
 - the highway is being obstructed (other than by anything permitted by the licence);
 - there is anti-social behaviour or public nuisance – for example, the use is increasing the amount of noise generated late at night and litter is not being cleaned up;
 - it comes to light that the applicant provided false or misleading statements in their application – for example they are operating a stall selling hot food and had applied for tables and chairs on which drinks could be consumed; or
 - the applicant did not comply with the requirement to affix the notice to notify the public for the relevant period.
3. The Council may also revoke the licence where all or any part of the area of the relevant highway to which the licence relates has become unsuitable for any purpose for which the licence was granted or deemed to be granted. For example, the licensed area (or

road adjacent) is no longer to be pedestrianised. The Council will give reasons where these powers are used.

6. Review Procedures

This Policy covers the Temporary Permission for Pavement Licences, The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations which are scheduled to expire on 30 September 2023.

This Policy will be reviewed from time to time should changes occur in relevant legislation, the nature of Pavement Licence's generally, relevant social distancing measures or as a result of local considerations within the South Ribble Borough.

The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2023

Application for a Pavement Licence

[NAME OF PREMISES]

[FULL ADDRESS OF PREMISES]

TAKE NOTICE, **[applicant name]**, has made an application on **[DATE]**, pursuant to Section 1(1) of The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2023, for a Pavement Licence to be granted in respect of the premises detailed above.

[Days and times during which it is proposed to place street furniture on the highway]

A copy of the application can be viewed at the Civic Centre, West Paddock, Leyland, PR25 1DH, or online at www.southribble.gov.uk

Any person who wishes to make representations in relation to this application must do so in writing to Licensing, Civic Centre, West Paddock, Leyland, PR25 1DH, info@southribble.gov.uk or by the online portal. Representations must be made within the public consultation period which ends **[DATE which is 8 days after the day on which the application is made]**.

Standard Pavement Licence Conditions

1. Being the licence holder of a Pavement Licence does not imply an exclusive right to the area of public highway. The licence holder must be aware that South Ribble Council and others (e.g. police, highways authority, statutory undertakers) will need access at various times (including emergencies) for maintenance, installation, special events, improvements etc or any other reasonable cause. This may mean that the pavement licence will need to cease operating and/or be removed for a period of time. On these occasions there would be no compensation for loss of business.
2. South Ribble Council requires evidence that the licence holder has Public Liability Insurance for the operation of the Pavement Licence. This must indemnify South Ribble Council and Lancashire County Council against all claims for injury, damage or loss to users of the public highway, arising from the use of the highway for the permitted purpose. The minimum level of indemnity must be £5 million in respect of any one incident.
3. Tables and chairs must not be placed in position outside of permitted times. When the licence is not in use, all tables and chairs and other furniture must be stored securely inside a premises away from the highway.
4. South Ribble Council and/or Lancashire County Council are empowered to remove and store or dispose of furniture from the highway, at the cost of the licensee, if it is left there outside the permitted hours, or should any conditions of the licence be ignored. The Council will not be responsible for its safekeeping.
5. The licence holder is not to make or cause to be made any claim South Ribble Council in the event of any property of the licence holder becoming lost or damaged in any way from whatever cause.
6. An unimpeded pedestrian route must be maintained at all times for people wishing to use the footway as per the National Licence Conditions.
7. The method of marking the boundary of the licensed area must be agreed between the licence holder and the Licensing Department. Whatever method is agreed a 2 metre clear walkway must be maintained for the use of pedestrians.
8. Emergency routes to the premises and adjacent buildings must not be obstructed by the pavement furniture, which should not, in normal circumstances, extend beyond the width of the premises frontage.
9. Tables and chairs should be of an approved type and should be kept in a good state of repair. Furniture should be placed so as not to obstruct driver sightlines, or road traffic signs. Placement of tables and chairs must allow pedestrians to use the footway parallel to the frontage of the premises. Care should be taken in the use of hanging baskets, awnings, protruding umbrellas etc. Alternative items may not be used without first seeking the written authority of the Council. Patio heaters must not be used.
10. All potential obstructions must be removed from the public highway when the premises are closed to prevent a safety hazard to pedestrians, particularly during the hours of darkness.

11. The licensee should ensure that the area operates in a safe and orderly manner, thereby ensuring that any safety risk or nuisance to customers, other users of the public highway or any adjacent land or premises, is minimised.
12. The operation of the area must not interfere with highway drainage arrangements.
13. During the hours of darkness suitable and sufficient lighting must be provided to ensure safe use of the area. Any proposals to provide additional lighting to the licensed areas must be agreed with the Highway Authority, Lancashire County Council and evidence of such agreement produced to Chorley Council by the licence holder on demand..
- 14.
15. All detritus (food and drink remnants, spillages, bottles, cans, wrappers, cigarette ends etc) be regularly removed from the footway surface to reduce hazards to pedestrians. The licence holder must make arrangements to regularly check for and to remove litter and rubbish on pedestrian walkways, caused by persons using the designated area benefitting from the pavement licence, for a distance of up to 10 metres from the boundary of the designated area benefitting from the pavement licence. The licence holder must ensure that any tables are cleared in an efficient manner during the hours of operation. The licence holder must ensure the licensed area and surrounding highway is to be washed down at the completion of each day's usage using a method sufficient to remove food debris, grease and other spillages that may occur.
16. The licence holder is not permitted to make any fixtures, or excavations of any kind, to the surface of the highway without prior written approval. Any costs incurred as a result of damage to the highway, due to the positioning of tables and chairs etc, will be recovered in full from the licence holder by South Ribble Council or the Highway Authority.
17. The Licensee of a premises not licensed under the Licensing Act 2003 or any modification or re-enactment thereof, must not allow the consumption of alcohol within licensed area.
18. The Licensee of a premises licensed under the Licensing Act 2003 or any modification or re-enactment thereof, must not allow the consumption of alcohol within the designated area benefitting from the pavement licence outside the hours in force for the premises itself.
19. The licence must be displayed on the premises with a plan of the agreed layout in clear view.
20. The licensee is responsible for ensuring that the conditions of the licence and any other necessary permissions and regulations are adhered to. The Licence holder is to use the highway solely for the purpose of the licence in line with the provisions of this licence and for no other purpose whatsoever.
21. Without prejudice to the obligation contained in Condition 3 The licence holder must cease to place remove any tables, chairs and other furniture immediately at the end of the licence period or on revocation of the licence.

22. There must be adequate provision made for the collection and containment of litter and, where directed, the Licensee must provide suitable litter bins.
23. The Licensee will ensure that the designated area is maintained in a clean and tidy condition. The Licensee shall also take appropriate precautions to prevent the immediate highway from becoming littered as a result of trading activities.
24. The Licensee shall at all times when the pavement cafe is in operation make available for customers toilets and hand washing facilities, to wheelchair accessible standards where it is practicable and reasonable to do so.
25. The Licensee will be responsible for the conduct of customers. They must not be a nuisance or annoy users of the highway or tenants of adjoining premises.
26. No speakers or playing of music shall be permitted.
27. No electrical cables shall be run along the ground in such a way that they create a trip hazard or are susceptible to mechanical damage.
28. South Ribble Council reserves the right to revoke this licence at any time if any of the above conditions are not fulfilled and maintained.

National Conditions

The Secretary of State publishes this condition in exercise of his powers under [clause 5(6)] of the The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2023

Condition relating to clear routes of access:

It is a condition that clear routes of access along the highway must be maintained, taking into account the needs of disabled people, and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1 of [Inclusive Mobility](#).

Guidance on the effect of this condition

1. To the extent that conditions imposed or deemed to be imposed on a pavement licence do not require the licence holder to require clear routes of access to be maintained, taking into account the needs of disabled people and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1 of [Inclusive Mobility](#), the licence is granted subject to those requirements.
2. To the extent that a licence is granted subject to a condition which imposes requirements to maintain clear routes of access that are inconsistent with the requirements set out in this condition this condition is not imposed on the licence.

| Function | | Decision Delegated to |
|---------------------------------------|---|---|
| Grant of Pavement Licence | Where, during the public consultation period, no representations have been received. | Licensing Officers. |
| | Where, during the public consultation period, representations have been received. | Shared Services Lead – Legal & Deputy Monitoring Officer or Senior Solicitor in consultation with Chair/Vice Chair of Licensing/Portfolio holder |
| Revocation of Pavement Licence | In line with Paragraph 5 of the Policy above | Shared Services Lead – Legal & Deputy Monitoring Officer or Senior Solicitor in consultation with Chair/Vice Chair of Licensing/Portfolio holder |
| Remedial Notices | Breach of condition (case by case basis) | Licensing Officers |

FOR OFFICE USE

Application No...

Date...

Fee Paid...

Receipt No...

**Application for a Licence to use the Highway for a Street Café.
The Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2023.**

Please read the notes and answer all the following questions

Question 1

Your Name and Address

Postcode

Tel. No.

Question 2

Name and address of any person acting for you

Question 3

Describe the proposed location for the street café and address if different from the address in Q1 above.

Question 4

Please state the main proposed materials (for example: furniture, umbrellas, boundary markers, colour, type, styles) and show them on your detailed layout plan.

Question 5

Do you intend to alter any of the building and/or building frontage to accommodate the proposal? If YES, please show details of the alterations on your plan.

YES/NO

Question 6

Are there any lighting columns, litter bins, road signs, public seating, trees, etc. on the site within the boundary of the area proposed for the street café?

If YES, please show them on your plan.

YES/NO

Question 7

Is proper sanitary accommodation available within the building to be used to service the Street café?

YES/NO

Question 8

Is it intended to seek a licence to serve alcohol within the street café area?

If YES, please answer Q9 below.

YES/NO

Question 9

What range of drinks (alcoholic and non-alcoholic) is it intended will be served within the street café area?

Give details below.

The applicant should be aware that the granting of a licence does not permit the sale of alcohol within the outdoor café area. Separate licensing arrangements apply for the sale of alcohol and the applicant should check the conditions on the Premises Licence or consult the Licensing Authority.

Question 10

Please read and sign the following statement.

I wish to apply for a licence to use the highway fronting the above-named property for the purpose of a street café as described in this application and the accompanying plans and enclose the required fee.

Signed.....

Date.....

Notes

Applications should be made to the , Licensing Section, South Ribble Borough Council, Civic Centre, West Paddock, Leyland, PR25 1DH, licensing@southribble.gov.uk

1. A location plans to Ordnance Survey quality to show the proposed area for the street café at 1:1250 scale.
2. A detailed plan (to show the proposed street café) at a scale of 1:50 or 1:100
3. Full manufacturers literature/details of the furniture/equipment to be used.
4. Details of the management arrangements for the street café.
5. The standard fee.
6. Proof of indemnification against all claims, injuries or accidents, with cover up to £5 million.

You will need two types of plans:

Location plan – to show where your proposal is situated in relationship to the surrounding area. You must clearly edge the site boundary in red. The plan should be of 1:1250, to Ordnance Survey quality.

Detailed plan (with elevations) – to show the proposed street café and its relationship to existing buildings and features. The plan should be a metric scale of 1:50 or 1:100 and the main dimensions should be clearly stated. It should include all the information required by the questions above.

Additional Notes:

Once an application has been submitted there will be a 7day consultation period. You must place a notice on your premise setting out what has been applied for and the date by which a representation should be submitted to the licensing authority.

Appendix A – Impact Assessment (IA)

| | | | |
|---|-----------------------|------------------------|--|
| Name of the project, policy, service, or strategy: | Cafe Pavement Licence | | |
| Responsible officer: | Chris Ward | | |
| Service Lead: | Elizabeth Hindle | | |
| Date of assessment: | 13/09/2023 | Date of review: | |



Introduction

Overview

What is an Impact Assessment?

The Impact Assessment is a tool to ensure that any policy, project, strategy, or service is assessed to consider any positive or negative impacts for all our residents with regards to equalities, health and sustainability. It is important that this is done in a timely manner and ideally it should precede the start of the project, policy or strategy concerned at Chorley Council or South Ribble Borough Council.

Who is the Impact Assessment for?

The responsibility of conducting the Impact Assessment is with the leading officer of the policy that is being assessed, with service leads responsible for the final sign off of the assessment. Once complete and signed off, the Impact Assessments are submitted to Performance and Partnerships, who are responsible for storing, monitoring, and ensuring the quality of the assessments. The assessment tool covers both Chorley and South Ribble Borough Council.

Why do we need to do Impact Assessments?

As Councils, we are committed as community leaders, service providers, and employers. Therefore, we will work to ensure that everybody is afforded equality of opportunity and good life chances. The Impact Assessment is a tool we use to ensure that we fulfil these commitments and thus meet our legal duties.

Instructions

Quick steps for completion

Follow the quick steps below when completing the Impact Assessment:

1. Sections: There are three sections to the Impact Assessment. These include:

- Equality impact: the impact on the nine equality strands, which include age, disability, sex, gender reassignment, race, religion, sexual orientation, pregnancy and maternity, and marriage and civil partnership. See the **Equality Framework**.
- Health and environmental impact: the impact on health and wellbeing as well as the environment.
- Reputational impact: the impact on the Councils' reputation and our ability to deliver our key priorities. Reference should be made to the Corporate Strategies.

2. Rating and evidence: Each section has a number of questions that should be given a rating and evidence given for why the rating has been selected. This allows us to quantify the impact. The rating key is outlined below:

| Code | Description |
|------|-----------------|
| P | Positive impact |
| N | Negative impact |
| NI | Neutral impact |

3. Actions: Once a rating is given, actions should be identified to mitigate any negative impacts or maximise any positive impacts of the policy, project, or strategy that is being assessed.

4. Sign off: Once the assessment is completed, sign off is required by a Service Lead.

5. Submit: Once signed off, the Impact Assessment should be sent to the Performance and Partnerships Team, who will store the assessment securely and check for quality.

6. Follow up: Actions should be implemented and changes should be made to the policy, project, or strategy that has been assessed, with follow ups conducted annually to monitor progress.

Information and Support

Contact details

To submit your completed Impact Assessment or for guidance and support, please contact Performance and Partnerships at performance@chorley.gov.uk or performance@southribble.gov.uk

Equality Impact

| Area for consideration | P | N | NI | Evidence | Further action required |
|---|---|---|----|----------|-------------------------|
| What potential impact does this activity have upon: | | | | | |
| Those of different ages? | | | X | | |
| Those with physical or mental disability? | | | X | | |
| Those who have undergone or are undergoing gender reassignment? | | | X | | |
| Those who are pregnant or are parents? | | | X | | |
| Those of different races? | | | X | | |
| Those of different religions or beliefs? | | | X | | |
| Those of different sexes? | | | X | | |
| Those of different sexual orientations? | | | X | | |
| Those who are married or in a civil partnership? | | | X | | |
| Socio-economic equality or social cohesion? | | | X | | |

Health, Social and Environmental Impact

| Area for consideration | P | N | NI | Evidence | Further action required |
|--|---|---|----|----------|-------------------------|
| What potential impact does this activity have upon: | | | | | |
| Enabling residents to start well (pre-birth to 19)? | | | X | | |
| Enabling residents to live well (16 to 75 years)? | | | X | | |
| Enabling residents to age well (over 65 years)? | | | X | | |
| Natural environment? | | | X | | |
| Air quality and pollution? | | | X | | |
| Natural resources? | | | X | | |
| Rurality? | | | X | | |

Strategic Impact

| Area for consideration | P | N | NI | Evidence | Further action required |
|--|---|---|----|----------|-------------------------|
| What potential impact does this activity make upon: | | | | | |
| The Councils' reputation? | X | X | | | |
| Our ability to deliver the Corporate Strategy? <i>(Please refer to the Strategic Objectives)</i> | | | X | | |

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| Report of | Meeting | Date |
|--|---------|---------------------------------|
| Director of Communities (Introduced by Cabinet Member (Neighbourhood and Waste Services)) | Council | Wednesday, 20 September 2023 |

Electric Vehicle Charging Points (ORCS Phase II)

| | |
|------------------------------|----|
| Is this report confidential? | No |
|------------------------------|----|

| | |
|-----------------------|-----|
| Is this decision key? | Yes |
|-----------------------|-----|

| | |
|--|--|
| Savings or expenditure amounting to greater than £100,000 | Significant impact on 2 or more council wards |
|--|--|

Purpose of the Report

1. To authorise the leasing of car parking spaces to allow for the installation of 21 electric vehicle chargers (42 charging sockets) on seven sites across the borough as part of a successful grant application for £154,910.

Recommendations to Council

2. That approval is given for
 - i. creation a new capital budget or £155k.
 - ii. the use of Connected Kerb Limited to supply, install and maintain the electric vehicle charging points via direct award KCS framework
 - iii. the creation of a lease agreement with Connected Kerb Limited, for the identified parking bays at each site to cover the installation, operation and maintenance of the electric vehicle charging points.

Reasons for recommendations

3. In November 2022, the Cabinet decided that future electric vehicle charging points would be delivered, maintained and operated by a third-party contractor. No additional rent would be charged for the use of Council land to maximise the potential contribution from the contractors and where possible a small charge per KWh used would be made.
4. Connected Kerb have assisted with the grant application by providing costings for the application and agreeing to fund the 40% match funding required to secure the grant.

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They have also agreed to the Council receiving 10% of the profits from the chargers, if no profit is made the council would not be liable to cover any deficit.

5. The grant funding conditions require installation of the chargepoints within the financial year 2023/24, including DNO connections and therefore the signing of agreements needs to be expedited to ensure we meet this deadline.

Other options considered and rejected

6. The Council has been awarded the grant funding to supply a set number of EV charging points (42). The cost of installing these chargers is greater than the grant funding. Therefore if we do not utilise the offer from Connect Kerb the Council will have to either fund the difference and match the 40% required, ~£103K, or return the grant funding.
7. There would also be the additional issue of maintaining and servicing the charging units.
8. The Council's previous EV charging scheme with a different contractor included a 10% match fund from the Council in this case ~£25K. The option presented therefore provides the most economic option.

Corporate priorities

9. The report relates to the following corporate priorities: (Please bold one)

| | |
|---|---|
| An exemplary council | Thriving communities |
| A fair local economy that works for everyone | Good homes, green spaces, healthy places |

Background to the report

10. Nationally, the sale of new petrol and diesel cars and vans will end in 2030, with all new cars and vans being fully zero emission from 2035.
11. To enable our communities and businesses to succeed, to grow and support the borough we must ensure that it is fit for purpose in the coming years this includes the provision of an accessible charging infrastructure for all, not just those with off-street car parking facilities, driveways and garages but also those living in historic properties with on-street car parking typical of many of the boroughs conservation areas and town centres due to our historic industrial past.
12. The shift to electric vehicles will help to reduce air pollution, reduce the boroughs carbon footprint and assist with the Council's goal of net-zero carbon emissions by 2030.
13. In 2018 the council adopted an Air Quality Action Plan which highlighted the need to increase the electric vehicle (EV) infrastructure across the borough.
14. In 2021, following the council's declaration of a climate emergency the Climate Emergency Action Plan was adopted by full council. This action plan identified the

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requirement to improve the EV infrastructure and to install 200 publicly accessible EV charging points.

15. Progress has been made towards this goal, but we are still some way off the target of 200 chargers and as EV use increases more are likely to be required.
16. Previous grant funding has been secured for the existing 4 rapid chargers (£106,000) and 19 ORCS chargers (£145,000), although this round required a £21,463 contribution from the council.

The Proposal

17. In the financial year 2022/23 the Office for Zero Emission Vehicles (OZEV) On-Street Residential Chargepoint Scheme (ORCS) grant funding allowed for local authorities to apply for up to 60% of eligible capital costs for the provision and installation of EV charging points.
18. Further to the Council's successful grant funding application in March 2023, the council secured £154,910 grant funding towards the provision 21 EV charging points (42 charging bays), towards a total cost of £258,180.
19. The total cost of supplying and installing the above proposed EV charging points is £258,180. The remaining cost, £103,270, must be found by the applicant / Council. Connected kerb Limited have agreed to provide this sum if they are awarded the contract for the provision and installation of these charging points.
20. The proposed contract with Connected Kerb Limited, if approved, would mean the capital cost for the supply and installation of the EV charging points would be met wholly through grant funding (60%) and Connected Kerb (40%).
21. Connected Kerb Limited have already worked with a number of Councils (Kent County Council, Sevenoaks District Council, Medway Council) to provide public EV charging points.
22. The grant funding sets specific criteria for where the chargers can be located, this excludes some areas of the borough, principally those areas with significant off-street carparking provision. In addition, restrictions on this round of funding only allowed the council to locate chargers on its own land.
23. The following locations have been identified as sites with a number of properties with no off-street car parking facility within a short walk. The identified sites are shown within the attached Appendix 1.

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| Site | No. Charging Points | No. Charging Sockets / Parking Bays |
|---|---------------------|-------------------------------------|
| King Street, Leyland. PR25 2LW | 6 | 12 |
| Tardy Gate (William Street) car park, Lostock Hall. PR5 5RU | 3 | 6 |
| Sevens Stars car park, Leyland. PR25 1UP | 3 | 6 |
| Chapel Yard car park, Walton le Dale. PR5 4AY | 3 | 6 |
| Margaret Road car park, Penwortham. PR1 9RA | 3 | 6 |
| Mill Street, Farington. PR25 4QJ | 2 | 4 |
| King Street, Lostock Hall. PR5 5HY | 1 | 2 |

24. The lease period for these sites, with Connected Kerb Limited, would be agreed through estates and legal but currently the suggested term is 15 years with a break clause half-way through.
25. It is currently perceived that car parking charges for those car parks that already have a charging infrastructure will continue. As part of the grant funding the spaces would have to be free of charge during the evening and night-time periods.

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Climate change and air quality

24. The work noted in this report impacts on the following areas of climate change and sustainability targets of the Councils Green Agenda.:
 - a. net carbon zero by 2030,
 - b. limiting non sustainable forms of transport,
 - c. limiting or improving air quality.
25. The work noted in this report will have a positive impact on the climate change and sustainability targets of the Council's Green Agenda.

Equality and diversity

26. There are no equality and diversity issues relating to the lease agreements. The provision of the electric vehicle chargers are designed to ensure accessibility for all in line with national government required standards.

Risk

27. If the Council does not seek grant funding to install EV charging facilities, there is the risk that it will fail to meet its commitment to 200 publicly accessible EV charging points across the Borough.
28. If the project is not completed by 31st March 2024 the grant funding may need to be returned.
29. If insufficient EV charging points are provided within the Borough this may deter residents from converting from conventionally fuelled vehicles to electric vehicles, potentially delaying a reduction in carbon emissions within the Borough, while failing to achieve a core action of the corporate priority.
30. Due to the short timescales involved in the project a waiver has been submitted from the standard procurement tendering rules to use a framework agreement to deliver the project in a timely manner and comply with the grant conditions.
31. Future redevelopment of the identified car parks may be curtailed during the length of lease (for at least seven years) unless a suitable agreement can be reached to break the lease e.g. relocation.
32. Failure to enter into timely lease agreements will result in the grant funding being returned and it is likely that further funding will not be provided.

Comments of the Statutory Finance Officer

33. This capital scheme is funded by £155k grant and the 40% match funding of £103k will be made by Connected Kerb Ltd.

Comments of the Monitoring Officer

34. The proposal progresses a council priority, to ensure access to EV charging points within the borough. The use of the framework proposed is compliant both with the Council's Contract Procedure Rule and legislation.

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Background documents

Air Quality Action Plan 2018

Climate emergency Action Plan 2021

Cabinet Paper Decision November 2022 – “*Cabinet approves the utilisation of a third-party contractor to deliver, maintain and operate all Council electric vehicle recharging points and parking bays. No additional rent is charged for any leases to maximise the potential contribution from the third-party contractor towards the cost of installation, with a view to recovering a small charge per Kwh for each station as appropriate. (Option 5)*”

Appendices

Appendix 1 Maps of Proposed EV chargers.

| Report Author: | Email: | Telephone: | Date: |
|---|--------------------------------|-------------|----------------------------------|
| Neil Martin (Senior Environmental Health Officer) | neil.martin@southribble.gov.uk | 01772625336 | 15 th June 2023 |