

COUNCILLORS' INFORMATION BULLETIN

Tuesday, 27 August 2024

Bulletin No: IB/1248

INFORMATION ITEM	Pages
<p>1 Delegated Planning Decisions</p> <p>Delegated planning decisions for the week beginning 19 August 2024 are attached. Contact for enquiries: Jean McPherson, Group Manager (Development Management) on jean.mcpherson@crawley.gov.uk.</p>	5 - 6
<p>2 Temporary Traffic Regulation Orders</p> <p>The following documents are attached in relation to Temporary Traffic Regulation Orders:</p> <ul style="list-style-type: none"> • List of Temporary Traffic Regulation Orders. • Celandine Close, Broadfield (Appendix A). • Pelham Drive & Creasys Drive, Broadfield (Appendix B). • Durham Close, Tilgate (Appendix C). • Bucksmans Road, West Green (Appendix D). 	7 - 16
<p>3 Action Taken Under Delegated Authority (Significant Operational Decision): Pavement Licence Fees - Business and Planning Act 2020 as amended by the Levelling-Up and Regeneration Act 2023</p> <p>Under the Business and Planning Act 2020, as amended by the Levelling-Up and Regeneration Act 2023, from 31 March 2024, the Council assumed permanent responsibility for the placement of articles on the Highway. This includes tables, chairs, dispense points and other temporary items, but excludes A Boards.</p> <p>At its meeting in August 2024, the Licensing Committee considered the report HCS/081 report of the Head of Community Services in relation to the Council's approach to Pavement Licences under the Business and Planning Act 2020 as amended by the Levelling Up and Regeneration Act 2023.</p>	



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At that meeting, the Licensing Committee determined as follows:

- a) Agreed that where it is appropriate to grant a Pavement Licence, that it is ordinarily granted for a period of two years.
- b) Amended the Pavement Licence Policy as included at Appendix A to report HCS/081 (with the exception of the figures in paragraph 3.2), subject to delegating the final decision on the fees outlined in the policy to the Head of Community Services (in consultation with the relevant Portfolio Holder and the Chair of the Licensing Committee), subject to the considerations raised at the Committee meeting on 5 August 2024, such as the size of the business and the benefit derived from the licence to be issued.

Work was undertaken by the Council's Licensing Service following the above decision and delegation, with a view to determining the fees and charges levied in respect of pavement licences under the Business and Planning Act 2020, as amended by the Levelling Up and Regeneration Act 2023.

The application process for a Pavement Licence is enshrined and broadly prescribed in legislation, however there are elements within the process which the Council may determine locally, this includes the setting of application fees, the period of time that a licence will have effect and conditions appended to licences which must be complied with.

The 2020 and 2023 Acts prescribe the overall statutory framework and the processes that must be followed when applying for, processing, or enforcing a Pavement Licence matter. A summary of the key steps in the application process is outlined below.

Application – An application must be made in writing and in such form as the Council may specify (currently online). It must include certain information such as specifying the premises and the part of the relevant highway to which the application relates. It must include measurements of the proposed area, the days of the week and times when furniture is proposed to be sited, a description of the furniture proposed to be sited and the method by which the area will be delineated, including images of items

Supporting Documentation – A current Public Liability Insurance Certificate confirming that at least £5 million of cover is in place. In addition, the Council requires that a plan clearly delineating the extent of the proposed licensed area is provided, and includes any proposed layout and structures be noted on the plan.

Publishing/ Advertising – It is a requirement that the Council publishes the application to advise interested parties. The Council publishes applications online by way of our Public Register, which also enables representations to be submitted online. Representations are also received via email. All applicants are also required to advertise their application by way of a notice that must be prominently displayed at the premises where it can be clearly seen and to which the application relates for a period of 14 days

Consultation/Representations – The consultation period is 14 days. It is a statutory requirement that the Council specifically consults with the Highways Authority and such other persons as it considers appropriate. This Council not only consults with Highways at West Sussex County Council, but notifies elected CBC Members, CBC departments (Development Control, Economic Development and Environmental Services), Sussex Police, and Business Fire Safety at West Sussex Fire and Rescue

Service. Determination – The determination period is 14 days granted for a maximum period of 2 years. Once the information is submitted to the Council, the Authority has 28 days from the day after the application is made (excluding public holidays) to consult on and determine the application. This consists of 14 calendar days for public consultation, and then 14 calendar days to consider and determine the application after the consultation. Conditions - When granting a Pavement Licence, it is a requirement that two mandatory national conditions must apply, the first is a no-obstruction condition (this includes the requirement to have regards to the needs of disabled persons) and the second relates to the provision of smoke-free seating within the licensed area. Any other conditions may be added as the Council considers reasonable.

At a meeting on 19 August 2024, involving the Head of Community Services; the Health, Safety and Licensing Manager; the Chair of the Licensing Committee; the Cabinet Member for Public Protection; and the Leader of the Council, key issues were discussed in relation to the determination of fees in respect of pavement licensing.

On 22 August 2024, the Head of Community Services, in consultation with the Chair and Cabinet Member, agreed that the following fees be adopted with immediate effect in respect of pavement licensing under the aforementioned Acts:

- Renewal of Pavement Licence: Smaller premises with an outside area of up to 15 metres squared: £262.50 (25% discount on the maximum fee permitted of £350). Larger premises with an outside area of over 15 metres squared: £350.
- New Pavement Licence: Smaller premises with an outside area of up to 15 metres squared: £375 (25% discount on the maximum fee permitted of £500). Larger premises with an outside area of over 15 metres squared: £500.

The above fees will have immediate effect.

4 **Action Taken Under Delegated Authority (Significant Operational Decision): Publication of Authority Monitoring Report 2022/23**

Local Planning Authorities are required by the Local Plan Regulations 2012 to publish a report from time to time, known as an Authority Monitoring Report (AMR) detailing performance in the preparation and implementation of local planning policies.

They are required to describe:

- Progress made with documents detailed in the Council's Local Development Scheme (LDS).
- Performance in the implementation of local planning policies, including identifying policies which have not been implemented and potential causes of/ solutions to non-implementation.
- Details of any Neighbourhood Plans or Neighbourhood Development Orders made.

- Details of Community Infrastructure Levy income and expenditure.
- Details of co-operation undertaken with other councils/bodies in line with the Duty to Cooperate set out in section 110 of the Localism Act 2011.

In addition to these the Report details progress in relation to various indicators linked to the Sustainability Objectives set out in the Local Plan Sustainability Appraisal (SA), and sets out headline information related to the Council's Self-Build and Custom Housebuilding Register.

Publication of the Report fulfils the legal reporting requirements, as well as reinforcing the evidence base for existing and emerging local plan policies. The Report includes an updated picture of recent and anticipated housing delivery in the Borough, and sets out that as of April 2023 the Council was compliant with the requirement under national housing policy to identify a 5-year supply of deliverable housing sites. The report also provides an update regarding the Council's approach in respect of the Biodiversity Duty set out in the Environment Act 2021, confirming that the CBC Biodiversity Duty Report has been reviewed and found not to require updating.

Therefore, on 27 August 2024 the Head of Economy and Planning, in consultation with the Cabinet Member for Planning and Economic Development, approved the Authority's Monitoring Report. Once published, the Report will be available on the Council's [website](#).

5 **Press Releases**

Press releases are available at www.crawley.gov.uk/news.