



Colchester
City Council

Licensing Committee Meeting

**Grand Jury Room, Town Hall, High Street,
Colchester, CO1 1PJ
Wednesday, 08 November 2023 at 18:00**

The Licensing Committee deals with policy issues relating to licensing matters and applications and appeals concerning hackney carriage and private hire vehicles and drivers and other appeals.

Information for Members of the Public

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<https://colchester.cmis.uk.com/colchester/MeetingCalendar.aspx>.

Most meetings take place in public. This only changes when certain issues, for instance, commercially sensitive information or details concerning an individual are considered. At this point you will be told whether there are any issues to be discussed in private, if so, you will be asked to leave the meeting.

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COLCHESTER CITY COUNCIL
Licensing Committee
Wednesday, 08 November 2023 at 18:00

Members:

Councillor Bickersteth
Councillor Bloomfield
Councillor Michelle Burrows (Deputy Chair)
Councillor Roger Buston
Councillor Jeremy Hagon
Councillor Dave Harris (Chairman)
Councillor Mike Hogg
Councillor David King
Councillor Roger Mannion
Councillor Sam McLean
Councillor Carl Powling
Councillor Michael Spindler

Substitutes:

All members of the Council who are not Cabinet members or members of this Panel.

AGENDA - Part A
(open to the public including the press)

Members of the public may wish to note that Agenda items 1 to 5 are normally brief.

1 Welcome and Announcements

The Chairman will welcome members of the public and Councillors and remind everyone to use microphones at all times when they are speaking. The Chairman will also explain action in the event of an emergency, mobile phones switched to silent, audio-recording of the meeting. Councillors who are members of the committee will introduce themselves.

2 Substitutions

Councillors will be asked to say if they are attending on behalf of a Committee member who is absent.

3 Urgent Items

The Chairman will announce if there is any item not on the published agenda which will be considered because it is urgent and will explain the reason for the urgency.

4 Declarations of Interest

Councillors will be asked to say if there are any items on the agenda about which they have a disclosable pecuniary interest which would prevent them from participating in any discussion of the item or participating in any vote upon the item, or any other registerable interest or non-registerable interest.

5 Minutes of Previous Meeting

The Committee will be invited to confirm that the minutes of the meeting held on 14 June 2023, the Sub-Committee hearing held on 9 August 2023 and the minutes of the Driver Appeal Hearing held on 9 August 2023 (contained in Part B of the agenda) are a correct record.

Licensing Committee draft Minutes 14 June 2023 7 - 12

Licensing Sub-Committee draft minutes 9 August 2023 13 - 16

6 Have Your Say! (Hybrid Council meetings)

Members of the public may make representations to the meeting. This can be made either in person at the meeting, or by joining the meeting remotely and addressing the Committee via Zoom. Each representation may be no longer than three minutes. Members of the public wishing to address the Committee remotely may register their wish to address the meeting by e-mailing democratic.services@colchester.gov.uk by 12.00 noon on the working day before the meeting date. In addition, a written copy of the representation will need to be supplied for use in the event of unforeseen technical difficulties preventing participation at the meeting itself.

There is no requirement to pre-register for those attending the meeting in person.

7 Licensing Enforcement Policy 17 - 46

The Committee will consider a report requesting that it approve for use a new stand alone Licensing Enforcement Policy document.

8 Pavement Licence Policy – policy update 47 - 66

The Committee will consider a report which presents an amended Pavement Licence Policy to it, and will be requested to approve the amended Policy.

9 Licensing Committee Work Programme 2023-2024 67 - 68

The Committee will consider a report setting out its work programme for the current municipal year.

Exclusion of the Public (not Scrutiny or Executive)

In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example

confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

Part B

(not open to the public including the press)

Draft minutes for the driver appeal panel 09-08-2023

- This report is not for publication by virtue of paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 (information relating to an individual).

Licensing Committee
Wednesday, 14 June 2023

Present:

Councillor Bickersteth
Councillor Bloomfield
Councillor Michelle Burrows (Deputy Chair)
Councillor Roger Buston
Councillor Jeremy Hagon
Councillor Mike Hogg
Councillor David King
Councillor Roger Mannion
Councillor Sam McLean
Councillor Carl Powling

Substitutes:

Councillor Tim Young for Councillor Dave Harris

Also in attendance:

174. Declarations of interest

Although a member of the Committee did not have a disclosable interest, they drew the attention of the Committee to the fact that it was the 6th anniversary of the fire at Grenfell Tower. With the consent of the Chair, the Committee observed a minute's silence as a mark of respect to those who had lost their lives.

175. Minutes of the previous meeting

RESOLVED that: the minutes of the meetings held on 22 March 2023 and 24 May 2023 be confirmed as a correct record.

176. Licensing Update

The Committee received a verbal update on the work of the Licensing Team and key areas of work for the forthcoming municipal year.

Sarah White, Licensing Team Leader, attended the Committee to present the report and assist the Committee with its deliberations. The Committee heard that there had been a number of changes in the Licensing Team over the past year with Officers, including the Licensing and Food Safety Manager, leaving the Council. In the light of this, the team had been mainly focussed on dealing with urgent work and complaints which had been received.

In spite of the difficulties, some significant pieces of work had been undertaken, including the incorporation of the National Register of Refusals, Revocations and Suspensions (NR3) for hackney carriage and private hire drivers licensed by the Council into the work of the team. All applications for new or renewed drivers licenses were subject to checks against the Register to ensure that they had not been the subject of revocation or suspension by any other local authority. Additionally, the team had dealt with a large number of complaints together with progressing work in relation to the requirement to accept card payments in licensed vehicles, and integrating with the council's new back office administrative computer system which had taken a considerable amount of time. The team had attended information sessions on proposed legislation known as Martyn's Law, and further updates would be provided to the Committee in relation to this if necessary. It was anticipated that consideration of the requirement for licensed vehicles to install CCTV would be referred to the committee at some point in the municipal year.

RESOLVED that: the contents of the update be noted.

177. Have Your Say!

Mustafa Irshad, Secretary of the Colchester Hackney Carriage Association, attended the meeting and addressed the Committee in accordance with the Council's Have Your Say! provisions. The Committee heard that although taxi marshals were provided on the high street rank, no marshals were available except on weekend evenings. When no marshals were on duty there had been issues with taxi rank and queue management, and customers were taking taxis from the rear of the rank in breach of rank etiquette. This led to congestion as drivers had taken to parking at the rear of the rank as a result. It was also considered that there was an overcharging issue and the Association had received complaints in relation to this. It was suggested that a list of standard fares from Colchester to popular destinations could be provided next to the rank so that customers could check what the likely fare would be to other towns. A list of fares based on mileage could also be displayed so that if a customer knew how far they were going they could work out the likely fare.

In discussion, the Committee noted that Atik, a nightclub on the high street, had agreed to fund the provision of taxi marshals in the past, and suggested that the Council should look to work with other potential providers as the taxi rank required careful management at busy times. Officers were aware of the issues and agreed to speak with the management of Atik to see whether they would continue to fund marshals. The Committee was advised that Colchester Business Improvement District (BID) had also agreed to provide some marshal funding, and work would be ongoing in this area. Additional signage at the rank was also being considered to encourage customers to queue up properly, and this was supported by the Committee.

In respect of the issue of overcharging which had been raised, Sarah White, Licensing Team Leader, confirmed that any complaints were investigated when they were reported, but a lot of concerns were anecdotal or had been received from third parties. Test purchasing of taxis had been carried out in the past, and it was hoped

to recommence this activity in the future when staffing resources allowed. The results of such operations were not reported publicly but drivers found to be at fault were dealt with. The suggestion which had been made in relation to the provision of additional signage could be considered, and a report potentially referred back to the Committee in the future if this was necessary. It was, however, considered that it would be very difficult to adequately display on signs all the information which went into calculating an approximate fare. The Committee did consider that it was important to provide a good impression of the city to visitors and a good taxi service was part of this, any additional clarification which was able to be offered to improve the transparency of fares would be welcomed. It was noted that the tariff by which the meter calculated the fare was displayed in hackney carriage vehicles.

Mr Irshad acknowledged that it would be difficult to display the fares, but wondered whether it would be possible to express likely fares to neighbouring town centres in a similar format to that which could be seen at bus stops, in a simple format which could be understood by people even late at night as this may help to reduce complaints about fares.

178. Licensing Committee Training

The Committee considered a report setting out proposed changes to the Council's training scheme for members of the Licensing Committee.

Sarah White, Licensing Team Leader, attended the Committee to present the report and assist the Committee with its deliberations. The Committee heard that the training requirements which were currently imposed on members of the Licensing Committee, and which had been since 2008, required members to observe a hearing before they were able to sit as members of a Sub-Committee or Driver Appeal Hearing. In the past this requirement had been considered necessary as the hearing regime was relatively new to both Councillors and Officers, however, this was no longer the case. The requirement to observe a hearing was now creating a problem in ensuring that there were enough qualified members of the Committee to sit on both Sub-Committee and Driver Appeal Hearings, as it was difficult to ensure that training was delivered together with an opportunity to observe a hearing. Meetings were now recorded, and this presented an opportunity for Councillors to observe the recordings of proceedings if they should wish to do so. It was therefore proposed that the necessity for observation of a hearing should be removed from the training requirements. The basic requirement that members had to be trained before they sat on a Sub-Committee or Driver Appeal Hearing would remain, and training would be delivered to support this, together with any additional training modules that may be required as the result of changes to legislation or any other reason.

The Committee noted the importance of Sub-Committee and Driver Appeal Hearings as these had the potential to affect peoples' livelihoods, and it further acknowledged the difficulty experienced in recent years of maintaining a sufficient pool of Councillors who were trained to deal with these issues. Legislative requirements meant that it was only possible for members of the licensing committee to sit on Sub-

Committee appeal hearings, which further reduced the pool of available Councillors. The pool of available councillors was further diminished by the fact that the hearings were predominantly held in the daytime, making it difficult for Councillors who had work commitments to attend. A Committee member reminded those present of the importance of attending all training which was offered, and of the Sub-Committee and appeals hearings themselves which had the potential to have far reaching consequences for the individuals concerned.

A Committee member considered that the training which was provided was very good, and that the support offered to Members sitting on a hearing by both the Licensing Officers and the Council's legal team was excellent. They understood the reasoning behind the suggestion which had been made, and supported the proposal that the observation requirement be removed from licensing training procedures.

RESOLVED that:

- The training scheme for members of the Licensing Committee be amended to require all Licensing Committee members to undertake licensing specific training when first appointed to the Committee and thereafter any training that may be deemed necessary from time to time for the effective delivery of the Council's statutory licensing functions.

And that:

- the requirement for Members of the Licensing Committee to observe a hearing before being appointed as a member of a Sub-Committee or Driver Appeal Panel be removed.

179. Work Programme

The Committee considered a report setting out its work programme for the forthcoming municipal year.

Matthew Evans, Democratic Services Officer, attended the meeting to introduce the report and assist the Committee with its enquiries.

The Committee heard that although usually the work programme would have been set out for the forthcoming municipal year, changes in staffing within the Licensing Team meant that this had not been possible this year. Items would be scheduled into the work programme in the near future, and in addition to this, the Committee was invited to suggest any items which it wished to see brought forward.

In discussion, the Committee noted that regular reviews of the Council's Licensing Policies were required, and these would be presented to the Committee as and when this was required.

Sarah White, Licensing Team Leader, advised the Committee that the issue of Closed Circuit Television (CCTV) in licensed vehicles was an issue which it was intended to present to the Committee at some point in the municipal year, provided

resources allowed this. It was hoped that a clearer picture would be available once the new Licensing Manager had been able to assess the situation. The Council's Licensing Act 2003 Policy needed to be refreshed following a recent very light touch review, and consideration was being given to additional work being undertaken in respect of safeguarding in the nighttime economy.

The Committee voiced its support of the work which had been suggested, and was content to allow Officers to bring items to its attention when it was considered appropriate.

RESOLVED that: the contents of the work programme be noted.

**Licensing Sub-Committee
Wednesday, 9 August 2023**

Present: Councillor Harris, Councillor Mannion, Councillor Powling,

Substitutes: None

89. Appointment of Chairman

RESOLVED that: Councillor Harris be appointed Chairman for the Sub-Committee meeting.

90. Gambling Act 2005 – Alcohol Licensed Premises

Sarah White, Licensing Team Leader, attended the meeting to introduce the report. The Sub-Committee heard that an application for a gaming machine permit had been made by The Original Bowling Company for premises located in the Northern Gateway development in Colchester. The premises currently had the benefit of separate licences for the ground floor and first floor and the applicant now wished to operate these premises as a single combined unit. The application sought permission for 5 Category C gaming machines and for 50 Category D gaming machines. The application had been referred to the Sub-Committee in line with the Council's Gambling Act 2005 Policy.

Ewen Macgregor, TLT Solicitors attended the meeting to represent the applicant. The reason for the application was that the Original Bowling Company had originally intended to operate two separate premises at the location, providing ten pin bowling and miniature golf respectively. For a variety of reasons, the decision had now been taken to combine the two units which necessitated the application for the new gaming machine permit which was before the Sub-Committee. The permits which had previously been granted for the units allowed for the provision of 5 Category C gaming machines and 35 Category D gaming machines in each unit, totalling 10 Category C and 70 Category D gaming machines. The current application, therefore, represented a reduction in the total number of gaming machines which it was proposed to make available to the public.

The Original Bowling Company was the single largest operator of ten pin bowling locations across the United Kingdom with in excess of 60 sites, with its Puttstars operation currently represented by 5 or 6 sites. All of the premises within this estate were audited both internally and externally, and the Sub-Committee had been provided with a document setting out this process. The use of facial recognition software was also to be used by the company to ensure that the Category C

machines, which were restricted to being used by people over the age of 18, were being used lawfully. This technology would not replace members of staff, but would compliment other procedures which were already in place to prevent underage gambling. All Category C gaming machines would be positioned within easy sight of the bar so that they could be easily monitored by staff.

Although the request for 50 Category D machines may seem to be high, it was explained to the Committee that each position on a single gaming machine now needed to be differentiated within the permit which was applied for, and it was the case that a single gaming machine may have a number of positions for gaming, such as a 'penny falls' style machine. What had therefore been applied for was a permit for 50 positions, and not 50 gaming machines.

No representations had been received in respect of the application, and no concerns had been raised, and the application was referred to the Sub-Committee only as a result of the Council's Policy on account of the large number of machines which had been applied for. The Sub-Committee was invited to grant the application.

Darryl Lewis, Chief Operating Officer Hollywood Bowl, attended the meeting and offered assurance to the Committee that similar premises to what was proposed for the Colchester site were already in operation with no issues elsewhere in the country. The changes in the proposed operation of the premises which had necessitated the application were as the result of the continued monitoring and improvement of the applicant's business model. Each premises would be assigned a very experienced manager.

A Sub-Committee member expressed some concern in respect of the proposed use of facial recognition technology. Tony Stone, Head of Amusements Hollywood Bowl, attended the meeting and explained to the Committee that the technology was new, and that Hollywood Bowl would be the first operator in the United Kingdom to utilise it across all their businesses. At the current time, the success rate of the technology was 99.7%, and the Sub-Committee was reminded that this technology was only an addition to the policies and procedures which were already in place for staff at the venues. The facial recognition machines were tested on a daily basis and monitored by external auditors who physically tested the machines, and this was how the success rate was measured.

In response to questioning from the Sub-Committee, Eneen Macgregor confirmed that although the precise location of the Category C machines was not fixed, they would always be sited in a location which was clearly visible from the bar, allowing them to be supervised. Additionally all staff were trained to recognise and respond to gaming harms and there were GamCare signs on the side of all the machines. Banning orders were an option if customers behaved in a manner which was not suitable for a family entertainment environment.

RESOLVED that: the licensed premises gaming machine permit applied for by The Original Bowling Company in respect of the premises Units L1 and L4, Northern Gateway Leisure, Unted Way, Colchester, CO4 5UP authorising the provision of 5 category C gaming machines, and 50 category D gaming machines, be granted.

Reasons for the decision

In reaching its decisions, the Sub-Committee carefully examined all the documents submitted, and considered all the representations made at the hearing.

The Sub-Committee was particularly assured by the policies and procedures that had been adopted by the applicant to mitigate against gaming harms, including staff training programmes, self-exclusion policies and machine placement.



Licensing Committee

Item

7

8 November 2023

Report of	Head of Service Public Protection	Author	Paul Donaghy
Title	Licensing Enforcement Policy		
Wards affected	Not applicable		

1. Executive Summary

- 1.1 This report concerns the creation of a standalone Licensing Enforcement Policy document. The original policy was shared with other areas of public protection, and it was felt that an individual policy could be beneficial to all parties who wish to refer to it.

2. Recommended Decision

- 2.1 That the Licensing Enforcement Policy be accepted and made publicly available to provide clarity and knowledge to any interested party.

3. Reason for Recommended Decision

- 3.1 The previous policy related to three separate areas of enforcement and a single tailored policy will provide easy of understanding, transparency and clarity to all who require it,

4. Alternative Options

- 4.1 The policy could have remained as part of a much larger shared document, but this related to multiple sections within Public Safety, making it harder to navigate for those who accessed it.

5. Background Information

- 5.1 There has been extensive restructuring within Colchester City Council and new Managers have reviewed the current policies and procedures. The Head of Service and Licensing Manager considered it appropriate, professional and beneficial to have a single policy related specifically to the enforcement activities of the Licensing Team

6. Equality, Diversity and Human Rights implications

- 6.1 There are no equality, diversity and human rights implications.
- 6.2 An Equality Impact Assessment (EIA) is not required as there are only minor changes to the existing policy.

7. **Strategic Plan References**

7.1 There are no specific links to the Strategic plan.

8. **Consultation**

8.1 The policy consolidates and updates the existing policy and is considered as 'minor' changes and not require consultation.

9. **Publicity Considerations**

9.1 The Policy will be made available on the Councils website.

10. **Financial implications**

10.1 There are no financial implications associated with the policy.

11. **Health, Wellbeing and Community Safety Implications**

11.1 The policy has no specific implications on these areas.

12. **Health and Safety Implications**

12.1 The policy has no specific implications on this area.

13. **Risk Management Implications**

13.1 There are no significant risk management implications associated with this policy.

14. **Environmental and Sustainability Implications**

14.1 The policy has no specific implications on this area.

Appendices

Appendix 1 – Licensing Enforcement Policy 2023

Licensing Enforcement Policy

COLCHESTER CITY COUNCIL

ENFORCEMENT POLICY

LICENSING TEAM

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1. Introduction

- 1.1 This Enforcement Policy covers the work of the Licensing Team. It is an updated policy covering the delivery of enforcement.
- 1.2 The Public Protection Section of Colchester City Council, where the Licensing Team is situated plays a vital role in protecting and supporting the public, the environment, and groups such as residents, workers, and businesses in the Borough of Colchester. It is important that these enforcement functions are carried out in an equitable, practical, and consistent manner, and that both those subject to and beneficiaries of regulation and those on whose behalf enforcement is carried out can understand the approach we as a Council take.
- 1.3 The Council has a duty to enforce a range of statutory instruments adopting a variety of formal and informal sanctions. This can include anything from advising a licensed premises about what they need to do to comply with the law, to revoking the licence of a Hackney Carriage driver for being unfit to hold a licence. This places the Council and its officers in a position of responsibility to ensure that its approach fits with national and local policy, codes, and guidance. This is particularly important regarding the economic challenges facing local government and business.

2. Executive Summary

- 2.1 The purpose of this policy is to set out clearly the approach of the Council's Licensing Team towards enforcement when dealing with non-compliance. It provides guidance on the range of options available to achieve compliance with the legislation we enforce, and how discretionary powers may be used to regulate and raise standards in various sectors. The document is intended to communicate Colchester City Council's policy in respect of its approach to those affected by its activities and officers of the local authority.

2.2 It also sets out the principles applied to encourage smarter, risk-based enforcement. The Council is committed to ensuring that its officers act in accordance with this policy. It is not in itself a statement of law and does not affect the discretion of the Council to take legal proceedings where this is considered to be in the public interest.

3. Enforcement Policy Statement

3.1 The Council is committed to following good enforcement practice in accordance with current legislation listed at Appendix 1. This includes carrying out our activities in a way that enables those we regulate to comply and grow, avoiding imposing unnecessary regulatory burdens, and assessing whether similar social, environmental, and economic outcomes could be achieved by less burdensome means.

3.2 This policy has been produced in cognisance of Colchester City Council's (CCC) obligations under Section 17 of the Crime and Disorder Act 1998 to exercise its functions and do all that it reasonably can to prevent and reduce crime and disorder in its area.

3.3 This policy is also in accordance with the government's 'Better Regulation Agenda.' Specifically, it implements good practice recommended by the Cabinet Office Enforcement Concordat; the Regulators' Code; and the regulatory principles required under the Legislative and Regulatory Reform Act 2006, including the duty to have regard to economic growth (the Growth Duty).

3.4 All authorised officers when making enforcement decisions shall abide by this policy, and the supporting documented procedures, both within the appendices and departmental processes.

3.5 In certain instances the service may conclude that a provision in the Code is either not relevant or is outweighed by another provision. It will ensure that any decision to depart from the Code will be properly reasoned, based on material evidence and documented.

3.6 This Policy lays out the generic principles for good enforcement. This is refined where relevant with service-specific enforcement standards, procedures and standards that are referenced within the attached appendices. These will be reviewed and updated considering new legislation, guidance, and service demands.

4. Context of Enforcement.

4.1 Definition of 'Enforcement'

"Enforcement" includes any action taken by officers aimed at ensuring that individuals or businesses comply with the law. The term "enforcement" therefore has a wide meaning and applies to all dealings between the Council and those upon whom the law places responsibilities. It is not limited to formal enforcement action such as prosecution but can include a range of interventions that seek to achieve compliance with the law.

4.2 The role of enforcement

Regulation is important for the protection of the vulnerable, or to achieve other social or environmental objectives. The appropriate use of enforcement powers, including prosecution is important, both to secure compliance with the law and to ensure that those who have duties under it may be held to account for failures to comply. The Council places great importance on the consistent use of enforcement action and does not set itself numerical targets for prosecutions or statutory notices.

Good enforcement should help economic prosperity and encourage sustained growth without placing unreasonable burdens on businesses. Through their actions, the regulators incorporated within this policy, help to maintain a 'level playing field' to allow fair competition and good companies to thrive.

It is acknowledged that this resource should also be encouraging compliant businesses to grow through proportionate regulatory activity and provision of reliable advice, without compromising the protection of the public. There is also ample evidence to show that appropriate compliance can reduce avoidable expenditure, for example by lowering labour costs as a result of fewer accidents.

4.3 The need for a Licensing Enforcement policy

There is an expectation from national bodies such as the Better Regulation Delivery Office (Department for Business, Innovation and Skills), the Institute of Licensing, Gambling Commission and the Health and Safety Executive amongst others that local authorities will clearly set out their policy with respect to enforcement to ensure that there is clarity for all parties who may be affected. Fair and effective enforcement is essential to protect the health and safety and economic interests of the public, businesses, and the environment. Decisions about enforcement action and, in particular the decision to prosecute, have serious implications for all involved. CCC will apply this policy to ensure that: -

- Decisions about enforcement action are open, fair, proportionate, and consistent.
- Officers apply current Government guidance and relevant codes of practice.
- Everyone understands the principles, which are applied when enforcement action is considered.

4.4 Scope of the enforcement policy

The Regulators Code and Enforcement Concordat apply to: -

- Licensing

4.5 Colchester's approach to enforcement

In coming to a decision on how to deal with non-compliance, we will have regard to the following principles which are set out in the Macrory review¹ Regulatory Penalties. In particular, our actions should: -

- Aim to change the behaviour of the offender.
- Aim to eliminate any financial gain or benefit from non-compliance.
- Be responsive and consider what is appropriate for the offender and regulatory issue.
- Be proportionate to the nature of the offence and the harm caused.
- Aim to restore the harm caused by regulatory non-compliance, where appropriate
- Aim to deter future non-compliance.

In achieving compliance, we will also deliver against the principles of good enforcement which include openness, helpfulness, proportionality, consistency, targeting, transparency, and accountability. On occasions this will involve working in partnership with other enforcement agencies.

Openness: -

- We will provide information and advice in plain language on the rules that we apply. This may be provided either verbally, by telephone, on

the Councils' website, by personal visit where appropriate, electronically or in writing.

- We will be open about our work, including any charges that are set.
- We will discuss general issues, specific compliance failures or problems with anyone experiencing difficulties.
- We will make it clear what should be expected from the Council as an Enforcement Authority.
- We will respond to requests for information under the Freedom of Information Act or Environmental Information Regulations, within 20 working days. Our document retention policy will detail our commitment to data & record Management.

Helpfulness: -

- As prevention is better than cure, we will actively work with individuals and businesses to advise and assist. We encourage compliance by providing guidance and liaising with stakeholders on how this can best be presented and disseminated – a request for advice will not directly trigger enforcement action where there is a willingness to resolve any non-compliance which may be identified.
- Our staff will identify themselves and provide a courteous and efficient service.
- We will provide a contact point and telephone number to encourage individuals and businesses to seek advice/information from us.
- Applications for approval of establishments, licensing, registration, or authorisation will be dealt with efficiently and promptly.

Proportionality: -

- We aim to minimise the cost of compliance by ensuring that any action required is proportionate to the risk and that we take proper account of the economic consequences of our actions.
- As far as the law allows, we will take account of the circumstances of the case and the attitude of the offender when considering action.
- We will help to promote a thriving local economy by maintaining a fair and safe trading and working environment.
- We are committed to choosing proportionate approaches based on relevant factors such as business size and capacity.
- We are committed to dealing firmly with those who deliberately or persistently fail to comply.

Consistency: -

- We will carry out our duties in a fair, equitable and consistent manner.
- Officers are expected to exercise judgment in individual cases, and we will ensure that a similar approach is taken in similar circumstances.
- We will take account of advice offered to us through bodies such as the Local Government Association (LGA), Institute of Licensing and the Gambling Commission.
- Where a Primary Authority Partnership exists, officers will consider advice previously issued by the primary authority when considering the most appropriate course of action. Where, after further liaison with the primary authority, officers consider that formal action is still appropriate; the statutory notification process will be followed. This scheme does not preclude officers from taking immediate action in the event of serious or imminent risks to health or safety.
- Where there is a wider regulatory interest, we will liaise and co-operate with or pass information to the appropriate enforcement agency. This may include the sharing of intelligence with other Government Agencies, Police Forces, Fire Authorities, Statutory Authorities, or other Local Authorities.
- We will liaise with our colleagues in other Essex Authorities and Regulatory Services, to share information and intelligence, and develop a consistent approach to enforcement, for example through the use of common protocols.
- We will consult in developing clear standards, setting out the level of service and performance the public and businesses can expect to receive.
- We will publish our standards and how we have performed annually by way of service plans, statutory and key performance indicators.
- Advice from officers will be clear and an explanation given as to why remedial works are necessary.
- The timescales for compliance with notices will be reasonable.

Targeting: -

- We will ensure resources are targeted primarily on those whose activities give rise to the most serious risks.
- We will ensure that action is focused on the duty holders who are responsible for the risk and who are best placed to control it through the use of a graduated enforcement approach.
- We will identify and implement risk-rating schemes for all service areas where our work routinely brings us into contact with businesses.

- We will seek to ensure our resources are used with maximum effectiveness to avoid burdening businesses with the costs of unnecessary interventions.
- Where more serious non-compliance is identified, we will advise duty holders of the circumstances under which a revisit will be undertaken and the timescale for that revisit.

Transparency: -

- We will help duty holders to understand what is expected of them and what they should expect from officers.
- We will clearly distinguish between legal requirements and good practice advice.
- We will have regard to this enforcement policy when making decisions about the appropriateness of enforcement actions. Where for any reason a decision needs to be taken outside of, or in contravention of this policy, a clear and reasoned argument will be recorded as to why that decision was taken.

Accountability: -

- We will ensure that we have policies and procedures against which our work can be judged.
- We will ensure there is an effective and accessible mechanism for dealing with comments and complaints.
- Officers are responsible to Elected Members, the public and Government bodies for their actions.

5. Types of Intervention and Enforcement Carried Out by the Licensing Team

Colchester has a range of interventions and enforcement actions available that enable effective monitoring of activities subject to regulatory control and appropriate actions to secure compliance.

Varied types of enforcement and options are open to staff dependant on the legislation enforced and which are chosen based on criteria shown in 5.6.

5.1 Planned Inspections, Interventions and Surveillance Programmes

These form an important and fundamental part of the Council's monitoring regime to ensure we meet our statutory duties with respect to our Licensing and wider public protection responsibilities.

Planned inspections will be based on the requirements set out by Government and its relevant departments and agencies, and we will give due regard to any law, relevant codes of practice, statutory guidance and advice issued by them.

For example, the Institute of Licensing codes of practice and the HSE's National Local Authority (LA) Enforcement Code.

When conducting enforcement visits, officers will make their identity known, carry and show their formal written authorisation when requested except in circumstances where this might compromise the investigation.

Surveillance may include, for example, surveying for potential breaches of statutory regulations and checking compliance with licence conditions.

5.2 Service Requests & Complaints

Service requests or complaints may be received from the public, including employers, residents, visitors, workers, and consumers. The nature of the service request or complaint will determine the follow up actions necessary in terms of the priority, speed of those actions and resources deployed. They also provide a useful form of intelligence that can help to determine future planned inspections and intervention programmes.

5.3 Statutory Notifications and Other Wider Intelligence Sources

This may be where information is provided by other Council services, other LAs or partners such as Trading Standards, Police, Fire and Rescue etc. HSE, and Trades Unions may directly notify matters such as serious workplace accidents and incidents, follow up actions and response time will be assessed using the criteria set out in 5.6 below for the determination of enforcement actions.

Local businesses and/or their representative organisations can also provide information and intelligence that may be helpful when considering ongoing and future enforcement programmes and again the above criteria will be used for any proposed follow actions.

5.4 Primary Authority

Primary Authority Partnerships are statutorily based (Regulatory and Enforcement Sanctions Act 2008) and one of their key aims is to secure regulatory compliance standards across a wide range of regulatory activities in a consistent and proportionate manner. Fundamental to the scheme are partnerships between businesses who trade across more than one local authority boundary and the local authority regulator, normally (but not exclusively), where the businesses head office is based, or primary production takes place.

There is also provision as part of the partnership agreement for the Primary Authority to produce an inspection plan that includes where enforcement authorities should target any inspection or planned intervention. As an enforcement authority we are required to have regard to any agreed inspection plans and focus our inspection and subsequent actions towards those aspects specifically identified requiring attention in the agreed inspection plan.

5.5 Enforcement of Non-Compliant Activities

Different enforcement powers are conferred by diverse legislation, but a summary can be seen below and may be selected:

- No action
- Informal verbal or written advice / warning
- Fixed Penalty Notices (FPNs)
- Formal enforcement notices & orders
- Refusal, revocation, suspension or review of a licence or approval

5.6 Criteria for Determining Choice of Specific Enforcement Action(s)

Each enforcement decision will be taken on its own merits, but the following criteria can be applied:

- Seriousness in terms of impact or likely impact on public safety and health or the local environment
- Relevant Council policies and priorities
- Risk to welfare
- Deliberate or repeated non-compliance
- Non-compliance that gives an economic advantage over compliant businesses
- Public interest and confidence
- Other relevant national or European priorities

5.7 No Action

In some cases, a contravention of the law may not justify more formal action. Factors may include the cost of enforcing compliance which may be far greater than the detrimental effect of the contravention. A decision to take no action may also be taken in circumstances such as where a trader has ceased business, and the risk no longer exists. Such decisions will be taken with a view to what is in the 'public interest' and in such cases the offender and any 'victim' will be informed of the reasons for taking no action.

5.8 Informal Verbal or Written Advice

For minor breaches we may only give verbal or written warnings or advice. We will clearly identify any contraventions and advise how to correct them along with a compliance deadline. This timescale will be reasonable and take into account the implications of non-compliance.

5.9 Fixed Penalty Notices (FPNs)

Some legislation offers the use of FPNs as an alternative to taking an offender to court. They are available for lower-level offences and can avoid the defendant having a criminal record. Where legislation permits an offence to be dealt with by way of an FPN, we may choose to offer an FPN on a first offence without prior warning or decide to issue a written warning.

5.10 Formal Enforcement Notices & Orders

Some of the legislation we use allows formal notices to be served upon a duty-holder requiring them to provide information, remedy a defect or cease an activity. In situations where risk is immediate the notice may require an activity to stop straight away e.g., Health and Safety Prohibition Notice. In other cases, a reasonable time for compliance will be given taking into account the seriousness of the contravention and the implications of an immediate risk to health or safety. All notices issued will include details of any appeal provisions.

5.11 Refusal, Suspension, Review or Revocation of Licence or Approval

Licensing is responsible for the approval and monitoring of many activities that need approval by way of a licence, registration, permit etc.

Each type of licence has a defined process for making applications and how the Licensing Team will consider the applications and where appropriate representations and objections. The Council's scheme of delegation determines the circumstances where an application can be determined by officers or when the application should be considered by an appropriate Committee or Sub-Committee.

- Applications may be granted, granted with appropriate conditions, or refused.
- Applicants will be advised of their rights of appeal.

Licence holders who breach licence conditions may be warned verbally or in writing but can also be required to attend before the relevant Sub-Committee or Magistrates' Court (dependent on the offence) which can result in the suspension or revocation of their licence or the addition of conditions.

5.12 Prosecution

A prosecution will normally ensue where the individual or organisation meets one or more of the following criteria:

- Deliberate, reckless, negligent, or persistent breach of legal obligations, which were likely to cause material loss or harm to others.

- Deliberate or persistent ignoring of written warnings or formal notices.
- Endangered, to a serious degree, the health, safety or wellbeing of people, animals, or the environment.
- There was an attempt to make financial gain at the expense of others.
- An authorised officer was assaulted and/or obstructed in the course of his/her duties.

5.13 Determining Whether a Prosecution is Viable and Appropriate

Two 'tests' will be applied to determine whether a Prosecution or Simple Caution is viable and appropriate. The officers will follow guidance set by the CPS when applying the tests.

A Prosecution will only be progressed when the case has passed both the evidential test and the public interest test.

The Evidential Test

We must be satisfied that there is sufficient evidence to provide a 'realistic prospect of conviction' against each defendant on each charge. A realistic prospect of conviction is an objective test that means that a jury or bench of Magistrates, properly directed in accordance with the law, is more likely than not to convict the defendant of the charge alleged. This is a separate test from the one that the criminal courts themselves must apply.

- **The Public Interest Test**

The public interest will be considered in each case where there is sufficient evidence to provide a realistic prospect of conviction. A serious offence would also include the failure to comply with a Statutory Notice. We will balance factors for and against prosecution carefully and fairly. Public interest factors that can affect the decision to prosecute usually depend on the seriousness of the offence or the circumstances of the suspect.

5.14 Referral to Crown Prosecution Service

In cases where the breach of duty lead to a death(s) Colchester City Council may refer the matter to the Crown Prosecution Service (CPS) to consider whether manslaughter or corporate manslaughter charges are investigated in addition to our own criminal investigations. In such cases Licensing will follow the Work-Related Deaths Protocol

5.15 Sharing of Intelligence regarding Enforcement

Licensing will share intelligence relating to wider regulatory matters with other regulatory bodies and enforcement agencies including:

- The Responsible Authorities under the Licensing Act 2003
- The Responsible Authorities under the Gambling 2005
- Environment Agency
- The Police Fires & Rescue
- HMRC
- Border Force
- Security Industry Authority
- National Anti-Fraud Network
- Other Local Authorities
- Other Regulators

5.16 Joint Enforcement Roles

Where enforcement roles are shared or overlap with other agencies we will cooperate or consult, (for example the Police Service for Licensing) including sharing information and providing evidence) to protect the local community, environment, and groups such as vulnerable persons.

5.17 Other Factors Considered When Using Enforcement Powers

Power of Entry

Licensing officers are provided with specific powers of entry by a wide range of legislation. This gives them a right (usually in the form of delegated authority from Colchester City Council to named officers) to legally enter defined premises, such as businesses, vehicles, or land for specific purposes. Powers of entry include enabling our officers to undertake inspections and investigations for a wide range of regulatory responsibilities including Licensing legislation, in addition to dealing with emergencies or searching for evidence during those investigations.

Often, the power to enter is accompanied by what are known as ‘associated powers,’ which set out what our officers are allowed to do once they have entered the premises. This might, for instance, include conducting a search, seizing relevant items, or collecting samples.

Police and Criminal Evidence Act (PACE) 2004

Our officers will have close regard to the requirements set out in the Police and Criminal Evidence Act and any amendments and current and codes relevant to our regulatory enforcement responsibilities. This includes investigation of relevant offences, powers of entry in the course of discharging statutory duties,

taking samples to help in gaining necessary evidence and interviewing those suspected of committing offences.

Regulation and Investigatory Powers Act (RIPA) 2000

The Act regulates the powers of public bodies to carry out surveillance and investigation, including the interception of communications, and we will ensure we use our powers in accordance with Colchester City Council's Corporate RIPA policy.

Local Government (Miscellaneous Provisions) Act 1976 section 16

This is used to formally request information about a premise or a person.

Protection of Human Rights

The provisions of the European Convention on Human Rights such as Article 1 of the First Protocol, Article 8 and Article 14 are relevant when considering any enforcement action. There is a clear public interest in enforcing relevant public and environmental protection regulations, in a proportionate way. In particular, due regard will be given to respect for private and family life, home and correspondence.

Equalities, Vulnerable Persons, and Minority Groups

The enforcement services covered by this enforcement policy will align with and meet the equality policies and objectives adopted by Colchester City Council. We will aim to effectively support and promote access to our enforcement services recognising the diversity of the communities we serve and ensure that residents and businesses are treated equally and fairly through the delivery of our services.

Enforcement in Colchester City Council Premises and Contracted Services

On rare occasions, there may be a perceived potential for conflict of interest where the Council has ownership or management interests in premises normally enforced by their own inspecting officers. For instance, where the Council is the clear duty-holder for health and safety purposes, the premises will be transferred to the Health and Safety Executive for enforcement purposes. Responsibility for day-to-day health and safety at work matters on such premises lies with the head of the relevant service. In other contexts, such as food hygiene, licensing issues, the Licensing, Food Safety and Health and Safety Officers will offer advice as they would in other circumstances. If considered necessary, any disputed matters would be referred to the Head of Service.

6. Enforcement options and procedures

6.1 Officers will take the most appropriate course of action and each case will be considered in accordance with this document. Enforcement decisions will be fair, independent, and objective and will not be influenced by issues such as ethnicity or origin, gender, religious belief, political views or the sexual orientation of the suspect, victim, witness, or offender. Decisions will not be affected by undue pressure from any source. Our decisions will have appropriate regard to the principles promoted through the Council's HR policies and equality policies.

6.2 Working in partnership with others.

Where appropriate, enforcement activities within CCC Public Protection will be coordinated with other regulatory bodies and enforcement agencies, both within and outside the council. In this way, we will seek to maximise the appropriateness and effectiveness of any enforcement and have an integrated approach to problem solving.

Where an enforcement matter affects a wide geographical area beyond the Council's boundaries, potentially involving enforcement by one or more other local authorities or organisations, all relevant authorities and organisations will be informed of this matter as soon as possible and all enforcement activity coordinated with them.

7. Recovering our costs

We will seek to recover all our legitimate costs from enforcement activities resolved through court proceedings.

8. Publicity

We will consider, in all cases, drawing media attention to factual information about charges that have been laid before the courts, but will take great care to avoid any publicity that could prejudice a fair trial. We will also consider publicising any conviction that could serve to draw attention to the need to comply with legal requirements or deter anyone tempted to disregard their duties.

9. Comments, compliments, complaints

Is committed to the delivery of responsive, good quality customer services to the people of the Borough and would welcome comments and feedback about the impact the enforcement policy may have on local residents and/or business through our Customer Service Team.

10.0 Policy review

It is considered good practice to review Council policies. In future, a 3-yearly review of this Policy will provide a reasonable timetable in line with other Service policies of the Councils and Specifically the Licensing Team. A review may also be appropriate in the intervening period if there is a significant change in legislation, national codes, guidance or national or local policy.

November 2023

Appendix one

Licensing Regulatory Areas

The sale and supply of alcohol, late night refreshment and entertainment
Gambling
Sex establishments
The hackney carriage and private hire trade
Caravan site licences
Charitable collections
Pavement Licences and Permits

Legislation

Note: this list is not exhaustive.

Anti-Social Behaviour, Crime and Policing Act 2014
Caravan Sites and Control of Development Act 1960
Charities Act 2006
Dangerous Wild Animal Act 1976
Gambling Act 2005
Highways Act 1980
House to House Collections Act 1939
Hypnotism Act 1952
Licensing Act 2003
Local Government (Miscellaneous Provisions) Act 1976
Local Government (Miscellaneous Provisions) Act 1982
Mobile Homes Act 2013
Police and Crime Act 2009
Police Reform and Social Responsibility Act 2011
Scrap Metal Dealers Act 2013
Sunday Trading Act 1994
Town Police Clauses Act 1847

Appendix Two - Specific Regulatory Powers

Team: **Licensing, Community Safety and Safeguarding**

Function: **Licensing**

Main Legislation: **Local Government (Miscellaneous Provisions) Act 1982, Licensing Act 2003, Gambling Act 2005, and Associated Regulations**

Enforcement Powers Available

	No Action	Informal Written or Verbal Warning	Fixed Penalty Notice (FPN)	Formal Enforcement Notice	Seizure, Detention or Destruction	Other Enforcement Options Available	Simple Caution	Prosecution
Power Available?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Specific Details	-	-	-	-	-	Refusal to grant or renew. Conditions on licence, consent, etc. Potential to suspend or revoke	-	Failure to have licence, consent etc. Offences within specific Act. Non-compliance with conditions. -

Appeals						Magistrates	Offender does not have to accept Caution	Higher Court
Other Factors to Consider	EP CCC Complaint	EP CCC Complaint	n/a	n/a	n/a	EP	EP CCC Complaint	EP CCC Complaint
Other Relevant Guides or Procedures	-	-	n/a	n/a	n/a	Section 182 Licensing Act Guidance. Committee rules & policies. Delegated powers	Regulators' Code CPS Guidelines. Section 182 Licensing Act Guidance	Regulators' Code CPS Guidelines. Section 182 Licensing Act Guidance

Team: **Licensing, Community Safety and Safeguarding**

Function: **Licensing** (Taxis and Private Hire)

Main Legislation: Local Government (Miscellaneous Provisions) Act 1976, & the Town and Police Clauses Act 1847

Enforcement Powers Available

	No Action	Informal Written or Verbal Warning	Fixed Penalty Notice (FPN)	Formal Enforcement Notice	Seizure, Detention or Destruction	Other Enforcement Options Available	Simple Caution	Prosecution
Power Available?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Specific Details	-	CCC Taxi and PH policy Points System	-	Driver Suspension/Revocation Letter/Notice Vehicle Suspension/Revocation Letter/Notice Operator Suspension/Revocation Letter/Notice	Require extra vehicle test Require extra driver medical	Refusal to grant or renew. Conditions on licence, consent etc. Potential to suspend or revoke	-	Failure to comply with the terms of the statutory notice. Failure to pay or accept a fixed penalty notice. -

Appeals		Licensing Sub-Committee or Magistrates		Magistrates	Magistrates	Magistrates	Offender does not have to accept Caution	Higher court
Other Factors to Consider	EP CCC Complaint	EP CCC Complaint	n/a	EP CBC Complaint D of T Guidance IOL guidance Council Policy	EP D of T Guidance IOL guidance Council Policy	EP	EP CCC Complaint	EP CCC Complaint
Other Relevant Guides or Procedures	-	IOL guidance Council Policy	n/a	-	Committee rules & policies. Delegated powers IOL guidance Council Policy	Committee rules & policies. Delegated powers IOL guidance Council Policy	Regulators' Code CPS Guidelines IOL guidance Council Policy	Regulators' Code CPS Guidelines IOL guidance Council Policy

The following policy relates to the work of the Licensing Team within Public Protection at Colchester City Council. The policy set out the aims and objectives for the Team, and the specific enforcement options open to officers. Officers will have regard to them and to the various current Codes of Practice and Practice Guidance when making decisions about the most appropriate enforcement action. This document supports the attached Colchester City Council Enforcement Policy - Licensing Team which contains the broad principles of Enforcement.

LICENSING ENFORCEMENT POLICY

1. Statement of objectives

1.1 The Licensing Team is committed to the Council's core priorities. This policy linked with the Licensing Policy which gives detail on how the Council prioritises:

- Tackling the climate challenge and leading sustainability
- Creating safe, healthy, and active communities
- Delivering homes for people who need them
- Growing a fair economy so everyone benefits
- Celebrating our heritage and culture
- Achievements and next steps

and will inform the enforcement actions taken. Amendments to priorities will be embedded automatically.

1.2 This service policy promotes efficient and effective approaches to regulatory inspection and enforcement that improve regulatory outcomes without imposing unnecessary burdens.

1.3 In certain instances the service may conclude that a provision in the Code is either not relevant or is outweighed by another provision. It will ensure that any decision to depart from the Code will be properly reasoned, based on material evidence and documented.

1.4 The service pursues a positive and proactive approach towards ensuring compliance by:

- Supporting the better regulation agenda.
- Helping make prosperity and protection a reality for the City's' community.
- Helping and encouraging regulated entities to understand and meet regulatory requirements more easily.
- Responding proportionately to regulatory breaches; and
- Protecting and improving public safety.

1.5 This policy is based on the seven 'Hampton Principles' of: Economic Progress:

- a. Regulators should recognise that a key element of their activity will be to allow, or even encourage, economic progress and only to intervene when there is a clear case for protection.
- b. Risk Assessment: Regulators, and the regulatory system, should use comprehensive risk assessment to concentrate resources in the areas that need them most.
- c. Advice and Guidance: Regulators should provide authoritative, accessible advice easily and cheaply.
- d. Inspections and other visits: No inspection should take place without a reason.
- e. Information requirements: Businesses should not have to give unnecessary information or give the same information twice.
- f. Compliance and enforcement actions: The few businesses that persistently break regulations should be identified quickly and face proportionate and meaningful sanctions.
- g. Accountability: Regulators should be accountable for the efficiency and effectiveness of their activities, while remaining independent in the decisions they take.

1.6 The rights and freedoms given to an individual under the Human Rights Act, particularly Article 6 and 8, will be observed, as will the provisions of the Regulation of Investigatory Powers Act.

2. Scope of the Policy

2.1 This policy supports and supplements specific guidance on enforcement action contained in the Statutory Code of Practice for Regulators, Colchester City Council's Corporate Enforcement Policy, delegated to the Licensing Team in the Councils' Statutory Codes of Practice and relevant guidance documents and guidelines issued by Government Departments and co-ordinating bodies.

2.2 This policy relates to actions taken to educate and enforce legislation where non-compliances have been identified or have a realistic potential to occur.

2.3 The policy is limited to those enforcement activities delegated to the Licensing team in the Councils' Scheme of delegation.

3. Training

3.1 Officers undertaking enforcement duties will be suitably trained and qualified to ensure they are fully competent to undertake their enforcement activities.

4. Management Systems

- 4.1 The service will maintain management systems to monitor the quality and nature of enforcement activities undertaken, to ensure, so far as is reasonably practicable, uniformity and consistency.

5. Enforcement Options

- 5.1 The service recognises the importance of achieving and maintaining consistency in its approach to enforcement. Statutory Codes of Practice and guidance issued by Government Departments, other relevant enforcement agencies or professional bodies will therefore be considered and followed where appropriate.

- 5.2 Sanctions and penalties will be consistent, balanced, fairly implemented and relate to common standards. The aim of sanctions and penalties are to:

- Change the behaviour of those breaching regulations.
- Eliminate any financial gain or benefit from non-compliance.
- Be responsive and consider what is appropriate for the individual and regulatory issue, which can include warnings, fixed penalty notices, suspensions, and licence revocation.
- Proportionate to the nature of the offence and the harm caused.
- and
- Aim to deter future non-compliance.

- 5.3 Criteria to be considered when considering the most appropriate enforcement option include:

- the potential of the offence to cause harm.
- confidence in the offender.
- consequences of non-compliance.
- likely effectiveness of the various enforcement options.

6. Informal Warning

- 6.1 Informal action may be taken when: -

- the act or omission is not serious enough to warrant formal action
or
- from the individual's/enterprise's history it can be reasonably expected that informal action will achieve compliance or
- confidence in the individual/enterprise's management or ability to resolve the matter is high or
- the consequences of non-compliance will not pose a significant risk to public safety

- 6.2 When an informal approach is used to secure compliance with regulations, written documentation issued will: -

- contain all the information necessary to understand what is required and why
- indicate the regulations contravened, measures which will enable compliance with legal requirements and that other means of achieving the same effect may be chosen.
- clearly differentiate between legal requirements and recommendations of good practice. Such a differentiation will also be made when verbal advice is given.

7. Prosecution

- 7.1 The Department recognises that the decision to prosecute is significant and could have far reaching consequences on the person prosecuted.
- 7.2 The decision to undertake a prosecution will be taken after proper consultation in accordance with the Scheme of Delegation for the Council's functions. The decision to proceed with a prosecution will normally be taken following legal advice. The matters to be considered when deciding if the issue of proceedings is proportionate include: -
- the seriousness and nature of the alleged offence.
 - the role of the suspect in the commission of the offence.
 - any explanation by the suspect or any agent or third party acting on their behalf.
 - was the suspect in a position of trust, responsibility, or authority in relation to the commission of the offence.
 - is there evidence of premeditation or disregard of a legal requirement for financial reward.
 - risk of harm to the public, an individual or the environment.
 - relevant previous history of compliance.
 - reliability of evidence and witnesses
 - any mitigating or aggravating circumstances or the likelihood that the suspect will be able to establish a defence.
 - suspect's willingness to prevent a recurrence of the offence.
 - the need to influence future behaviour of the suspect.
 - the likely penalty to be imposed; and
 - a prosecution is in the public interest, there is realistic prospect of conviction and sufficient evidence to support proceedings.
- 7.3 All relevant evidence and information will be considered before deciding whether to instigate proceedings to enable a consistent, fair, and objective decision to be made.
- 7.4 Where an act or omission is capable of constituting both a summary and either way offence, when deciding which offence to charge the following will be considered: -

- the gravity of the offence.
- the adequacy or otherwise of the powers of the summary court to punish the offence.
- the record of the suspect.
- the suspect's previous response to advice or other enforcement action.
- the magnitude of the hazard.
- any circumstances causing particularly great public alarm.
- comments from the Council's Legal Services.

7.5 As a general rule an individual or business will be given a reasonable opportunity to comply with the law although in some circumstance's prosecution may be undertaken without giving prior warning, for example -

- the contravention is a particularly serious one.
- the integrity of the licensing framework is threatened.

8. Appeals

8.1 If any person is unhappy with the action taken, or information or advice given they will be given the opportunity of discussing the matter with the relevant team manager or Head of Service.

8.2 Any such appeal does not preclude any aggrieved person from making a formal complaint about the service or any officers. Any such complaint will be dealt with in accordance with corporate procedures and guidance.

8.3 Complaints that are not dealt with by the Council's complaints procedure are listed in corporate policy and include:

- Complaints where the complainant or another person has commenced or intends to commence legal proceedings against the council, in which case advice should be sought from Legal Services
- Complaints where the council has commenced or intends to commence legal proceedings against the complainant or another person relating to the matter of complaint.

November 2023

8 November 2023

Report of	Head of Public Protection	Author	Alison Chapman
Title	Pavement Licence Policy – policy update		☎ 508770
Wards affected	Not applicable		

1. Executive Summary

- 1.1 In 2020 the Government passed legislation to help the hospitality industry recover from the coronavirus lockdown. The Business and Planning Act 2020 ([the Act](#)) streamlined the process of applying for outdoor furniture through a new system of ‘Pavement Licences’. The Act has been amended several times to extend the date that pavement licences can be issued until. The Pavement Licence Policy (version 4) attached as Appendix 1 to this report, has been updated to reflect this and make it more informative and user friendly to assist customers to self-serve.

2. Recommended Decision

- 2.1 It is recommended that the Committee approve the updated Pavement Licensing Policy.

3. Reason for Recommended Decision

- 3.1 The updated policy provides more information to applicants and licence holders on what is expected in applying for and operating a pavement licence. The policy allows for further amendments to the Act without the need to re-write the policy on an annual basis.

4. Alternative Options

- 4.1 To update the policy on an annual basis.

5. Background Information

- 5.1 In 2020 the Government passed legislation to help the hospitality industry recover from the coronavirus lockdown. The Business and Planning Act 2020 ([the Act](#)) streamlined the process of applying for outdoor furniture through a new system of 'Pavement Licences'. The Act meant licences could be granted more quickly than a 'Pavement Permit' issued under part 7A section 115A of the Highways Act 1980.
- 5.2 [The Business and Planning Act 2020 has been amended](#) to extend the end date of the pavement licence regime, which is currently 30 September 2024.
- 5.3 The Pavement licence policy has been updated to make it more user friendly, providing clearer information to applicants, licence holders and the general public. Changes include:
- Further information on the required standard of barriers, to ensure they take into account the needs of disabled people.
 - Clarity around what constitutes a valid pavement licence application.
 - Further information relating to site plans, including the need for scale plans.
 - A simplified site notice template.
 - Clearer, enforceable licence conditions.
- 5.4 The changes will enable customers to be better informed when applying for a pavement licence. It is anticipated this will reduce the number of pre-application queries to the customer service centre/licensing team and reduce the number of incomplete applications being rejected due to inadequate site plans.

6. Equality, Diversity and Human Rights implications

- 6.1 The Act requires a standard national condition relating to clear routes of access:-
"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 the Department of Transport publication '[Inclusive Mobility](#)'."
- 6.2 An Equality Impact Assessment (EIA) is not required as there are only minor changes to the existing policy.

7. Strategic Plan References

- 7.1 Links to the priorities in the Council's [Strategic plan 2023-26](#).
Priorities:-
- Strengthen Colchester's tourism sector and welcome more visitors each year.
 - To make our city a better place in which to live and work and visit.

8. Consultation

- 8.1 The policy consolidates and updates the existing policy. The changes are considered to be 'minor' changes and therefore do not require consultation.

9. Publicity Considerations

- 9.1 The policy will apply to new applicants for pavement licences. The Policy and supporting information will be made available on the Council's website.

10. Financial implications

- 10.1 There are no financial implications associated with the policy.

11. Health, Wellbeing and Community Safety Implications

- 11.1 Pavement licences increase the amount of outdoor seating for food businesses. This allows customers to eat and drink outside in 'fresh' air which will reduce the likelihood of transmission of respiratory illness including Coronavirus, which was the reason for the implementation of the legislation.
- 11.2 The standard conditions applied to each pavement licence include that the licence holder shall ensure that the area operates in a safe and orderly manner, minimising any safety risk or nuisance to customers, other users of the public highway or any adjacent land or premises. Where the consumption of alcohol is permitted to take place, all drinking vessels shall be plastic or toughed glass. If conditions are not met the Council can revoke the licence.

12. Health and Safety Implications

- 12.1 The licenced area of highway remains a public right of way, and furniture must be positioned to enable safe passage. Furniture is required to be securely packed away daily at the end of service each day. As such the risk to the health and safety of the general public is minimised.

13. Risk Management Implications

- 13.1 There are no significant risk management implications associated with this policy.

14. Environmental and Sustainability Implications

- 14.1 The policy does not permit the use of outdoor heaters in areas where pavement licences are granted, hence reducing the environmental impact of using the areas during colder months.

Pavement Licence Policy

October 2023

www.colchester.gov.uk

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1. Introduction

Colchester City Council (the Council) supports the provision of street café furniture in the city and surrounding areas. Street cafes can make a positive contribution to the street scene and add vitality to the area bringing life, colour and interest onto the street.

In 2020 the Government passed legislation to help the hospitality industry recover from the coronavirus lockdown. The Business and Planning Act 2020 ([the Act](#)) streamlined the process of applying for outdoor furniture through a new system of 'Pavement Licences'. Pavement Licences could be granted by the local authority (the Council) to businesses operating within their geographical area. The Act meant licences could be granted more quickly than a 'Pavement Permit' issued under part 7A section 115A of the Highways Act 1980.

[The Business and Planning Act 2020 has been amended](#) to extend the end date of the pavement licence regime.

This policy is intended to help businesses understand how to meet the legal requirements and the high standards expected by the Council for pavement licences.

2. Scope

2.1 What is a pavement licence

A pavement licence is a licence granted/deemed to be granted by the local Council which allows the licence holder to put removable furniture on part of a relevant highway adjacent to the premises to sell or serve food or drink and/or for consumption of food or drink from the premises.

A pavement licence can be granted for a minimum period of three months and a maximum of twelve months. Licences will normally be granted for a period of twelve months, subject to the end date stated in the Act.

The licensed area is to be used solely for the purpose of consuming food and drink purchased on the premises. It is strictly forbidden to prepare any food and drink in the licensed area.

The Council will attach conditions to the licence to ensure its safe operation. The standard local conditions and National conditions are shown in Appendices 1 and 2.

2.2 Eligible Businesses

To be eligible to apply the premises must be:

- a) used as a public house, wine bar or other drinking establishment; and/or
- b) other use for the sale of food or drink for consumption on or off the premises.

This covers a wide range of businesses including public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours, including where such uses form an

ancillary aspect of another use, for example, supermarkets or entertainment venues which sell food and drink.

2.3 Eligible Locations

Licences can only be granted in respect of a 'relevant highway; to which Part 7A of the Highways Act 1980 applies (Appendix 3). For example, footpaths restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited.

Licences cannot be granted for highways maintained by Network Rail or over the Crown land.

If land is in private ownership, you do not need to apply for a pavement licence, however you must have permission from the landowner and may require planning permission from the Council.

2.4 Furniture type and positioning

The type of furniture that can be included in a pavement licence application are:-

- a) counters or stalls for selling or serving food or drink;
- b) tables, counters or shelves on which food or drink can be placed;
- c) chairs, benches or other forms of seating;
- d) umbrellas; and
- e) barriers to demark the area.

Outdoor heaters are not permitted. Other articles used in connection with the outdoor consumption of food or drink can be considered on a case by case basis. All furniture must be kept in a good state of repair.

The type of furniture to be used should be 'in keeping' with the local area.

All furniture must be removable. Furniture must be stored securely inside a premises away from the highway when the licence is not in use.

Table and chairs should be separated from the users of the highway by way of barriers. Barriers should have a minimum overall height of 800mm and a gap of no more than 150mm between the base or tapping rail and the ground. Barriers must be manoeuvrable enough to allow them to be removed from the highway at the close of business. It is recommended that the barriers are in a contrasting colour to the highway surface to provide maximum impact for the visually impaired.

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, umbrellas etc that they do not protrude into the walkway and a 2 metre clear walkway for the use of pedestrians is maintained.

Emergency routes to the premises and adjacent buildings must not be obstructed by the area covered by the Pavement Licence.

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If your proposed outdoor seating area is not a wholly non-smoking area, reasonable provision must be made for seating, in a designated area, where no smoking is permitted. Licence holders should provide a minimum 2 metre distance between non-smoking and smoking areas, wherever possible.

2.5 Hours of operation

The purpose of a pavement licence is to support the catering and hospitality sectors and can operate seven days a week. The hours of operation applied for must be appropriate to the food business.

In general, where the hours of operation are between 07:00 and 18:00 hours, the application is likely to be granted.

The Council may approve applications where the hours of operation include between 18:00 and 23:00 hours, on a case by case basis.

The Council are unlikely to approve applications requesting hours of operation between 23.00 and 07.00 hours, ie overnight.

Each application is judged on its own merits.

2.6 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,
- public amenity,
- guidance in the Department of Transport document '[Inclusive Mobility](#) - A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure' is met with regard to minimum footway widths and distances required for access by mobility impaired and visually impaired people,
- whether there are other permanent street furniture or structures in place on the footway that already reduce access,
- the impact on any neighbouring premises.

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.

2.7 Fees

On submission of a pavement licence application a fee of £100 is payable to Colchester City Council.

2.8 Other regulatory processes

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It is important to note the grant of a pavement licence only permits the placing of furniture on the highway. Other regulatory frameworks still apply including, but not limited to, the need to register a food business, compliance with food safety legislation, and a need for alcohol licences (premises licence, club premises certificate or temporary event notice).

The licence holder must have regard to smoke-free legislation under The Health Act 2006 and regulations made thereunder.

There is a Public Space Protection Order (PSPO) in place for Colchester City Centre, which restricts certain activities including the use of A-boards. Barriers cannot be used for advertising purposes unless Advertisement consent has been granted by the Council.

Once a pavement 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 pavement licence is valid.

3. Application and Determination of Pavement Licences

3.1 Submission of the Application

An application for a Pavement Licence shall be submitted to the Council online, via the Council's website, www.colchester.gov.uk.

The following must be submitted with the pavement licence application for it to be considered a 'valid' application:-

- a completed Application Form;
- the required fee of £100, paid by credit or debit card;
- an Ordnance Survey site plan (scale 1:1250), showing the location of the premises shown by a red line, so the application site can be clearly identified;
- a site plan, scale 1:100, clearly showing the proposed area covered by the licence in relation to the highway. The plan must show the positions and number of the proposed tables and chairs, and any other furniture to be placed on the highway. The plan shall include any other fixed item in the proposed area eg litter bins etc;
- the proposed times of day and days of the week on which it is proposed to put furniture on the highway;
- the proposed duration of the licence (minimum 3 months, maximum of 12 Months);
- evidence of the right to occupy the business premises (e.g. the lease);
- photos or brochures showing the proposed type of furniture;
- a copy of a current certificate of insurance that covers the activity for third party and public liability risks, to a minimum value of £10 million, and
- any other evidence requested by the Council to demonstrate how the licence conditions will be satisfied.

The Council will reject any application that does not contain the required information stated above.

Where a person applies for a pavement licence, the person may not make another application for a pavement licence in respect of the same premises before the end of the determination period.

The application number will be confirmed by email to the applicant, this information is required to be included in the Site Notice.

3.2 Site Notice

An applicant for a pavement licence must on the day a valid 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 site notice must be constructed and secured so that it remains in place until the end of the public consultation period.

The Site Notice must:

- state that the application has been made, the application number 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 address to which representations should be sent during the consultation period; and
- the end date of the consultation (seven working days starting the day after the valid application is submitted to the authority).

A template Site Notice is shown as Appendix 4.

Evidence showing the site notice displayed at the business premises must be supplied to the Council. This shall include a copy of the site notice, and photographs showing the notice affixed at the premises. If the applicant fails to display the site notice in accordance with the Act the licence may be refused or revoked.

Once a valid application is submitted the Council has 14 days (excluding public holidays) from the day after the application is made process the application.

3.3 Consultation

A seven day public consultation period begins the day after a valid application has been made.

The Council will publish details of the application on its [online register](#) of licence applications.

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The Council is required by law to consult with the Highways Authority (Essex County Council). In addition, to ensure that there are not detrimental effects to the application the Council may also consult with:

- Essex Fire & Rescue Service
- Essex Police
- Colchester City Council Food and Safety Team
- Colchester City Council Environmental Control Team
- Colchester City Council Planning Department
- Colchester City Council Town Centre Management
- Colchester City Council Community Safety Team

Representations from consultees or members of the public should be sent to the Council Licensing Team at Colchester City Council, Rowan House, Sheepen Road, Colchester, Essex CO3 3WG, and can be made by email to licensing.team@colchester.gov.uk

The Council must take into account representations received during the public consultation period and consider these when determining the application.

3.4 Determination

Following the end of the public consultation period, the Council has a further seven days (excluding public holidays) to consider and determine the application.

If the Council 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 Council does not determine the application within the 14 day consultation and determination period (excluding public holidays), the application will be deemed to have been granted as applied for. A pavement licence that is deemed to have been granted will be valid for 12 months or the end date stated in the Act, whichever is sooner.

3.7 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.

3.8 Approval of Applications and conditions

On approving the application, the Council will issue a Pavement Licence to the applicant.
Colchester City Council – Pavement Licence Policy

The pavement licence will state:

- the date on which the licence expires. Licences will normally be granted for a period of 12 months, subject to the end date stated in the Act;
- when and where the furniture can be sited; and
- the national conditions, local conditions, and any non-negotiable site specific conditions that are set by Essex County Council Highways department.

The license holder is responsible for ensuring that the conditions of the pavement 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 pavement licence in line with the provisions of their licence and for no other purpose whatsoever.

Alternative items of furniture must not be used without first seeking the written authority of the Council. Licence holders will be asked to apply for a new pavement licence where there are significant changes to the number, type or layout of furniture.

4. Transfer and Surrender of a Pavement Licence

Pavement Licences **cannot be transferred** to another licence holder. If the holder of a pavement licence is no longer associated with the business to which the pavement licence was granted they must surrender the licence.

The licence holder may surrender a pavement licence at any time by giving written notice to Colchester City Council by sending an email which includes the pavement licence number to Licensing.team@colchester.gov.uk. Licences cannot be surrendered by persons other than the licence holder unless they are legally entitled to do so, for example following the death of a licence holder.

Following the surrender of a pavement licence, if the new proprietor of the business wishes to use outdoor furniture, they will need to apply for a new pavement licence. Furniture **must not** be placed on the highway until the new licence is granted/deemed to be granted.

5. Enforcement

The Council aims to work closely with other enforcement authorities to enforce the provisions of all appropriate legislation. Obstruction of the Highway is an offence under The Highways Act 1980 and is normally enforced by the Highways Authority or the Police.

If any condition imposed on a pavement licence is breached the Council may issue a notice under Section 6 of the Act requiring the breach to be remedied. The Council can take action to cover any costs.

The Council may **revoke a licence** in the following circumstances:

1. For breach of condition attached to the pavement licence; or
2. Where:

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- a) the highway is being obstructed (other than by anything allowed by the licence);
 - b) there is anti-social behaviour or public nuisance;
 - c) it comes to light that the applicant provided false or misleading statements in their application; or
 - d) the applicant did not comply with the requirement to affix the notice to notify the public for the relevant period.
3. 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.

6. Review Procedures

The Pavement Licence Policy will apply for as long as relevant sections of the Business and Planning Act 2020 (as amended) are in force.

The policy will be reviewed periodically and on the withdrawal of the Act the Council will return to a policy of issuing pavement permits under the Highways Act.

Standard Local Conditions

1. The pavement licence is non transferable.
2. The pavement licence must be displayed on the premises with a plan of the agreed layout of the pavement café.
3. The licence holder(s) shall produce this permission on demand when so required by a Police Officer or a duly authorised Officer of the Council.
4. No charge shall be made by the licence holder for the use of the tables and chairs.
5. The licence holder shall ensure that the area operates in a safe and orderly manner, minimising any safety risk or nuisance to customers, other users of the public highway or any adjacent land or premises.
6. Tables, chairs and other furniture must not be placed on the highway outside of permitted times stated on this pavement licence.
7. The licence holder must remove any tables, chairs and other furniture immediately at the end of the licence period or on revocation of the licence.
8. At the instruction of the Council, the licence holder must remove the licensed furniture during the permitted times for the purpose of:
 - i. Works in or under or over the highway or for using it in connection with works in, under or over land adjacent to or adjoining it as may be required by Colchester City Council, the local highways authority, telecommunications code operator, any statutory undertaker or other person authorised by the Council;
 - ii. Use by emergency services; or
 - iii. Any other reasonable cause.And the licence holder shall make no claim against the City Council or County Council for any loss of revenue.
9. The operator of a premises not licensed for the sale of alcohol under the Licensing Act 2003 (or any modification or re-enactment thereof) must not allow the consumption of alcoholic liquor within area of the pavement licence.
10. Where the consumption of alcohol is permitted to take place, all drinking vessels shall be plastic or toughed glass.
11. The licenced area and pavements and road surfaces immediately adjacent, must be kept free of litter, detritus and rubbish, including staining of the highway surface from food and/or drink spillages.
12. The operation of the area must not interfere with highway drainage arrangements.

13. 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 of the Highway Authority.
14. The licence holder shall have Public Liability Insurance for the operation of the Pavement Café. The minimum level of indemnity must be £10 million. This must indemnify Colchester City Council and Essex 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.
15. The licence holder is not to make or cause to be made any claim against Colchester City Council in the event of any property of the licence holder becoming lost or damaged in any way from whatever cause.
16. Colchester City Council reserves the right to revoke this licence at any time if any of the Conditions are not met.

National Licence Conditions

N1: Condition relating to clear routes of access:-

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 the Department of Transport publication '[Inclusive Mobility](#)'.

N2: Smokefree seating condition:-

The licence-holder must make reasonable provision for seating where smoking is not permitted. This means that where businesses provide for smokers, customers will also have the option of sitting in a non-smoking area.

Extract from the [Highways Act 1980](#)

115A Scope of Part VIIA.

(1) This part of this Act applies—

(a) to a highway in relation to which a pedestrian planning order is in force;

(aa) to a restricted byway;

(b) to a bridleway;

(c) to a footpath (including a walkway as defined in section 35(2) above);

(d) to a footway;

(e) to a subway constructed under section 69 above;

(f) to a footbridge constructed under section 70 above;

(g) to a highway of a description not mentioned in any of the preceding paragraphs of this definition whose use by vehicular traffic is prohibited by a traffic order but whose use by other traffic is not prohibited or restricted or regulated by such an order; and

(h) to a local Act walkway.



NOTICE OF APPLICATION FOR A PAVEMENT LICENCE

Business and Planning Act 2020 (as amended)

(1), Name of applicant

do hereby give notice that on (2) Date application made an application has been made to Colchester City Council for a Pavement Licence at: (3) Name and address of business.

Application reference number: (4) **WK/00001000**

The application is for: (5) number and proposed use of the furniture (eg [2 x Barriers, 4 x tables and 8 x chairs] at the [Front/side of] the premises.

Any person wishing to make representations regarding this application may do so by email to: **licensing@colchester.gov.uk** by: (6) **date: 7 days beginning with the day after that on which the application is made.**

If making representations by post please send them to:- Licensing Team - Colchester City Council, Rowan House, 33 Sheepen Road, Colchester, Essex CO3 3WG.

The application can be viewed online at:-

www.colchester.gov.uk/licensing/current-licence-applications/



Licensing Committee

Item

9

8 November 2023

Report of	Assistant Director of Corporate and Improvement Services	Author	Matthew Evans ☎ 8006
Title	Licensing Committee Work Programme 2023-2024		
Wards affected	Not applicable		

1. Executive Summary

- 1.1 This report sets out the current Work Programme 2023-2024 for the Licensing Committee. This provides details of the reports that are scheduled for each meeting during the municipal year. Members are asked to note that due to the nature of Licensing work, items on the work programme may be subject to change.
- 1.2 Members will note that no items have been scheduled for the work programme at present. This is due to the fact that the appointment of a Licensing Manager is imminent when the workload of the team will be structured throughout the year. The Committee, is, however, invited to discuss potential items for consideration or make suggestions for the future structure of the programme.

2. Recommended Decision

- 2.1 The Committee is asked to note the contents Committee's Work Programme for 2023-2024.

3. Alternative Options

- 3.1 This function forms part of the Committee's Terms of Reference and, as such, no alternative options are presented.

4. Background Information

- 4.1 The Committee's work programme will evolve as the Municipal Year progresses and items of business are commenced and concluded.

5. Standard References

- 5.1 There are no particular references to publicity or consultation considerations; or financial; equality, diversity and human rights; community safety; health and safety, environmental and sustainability implications or risk management implications

6. Strategic Plan References

- 6.1 The Policy aims to contribute to the Council's priorities for the Borough and in particular to support the Growth, Wellbeing and Opportunity priorities by working with the licensed trade to promote the town and make it a safer place.

Licensing Work Plan May 2023 – April 2024

14 June 2023	Update on the work of the Licensing Team
26 July 2023	Meeting cancelled.
20 September 2023	Meeting cancelled.
8 November 2023	<ol style="list-style-type: none">1. Licensing Enforcement Policy2. Pavement Licence Policy
17 January 2024	To be advised.
20 March 2024	To be advised.