

MINUTES OF THE  
REGULATORY COMMITTEE

held on 27 February 2025 at 7pm

Present:

Councillor R. Lee (Chair)

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

1. [Apologies for Absence](#)

Apologies for absence were received from Councillor H Clark.

2. [Minutes](#)

The minutes of the meeting held on 23 January 2025 were agreed as a correct record and signed by the Chair.

3. [Declaration of Interests](#)

All Members were reminded to declare any Disclosable Pecuniary interests or other registerable interests where appropriate in any items of business on the meeting's agenda. None were made.

4. [Public Question Time](#)

No public questions were asked at the meeting.

5. [Business and Planning Act 2020 – Application to appeal the decision of a pavement licence](#)

The Committee were requested to consider an application to appeal the decision made by the Licensing Authority, in relation to the refusal of a pavement licence. The Committee heard that the initial application had been refused in accordance with the Council's Pavement licence policy, after receiving representations from Chelmsford City Council's Public Health and Protection department, Chelmsford Planning department, the Access Manager for Economic Development. and Essex County Council's Highways Department.

The Committee heard that the application had been rejected because it was fundamentally against the principle of the street design and the approach to tables and chairs in that part of the high street. It was noted that there was no set appeal process in the relevant legislation, but Council's could undertake an internal review process, which the Regulatory Committee had been asked to do by Queenies.

The Committee heard from the applicant for Queenies. They informed the Committee, that they were seeking a pragmatic approach, that addressed inconsistencies within the current policy. The applicant stated that following the previous refusal they had

amended the application, to have a singular row of tables and chairs to lessen the impact, in addition to commissioning a survey of the area to demonstrate that with the new application, there would still be room for Fire vehicles to get past and turn in the High Street, therefore Essex Fire had confirmed that the proposed placement of tables and chairs did not pose a safety risk in their opinion. The Committee heard therefore, that safety concerns had been addressed and the application had been denied due to it not meeting policy. The Committee were informed of the historic tables and chairs licence held by a business opposite that no longer met the new policy, highlighting consistency concerns. The Committee were also informed that concerns around disabled access to the High Street, were hard to understand given the placement of other businesses tables and chairs. They highlighted to the committee that they wanted fairness and transparency and equal enforcement of the rules, to allow small local businesses such as their one to be supported.

In response to questions from the Committee, officers confirmed that;

- The policy was in place for a reason and deserved due consideration, but it was within the Committee's remit to depart from it if they felt it was appropriate.
- The area concerned was very busy and had a high footfall that continued to increase. It was noted that when producing the policy, public safety and accessibility had been critical and the design had been produced to cope with the volume of users on the high street. It was also noted that the 3m gap between premises and any tables had been designed to be generous for those walking on the High Street, but had been based on professional judgement and best practice guidance as specific regulations or standards did not exist. It had been viewed as vital to ensure the flow of people on the High Street and to allow neurodiverse people, people with mobility issues and those with visual impairment to make best use of the space by being able to follow the building line along the High Street. Officers stated that obstructions along the High Street made navigating it more difficult, and the absolutely clear routes along the shop front were vital. It was noted that the Council's access officer's professional expertise had been utilised when designing improvements to Tindal Square and the High Street project and when developing those elements of the policy.
- For legacy reasons the Pavement Licence policy differed in certain areas and for the particular part of the High Street in question, specific thought had gone into determining where tables and chairs could be placed to still maintain the design and safety elements, as the Council had control over the development of the area at the time, specific areas for tables and chairs had been put in place. It was also noted that at the time the policy had been produced, the premises in question had been a shop rather than a food/drink premises, hence why an area had not been allocated directly outside, like with some of the existing food/drink premises nearby. It was also noted that licence's were not transferrable if an owner left a premises.

In response to questions from the Committee, the applicant confirmed that they would be happy to have a barrier in front of their tables and chairs if granted.

The Committee discussed the merits of the application and expressed views that neurodiverse members of the public and members of the public with mobility issues had differing needs, when it came to navigating areas such as the High Street and that Queenies catered well for those who were neurodiverse and outside seating

would be beneficial. Members of the Committee also referred to other narrow sections of the High Street, and the nearby businesses that did have tables and chairs in various locations, whether if the policy was deviated from then would it need to be revisited, the 3m gap had been based on best practice and the fact that the current application was smaller than the previous one.

Members of the Committee also expressed views that the quality of access should be paramount for those using the High Street and good weight should be given to the expertise provided by the Council's Access Officer and Planning department. Members also queried whether granting individual licence appeals was the appropriate step forward, as it would lead to a piecemeal approach, and whether revisiting the policy would actually be the better long term solution. Officers also clarified that on busy event days, licensees were often asked to remove their tables and chairs and the applicant for Queenies stated that they would comply with these requests.

A proposal was made and seconded to approve the application and to ask officers to revisit the policy.

**RESOLVED** that;

1. the licence be granted as applied for with a condition to have a barrier in front of the tables and chairs to separate them from the High Street and;
2. the Pavement Licence policy be revisited by officers.

*(7.02pm to 8.01pm)*

## 6. Urgent Business

There were no matters of urgent business.

The meeting closed at 8.01pm

Chair