



## AGENDA ITEM: 6

Report for:	Licensing and Health & Safety Enforcement Committee
Date of meeting:	22 October 2024
PART:	I
If Part II, reason:	

Title of report:	<b>Pavement Licensing Policy – Outcome of public consultation</b>
Contact:	Sally McDonald – Licensing Manager
Purpose of report:	To present the outcome of the consultation exercise taken in respect of the new draft Pavement Licensing Policy
Recommendations	That the Committee consider the responses received, and agree the final Policy.
Corporate objectives:	<ul style="list-style-type: none"> <li>Maintain a clean and safe environment</li> </ul>
Implications:	<u>Community Impact</u> Correct licensing provisions will enable businesses to continue to safely provide furniture outside their premises, encouraging customers to visit while enabling safety of highway users, and enhancing the vibrancy of town and village centres.
Consultees:	<p>Direct consultation was carried out with all current pavement licence holders, consultees set out in the legislation, all town and parish councils in the borough, The Corporate and Commercial Services Portfolio holder, organisations that offer advice and support for people with disabilities, and neighbouring authorities in Hertfordshire and Bedfordshire.</p> <p>A wider public consultation was also undertaken on the Dacorum Borough Council website to give the public an opportunity to respond.</p>
Background papers:	<a href="#">Business and Planning Act 2020</a> <a href="#">Pavement Licence statutory guidance April 2024</a>

Glossary of acronyms and any other abbreviations used in this report:	
---	--

## 1. BACKGROUND

- 1.1. At the meeting of the Licensing Committee on 31<sup>st</sup> July, Members agreed that the draft Dacorum Borough Council Pavement Licensing Policy be put out for consultation for a period of six weeks.
- 1.2. Consultation took place between 7<sup>th</sup> August and 17<sup>th</sup> September 2024. This report is to advise Members of the outcome of the consultation on the draft policy, and finalise the policy based on the responses.
- 1.3. Consultation responses are set out at Annexes A1 to A14.
- 1.4. The draft Pavement Licensing Policy is set out at Annex B.

## 2. CONSULTATION

- 2.1. 14 responses were received during the consultation period, most of them supportive of the Policy and its aims, one response sought clarification on fixed and removable furniture and planning implications, and three others highlighted particular problems with the use of tables and chairs in Berkhamsted Town Centre. The responses are set out at Annex A1 to A14.

### Issues/questions arising from consultation

- There is too much street furniture causing hazards for pedestrians and pushchairs/Wheelchairs/partially sighted users of the highway.

Answer: It is recognised in guidance that the positioning of street furniture can cause issues for pavement users, for that reason minimum distances for access have been put in place, as per the inclusions in the draft policy. The aim is to ensure that there is sufficient safe access for these users, in line with recommendations. A plan of the proposals is required at the time of application, with Council Officers visiting the site to ensure the plans are correct during the consultation process, and that safety from other obstructions/road junctions etc is maintained.

- Confirmation sought as to whether the Policy related to all markets in Hemel Hempstead.

Answer: It does, although the Council have no jurisdiction over Berkhamsted Market which was the subject of the enquiry. While the Council can enforce against access being obstructed by Licence holders, the aim would be to seek compromise between licence holders and markets for positioning of street furniture/market stalls before that was required.

- Some further clarity should be given to explain that permanent alterations i.e. hooks/loops and bars that are attached to buildings may need planning permission.

Answer: to amend paragraph 3.1.2 to advise applicants that this is the case.  
Paragraph 3.1.2 as amended would read as follows:

*Will your tables and chairs present a risk or obstruction to the public, in terms of both highway safety, or obstruction to pedestrians? (It should be noted that any permanent alterations in respect of removable furniture, i.e. hooks/bars/loops affixed to buildings may need planning permission.) The following should be considered when you are assessing suitability of the location you want to use:*

### **3. RECOMMENDATIONS**

- 3.1. That the Licensing and Health and Safety Enforcement Committee consider the consultation responses, and agree any amendments.
- 3.2. That the Dacorum Borough Council Pavement Licensing Policy be adopted.

Annex A1

**What are your views on this policy?**

The policy is needed in order to ensure that all businesses that apply for and are granted a license are treated fairly. A policy allows the enforcing authority to address any issues/complaints received in line with current legislations and determine the most appropriate course of action should breaches of the license be identified.

---

Annex A2

**What are your views on this policy?**

As a mobility scooter user, I am keen to see that there is sufficient gap between chairs and tables and the pavement to allow access for mobility scooters, wheelchairs and mothers with prams. I live in Berkhamsted and occasionally find that cafe chairs have blocked the pavement. Premises should ensure customers don't move the chairs.

---

Annex A3

**What are your views on this policy?**

Yes, I believe this should become a policy

---

Annex A4

**What are your views on this policy?**

The policy seems sensible and balanced. The idea of pavement seating and tables for enjoyment outside cafes and restaurants where there is space and no obstruction is made does add to the atmosphere of the area. A licence is required to ensure compliance and offer a way to take action if owners and proprietors are not acting within the policy. A way of reporting any nuisance is needed too.

---

**Annex A5**

**What are your views on this policy?**

further clarity to explain some permanent alterations for 'removable furniture' may require planning permission i.e. benches/hooks/loops/bars attached to the building.

---

**Annex A6**

**What are your views on this policy?**

I have read the policy and agree with your stipulations. Think more outdoor eating and drink facilities may attract more visitors to the town, which will be good in helping more independent businesses' improve their footfall

---

**Annex A7**

Hi I definitely agree that all the cafes etc need to have permission to put tables and chairs outside. The huge umbrellas outside the Town Hall in Berkhamsted cause massive problems during the Saturday Market. They also reduce the width of the pavement for wheelchair s,pushchairs and people with limited vision.  
I don't want to take your survey because of all the ts and cs and how they may use my information.

---

**Annex A8**

**What are your views on this policy?**

I agree with the policy

---

**Annex A9**

**What are your views on this policy?**

I totally agree that there's a need for regulation on pavement furniture. I'm for the policy.

---

**What are your views on this policy?**

The proliferation of street furniture and A boards on Berkhamsted High Street and Lower Kings Road presents a public nuisance and a safety hazard. On the Southern side of the High Street passage is severely impacted and is made even worse on market days. The pedestrian is pushed onto the sloping part of the pavement in many places which makes walking particularly difficult. Why should the pedestrian be made to walk on an angle all for the commercial gain of the cafes? It is difficult to dodge all the tables and chairs, A boards, planters, postboxes and street lights. Try that with a pushchair and toddler in tow. Or with partial sight. Or on a disability buggy. Add into that mix the proximity of some of these items to road junctions, the waiter serving people at the tables increasing the area that needs to be navigated and then dogs with the customers at the tables. On Lower Kings Road have a look at all the items impeding use of the exceptionally narrow pavement and how one navigates the A boards particularly on the section close to the mini roundabout at Waitrose entrance. It compels people to step off the pavement and at some point there is going to be an accident there. Yes, a limited amount of street furniture is acceptable but there must be a balance putting the safety of the pedestrian and the ability to comfortably navigate the pavement by those with and without disabilities as the highest priority.

---

**What are your views on this policy?**

It's really nice to be able to have the option to sit outside. It should be encouraged

---

From:  
Sent: 09 September 2024 15:21  
To: Licensing Mailbox <Licensing@dacorum.gov.uk>  
Subject: Pavement Licencing

Does clause 3.2.1 Markets refer to all markets inn Dacorum and not just those in Hemel Hempstead

Thanks

**What are your views on this policy?**

I think using the pavement is a fair idea for businesses, as long as pedestrians or mobility scooters can get past, it's a great idea.

---

Kings Langley Parish Council just submitted the survey Dacorum Pavement Licensing policy with the responses below.

**What are your views on this policy?**

KLPC support charging an economic sum for pavement licenses, but are acutely conscious that new businesses face many financial charges and challenges in their first year. As a result, KLPC would support new businesses, but not businesses that are part of a chain or franchises, having a year's grace before paying for a licence.