

ENVIRONMENT COMMITTEE

Tuesday 16 July 2024 at 7.30 pm

Place: Council Chamber, Epsom Town Hall

Online access to this meeting is available on YouTube: [Link to online broadcast](#)

The members listed below are summoned to attend the Environment Committee meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Councillor Liz Frost (Chair)
Councillor Alan Williamson (Vice-Chair)
Councillor Arthur Abdulin
Councillor Christine Cleveland

Councillor Tony Froud
Councillor Jan Mason
Councillor Julie Morris
Councillor Kieran Persand

Yours sincerely



Chief Executive

For further information, please contact democraticservices@epsom-ewell.gov.uk or tel: 01372 732000

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- Do not stop to collect personal belongings;
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- Do not re-enter the building until told that it is safe to do so.

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Information about the terms of reference and membership of this Committee are available on the [Council's website](#). The website also provides copies of agendas, reports and minutes.

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Exclusion of the Press and the Public

There are no matters scheduled to be discussed at this meeting that would appear to disclose confidential or exempt information under the provisions Schedule 12A of the Local Government Act 1972 (as amended). Should any such matters arise during the course of discussion of the below items or should the Chair agree to discuss any other such matters on the grounds of urgency, the Committee may wish to resolve to exclude the press and public by virtue of the private nature of the business to be transacted.

Questions and statements from the Public

Up to 30 minutes will be set aside for questions and statements from members of the public at meetings of this Committee. Any member of the public who lives, works, attends an educational establishment or owns or leases land in the Borough may ask a question or make a statement on matters within the Terms of Reference of the Committee.

All questions must consist of one question only and cannot consist of multiple parts. Questions and statements cannot relate to planning or licensing committees matters, the personal affairs of an individual, or a matter which is exempt from disclosure or confidential under the Local Government Act 1972. Questions which in the view of the Chair are defamatory, offensive, vexatious or frivolous will not be accepted. Each question or statement will be limited to 3 minutes in length.

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Questions must be received in writing by Democratic Services by noon on the third working day before the day of the meeting. For this meeting this is **Noon, 11 July**.

A written copy of statements must be received by Democratic Services by noon on the working day before the day of the meeting. For this meeting this is **Noon, 15 July**.

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AGENDA

1. QUESTIONS AND STATEMENTS FROM THE PUBLIC

To take any questions or statements from members of the Public.

2. DECLARATIONS OF INTEREST

To receive declarations of any Disclosable Pecuniary Interests or other registrable or non-registrable interests from Members in respect of any item to be considered at the meeting.

3. MINUTES OF THE PREVIOUS MEETING (Pages 5 - 10)

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Committee held on 23 January 2024 (attached) and to authorise the Chair to sign them.

4. PAVEMENT LICENCE FEES AND POLICY (Pages 11 - 58)

The temporary provisions of the Business and Planning Act 2020, which allowed the licence holder to place removable furniture over certain highways adjacent to the premises, has been made permanent by the Levelling Up and Regeneration Act 2023. The 2023 Act also introduced a standard fee cap for both new and renewals of licences as well as increased consultation and determination periods, lengthens the maximum duration of licences and provides local authorities with new powers to remove unlicensed furniture. As a result of these changes, it is necessary for the Council to review the application fee and policy in relation to pavement licences.

5. FUTURE OF THE PEST CONTROL SERVICE (Pages 59 - 62)

To determine the future of the Council's pest control service

6. HOOK ROAD CAR PARK - ENVIRONMENTAL SURVEY (Pages 63 - 72)

This report proposes the Council and the developer of the SGN Site work collaboratively to investigate the level of contamination and consequent environmental implications for development on any part of the wider gas works site.

7. CAR PARK OPTIONS - HOOK ROAD (Pages 73 - 90)

This paper sets out interim options for Hook Road multi-storey car park prior to any re-development.

8. CAR PARK WORKING GROUP (Pages 91 - 98)

This report seeks agreement on continuation of the councillor car park working group and to agree the terms of reference for the group. This report seeks approval to form of an Allotment Working Group and proposes a draft Terms of Reference for comment.

9. ALLOTMENT WORKING GROUP (Pages 99 - 104)

This report seeks approval to form of an Allotment Working Group and proposes a draft Terms of Reference for comment.

10. ENVIRONMENT AND SUSTAINABILITY WORKING GROUP (Pages 105 - 110)

This report recommends the continuation of a councillor Working Group to oversee the implementation of the Council's Climate Change Action Plan. It proposes terms of reference for the group to be approved.

11. URGENT DECISIONS (Pages 111 - 114)

To report to the committee the decisions taken by the Chief Executive and Directors on the grounds of urgency, in compliance with the requirements of the Constitution.

Minutes of the Meeting of the ENVIRONMENT COMMITTEE held at the Council Chamber, Epsom Town Hall on 23 January 2024

PRESENT -

Councillor John Beckett (Chair); Councillor Liz Frost (Vice-Chair); Councillors Arthur Abdulin, Tony Froud, Steven McCormick, Julie Morris, Kieran Persand and Kim Spickett

In Attendance: Councillor Bernie Muir

Officers present: Piero Ionta (Head of Legal Services and Monitoring Officer), Rod Brown (Head of Housing and Community), Oliver Nelson (Public Protection Manager), Justin Turvey (Interim Head of Place Development) (Items 19 - 22 only), Mark Rachwal (Environment and Sustainability Officer) (Items 19 - 22 only), Jon Sharpe (Transport & Waste Services Manager), Richard Chevalier (Parking Manager), Sue Emmons (Chief Accountant) and Dan Clackson (Democratic Services Officer)

19 QUESTIONS AND STATEMENTS FROM THE PUBLIC

The Committee received one written question from a member of the public, to which a written response was provided.

20 DECLARATIONS OF INTEREST

Tree Planting Fees and Charges

Councillor Steven McCormick, Other Interest: Councillor Steven McCormick declared he was a member of the Tree Advisory Board. He stated it was a non-prejudicial interest.

Fees and Charges 2024/25

Councillor Julie Morris, Other Interest: Councillor Julie Morris declared that she held an allotment in the borough. She stated it was a non-prejudicial interest.

Councillor Steven McCormick, Other Interest: Councillor Steven McCormick declared that he held an allotment in the borough. He stated it was a non-pecuniary interest.

Chalk Pit

Councillor John Beckett, Other Interest: Councillor John Beckett declared he is a County Councillor for the division in which Chalk pit is located.

Councillor Steven McCormick, Other Interest: Councillor Steven McCormick declared he is a County Councillor for the division which borders the division in which Chalk Pit is located, and that he had been involved in previous discussions with Epsom Council, Surrey County Council and the Environment Agency, with respect to Chalk Pit.

21 MINUTES OF THE PREVIOUS MEETING

The Committee confirmed as a true record the minutes and the restricted minutes of the meeting of the Committee held on 17 October 2024 and authorised the Chair to sign them.

22 CLIMATE CHANGE ACTION PLAN - PROGRESS UPDATE

The Committee received a report providing an update on the progress of the Council's Climate Change Action Plan.

The Committee considered the following matters:

- a) **Sustainability and Environmental Aims within the Local Plan.** In response to a question from a Member, with respect to the Council's objective to develop a Local Plan including policies supporting the delivery of new energy efficient homes, the Interim Head of Place Development stated that there is an aim to deliver c.1500 net zero homes within the plan.
- b) **Climate Change information on the Council Website.** A Member stated they felt concerned that information relating to climate change and the Council's commitment to combatting climate change was not accessible or emphasised enough on the Council Website. The Chair stated that he would investigate and see how the matter could be improved.

Following consideration, the Committee unanimously resolved to:

- (1) **Consider and note the progress made on the delivery of the Council's Climate Change Action Plan over the past year.**

23 TREE PLANTING FEES AND CHARGES

The Committee received a report seeking to set out Council Policy on determining applications for tree planting and the associated fees and charges.

The Committee considered the following matters:

- a) **Fees and Charges.** In response to a concern from a Member, the Head of Legal explained that the fees and charges in the report had been set at a rate so as to cover the cost to the Council in administering the applications received and to cover the cost of any requested tree planting. He explained that there was no scope for income or profit within the fees and charges, and that to lower them would be of detriment to the budget.

- b) **Budget Considerations.** In response to a comment from a Member, the Head of Legal explained that to waive any fee would be to effectually add an item to the Committee's budget, and would require a funding option to be identified by the Committee in order to facilitate the waiving.
- c) **Proposed Tree Planting Sites within the Tree Management Plan.** The Chair explained that schemes carried out by organisations, such as the Tree Advisory Board, would not be subject to the fees and charges so long as the works are carried out within sites identified in the Council's Tree Management Plan.

Councillor Julie Morris proposed that an additional recommendation be added as follows:

- (6) *Agree that a report be brought back to Committee in 9 months' time reviewing the effectiveness of the Policy, providing a breakdown of the associated fees and charges, and providing a comparison of the associated fees and charges to those of similar policies adopted by neighbouring authorities.*

The proposal was seconded by Councillor Steven McCormick.

The Committee unanimously voted in favour of the proposal.

Following consideration, the Committee unanimously resolved to:

- (1) **Agree and adopt the policy for determining single memorial tree planting applications to be implemented by the Council.**
- (2) **Agree and adopt the policy for determining third party tree planting applications/requests.**

Resolved (4 for, 2 against, 1 abstaining, and the Chair not voting) to:

- (3) **Agree the fees and charges for 2023/24 and 2024/25 as set out at paragraphs 1.12 and 1.23 of the report.**

Unanimously resolved to:

- (4) **Delegate authority to determine application/requests for tree planting to the Director for Housing, Environment and Regeneration in accordance with the Policy.**
- (5) **Agree that the Policy at (1) and (2) above be finalised in consultation with the Chair and Vice Chair of the Environment Committee.**
- (6) **Agree that a report be brought back to Committee in 9 months' time reviewing the effectiveness of the Policy, providing a breakdown of the associated fees and charges, and providing a comparison of the associated fees and charges to those of similar policies adopted by neighbouring authorities.**

24 FEES AND CHARGES 2024/25

The Committee received a report recommending fees and charges for which this Committee is responsible, with the new charges being effective from 1 April 2024.

The Committee considered the following matters:

- a) **Allotments Water Usage.** A Member raised concerns with respect to the expense and the high use of water on allotments. The Vice-Chair explained water charges was an item for investigation on the allotment working group's workplan.
- b) **Car Park Resident permits.** Following a question from a Member, the Parking Manager explained that the topic of car park resident permits was due for discussion at the upcoming meeting of the car park working group.

Following consideration, the Committee resolved (6 for, 1 against, and the Chair not voting) to:

- (1) **Agree the fees and charges for 2024/25 as set out at Appendices 1, 2, and 3 of the report.**

Councillor Kieran Persand requested that his vote against the proposal be recorded.

25 CAPITAL PROGRAMME 2024/25

The Committee received a report summarising the proposed 2024/25 capital programme and a provisional programme for 2025/26 to 2028/29 and seeking the Committee's approval for the programme to be submitted to Council in February 2024.

The Committee considered the following matters:

- a) **Ashley Centre Car Park Barriers Replacement.** Following a query from a Member with respect to the alternative pay-and-display solution set out at section 4 under 'Risks associated with the scheme' in Appendix 2 to the report, the Parking Manager explained that the pay-and-display model, whilst cheaper in terms of setup cost, would come with significant drawbacks by way of financial, public-perception, and health-and-safety risks.

Following consideration, the Committee unanimously resolved to:

- (1) **Submit the capital programme for 2024/25 as identified in section 3 of the report to the Council for approval on 13 February 2024;**
- (2) **Note the provisional forecast of schemes for the capital programme for 2025/26 to 2028/29.**

26 URGENT DECISIONS

The Committee received a report on the decisions taken by the Chief Executive and Directors on the grounds of urgency, in compliance with Appendix 2 to the Constitution – The Scheme of Delegation paragraph 3.1.

Following consideration, the Committee unanimously resolved to:

- (1) To note the urgent decision taken and the reason for that decision.**

27 REVENUE BUDGET 2024/25

The Committee received a report setting out budget estimates for income and expenditure for Environment Committee services in 2024/25.

The Chair made a statement prior to consideration of the item:

The Chair stated, as set out at item 15 of the minutes of the Environment Committee of 17 October 2023, the Committee had passed a motion to 'agree that an additional cost item be added into the Committee's budget plans for 2024/25 for £40k to cover possible additional independent noise assessment works or other activities that may be required at the Chalk Pit site in Epsom'. It had since been brought to his attention that that motion ought not to have been allowed as it was contrary to the decision taken by the Strategy and Resources Committee ('S&R') in July 2023 – S&R passed a resolution, further to consideration of its budget setting report, requiring any proposals to add new items into a budget to have a funding option identified by the relevant Committee, which the Environment Committee did not do. He stated that the report before Committee sought to reconsider the issue, mindful of the budgetary framework set out by S&R at its July 2023 meeting.

Following consideration, the Committee unanimously resolved to:

- (1) Recommend the 2024/25 service estimates for approval at the budget meeting of Full Council in February 2024.**
- (2) Support in principle the future savings as set out in section 5 of the report for inclusion in the Medium Term Financial Strategy.**
- (3) Note that potential Chalk Pit investigation works are being considered, in full, by the Committee at separate Agenda Item 10 of the agenda.**

28 CHALK PIT

The Committee received a report setting out the options available to the Council which include, if necessary, to fund further substantial statutory nuisance

investigations into noise or dust complaints arising from business located in Epsom Chalk Pit.

As the proposer of the original motion referred to the Environment Committee by Full Council, Councillor Bernie Muir, who was in attendance at the meeting, opened the debate on the matter.

The Committee considered the following matters:

- a) **Options set out in the report.** Following consideration, Members suggested that they would be minded to choose 'option 3', as set out at section 8.8 of the report.

Councillor Bernie Muir exercised her right of reply in response to the debate.

Following consideration, the Committee unanimously resolved to:

- (1) **Note the motion referred to the Committee by Full Council and, in light of the options set out at section 8.8 of the report, make no resolution or recommendation following a debate on that motion.**

The Committee considered the following matters:

- a) **Definition of 'significant complaints'.** It was the feeling of the Committee, following consideration, that the definition of what constitutes 'significant complaints', as written at 8.8.3 of the report, would be determined by the professional opinion of Council Officers.

Following consideration, the Chair proposed that the Committee agree to option 3, as set out at paragraph 8.8.3 of the report. Councillor Julie Morris seconded the proposal.

Subsequently, the Committee resolved (6 for, 1 abstaining, and the Chair not voting) to:

- (2) **Submit a request to Strategy and Resources Committee that funding be allocated from limited Council reserves to instruct external noise consultants to conduct a fresh investigation based upon the activities on the site should significant complaints continue despite the buildings being constructed and commissioned. It is anticipated that further investigations may require a substantial financial commitment of taxpayer's funds of up to £140,000, as set-out in section 10 of the report.**

Councillor Kieran Persand requested that his vote in favour of the proposal be recorded.

The meeting began at 7.30 pm and ended at 9.24 pm

COUNCILLOR JOHN BECKETT (CHAIR)

PAVEMENT LICENCE FEES AND POLICY

Head of Service:	Rod Brown, Head of Housing & Community
Report Author	Paul Holliday
Wards affected:	(All Wards);
Urgent Decision? (yes/no)	No
If yes, reason urgent decision required:	
Appendices (attached):	Appendix 1 Current Pavement Licence Policy Appendix 2 Updated Pavement Licence Policy

Summary

The temporary provisions of the Business and Planning Act 2020, which allowed the licence holder to place removable furniture over certain highways adjacent to the premises, have been made permanent by the Levelling Up and Regeneration Act 2023. The 2023 Act also introduced a standard fee cap for both new and renewals of licences as well as increased consultation and determination periods, lengthens the maximum duration of licences and provides local authorities with new powers to remove unlicensed furniture. As a result of these changes, it is necessary for the Council to review the application fee and policy in relation to pavement licences.

Recommendation (s)

The Committee is asked to:

(1) Set the fee for pavement licences as follows; -

New applications £500

Renewal of licence £350

And either

(2) (a) Dispense with the Epsom & Ewell Pavement Licence Policy

or

(b) Update the Pavement Licence Policy as shown in Appendix 2

1 Reason for Recommendation

- 1.1 Normally the Council sets licence fees to ensure full cost recovery, so that the financial burden of the processing and administration of a licence is passed onto the direct beneficiary of the licence, rather than to residents of the Borough through increased taxes. The Business and Planning Act 2020 set the fee for pavement licences at a maximum of £100, which did not allow Licensing Authorities to fully recover their costs. The Levelling Up and Regeneration Act 2023 has now increased the fee cap for pavement licences. By setting the Council's fees as recommended the Licensing Authority will be able to maximise cost recovery.
- 1.2 As a result of the changes brought about by the Levelling Up and Regeneration Act 2023, the Government has provided new and improved guidance for pavement licensing on the .GOV website. This guidance makes most of Epsom & Ewell Borough Council's Pavement Licence policy either out of date or unnecessary, and as a result it is recommended that the pavement licence policy is dispensed with, rather than updated to copy the .GOV guidance. Officers would continue to determine applications under delegated authority, with the Council's website linking to the .GOV guidance.

2 Background

- 2.1 The Business and Planning Act 2020 introduced a range of measures intended to support the economy recover from the disruption caused by the COVID-19 outbreak in the UK. These measures included a pavement licence, authorising the operator of a business selling food and drink to put furniture such as tables and chairs on the highway adjacent to its premises to sell food and drink from and/or for its customers to use.
- 2.2 The streamlined application process for pavement licensing was initially a temporary pandemic measure, before being extended each year until eventually being made permanent by the Levelling Up and Regeneration Act 2023 in April.
- 2.3 The Levelling Up and Regeneration Act also introduced a standard fee cap for both new and renewals of licences as well as increased consultation and determination periods, lengthened the maximum duration of licences up to a maximum of two years, and provides local authorities with new powers to remove unlicensed furniture.
- 2.4 Since the implementation of Business and Planning Act 2020 five hospitality businesses in Epsom and Ewell Borough have benefitted from pavement licences. In most cases the applications attracted some minimal representation, resulting in a reduction in the number of tables and chairs authorised from the numbers requested.

- 2.5 Only one complaint has been received because of a licence being granted. This was a consequence of the licence holder exceeding the authorisation granted, resulting in the alleged obstruction of the pavement. The owner of the premises was spoken to about what they were authorised to provide on the pavement, however the business permanently closed before any follow up action was required.

Application fee

- 2.6 The Business and Planning Act 2020 provided that local authority may require an application fee of up to £100. The processing and determination of applications by local authorities requires considerable work to be undertaken at a rapid pace, and it is unlikely that any local authority would ever be able to recover their costs because of the fee cap. Consequently Epsom & Ewell Borough Council set the pavement licence fee at £100.
- 2.7 The Levelling Up and Regeneration Act 2023 replaces the £100 maximum fee for an annual licence with a cap of £350 for renewal of licence and a maximum of £500 for new applications, whilst extending the licence period up to a maximum of two years. Extending the maximum licence term reduces the administrative burden on both Licensing Authority and the licence holder, whilst the increased fee cap allows for increased cost recovery for the Licensing Authority
- 2.8 Licensing officers have estimated the average officer time taken to process a pavement licence application, and administer the licence once granted. Based on these estimates in order to fully recover costs we would need to charge £555 for a new application, and £425 for a renewal application.
- 2.9 As it is estimated costs will exceed the fee level capped by Government, it is recommended the licence fees should be set at the maximum permitted amount to maximise cost recovery.

Policy

- 2.10 At the time the provisions of The Business and Planning Act 2020 came into effect, in the absence of comprehensive guidance from the government on the new regime, many Licensing Authorities developed pavement licence policies to provide guidance to applicants on how to apply and what would normally be authorised. A copy of Epsom & Ewell Borough Council's Pavement Licence policy, initially approved by the Licensing and Planning Policy Committee 6 August 2020, is attached as Appendix 1.

- 2.11 With the commencement of the Levelling Up and Regeneration Act 2023 the Government has updated and improved the guidance published on the .GOV website, to the point now where Epsom & Ewell Borough Council's Pavement Licence policy is now almost entirely redundant. The information that remains relevant (e.g., who will be consulted, expectations of a 10pm finish times for licence, the information to be provided by the applicant, the standard local conditions) could instead be set out in the application form and guidance on the Council's website, along with a link clearly signposting the comprehensive .GOV website guidance.
- 2.12 Application for Pavement Licences are already delegated to Officers, with no statutory appeal process against a decision. There is also no statutory requirement for a Pavement Licence policy. The proposal to dispense with the Pavement Licence Policy and replace it with published procedures for the grant and determination of applications would be consistent with the 'light touch' nature of the legislation.
- 2.13 If the policy remains it will need periodic review, requiring approval by Committee, to reflect any changes to the legislation or guidance. This would involve some additional financial burden to the Council in terms of Officer and Member time, which could not be recovered through the licence fee due to the fee cap.
- 2.14 It is recommended that the current pavement licence policy be dispensed with, replaced by clear guidance on the licensing procedure on the Council's website. Many other areas of licensing (e.g., scrap metal dealers, street trading, the registration of skin piercing and tattooists, animal welfare) do not currently have a licensing policy requiring scrutiny by a Committee, and it is considered that in light of the revised guidance issued by the Government the current Pavement Licence Policy is no longer necessary for effective service delivery.
- 2.15 If the Committee is minded to retain the Pavement Licence Policy, then it is recommended it is updates to reflect the changes brought about by the The Levelling Up and Regeneration Act 2023, and the Committee approve the update Policy attached at Appendix 2.

3 Risk Assessment

Legal or other duties

3.1 Equality Impact Assessment

- 3.1.1 The updated guidance published by the Government on the .GOV website clearly sets out how the local authority and applicant can consider the needs of disabled people when considering whether the requirements of the 'no-obstruction' condition are met.

3.1.2 In following this guidance the Council will be able to evidence compliance with the duties on local authorities by section 149 of the Equality Act 2010 to have due regard to: the need to eliminate unlawful discrimination, advance equality of opportunity between people who share a protected characteristic and those who do not and foster or encourage good relations between people who share a protected characteristic and those who don't.

3.2 Crime & Disorder

3.2.1 The police are consulted on all pavement licence applications, and any concerns relating to crime and disorder are considered before the licence is determined.

3.2.2 The licensing authority may revoke a licence, or amend it with the consent of the licence holder, if the use is causing, or risks causing, anti-social behaviour or public nuisance.

3.2.3 It is considered that the consultation process and the option to revoke permits should problems arise adequately address the relatively low risks around the licensing of tables and chairs on the pavement.

4 Financial Implications

4.1 As detailed in paragraph 2.8, the cost of officer time to process a pavement licence application, and administer the licence once granted is estimated at £555 for a new application, and £425 for a renewal application. By charging the maximum allowable licence fee, the Council is minimising the burden on Council Taxpayers of delivering this service.

4.2 Dispensing with the Council Pavement Licensing Policy will save officer time, that would otherwise be required to undertake periodic reviews, which represents a small time saving for the team.

4.3 There are currently 5 premises with a pavement licence in the Borough. It is estimated that approximately 3 new licences and 8 renewals may be received on average each year, resulting in annual income of £4300 to help cover the team's costs.

4.4 **Section 151 Officer's comments:** The financial implications are contained within the body of the report.

5 Legal Implications

5.1 Legal Officer's comments: This report provides the Committee with an update changing the temporary Pavement Licensing regime that has been in place since 2020 with that of the permanent Pavement Licence which commenced on the 31 March 2024.

6 Policies, Plans & Partnerships

6.1 **Council's Key Priorities:** The following Key Priorities are engaged:

- Effective Council – reviewing the fee charged for a pavement licence will help ensure effective cost recovery, minimising the financial burden on the residents of the Borough. Dispensing with a Pavement Licence Policy will reduce the administrative burden on officers and members by removing the requirement for routine scrutiny of the policy when, for example, Government guidance on pavement licensing is amended.

6.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.

6.3 **Climate & Environmental Impact of recommendations:** The proposed changes do not have a Climate & Environmental impact, with no changes being proposed to the existing process for determining pavement licence applications.

6.4 **Sustainability Policy & Community Safety Implications:** The proposed changes do not have any Sustainability Policy & Community Safety implications, with no changes being proposed to the existing process for determining pavement licence applications.

6.5 **Partnerships:** The proposed changes do not have any implications for working with partners, with the Council continuing to consult with the Surrey Highways Authority, Surrey Police and Surrey Fire & Rescue Service and Swail House.

7 Background papers

7.1 The documents referred to in compiling this report are as follows:

Previous reports:

- [Special meeting, Licensing and Planning Policy Committee - Thursday, 6th August, 2020 7.30 pm](#)

Other papers:

- [Government Guidance on Pavement Licences, Published 2 April 2024](#)



Pavement Licensing Policy

Business & Planning Act
2020

Version number 3
Date 31 August 2022

Policy Title	Pavement Licensing Policy		
LT sign off	N/A		
Committee	Licensing & Planning Policy	Date approved	6 August 2020
Review due date		Review completed	
Service	Housing & Community		

Revision History

Revision Date	Revisor	Previous Version	Description of Revision

Document Approvals

Each revision requires the following approvals:

Sponsor Approval		Name	Date
Chief Legal Officer			

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1. Introduction

To help the hospitality industry recover from the effect of the Covid-19 lockdown, the Government introduced the Business and Planning Act 2020 to promote economic recovery and growth. This Act created a temporary fast-track process for premises serving food and drink such as bars, restaurants and pubs to obtain a “pavement licence”, for the placement of removable furniture such as tables and chairs on the pavement outside their premise. The Act temporarily relaxed planning and licensing laws, (including the automatic extensions to alcohol licences that only allowed for the consumption of alcohol on the premises to allow for off-sales) to make it easier for them to seat and serve customers outdoors, enabling these businesses to maximise their capacity whilst allowing social distancing.

To ensure that these temporary measures did not unreasonably impact on local residents and other businesses the Council agreed a Pavement Licensing policy from September 2020. Since this time the policy has worked well, and so following the decision of the Government to extend the Business and Planning Act 2020 to September 2023 the Council has decided to retain the original policy with no changes other than to extended its operation to September 2023.

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

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

2. Scope

2.1 Definition of pavement licence

A pavement licence is a licence granted by the local authority, or deemed to have been granted, which allows the licence-holder to place removable furniture over certain highways adjacent to the premises in relation to which the application was made, for certain purposes.

2.2 Eligible Businesses

A business which uses (or proposes to use) premises for the sale of food or drink for consumption (on or off the premises) can apply for a licence. Businesses that are eligible include: public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours.

A licence permits the business to use furniture placed on the highway to sell or serve food or drink and/or allow it to be used by people for consumption of food or drink supplied from, or in connection with the use of the premises.

Licences can only be granted in respect of highways listed in section 115A(1) Highways Act 1980.

Generally, these are footpaths restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited. Highways maintained by Network Rail or over the Crown land are exempt (so a licence cannot be granted).

2.3 Type of furniture permitted

The furniture which may be used is:

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

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

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

2.4 Planning Permission

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

3. Application and Determination of Pavement Licences

3.1 Submission of the Application

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

- a completed Application Form
- the required fee of £100, paid by credit or debit card (either prior to submission or on receipt of application)
- a plan showing the location of the premises shown by a red line, so the application site can be clearly identified
- a plan clearly showing the proposed area covered by the licence in relation to the highway, if not to scale, with measurements clearly shown. The plan must show the positions and number of the proposed tables and chairs, together with any other items that the applicant wishes to place on the highway. The plan shall include clear measurements of, for example, pathway width/length, building width and any other fixed item in the proposed area.
- a risk assessment demonstrating how the applicant will manage social distancing and the conflict between pedestrians using the footway, those using the tables and those queuing to access the premises,

- the proposed days of the week on which, and the times of day between which, it is proposed to put furniture on the highway,
- the proposed duration of the licence (for e.g. 3 months, 6 months, or a year);
- evidence of the right to occupy the premises (e.g. the lease);
- photos or brochures showing the proposed type of furniture and information on potential siting of it within the area applied for;
- (if applicable) reference of existing pavement licence currently under consideration by the local authority;
- evidence that the applicant has met the requirement to give notice of the application (for example photographs of the notice outside the premises and of the notice itself);
- a copy of a current certificate of insurance that covers the activity for third party and public liability risks, to a minimum value of £10 million, and
- any other evidence needed to demonstrate how the Council's local conditions, and any national conditions will be satisfied.

3.2 Fees

The fee for applying for a licence under the new process is set locally, but is capped at £100. The Council has determined that the fee for applications will be £100 but will not make a charge for renewal of the application provided the terms of the application is identical to the previous licence.

Application fees must accompany the application in order for the application to be considered valid and for the consultation period to commence.

The fee is an 'application' fee for the processing of the application. The fee will not be refunded if the application is withdrawn, refused or if a licence is surrendered or revoked before expiration.

3.3 Consultation

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

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

The Council is required by law to consult with the Highways Authority. In addition, to ensure that there are no detrimental effects from the application the Council will consult with:

- Surrey Police
- Surrey Fire & Rescue Service
- Epsom & Ewell Borough Council's Covid 19 Team
- Epsom & Ewell Borough Council's Operational Services Department (Market Place applications only)
- Epsom & Ewell Borough Council's Planning Department
- The appropriate Local Ward Councillor(s)
- Swail House

Members of the public and others listed above can contact the Council to make representations.

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

3.4 Site Notice

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

The Site Notice must:

- state that the application has been made and the date on which it was made;
- state the statutory provisions under which the application is made;
- state the address of the premises and name of the business;
- describe the proposed use of the furniture;
- indicate that representations relating to the application may be made to the Council during the public consultation period and when that period comes to an end;
- state the Council's website where the application and any accompanying material can be viewed during the consultation period;
- state the address to which representations should be sent during the consultation period; and
- the end date of the consultation (7 days starting the day after the application is submitted to the authority).

A template Site Notice is shown as Appendix 1.

3.5 Site Assessment

The following matters will be taken into account by the Council in considering the suitability of the proposed application:

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

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

3.6 Determination

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

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

- grant the licence in respect of any or all of the purposes specified in the application,
- grant the licence for some or all of the part of the highway specified in the application, impose conditions on any licence granted, or refuse the application.

If the local authority does not determine the application within the 14 day period, the application will be deemed to have been granted subject to any published local or national conditions.

3.7 Approval of Applications

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

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

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

The Council generally will only permit Pavement licences between 09:00 and 22:00.

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

3.8 Licence Duration

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

The expectation from the Government is that local authorities will grant licences for 12 months or more unless there are good reasons for granting a licence for a shorter period, such as plans for future changes in use of road space. As such, the Council will normally grant applications until 30 September 2023

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

A licence granted or deemed to be granted will not be valid beyond 30 September 2023.

3.9 Refusal of Applications

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

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

4. Conditions

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

Where a local authority sets a local condition that covers the same matter as set out in national published conditions, then the locally set condition takes precedence over the national condition to the extent that it is inconsistent with it.

The national no-obstruction condition applies to all Licences. The National 'no obstruction condition is shown in Appendix 3.

5. Enforcement

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

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

If a condition imposed on a licence either by the Council or via a National Condition is breached the Council will be able to issue a notice requiring the breach to be remedied. If the notice is not complied with, the Council may revoke the licence or take the required steps itself and recover the costs of doing so.

The authority may revoke a licence in the following circumstances:

1. For breach of condition, (whether or not a remediation notice has been issued) or
2. Where:
 - There are risks to public health or safety – for example by encouraging users to breach government guidance on social distancing by placing tables and chairs too close together;
 - the highway is being obstructed (other than by anything permitted by the licence);
 - there is anti-social behaviour or public nuisance – for example, the use is increasing the amount of noise generated late at night or litter is not being cleaned up;

- it comes to light that the applicant provided false or misleading statements in their application – for example they are operating a stall selling hot food and/or have applied for tables and chairs on which drinks could be consumed; or
 - the applicant did not comply with the requirement to affix the notice to notify the public for the relevant period.
3. The Council may also revoke the licence where all or any part of the area of the relevant highway to which the licence relates has become unsuitable for any purpose for which the licence was granted or deemed to be granted. For example, the licensed area (or road adjacent) is no longer to be pedestrianised. The Council will give reasons where these powers are used.

6. Policy Review Procedures

This Policy covers the Temporary Permissions for Pavement Licences under the Business and Planning Act 2020, which are scheduled to expire on 30 September 2023.

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

Site Notice Template for display by an applicant for a Pavement Licence.

[Section x] of the Business and Planning Act 2020.

I/We *(name of applicant)*,

do hereby give notice that on *(date of application)* [I/we] have applied to Epsom & Ewell Borough Council for a 'Pavement Licence' at:

(postal address of premises)

known as

(name premises known by)

The application is for:

(brief description of application (e.g outdoor seating to the front of the premises for serving of food and drink)

Any person wishing to make representations to this application may do so by writing, by email to licensing@epsom-ewell.gov.uk

by: *(last date for representations being the date 7 days after the date the application is submitted to the local authority (excluding public holidays))*

The application details can be viewed on the Council's website **www.epsom-ewell.gov.uk**.

Signed by the Applicant

Dated *(date the notice was placed which must be the same date as the date of application)*



BUSINESS AND PLANNING ACT – APPLICATION FOR THE GRANT OF A PAVEMENT LICENCE

APPLICANT DETAILS		
Title:	First name(s):	Surname:
Postal Address:		
Phone (Business):		Phone (Mobile):
e-mail address:		
Date of Birth:		NI number:

BUSINESS PREMISES DETAILS	
Trading Name:	
Postal Address:	
Which of the following is the above premises used for? (please tick one)	
Use as a public house, wine bar or other drinking establishment	
Other use for the sale of food or drink for consumption on or off the premises	
Both of the above uses	

RIGHT TO OCCUPY THE PREMISESAgenda Item 4
Appendix 1

If the premises does not currently hold a licence under the Licensing Act 2003, please detail the lease/rental arrangements or supply a copy of the agreement.

AREA OF HIGHWAY PROPOSED TO BE USED

Please provide a description of the area of the highway to which this application relates: **(You must submit a plan showing the location of the premises shown by a red line, so the application site can be clearly identified. The plan must clearly show the proposed area covered by the licence in relation to the highway, if not to scale, with measurements clearly shown. The plan must show the positions and number of the proposed tables and chairs, together with any other items that the applicant wishes to place on the highway. The plan shall include clear measurements of, for example, pathway width/length, building width and any other fixed item in the proposed area).**

SOCIAL DISTANCING

Please details how you will manage social distancing and the conflict between pedestrians using the footway, those using the tables and those queuing to access the premises. You may provide a separate risk assessment with this application. Guidance is available at [COVID-19 Secure: safer public places guidance](#).

RELEVANT PURPOSE THE APPLICATION RELATES TO:

Which of the following relevant purposes do you wish to put furniture on the highway for? **Tick one**

To sell or serve food or drink supplied from, or in connection with relevant use of, the premises	
For the purpose of consuming food or drink supplied from, or in connection with relevant use of, the premises	
Both of the above purposes	

DATE APPLICATION IS MADEAgenda Item 4
Appendix 1**DAYS AND TIMES**

During what times do you propose to place furniture on the highway on each of the following days:

Please use the 24hr clock.

Mondays	To	Fridays	to
Tuesdays	To	Saturdays	to
Wednesdays	To	Sundays	to
Thursdays	To		

DURATION OF LICENCE

Please specify the duration of licence you are seeking. This can be for a period of 3 months or until 30 September 2023.

FURNITURE TO BE PLACED ON THE HIGHWAY

Please provide a description and numbers of the furniture you proposed to place on the highway, and include photographs with this application.

ADVERTISEMENT OF APPLICATION

Please detail where the notice has been displayed on the premises, and the date the notice was first displayed. A photograph of the notice must be submitted with this application.

DECLARATIONS BY APPLICANT

Agenda Item 4 Appendix 1

I understand that I am required to give notice of my application in accordance with the requirements of the Business and Planning Act 2020 and that failing to do so will lead to the revocation of any licence granted.

I understand I must hold and maintain public liability insurance up to a value of £10million.

I understand my application will not be considered to be complete until all the required documents and information have been provided and the application fee of £100 has been paid unless the application is for renewal of an identical licence (payment will be taken prior to or on receipt of the application).

I understand that the application fee paid is non-refundable if my application is refused or if any licence granted is subsequently surrendered or revoked.

I understand that the Authority is under a duty to protect the public funds it administers, and to this end may use the information I have provided on this form for the prevention and detection of fraud. I understand that it may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

I declare that the information given above is true to the best of my knowledge and that I have not wilfully omitted any necessary material. I understand that if there are any wilful omissions, or incorrect statements made, my application may be refused without further consideration or, if a licence has been issued, it may be liable to revocation.

I confirm I have the right to remain and work in the United Kingdom

I understand that the Authority is collecting my data for the purposes described on this form and will not be used for any other purpose, or passed on to any other body, except as required by law, without my consent.

Applicant's Signature:

Date:

Please return this form with all relevant documents to licensing@epsom-ewell.gov.uk



BUSINESS AND PLANNING ACT - Standard Pavement Licence Conditions

1. Permission to operate a pavement licence does not imply an exclusive right to the area of public highway. The licence holder must be aware that Epsom & Ewell Borough Council and others (e.g. police, highways authority, statutory undertakers) will need access at various times (including emergencies) for maintenance, installation, special events, improvements etc or any other reasonable cause and it is a condition of this licence to provide such access. This may mean that the pavement licence will need to cease operating and/or be removed for a period of time. On these occasions there would be no compensation for loss of business.
2. The licence holder must hold Public Liability Insurance for the operation of the Pavement Licence. This must indemnify Epsom & Ewell Borough Council and Surrey County Council against all claims for injury, damage or loss to users of the public highway, arising from the use of the highway for the permitted purpose. The minimum level of indemnity must be £10 million in respect of any one incident. Evidence of the insurance must be provided to the Council on request.
3. The licensee is responsible for ensuring that the conditions of the licence and any other necessary permissions and regulations are adhered to. The Licence holder is to use the highway solely for the purpose of the licence in line with the provisions of this licence and for no other purpose whatsoever.
4. Epsom & Ewell Borough Council reserves the right to revoke this licence at any time if any of the conditions are not fulfilled and maintained.
5. Tables and chairs must not be placed in position outside of the permitted times stated on the licence. When the licence is not in use, all tables and chairs and other furniture must be stored securely inside a premises away from the highway.
6. Epsom & Ewell Borough Council and/or Surrey County Council are empowered following the service of the appropriate statutory notice, to remove and store or dispose of furniture from the highway, at the cost of the licensee, if it is left there outside the permitted hours, or should any conditions of the licence be ignored. The Council will not be responsible for its safekeeping.
7. An unimpeded pedestrian route must be maintained at all times for people wishing to use the footway as per the National Licence Conditions.
8. The method of marking the boundary of the licensed area must be agreed between the licence holder and the Licensing Department. Whatever method is agreed a 2 metre clear walkway must be maintained for the use of pedestrians.

9. Emergency routes to the premises and adjacent buildings must not be obstructed by the operation involved in the Pavement Licence, which should not, unless otherwise agreed, extend beyond the width of the premises frontage.
10. Tables and chairs should be of an approved type and should be kept in a good state of repair. Furniture should be placed so as not to obstruct driver's sightlines, or road traffic signs. Placement of tables and chairs must allow pedestrians to use the footway parallel to the frontage of the premises. Care should be taken in the use of hanging baskets, awnings, protruding umbrellas etc. Alternative items may not be used without first seeking the written authority of the Council. Patio heaters must not be used. Where umbrellas are used they must be at a minimum height of 2 metres.
11. Any furniture used must be arranged to comply with any Government Guidance including around Covid-19 and social distancing.
12. All potential obstructions must be removed from the public highway when the premises are closed to prevent a safety hazard to pedestrians, particularly during the hours of darkness.
13. The licensee should ensure that the area operates in a safe and orderly manner, thereby ensuring that any safety risk or nuisance to customers, other users of the public highway or any adjacent land or premises, is minimised.
14. The operation of the area must not interfere with highway drainage arrangements.
15. During the hours of darkness, suitable and sufficient lighting must be provided to ensure safe use of the area. Any proposals to provide additional lighting to the licensed areas must be agreed with the Highway Authority.
16. All detritus (food and drink remnants, spillages, bottles, cans, wrappers etc) must be regularly removed from the footway surface to reduce hazards to pedestrians. The licence holder must make arrangements to regularly check for and remove litter and rubbish on pedestrian walkways, left by persons using the premises, for a distance of up to 10 metres from the boundary of the premises. The licence holder must ensure that any tables are cleared in an efficient manner during the hours of operation. The licence holder must ensure the licensed area and surrounding highway is washed down at the completion of each day's usage using a method sufficient to remove food debris, grease and other spillages that may occur.
17. At no time is the playing of music allowed for customers using the licensed area under this Licence, nor is the use of speakers or other music equipment allowed to ensure noise nuisance is kept to a minimum for neighbouring properties.
18. The licence holder is not permitted to affix any fixtures, or make excavations of any kind, to the surface of the highway without prior written approval. Any costs incurred as a result of damage to the highway, due to the positioning of tables and chairs etc, will be recovered in full from the licence holder by the Council or Surrey County Council.
19. The Licensee of a premises not licensed under the Licensing Act 2003 or any modification or re-enactment thereof, must not allow the consumption of alcoholic liquor within the licensed area.

20. The Licensee of a premises licensed under the Licensing Act 2003 or any modification or re-enactment thereof, must not allow the consumption of alcoholic liquor within the premises outside the hours in force for the premises itself.
21. The licence must be displayed prominently at or on the premises where it can be conveniently read from the exterior of the premises with a plan of the agreed layout of the operation involved in the Pavement Licence and available for inspection by Authorised Officers of the Council
22. 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.

NOTES

These conditions should be read in conjunction with any mandatory national conditions concerning pavement licences, if the premises is licenced under the Licensing Act 2003, any relevant conditions attached to the premises licence, the latest government requirements concerning coronavirus and social distancing and any other relevant requirement of the Business and Planning Act 2020.

The licence holder is responsible for ensuring that the conditions of the licence and any other necessary permissions and regulations are adhered to. The Licence holder is to use the highway solely for the purpose of the licence in line with the provisions of this licence and for no other purpose whatsoever.

Epsom & Ewell Borough Council reserves the right to revoke this licence at any time if any of the above conditions are not complied with.

Other conditions may be added at the discretion of the Council on an individual licence basis if it is felt necessary to fulfil the purpose of meeting the requirements of the licence.

National Conditions

The Secretary of State publishes the following conditions in exercise of his powers under Section 5(5) of the Business and Planning Act 2020:

No-obstruction condition

Anything done by the licence holder pursuant to the licence, or any activity of other persons which is enabled by the licence, must not have an effect specified below;-

- (a) preventing traffic, other than vehicular traffic, from—
 - (i) entering the relevant highway at a place where such traffic could otherwise enter it (ignoring any pedestrian planning order or traffic order made in relation to the highway),
 - (ii) passing along the relevant highway, or
 - (iii) having normal access to premises adjoining the relevant highway,
- (b) preventing any use of vehicles which is permitted by a pedestrian planning order or which is not prohibited by a traffic order,
- (c) preventing statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or
- (d) preventing the operator of an electronic communications code network having access to any electronic communications apparatus kept installed for the purposes of that network under, in, on or over the highway.

Guidance on the effect of this condition:

1. The 'No-obstruction' condition requires that clear routes of access along the highway must be maintained. When determining whether furniture constitutes an unacceptable obstruction in light of the no-obstruction condition, the licensing authority will consider the needs of disabled people. In order to do this, the following matters will be considered when setting conditions, determining applications (in the absence of local conditions), and when considering whether enforcement action is required:

- *Section 3.1 of [Inclusive Mobility](#) sets out a range of recommended widths which would be required, depending on the needs of particular pavement users, but is clear that in most circumstances 1500mm clear space should be regarded as the minimum acceptable distance between the obstacle and the edge of the footway,*
- *any need for a barrier to separate furniture from the rest of the footway so that the visually impaired can navigate around the furniture, such as colour contrast and a tap rail for long cane users. In some cases, it may be appropriate to use one or more rigid, removable objects to demarcate the area to which the licence applies, for example wooden tubs of flowers. However, this will need to be balanced to ensure any barriers do not inhibit other street users, such as the mobility impaired, as such barriers may create a further obstacle in the highway;*

- any conflict of street furniture with the principal lines of pedestrian movement particularly for disabled people, older people and those with mobility needs. The positioning of furniture should not discourage pedestrians from using the footway. The available route must be entirely clear and not pass through an area with tables and chairs;
- so that where possible furniture is non-reflective and of reasonable substance such that it cannot easily be pushed or blown over by the wind, and thereby cause obstruction – for example, the local authority could refuse the use of plastic patio furniture, unless measures have been taken to ensure it is kept in place.

2. To the extent that conditions imposed or deemed to be imposed on a temporary pavement licence do not require the licence holder to require clear routes of access to be maintained, taking into account the needs of disabled people and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1 of Inclusive Mobility, the licence is granted subject to those requirements.

3. To the extent that a licence is granted subject to a condition which imposes requirements to maintain clear routes of access that are inconsistent with the requirements set out in this condition this condition is not imposed on the licence.

Smoke-free seating condition

Where the furniture to be put on the relevant highway consists of seating for use by persons for the purpose of consuming food or drink, the licence-holder must make reasonable provision for seating where smoking is not permitted.

Guidance on the effect of this condition:

The condition requires a licence-holder to 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.

Businesses must continue to have regard to smoke-free legislation under The Health Act 2006, and the subsequent Smoke-free (Premises and Enforcement) Regulations 2006.

Public Health England has published guidance for smokers and vapers during the COVID pandemic.



Pavement Licensing Policy

Business & Planning Act
2020

Version number 34

Date ~~31 August 2022~~ 25 June 2024

Policy Title	Pavement Licensing Policy		
LT sign off	N/A		
Committee	Licensing & Planning Policy	Date approved	6 August 2020
Review due date		Review completed	
Service	Housing & Community		

Revision History

Revision Date	Revisor	Previous Version	Description of Revision

Document Approvals

Each revision requires the following approvals:

Sponsor Approval		Name	Date
Chief Legal Officer			

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1. Introduction

A pavement licence is a licence granted by the local authority, or deemed to have been granted, which allows the licence-holder to place removable furniture over certain highways adjacent to the premises in relation to which the application was made, for certain purposes.

The Levelling Up and Regeneration Act 2023 makes permanent the provisions set out in the Business and Planning Act (BPA) 2020 that streamlined the process to allow businesses to secure these licences quickly. Licences that are deemed to have been granted, should remain in place for such period as the local authority may specify in the licence, with a maximum limit of two years.

Existing licences with no end date are extended to 2 years from the commencement date. Where a pavement licence is granted, clear access routes on the highway will need to be maintained, taking into account the needs of all users, including disabled people.

~~To help the hospitality industry recover from the effect of the Covid-19 lockdown, the Government introduced the Business and Planning Act 2020 to promote economic recovery and growth. This Act created a temporary fast-track process for premises serving food and drink such as bars, restaurants and pubs to obtain a “pavement licence”, for the placement of removable furniture such as tables and chairs on the pavement outside their premise. The Act temporarily relaxed planning and licensing laws, (including the automatic extensions to alcohol licences that only allowed for the consumption of alcohol on the premises to allow for off-sales) to make it easier for them to seat and serve customers outdoors, enabling these businesses to maximise their capacity whilst allowing social distancing.~~

~~To ensure that these temporary measures did not unreasonably impact on local residents and other businesses the Council agreed a Pavement Licensing policy from September 2020. Since this time the policy has worked well, and so following the decision of the Government to extend the Business and Planning Act 2020 to September 2023 the Council has decided to retain the original policy with no changes other than to extend its operation to September 2023.~~

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

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

2. Scope of this policy

-In processing and determining application the Council will have regard to the guidance published by the Government on Pavement Licensing. This policy will not seek to duplicate this guidance

2.1 — Definition of pavement licence

~~A pavement licence is a licence granted by the local authority, or deemed to have been granted, which allows the licence holder to place removable furniture over certain highways adjacent to the premises in relation to which the application was made, for certain purposes.~~

~~2.2 — Eligible Businesses~~

~~A business which uses (or proposes to use) premises for the sale of food or drink for consumption (on or off the premises) can apply for a licence. Businesses that are eligible include: public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours.~~

~~A licence permits the business to use furniture placed on the highway to sell or serve food or drink and/or allow it to be used by people for consumption of food or drink supplied from, or in connection with the use of the premises.~~

~~2.3 — Eligible Locations~~

~~Licences can only be granted in respect of highways listed in section 115A(1) Highways Act 1980.~~

~~Generally, these are footpaths restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited. Highways maintained by Network Rail or over the Crown land are exempt (so a licence cannot be granted).~~

~~2.3 — Type of furniture permitted~~

~~The furniture which may be used is:~~

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

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

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

~~2.4 — Planning Permission~~

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

3. Application and Determination of Pavement Licences

3.1 Submission of the Application

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

- a completed Application Form
- the required fee ~~of £100~~ (£500 for first time applications and £350 for renewals), paid by credit or debit card (either prior to submission or on receipt of application)
- a plan showing the location of the premises shown by a red line, so the application site can be clearly identified
- a plan clearly showing the proposed area covered by the licence in relation to the highway, if not to scale, with measurements clearly shown. The plan must show the positions and number of the proposed tables and chairs, together with any other items that the applicant wishes to place on the highway. The plan shall include clear measurements of, for example, pathway width/length, building width and any other fixed item in the proposed area.
- ~~a risk assessment demonstrating how the applicant will manage social distancing and the conflict between pedestrians using the footway, those using the tables and those queuing to access the premises;~~
- the proposed days of the week on which, and the times of day between which, it is proposed to put furniture on the highway,
- the proposed duration of the licence (for e.g. 3 months, 6 months, ~~or~~ a year or two years);
- evidence of the right to occupy the premises (e.g. the lease);
- photos or brochures showing the proposed type of furniture and information on potential siting of it within the area applied for;
- (if applicable) reference of existing pavement licence currently under consideration by the local authority;
- evidence that the applicant has met the requirement to give notice of the application (for example photographs of the notice outside the premises and of the notice itself);
- a copy of a current certificate of insurance that covers the activity for third party and public liability risks, to a minimum value of £10 million, and
- any other evidence needed to demonstrate how the Council's local conditions, and any national conditions will be satisfied.

3.2 Fees

~~The fee for applying for a licence under the new process is set locally, but is capped at £100. The Council has determined that the fee for applications will be £100 but will not make a charge for renewal of the application provided the terms of the application is identical to the previous licence.~~

~~Application fees must accompany the application in order for the application to be considered valid and for the consultation period to commence.~~

~~The fee is an 'application' fee for the processing of the application. The fee will not be refunded if the application is withdrawn, refused or if a licence is surrendered or revoked before expiration.~~

3.3.2 Consultation

Applications are consulted upon for 7-14 days, starting with the day after the day on which a valid application was made to the Council.

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

The Council is required by law to consult with the Highways Authority. In addition, to ensure that there are no detrimental effects from the application the Council will consult with:

- Surrey Police

- Surrey Fire & Rescue Service
- ~~Epsom & Ewell Borough Council's Covid 19 Team~~
- Epsom & Ewell Borough Council's Operational Services Department (Market Place applications only)
- Epsom & Ewell Borough Council's Planning Department
- The appropriate Local Ward Councillor(s)
- Swail House

Members of the public and others listed above can contact the Council to make representations.

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

3.4 Site Notice

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

The Site Notice must:

- state that the application has been made and the date on which it was made;
- state the statutory provisions under which the application is made;
- state the address of the premises and name of the business;
- describe the proposed use of the furniture;
- indicate that representations relating to the application may be made to the Council during the public consultation period and when that period comes to an end;
- state the Council's website where the application and any accompanying material can be viewed during the consultation period;
- state the address to which representations should be sent during the consultation period; and
- the end date of the consultation (~~7~~14 days starting the day after the application is submitted to the authority).

A template Site Notice is shown as Appendix 1.

3.5 Site Assessment

When determining applications the Council will take into account the matters recommended in the Government guidance on Pavement Licensing. ~~The following matters will be taken into account by the Council in considering the suitability of the proposed application:~~

- ~~public health and safety — for example, ensuring that users conform with latest guidance on social distancing and any reasonable crowd management measures needed as a result of a licence being granted and businesses reopening;~~
- ~~public amenity — will the proposed use create nuisance to neighbouring occupiers by generating anti-social behaviour, excessive noise and litter; and~~

- ~~accessibility – taking a proportionate approach to considering the nature of the site in relation to which the application for a licence is made, taking account of:~~
- ~~any other temporary measures in place that may be relevant to the proposal, for example, the reallocation of road space. This could include pedestrianised streets and any subsequent reallocation of this space to vehicles,~~
- ~~whether there are other permanent street furniture or structures in place on the footway that already reduce access,~~
- ~~the impact of access and egress to the premises – the impact on any neighbouring premises~~
- ~~the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1 of~~
- ~~Inclusive Mobility, and~~
- ~~other users of the space, for example if there are high levels of pedestrian or cycle movements.~~

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

3.6 Determination

Once the information is submitted to the local authority, 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.

If the local authority does not determine the application within the 14-day determination period, the application will be deemed to have been granted subject to the local conditions published on our website before the application was submitted.

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

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

- ~~grant the licence in respect of any or all of the purposes specified in the application,~~
- ~~grant the licence for some or all of the part of the highway specified in the application, impose conditions on any licence granted, or refuse the application.~~

~~If the local authority does not determine the application within the 14 day period, the application will be deemed to have been granted subject to any published local or national conditions.~~

3.7 Approval of Applications

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

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

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

The Council generally will only permit Pavement licences between 09:00 and 22:00.

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

3.8 Licence Duration

If the Council determines an application before the end of the determination period (which is 7-14 days, beginning with the first day after the end of the public consultation period, excluding public holidays) the duration of the licence will be specified, subject to a minimum duration of 3 months.

~~The Council The expectation from the Government is that local authorities will normally grant licences for the maximum 2 years 12 months or more unless there are good reasons for granting a licence for a shorter period, such as plans for future changes in use of road space. As such, the Council will normally grant applications until 30 September 2023~~

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

~~A licence granted or deemed to be granted will not be valid beyond 30 September 2023.~~

3.9 Refusal of Applications

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

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

4. Conditions

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

Where a local authority sets a local condition that covers the same matter as set out in national published conditions, then the locally set condition takes precedence over the national condition to the extent that it is inconsistent with it.

The national no-obstruction condition applies to all Licences. The National 'no obstruction condition is shown in Appendix 3.

Please refer to The Government Guidance on Pavement Licensing explains for the grounds under which a local authority may consider enforcement action. In determining whether enforcement action is necessary the Council will have regard to the Government Guidance, in combination with its own Enforcement Policy

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

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

~~If a condition imposed on a licence either by the Council or via a National Condition is breached the Council will be able to issue a notice requiring the breach to be remedied. If the notice is not complied with, the Council may revoke the licence or take the required steps itself and recover the costs of doing so.~~

~~The authority may revoke a licence in the following circumstances:~~

- ~~1. For breach of condition, (whether or not a remediation notice has been issued) or~~
- ~~2. Where:~~
 - ~~• There are risks to public health or safety—for example by encouraging users to breach government guidance on social distancing by placing tables and chairs too close together;~~
 - ~~• the highway is being obstructed (other than by anything permitted by the licence);~~
 - ~~• there is anti-social behaviour or public nuisance—for example, the use is increasing the amount of noise generated late at night or litter is not being cleaned up;~~
 - ~~• it comes to light that the applicant provided false or misleading statements in their application—for example they are operating a stall selling hot food and had applied for tables and chairs on which drinks could be consumed; or~~
 - ~~• the applicant did not comply with the requirement to affix the notice to notify the public for the relevant period.~~
- ~~3. The Council may also revoke the licence where all or any part of the area of the relevant highway to which the licence relates has become unsuitable for any purpose for which the licence was granted or deemed to be granted. For example, the licensed area (or road adjacent) is no longer to be pedestrianised. The Council will give reasons where these powers are used.~~

6. Policy Review Procedures

~~This Policy covers the Temporary Permissions for Pavement Licences under the Business and Planning Act 2020, which are scheduled to expire on 30 September 2023.~~

This Policy will be reviewed from time to time should changes occur in relevant legislation, ~~the nature of Pavement licences generally~~Government Guidance, relevant social distancing measures or as a result of local considerations within the Borough.

Site Notice Template for display by an applicant for a Pavement Licence.

[Section 2*] of the Business and Planning Act 2020.

I/We *(name of applicant)*,

do hereby give notice that on *(date of application)* [I/we] have applied to Epsom & ~~Ewell~~
~~Borough~~Ewell Borough Council for a 'Pavement Licence' at:

(postal address of premises)

known as

(name premises known by)

The application is for:

(brief description of application (e.g. outdoor seating to the front of the premises for serving of food and drink)

Any person wishing to make representations to this application may do so by writing, by email to licensing@epsom-ewell.gov.uk

by: (last date for representations being the date ~~7~~14 days after the date the application is submitted to the local authority (excluding public holidays))

The application details can be viewed on the Council's website **www.epsom-ewell.gov.uk**.

~~Signed by the Applicant~~

Dated *(date the notice was placed which must be the same date as the date of application)*



BUSINESS AND PLANNING ACT – APPLICATION FOR THE GRANT OF A PAVEMENT LICENCE

APPLICANT DETAILS		
Title:	First name(s):	Surname:
Postal Address:		
Phone (Business):		Phone (Mobile):
e-mail address:		
Date of Birth:		NI number:

BUSINESS PREMISES DETAILS	
Trading Name:	
Postal Address:	
Which of the following is the above premises used for? (please tick one)	
Use as a public house, wine bar or other drinking establishment	
Other use for the sale of food or drink for consumption on or off the premises	
Both of the above uses	

RIGHT TO OCCUPY THE PREMISES

Agenda Item 4
Appendix 2

If the premises does not currently hold a licence under the Licensing Act 2003, please detail the lease/rental arrangements or supply a copy of the agreement.

AREA OF HIGHWAY PROPOSED TO BE USED

Please provide a description of the area of the highway to which this application relates: **(You must submit a plan showing the location of the premises shown by a red line, so the application site can be clearly identified. The plan must clearly show the proposed area covered by the licence in relation to the highway, if not to scale, with measurements clearly shown. The plan must show the positions and number of the proposed tables and chairs, together with any other items that the applicant wishes to place on the highway. The plan shall include clear measurements of, for example, pathway width/length, building width and any other fixed item in the proposed area).**

SOCIAL DISTANCING

~~Please details how you will manage social distancing and the conflict between pedestrians using the footway, those using the tables and those queuing to access the premises. You may provide a separate risk assessment with this application. Guidance is available at [COVID-19 Secure: safer public places guidance](#).~~

RELEVANT PURPOSE THE APPLICATION RELATES TO:

Which of the following relevant purposes do you wish to put furniture on the highway for? **Tick one**

To sell or serve food or drink supplied from, or in connection with relevant use of, the premises	
For the purpose of consuming food or drink supplied from, or in connection with relevant use of, the premises	
Both of the above purposes	

DATE APPLICATION IS MADEAgenda Item 4
Appendix 2**DAYS AND TIMES**

During what times do you propose to place furniture on the highway on each of the following days:

Please use the 24hr clock.

Mondays	To	Fridays	to
Tuesdays	To	Saturdays	to
Wednesdays	To	Sundays	to
Thursdays	To		

DURATION OF LICENCE

Please specify the duration of licence you are seeking. This can be for a period of ~~3 months or until 30 September 2023~~ up to 2 years.

FURNITURE TO BE PLACED ON THE HIGHWAY

Please provide a description and numbers of the furniture you proposed to place on the highway, and include photographs with this application.

ADVERTISEMENT OF APPLICATION

Please detail where the notice has been displayed on the premises, and the date the notice was first displayed. A photograph of the notice must be submitted with this application.

DECLARATIONS BY APPLICANT

Agenda Item 4 Appendix 2

I understand that I am required to give notice of my application in accordance with the requirements of the Business and Planning Act 2020 and that failing to do so will lead to the revocation of any licence granted.

I understand I must hold and maintain public liability insurance up to a value of £10million.

I understand my application will not be considered to be complete until all the required documents and information have been provided and the application fee of £~~54~~00 has been paid unless the application is for renewal of an identical licence **when the fee will be £350**(payment will be taken prior to or on receipt of the application).

I understand that the application fee paid is non-refundable if my application is refused or if any licence granted is subsequently surrendered or revoked.

I understand that the Authority is under a duty to protect the public funds it administers, and to this end may use the information I have provided on this form for the prevention and detection of fraud. I understand that it may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

I declare that the information given above is true to the best of my knowledge and that I have not wilfully omitted any necessary material. I understand that if there are any wilful omissions, or incorrect statements made, my application may be refused without further consideration or, if a licence has been issued, it may be liable to revocation.

I confirm I have the right to remain and work in the United Kingdom

I understand that the Authority is collecting my data for the purposes described on this form and will not be used for any other purpose, or passed on to any other body, except as required by law, without my consent.

Applicant's Signature:

Date:

Please return this form with all relevant documents to licensing@epsom-ewell.gov.uk



BUSINESS AND PLANNING ACT - Standard Pavement Licence Conditions

1. Permission to operate a pavement licence does not imply an exclusive right to the area of public highway. The licence holder must be aware that Epsom & Ewell Borough Council and others (e.g. police, highways authority, statutory undertakers) will need access at various times (including emergencies) for maintenance, installation, special events, improvements etc or any other reasonable cause and it is a condition of this licence to provide such access. This may mean that the pavement licence will need to cease operating and/or be removed for a period of time. On these occasions there would be no compensation for loss of business.
2. The licence holder must hold Public Liability Insurance for the operation of the Pavement Licence. This must indemnify Epsom & Ewell Borough Council and Surrey County Council against all claims for injury, damage or loss to users of the public highway, arising from the use of the highway for the permitted purpose. The minimum level of indemnity must be £10 million in respect of any one incident. Evidence of the insurance must be provided to the Council on request.
3. The licensee is responsible for ensuring that the conditions of the licence and any other necessary permissions and regulations are adhered to. ~~The Licence holder is to~~ the licence authorises the use the highway solely for the purpose of the licence ~~in line with the provisions of this licence~~ and for no other purpose whatsoever.
4. Epsom & Ewell Borough Council reserves the right to revoke this licence at any time if any of the conditions are not fulfilled and maintained.
5. Tables and chairs must not be placed in position outside of the permitted times stated on the licence. When the licence is not in use, all tables and chairs and other furniture must be stored securely inside a premises away from the highway.
6. Epsom & Ewell Borough Council and/or Surrey County Council are empowered following the service of the appropriate statutory notice, to remove and store or dispose of furniture from the highway, at the cost of the licensee, if it is left there outside the permitted hours, or should any conditions of the licence be ignored. The Council will not be responsible for its safekeeping.
7. An unimpeded pedestrian route must be maintained at all times for people wishing to use the footway as per the National Licence Conditions.
8. The method of marking the boundary of the licensed area must be agreed between the licence holder and the Licensing Department. Whatever method is agreed a 2 metre clear walkway must be maintained for the use of pedestrians.

9. Emergency routes to the premises and adjacent buildings must not be obstructed by the operation involved in the Pavement Licence, which should not, unless otherwise agreed, extend beyond the width of the premises frontage.
10. Tables and chairs should be of an approved type and should be kept in a good state of repair. Furniture should be placed so as not to obstruct driver's sightlines, or road traffic signs. Placement of tables and chairs must allow pedestrians to use the footway parallel to the frontage of the premises. Care should be taken in the use of hanging baskets, awnings, protruding umbrellas etc. Alternative items may not be used without first seeking the written authority of the Council. ~~Patio heaters must not be used.~~ Where umbrellas are used they must be at a minimum height of 2 metres.
- ~~11. Any furniture used must be arranged to comply with any Government Guidance including around Covid-19 and social distancing.~~
- ~~12.~~11. All potential obstructions must be removed from the public highway when the premises are closed to prevent a safety hazard to pedestrians, particularly during the hours of darkness.
- ~~13.~~12. The licensee should ensure that the area operates in a safe and orderly manner, thereby ensuring that any safety risk or nuisance to customers, other users of the public highway or any adjacent land or premises, is minimised.
- ~~14.~~13. The operation of the area must not interfere with highway drainage arrangements.
- ~~15.~~14. During the hours of darkness, suitable and sufficient lighting must be provided to ensure safe use of the area. Any proposals to provide additional lighting to the licensed areas must be agreed with the Highway Authority.
- ~~16.~~15. All detritus (food and drink remnants, spillages, bottles, cans, wrappers etc) must be regularly removed from the footway surface to reduce hazards to pedestrians. The licence holder must make arrangements to regularly check for and remove litter and rubbish on pedestrian walkways, left by persons using the premises, for a distance of up to 10 metres from the boundary of the premises. The licence holder must ensure that any tables are cleared in an efficient manner during the hours of operation. The licence holder must ensure the licensed area and surrounding highway is washed down at the completion of each day's usage using a method sufficient to remove food debris, grease and other spillages that may occur.
- ~~17.~~16. At no time is the playing of music allowed for customers using the licensed area under this Licence, nor is the use of speakers or other music equipment allowed to ensure noise nuisance is kept to a minimum for neighbouring properties.
- ~~18.~~17. The licence holder is not permitted to affix any fixtures, or make excavations of any kind, to the surface of the highway without prior written approval. Any costs incurred as a result of damage to the highway, due to the positioning of tables and chairs etc, will be recovered in full from the licence holder by the Council or Surrey County Council.
- ~~19.~~18. The Licensee of a premises not licensed under the Licensing Act 2003 or any modification or re-enactment thereof, must not allow the consumption of alcoholic liquor within the licensed area.

~~20. The Licensee of a premises licensed under the Licensing Act 2003 or any modification or re-enactment thereof, must not allow the consumption of alcoholic liquor within the premises outside the hours in force for the premises itself.~~

~~21.~~19. The licence must be displayed prominently at or on the premises where it can be conveniently read from the exterior of the premises with a plan of the agreed layout of the operation involved in the Pavement Licence and available for inspection by Authorised Officers of the Council

~~22.~~20. 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.

NOTES

These conditions should be read in conjunction with any mandatory national conditions concerning pavement licences, if the premises is licensed under the Licensing Act 2003, any relevant conditions attached to the premises licence, ~~the latest government requirements concerning coronavirus and social distancing~~ and any other relevant requirement of the Business and Planning Act 2020.

The licence holder is responsible for ensuring that the conditions of the licence and any other necessary permissions and regulations are adhered to. The Licence holder is to use the highway solely for the purpose of the licence in line with the provisions of this licence and for no other purpose whatsoever.

Epsom & Ewell Borough Council reserves the right to revoke this licence at any time if any of the above conditions are not complied with.

Other conditions may be added at the discretion of the Council on an individual licence basis if it is felt necessary to fulfil the purpose of meeting the requirements of the licence.

National Conditions

The Secretary of State publishes the following conditions in exercise of his powers under Section 5(5) of the Business and Planning Act 2020:

No-obstruction condition

Anything done by the licence holder pursuant to the licence, or any activity of other persons which is enabled by the licence, must not have an effect specified below;-

- (a) preventing traffic, other than vehicular traffic, from—
 - (i) entering the relevant highway at a place where such traffic could otherwise enter it (ignoring any pedestrian planning order or traffic order made in relation to the highway),
 - (ii) passing along the relevant highway, or
 - (iii) having normal access to premises adjoining the relevant highway,
- (b) preventing any use of vehicles which is permitted by a pedestrian planning order or which is not prohibited by a traffic order,
- (c) preventing statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or
- (d) preventing the operator of an electronic communications code network having access to any electronic communications apparatus kept installed for the purposes of that network under, in, on or over the highway.

~~Guidance on the effect of this condition:~~

~~1. The 'No-obstruction' condition requires that clear routes of access along the highway must be maintained. When determining whether furniture constitutes an unacceptable obstruction in light of the no-obstruction condition, the licensing authority will consider the needs of disabled people. In order to do this, the following matters will be considered when setting conditions, determining applications (in the absence of local conditions), and when considering whether enforcement action is required:~~

~~• Section 3.1 of Inclusive Mobility sets out a range of recommended widths which would be required, depending on the needs of particular pavement users, but is clear that in most circumstances 1500mm clear space should be regarded as the minimum acceptable distance between the obstacle and the edge of the footway,~~

~~• any need for a barrier to separate furniture from the rest of the footway so that the visually impaired can navigate around the furniture, such as colour contrast and a tap rail for long cane users. In some cases, it may be appropriate to use one or more rigid, removable objects to demarcate the area to which the licence applies, for example wooden tubs of flowers. However, this will need to be balanced to ensure any barriers do not inhibit other street users, such as the mobility impaired, as such barriers may create a further obstacle in the highway;~~

- ~~• any conflict of street furniture with the principal lines of pedestrian movement, particularly for disabled people, older people and those with mobility needs. The positioning of furniture should not discourage pedestrians from using the footway. The available route must be entirely clear and not pass through an area with tables and chairs;~~
- ~~• so that where possible furniture is non-reflective and of reasonable substance such that it cannot easily be pushed or blown over by the wind, and thereby cause obstruction—for example, the local authority could refuse the use of plastic patio furniture, unless measures have been taken to ensure it is kept in place.~~

~~2. To the extent that conditions imposed or deemed to be imposed on a temporary pavement licence do not require the licence holder to require clear routes of access to be maintained, taking into account the needs of disabled people and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1 of Inclusive Mobility, the licence is granted subject to those requirements.~~

~~3. To the extent that a licence is granted subject to a condition which imposes requirements to maintain clear routes of access that are inconsistent with the requirements set out in this condition this condition is not imposed on the licence.~~

Smoke-free seating condition

Where the furniture to be put on the relevant highway consists of seating for use by persons for the purpose of consuming food or drink, the licence-holder must make reasonable provision for seating where smoking is not permitted.

~~Guidance on the effect of this condition:~~

~~The condition requires a licence-holder to 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.~~

~~Businesses must continue to have regard to smoke-free legislation under The Health Act 2006, and the subsequent Smoke-free (Premises and Enforcement) Regulations 2006.~~

~~Public Health England has published guidance for smokers and vapers during the COVID pandemic.~~

The Government has issued guidance on the effect of the national conditions on the .GOV website under 'Pavement licences: guidance'

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FUTURE OF THE PEST CONTROL SERVICE

Head of Service:	Rod Brown, Head of Housing & Community
Report Author	Oliver Nelson
Wards affected:	(All Wards);
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	
Appendices (attached):	None

Summary

To determine the future of the Council's pest control service

Recommendation (s)

The Committee is asked to:

Discontinue the service and agree that suitable sign-posting to an authoritative trade body be substituted on the Council's website.

1 Reason for Recommendation

- 1.1 To ensure that resources in this area of the Council are focussed around delivery of statutory services.

2 Background

- 2.1 The Council's pest control service is likely to pre-date the Council itself and will have formed part of the early public health interventions from the 1850s.
- 2.2 Over successive years of spending reviews it was first contracted out and gradually reduced in scope. This culminated in a 2015 decision by the Council's then Social Committee to commercialise the service, eliminate almost all the subsidy, and charge a fee.

- 2.3 The commercial model operated by exploiting the difference between the rate at which the Council could contractually obtain pest control services, and the rate at which the market would tolerate. This arrangement offered the advantage of a guaranteed profit since income would always outpace expenditure, regardless of volume and the fixed costs would remain on the supplier's side.
- 2.4 Between the years 2017 – 2022, this arrangement generated a modest net income ranging from £1,000 - £5,200 per year which whilst not significant compared to many other areas of the Council, nevertheless made a useful contribution to a cost centre with few other chargeable services.
- 2.5 However, over the past 18 months, inflationary costs have impacted the commercial model and the supplier has passed these costs on. In October 2023 this resulted in it being necessary to increase the Council's fee significantly to preserve the profit margin.
- 2.6 Anticipating this would result in a suppression of demand, Officers have monitored the number of pest control requests since the fees revision came in to effect in November 2023 and can report just 2 requests for pest control have been received since then. The recent years request volumes are broken down as follows.

Year	Number of pest control requests
2024-2025	0 To date
2023 - 2024	77 (with 2 cases between November 2023-March 2024)
2022-2023	157
2021 – 2022	177

- 2.7 At this low level, although technically a profit is made per case, the back office effort to generate the that income is not insignificant resulting in the feasibility of the current model being questionable. The time involved in this administration is not easy to cost since it is integrated into a service covering a large span of support tasks, however, there are staffing costs and card transaction fees which erode profitability. There is also the likelihood that costs will rise further as part of the economic cycle, placing additional doubt on the service.
- 2.8 The original Victorian era intent of the service would have been a monopoly based around public health. However in the modern age, the provision of a Council pest control service is discretionary and in competition with commercial offerings. Owing to the low usage it makes negligible contribution to public health. Residents will commonly attempt a DIY treatment or contract an alternative cheaper supplier.

- 2.9 The majority of surrounding Councils have discontinued their services and sign post residents to alternative providers. It is proposed that the Council follows this trend and discontinues the pest control service.
- 2.10 In addition, it is proposed that the relevant page on the Council's website is updated with a referral to the British Pest Control Association (www.bpca.org.uk) from where users can locate details of responsible commercial pest control contractors.
- 2.11 The Council will continue to have statutory responsibilities for enforcement of relevant pest control duties which will remain unaffected by the proposal to discontinue a pest control service.

3 Risk Assessment

Legal or other duties

3.1 Equality Impact Assessment

3.1.1 No equality implications have been identified as part of this report.

3.2 Crime & Disorder

3.2.1 There are no crime and disorder implications.

3.3 Safeguarding

3.3.1 There are no safeguarding implications

3.4 Dependencies

3.4.1 None

4 Financial Implications

- 4.1 The current budget for pest control is set at £7,000 with an income target of £8,400. Elimination of both will result in a deficit of £1,400 which will be accommodated through managed underspends over the 4 cost centres covering the Environmental Health service area.
- 4.2 **Section 151 Officer's comments:** Financial implications are included in the body of the report

5 Legal Implications

- 5.1 The provision of a pest control service is discretionary and provided by the Council under its general powers of competence.

- 5.2 **Legal Officer's comments:** As mentioned above, the provision of pest control services is discretionary. Treatment is a separate issue to enforcement of statutory pest control under legislation. Enforcement of statutory pest control legislation remains the duty of the Council. The Council does not have a statutory duty to provide a pest control service.

6 Policies, Plans & Partnerships

- 6.1 **Council's Key Priorities:** The following Key Priorities are engaged:

- Effective Council

- 6.2 **Service Plans:** The matter not included within the current Service Delivery Plan.

- 6.3 **Climate & Environmental Impact of recommendations:** None.

- 6.4 **Sustainability Policy & Community Safety Implications:** None

- 6.5 **Partnerships:** None

7 Background papers

- 7.1 The documents referred to in compiling this report are as follows:

Previous reports:

- Item 18 Epsom & Ewell Borough Council Environment Committee 17 October 2023
- Item 8 Epsom & Ewell Borough Council Social Committee 6 July 2015
- Item 4 Epsom & Ewell Borough Council Social Committee 28 June 2012
- Item 8 Epsom & Ewell Borough Council Social Committee 27 June 2002
- Item 16 Epsom & Ewell Borough Council Housing and Personal Services Committee 31 October 1996

Other papers: None

HOOK ROAD CAR PARK - ENVIRONMENTAL IMPLICATIONS

Head of Service:	Mark Shephard, Head of Property and Regeneration
Report Author	Mark Shephard
Wards affected:	(All Wards);
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	
Appendices (attached):	Appendix 1: Historical Land Use

Summary

This report proposes the Council and the developer of the SGN Site work collaboratively to investigate the level of contamination and consequent environmental implications for development on any part of the wider gas works site.

Recommendation (s)

The Committee is asked to:

(1) Recommend to Strategy & Resources Committee to:

- a) Agree to undertake a Ground Investigation (GI) survey of the Council's car park site at a cost of up to £30,000 (includes £7,000 contingency as detailed in this report), to be funded from the Property Maintenance Reserve.**
- b) To release (in principle) the Hook Road Car Park to facilitate the wider redevelopment of the gas holder site.**

(2) Note that the Director of Environment, Housing & Regeneration and Head of Property & Regeneration, in consultation with the Chief Finance Officer and Chief Legal Officer, have express authority to take all necessary actions further to the above decisions being made that commit resources, as is necessary and appropriate.

1 Reason for Recommendation

- 1.1 To facilitate the redevelopment of a prime town centre brownfield site.

2 Background

- 2.1 The Council owned Hook Road multi-storey car park is located directly adjacent to the former Southern Gas Networks (SGN) gas holder site. Both sites formed a larger historic coal / gas manufacturing works dating from at least the 1870s. Historical land use maps are attached at Appendix 1.
- 2.2 The wider gas works site has included several processes / structures in different configurations over the decades. It is known these included, gas holder, purifiers, tar tanks and gas oil storage. Disused gasworks holder bases and tanks were often used for gasworks and other waste disposal.
- 2.3 Gas works are some of the most contaminated sites in the UK with the Council's car park situated above a concrete capped former tar pit. Tar pits have a very high level of contamination, and it is possible that the car park caps the most contaminated part of the wider gas works site.
- 2.4 The car park was built in the mid-1980s when it was environmentally acceptable to concrete over former contaminated land uses. This crude, encapsulation approach made the site surface safe, but clearly does not align to today's environmental attitudes. Any potential redevelopment of a former gas works site would require extensive remediation.
- 2.5 In addition, Thames Water's Epsom Water Works are located a short distance away with the East Street drinking water boreholes in close proximity (less than 200m) to the former gas works site. Consequently, the potential remediation of any part of the former gas works site would be considered extremely sensitive by the Environment Agency (EA) and involve close monitoring.
- 2.6 The Council's Land Contamination Officer has noted the increasing concern shown by the EA for any emerging development in close proximity to the gas works site.
- 2.7 Since 2000, development proposals fronting East Street have been heavily scrutinised by the EA. Furthermore, in 2009, the EA expressed concern to the former landowner (National Grid) over the high level of contamination on the gas works site. They also expressed concern at the Council's adjacent car park.
- 2.8 While there is no current surface contamination risk to either the Council's car park or the SGN site; the Council is conscious that there could be a potential risk to either its car park, the SGN site or both sites, if redevelopment proceeded on the SGN site.
- 2.9 The risk reflects the reality of the situation i.e. both sites were once part of the larger gas works site and the land will eventually (be it redevelopment or possibly, a future environmental obligation enforced by legislation) need to be decontaminated.

3 Potential SGN site redevelopment

3.1 The SGN site offers a well located, town centre brownfield redevelopment opportunity and for this reason has been included in previously adopted and currently proposed, draft planning policy documentation:-

- The gas works were included in the Council's 2011 "Plan E" Epsom Town Centre Area Action Plan (a strategic policy document) as part of the wider "Utilities Site", which also included the Council's car park and Thames Water site.
- More recently, the Reg 18 March 2023 consultation of the Draft Local Plan and November 2023 consultation of the Epsom Town Centre Masterplan, both included the Council's car park and the former Gas Works site as a potentially deliverable redevelopment opportunity.

Paragraph 4.12 (page 82) of the Draft Local Plan states; *"There is the opportunity to redevelop the site into a prominent, high density, mixed use development, which would result in an improved, attractive and better utilised environment to the eastern gateway of the town centre. New development would offer the opportunity for a better connected and rejuvenated area that would attract new residents and businesses to Epsom Town Centre."*

3.2 The SGN site has recently been acquired by a pro-active, mixed-use developer with the necessary experience to progress a redevelopment of its site.

3.3 The developer is currently preparing a planning application with the intention of submitting it to the Local Planning Authority (LPA) this year.

3.4 At its 19 June 2024 meeting, Strategy & Resources Committee agreed to work collaboratively with the SGN developer (by entering into a mutual deed of easement) to facilitate, through potential future redevelopment, the enhancement of future public realm and connectivity across the Hook Road Car Park and/or SGN site.

4 Environmental Survey - Collaborative Approach

4.1 As the adjacent landowner (distinct to acting in its capacity as the LPA), the Council has a further opportunity to work collaboratively with the SGN developer to investigate the contamination implications of the wider gas works site.

4.2 To comprehensively understand the contamination risk of the wider gas works site i.e. combined Council and SGN land ownerships, both sites require Ground Investigation (GI) surveys. Without the respective surveys, the wider site's environmental risk cannot be assessed.

- 4.3 To support the GI survey work already undertaken for the SGN site, it is proposed the Council commissions its own GI survey for the car park. The results are needed no later than 30th November 2024. This is required to develop and cost accurately the remediation strategy for the wider site. In compliance with the Council's Contract Standing Orders, quotes were obtained from specialist environmental land remediation companies. Their proposal has been reviewed by the Council's land contamination officer.
- 4.4 The GI survey will be an intrusive investigation and involve limited breaking out of hardstanding surfaces using a hydraulic hand breaker where necessary. Reinstatement will be appropriate to the hardstanding in question i.e. concrete or macadam.
- 4.5 The GI survey would comprise 4 days of intrusive bore-holing, chemical and geotechnical laboratory testing (2 weeks), gas/groundwater monitoring (4 weeks) and production of a ground investigation report (1-2 weeks).
- 4.6 All necessary temporary safety barriers / fencing will be provided and the intrusive investigation will be undertaken in accordance with the following:-
- British Standard BS5930:2015 "Code of practice for ground investigations"
 - British Standard BS10175:2011+A2:2017 "Investigation of potentially contaminated sites – code of practice"
 - British Standard BS1377:1990 "General requirements for soil testing"
 - Environment Agency's land contamination risk management (LCRM) guidance
 - Association of Geotechnical and Geoenvironmental Specialists Guidelines for Good Practice in Site Investigations
- 4.7 The cost of the above work is approximately £23,000 and would be sufficient for a straightforward survey. However, given the history of the site, the expectation is that additional monitoring visits and groundwater sampling may be required. It is therefore recommended that a contingency of £7,000 is allocated to provide a total budget requirement of £30,000 for the GI survey work.
- 4.8 It is not known what investigation / remediation was carried out when the car park was built. At the time, it was entirely likely that concrete capping was seen as the preferred solution to prevent disturbing the contamination.

5 Environmental Consequences

- 5.1 The GI survey will inform the Council to the likely extent and severity of contamination. The survey principally relies on the testing of borehole samples and therefore, no survey can be 100% conclusive.
- 5.2 Assuming contamination is confirmed, this could lead to serious environmental consequences embroiling the Council's car park and wider gas works site:-

- Limited contamination – considered highly unlikely but in any event, remains a risk to development due to the wider site naturally sloping away from the car park i.e. risk of contamination leakage.
- High contamination - the GI surveys confirm the site is highly contaminated and if a planning application was submitted to the LPA for any part of the gas works site, the EA would likely require full remediation of both the SGN and Council land ownerships for development to proceed.

Furthermore, there is a high likelihood that once the EA is consulted, it will require full remediation, irrespective of whether the development proceeds or not. The Council's Land Contamination Officer considers this to be a very real risk as the EA will almost certainly be duty bound to act due to the close proximity of the Epsom Water Works i.e. potential risk to drinking water.

- 5.3 The overarching risk for both landowners is the historic industrial nature of the wider gas works site. As a statutory consultee to the LPA for ground contamination, the EA is highly unlikely to treat the two land ownerships in isolation once it is aware of any development proposed for any part of the gas works site.
- 5.4 In view of the very real risk that the Council's car park will be unavoidably drawn into the decontamination of the wider gas holder site, it is recommended that Committee agrees in principle, to release the Hook Road Car Park to facilitate the wider remediation and redevelopment of the gas holder site.

6 Risk Assessment

Legal or other duties

6.1 Equality Impact Assessment

- 6.1.1 While not applicable for the GI survey, any future planning application involving the Council's car park would include an EIA.

6.2 Crime & Disorder

- 6.2.1 Not applicable

6.3 Safeguarding

6.3.1 Not applicable

6.4 Dependencies

6.4.1 Not applicable

6.5 Other

6.5.1 The environment risks are set out in the body of the report.

7 Financial Implications

7.1 It is proposed that the estimated cost of up to £30,000 could be funded from the Property Maintenance Reserve, which would reduce the reserve's uncommitted balance from £183,000 to £153,000.

7.2 Financial Strategy Advisory Group has previously recommended a minimum balance for this reserve of £250,000. The Council will need to consider how this reserve can be replenished during the 2025/26 budget setting process.

7.3 Utilising £30,000 from reserves reduces the Council's annual treasury management income by c.£1,350, assuming investment returns of 4.5%.

7.4 Any further financial implications that may arise from the outcome of the survey, and/or potential redevelopment of the wider site, will be reported back to the Committee when known at the appropriate time.

7.5 **Section 151 Officer's comments:** None arising from the contents of this report.

8 Legal Implications

8.1 None for the purposes of this report

8.2 **Legal Officer's comments:** None for the purposes of this report.

9 Policies, Plans & Partnerships

9.1 **Council's Key Priorities:** The following Key Priorities are engaged:

- Effective Council
- Opportunity & Prosperity

9.2 **Service Plans:** The matter is included within the current Service Delivery Plan.

9.3 **Climate & Environmental Impact of recommendations:** To be assessed pursuant to the recommendations of this report.

9.4 **Sustainability Policy & Community Safety Implications:** As 9.3.

9.5 **Partnerships:** It is proposed to adopt a collaborative approach with the developer of the SGN site to assess the environmental implications of past historical contamination.

10 Background papers

10.1 The documents referred to in compiling this report are as follows:

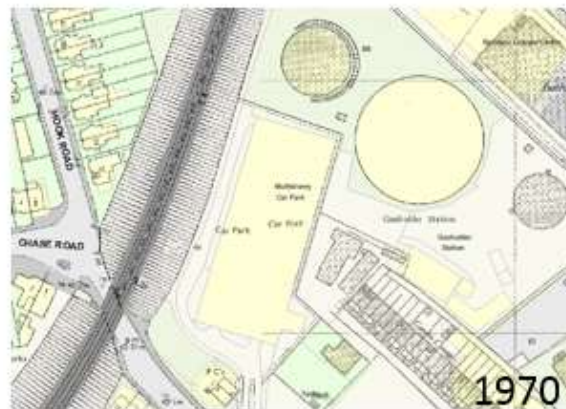
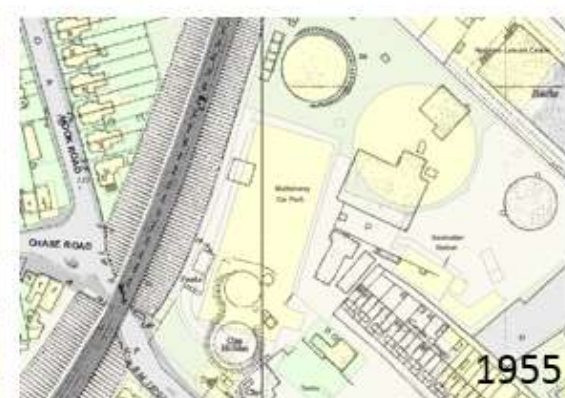
Previous reports: None

Other papers:

- Special Meeting, Strategy & Resources Committee 19 June 2024
<https://democracy.epsom-ewell.gov.uk/ieListDocuments.aspx?CId=132&MId=1754>

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Historical maps/aerial photograph overlain with current layout



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CAR PARK OPTIONS - HOOK ROAD

Head of Service:	Rod Brown, Head of Housing & Community
Report Author	Richard Chevalier
Wards affected:	Town Ward;
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	
Appendices (attached):	Appendix 1 – Equality Impact Assessment

Summary

This paper sets out interim payment options for Hook Road multi-storey car park users prior to any redevelopment.

Recommendation (s)

The Committee is asked to:

- (1) **Authorise officers to proceed with Option A, B or C as highlighted in Section 3 of this report.**

1 Reason for Recommendation

- 1.1 Whilst no formal decision has been made about the future redevelopment of the car park, the current barrier and payment equipment within the car park is reaching end of life and a new operating system is required by the end of 2024.

2 Background

- 2.1 Hook Road car park has been identified as part of a larger site for potential redevelopment as part of the emerging Local Plan. Should Hook Road car park be released for redevelopment the site is likely to be cleared as part of a wider decontamination remediation strategy with works commencing as soon as the end of 2025.

- 2.2 The current barrier-controlled car parking system was introduced into Hook Road Car Park in 2011. Much of the equipment is now reaching end of life and the system providers have advised us that some of the ICT functionality, including the ability to programme tokens or accept payment by card, will be lost at the end of 2024.
- 2.3 Whilst equivalent visitor numbers have not returned to Hook Road since the pandemic, particularly in terms of commuter parking, the car park still received revenue of over £275,000 in 2023-24 and so there will be a loss to the Council if it is not functioning in some capacity.
- 2.4 The car park is used by Season card holders (including Council staff), Parker Card holders who get a reduced rate of parking, pay as you park customers and visitors to the Rainbow Leisure Centre who can also get a daily discount if they validate their token at the Centre.
- 2.5 In other uses, a local car dealership store vehicles on the top floor of the car park, a car boot sale is held here in the winter months when Hook Road Arena cannot be used and the car park hosts a mobile telephone mast on the top of the building.
- 2.6 In the first quarter of this calendar year over 21,000 people have used Hook Road car park.
- 44% exited via a token – therefore pay to park customers.
12.5% in addition used a token that had been discounted at the Rainbow Centre
26.5% used a season card (including residents and Council staff)
17% used a Parker card
- 2.7 Hook Road Car Park is closed and locked at 11pm on a Monday to Friday, 8pm on a Saturday and all day on a Sunday and Bank Holidays.

3 Options & Requirements

- 3.1 The car park will ideally continue to offer parking for the following:
- Commuters to and from Epsom seeking a reasonable all day parking rate
 - Parker Card holders who currently pay £4 per day
 - Council staff and other local businesses who hold annual permits
 - Visitors to the Rainbow Leisure Centre at a discounted rate
 - A local car dealership who rent spaces on the top floor

3.2 Option A

Upgrade the barrier-controlled car park system in the car park

3.2.1 A new barrier-controlled software would almost certainly mean that we could meet all of the requirements set out above although a solution may be required to replace the token validator which provides a discount to Rainbow Centre users.

3.2.2 This option would be the most expensive with estimated spend likely to be in the region of £35-£40k.

3.2.3 Should a decision be made to redevelop the car park, one consideration with Option A is that most of the equipment could be redeployed from Hook Road car park to provide parking controls at a new location. However, a barrier-controlled system may not be the solution elsewhere and therefore the investment may be short term, with it being recognised that the cost of investment may ultimately be lost after a year.

3.2.4 Environment Committee would need to identify how it could fund an investment of £35k-£40k. Should there be an underspend following completion of the capital works at the Ashley Centre car park, subject to the approval of a suitable business case approved by Strategy and Resources Committee, it may be possible if the underspend was sufficient to fund the upgraded barrier controls at Hook Road , However, there is no guarantee that there will be any (or sufficient) remaining budget from the Ashley Centre project to cover the full cost at Hook Road, and the Environment Committee would still need to identify funding for any shortfall.

3.2.5 The system itself would be the most user friendly and the advantage of this sort of system is that it largely self manages, with the barriers reducing the need for enforcement as payment is required to exit.

3.2.6 Option A (or B) would allow car park users to continue to pay by cash or card at a machine.

3.3 Option B

Remove the barriers and operate a pay & display system in conjunction with RingGo

3.3.1 The barrier-controlled entry and exit stations could be removed and replaced with a pay and display system.

- 3.3.2 In terms of access there would be advantages as there would be no issues at entry and exit caused by barriers. There could however be an increase in vehicle speed as they enter and leave the car park, as there would no longer be a barrier to ensure they have to stop. Some additional control measures, such as speed bumps, may be required.
- 3.3.3 A pay and display system can also have its disadvantages in a multi-storey car park. Sufficient machines would be required to ensure that someone parking on level 3 or 4 would not have to walk to the ground floor to purchase a ticket and then return to their vehicle to display it. Car park visitors would also be required to pay for their parking in advance. This has proved to be less popular with visitors who generally prefer to pay on exit rather than estimate their intended length of stay and ensure they return on time (although RingGo would aid this as people could increase their parking stay remotely).
- 3.3.4 From an enforcement perspective this option would require officers to patrol the car park on foot which is not ideal. There would be some Health and Safety risks of officers walking around on foot although the large bays and the longer stay nature of this car park, would result in reduced risk compared to shorter stay car parks, such as the Ashley Centre.
- 3.3.5 There could be an increase in non-payment without barrier controls, as some may take a chance, but it may be countered by some income from Penalty Charge Notice revenue. It may also lead to an increase in anti-social behaviour as there would be nothing to stop drivers entering the car park, this being a particular concern later in the day/evening.
- 3.3.6 There would still be costs involved in this method likely to be in the region of £15-£25k depending on how many pay machines are installed. Given that most people would have a paper permit or use RingGo then potentially three machines may suffice. This investment may also be short term and lost after a year should the car park be included for redevelopment.
- 3.3.7 As with Option A, Environment Committee would need to identify how it could fund this level of investment. The circumstances set-out at paragraph 3.2.4 are applicable here too.

3.4 Option C

Remove the barriers and operate a RingGo only system

- 3.4.1 In many ways this would be similar to Option 2 in that it would require the removal of the barriers, the need for the visitor to pay in advance and enforcement to be carried out by Civil Enforcement Officers.
- 3.4.2 However, the RingGo only element would save on any installation costs of machinery and civil works caused by installing and removing equipment. There would also be a small saving on cash collection costs.
- 3.4.3 Hook Road serves as a longer-term car park for Epsom, often preferred by commuters. Option C would represent the first major car park to move to a cashless only system. This might give rise to some negative feedback, however given the temporary nature of Hook Road, it could be seen as a pilot providing information on moving long stay car parking into the cashless era.
- 3.4.4 The majority of car park users across the council's pay and display car parks prefer to use RingGo over other payment methods. RingGo can be used by a smart phone app or by calling their automated telephone line.
- 3.4.5 Currently RingGo users pay a 20p 'convenience charge' to park in Epsom & Ewell Borough car parks and so it may be that if a RingGo only option is used that we reduce the parking fee by 20p to accommodate this as otherwise users have no other option than to pay the additional fee.
- 3.4.6 It is expected implementation costs would be minimal, approximately up to £3k for speed bumps etc., which could be funded from current maintenance budgets. The Council would achieve a saving of c.£600 per annum from cash collection costs.

3.5 Assessment of three options meeting requirements

User	Option A	Option B	Option C
Pay as you park users	As existing	Pay and display / RingGo tariff available	RingGo tariff available
Parker Card holders	As existing	Council could offer £4 rate that could be displayed on dashboard alongside Parker Card	Council could offer £4 RingGo rate with vehicles also displaying Parker Card
Council Staff / Season permits/ Residents	Details kept on season entry list.	Paper permits to be issued	Paper permits to be issued
Rainbow Centre visitors	Similar discounted option perhaps using a QR code or equivalent.	<i>*£2.00 option at machines working in conjunction with a verification tablet at the Leisure Centre</i>	<i>* £2.00 RingGo tariff used in conjunction with verification tablet at the Leisure Centre</i>

Car dealership	As existing	Dealership to display something on dashboard	Dealership to display something on dashboard
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*the final details will be ratified upon confirmation of this approach but would involve the introduction of a scheme by which Rainbow Leisure Centre users can continue to receive a discounted parking rate on their parking session.

4 Risk Assessment

Legal or other duties

4.1 Equality Impact Assessment (see Appendix 1)

- 4.1.1 Option A is not expected to have any impact on protected characteristics.
- 4.1.2 Option B may impact those who pay and display. For older, disabled or pregnant users or those with very young children then there may be an inconvenience of walking to a pay station to purchase a ticket and then having to return to their vehicle to display it. The use of RingGo would mitigate this risk for some.
- 4.1.3 Option C would impact those without access or who are unwilling to pay via a mobile phone. Whilst this is not a protected characteristic it may disproportionately impact on older users.
- 4.1.4 The majority of Hook Road car park users are commuters to and from the Town, or users of the Leisure Centre and therefore it is likely that a very high proportion of users will not be impacted by option C.
- 4.1.5 However, for those that are, we intend to implement good comms in advance and clear signage to confirm RingGo only use in Hook Road and signposting to alternative car parks which would accept cash/coin.

4.2 Crime & Disorder

- 4.2.1 There is a risk that by removing the barriers we could see an increase in:
 - a) Speed – the barriers currently ensure that drivers have to slow down upon entry and exit.

- b) Anti-social behaviour – the removal of the barriers would allow drivers to enter unhindered and therefore at quieter times, such as in the evenings or in wet weather, could see an increase in social gatherings, car meets and ASB. The Design Out Crime Officer for Surrey Police has shared his concerns regarding the possibility of more anti-social behaviour. Hook Road car park benefits from extensive CCTV provision and higher levels patrols by the council's civil enforcement officers patrols would be in place if barriers were removed. The car park is locked in the evenings and overnight.

4.3 Safeguarding

- 4.3.1 No concerns for the purposes of this report.

4.4 Dependencies

- 4.4.1 The key dependency to be considered in conjunction with the options set out above is that Hook Road car park has been identified for development in the emerging Local Plan. Consequently any investment should be considered against the remaining operation life of the car park.

- 4.4.2 Option A, and to a lesser extent Option B involve expenditure on essential works. Any expectation of funding from underspend on agreed capital investments in the Ashley Centre, would be dependent on these projects achieving any underspend and obtaining the necessary approvals should underspends be achieved.

4.5 Other

- 4.5.1 A change of system and a change of payment methods may have a reputational risk as car park users adapt to any change that directly impacts them.
- 4.5.2 All three options are preferable to the 'do nothing' option which will see the car park cease to operate after December 2024.

5 Financial Implications

- 5.1 The financial implications of each option are summarised in the following table:

5.2

Option	Capital costs	Revenue costs	Additional financial implications
Option A	Up to £40k	Approx £10k p.a. (from yr2)	None anticipated. Up front costs will ensure continuity of service
Option B	Up to £25k	Approx £2k p.a. (from yr2)	Natural reduction in income from barrier to pay & display. (Income did reduce by about

			5% when Town Hall changed from barrier to pay and display although PCN income increased). Some reputational damage and possible avoidance of fee paying. Enforcement levels will need to increase, but this will be covered through re-prioritising existing staffing resource.
Option C	Up to £3k	None	Natural reduction in income from barrier to pay & display. Some reputational damage and possible avoidance of fee paying. Enforcement levels will need to increase, but this will be covered through re-prioritising existing staffing resource. Maintenance costs could reduce by as much as £10k per year. As identified in 3.4.5 if the Council reduced the fee by 20p to incorporate the RingGo fee then it could impact revenue by approximately £7,500 per year. Some savings would be realised in cash collection costs c.£600 p.a.

5.3 Environment Committee will need to identify funding for the capital costs of each option, as set-out earlier in the report.

5.4 The ongoing additional annual revenue costs for options A and B could be funded from existing budgets for Hook Road Car Park maintenance.
Option C would not have an ongoing maintenance cost, as this would be borne by Ringo, which would assist the Council in its wider need to identify ongoing operational efficiencies.

5.5 **Section 151 Officer's comments:** Financial implications are set out in the body of the report.

6 Legal Implications

6.1 There is no requirement to undertake a public consultation because none of the options require the Traffic Order to be amended.

6.2 **Legal Officer's comments** None for the purposes of this report.

7 Policies, Plans & Partnerships

7.1 **Council's Key Priorities:** The following Key Priorities are engaged:

- Effective Council
- Opportunity & Prosperity

7.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.

7.3 **Climate & Environmental Impact of recommendations:**

No impact anticipated.

7.4 **Sustainability Policy & Community Safety Implications:**

See ASB concern in 4.2.1

7.5 **Partnerships:**

The chosen solution should enable us to continue to work in partnership with Local Businesses and the Rainbow Leisure Centre.

8 Background papers

8.1 The documents referred to in compiling this report are as follows:

Previous reports:

- None

Other papers:

- None

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Equality Impact Assessment Hook Road Car Park



Simple Guide and tips

An Equality Impact Assessment (EIA) will help you analyse your policies and practices to make sure they do not discriminate or disadvantage people. However, EIAs also will help to improve or promote equality, access, participation in public life and good relations.

Your EIA should be started during the early stages of your project. Early consideration of equality matters will ensure that your policy, service or function will evolve in line with consideration of equality matters. However, not everything we do will have equality implications, only policies and practices that are relevant to equality need to be put in focus. If you decide after an initial assessment that a policy or practice is not relevant to equality then you should make a note of this. When completing a full EIA make certain the assessment is proportionate to the matters at hand. An EIA is not an end in itself – it is simply a way of ensuring and showing that due regard has been paid to our equality duty.

Where final decisions are made by councillors, in order to show that due regard has been given to the three aims of the equality duty at the time the decision is made, your assessment will need to be included within the report for Committee. The significance of your policy or practice to equality matters may help you make this decision.

All equality impact assessments are based around four core questions. There may well be others that contribute to the assessment, but the core ones remain throughout.

1. **What is the purpose of the policy?**
2. **How is it seeking to achieve this?**
3. **Who benefits and how? (and who, therefore, doesn't and why?)**
4. **What are any 'associated aims' attached to the policy?**



Stage 1 EIA tracking	
Title of EIA	Hook Road Car Parking Options
Lead Officer	Richard Chevalier
Division	Housing & Community
Diversity, Equity & Inclusion Group - Review Date	Wednesday 19 th June
Publication Date <i>(if applicable)</i>	
EIA Review Date <i>(if applicable)</i>	



Stage 2 Details of service, policy or function to be assessed and the potential impact on people with a protected characteristic.

Provide an overview of the policy, service or other function being introduced or reviewed.

Please include the aim or purpose of the policy, service or function etc., any context, changes proposed and the desired outcome. You will need to start to think about the equality implications and whether there is potential for impact on residents, service users and staff (as applicable) with one or more of the protected characteristics.

The current car park system used at Hook Road car park is reaching end of life and therefore a replacement interim system must be found until such time as any re-development of the car park takes place as indicated in the Local Plan.

The system is to be changed to one of the following three options which will be discussed and decided upon at the Environment Committee on July 16th.

- a) A replacement barrier controlled system
- b) A pay and display system used in conjunction with RingGo
- c) A RingGo only system



Stage 3 Relevant information, data, consultation and engagement activities

List all data (including source) and other information relevant to the full equality impact assessment

A Replacement barrier control system as per Option A would now provide the facility to make payment via a QR code or app and also at the exit barrier station meaning that the user would not have to visit the pay machine.
In our existing pay and display car parks 58% of pay to park visitors parked with RingGo in Q4 2023/24.
For option B or C permits will be issued to season card holders, including Council staff and residents, thereby reducing the number of pay to park customers.
Those visiting the Leisure Centre with mobility needs are more likely to use the car park situated at the Leisure Centre so are unlikely to be impacted by any change.
11% of Rainbow Leisure Centre members are aged 60-69 (approx. 329).
Just under 4% are aged 70 and over (approx. 115).

Mobile phone user statistics show that, as of 2023, 98% of all adults aged 16-24 in the UK have a smartphone. Among the older age groups, 86% of those aged 55-64 owned a smartphone device compared to 80% aged 65 and above. (Source: Statista).

Specify all engagement activities undertaken

Attended Diversity, Equity and Inclusion Group on 19th June 2024 to discuss various options and potential impacts.



Stage 4 Impact on residents, service users and staff with protected characteristics

Undertake a full analysis which details all positive and negative impact arising from the policy, service or other function. If there will be no impact, make this clear by completing the relevant box. Please ensure that you evidence your conclusions with reference to the appropriate source.

Protected Characteristic	Potential Positive Impact	Potential Negative Impact	No Impact
Age	With all options it would become possible to make payment without visiting a pay machine.	Option B An older person or a parent with a young child may be required to walk to the nearest pay station to purchase a ticket and then return to their car although RingGo would be an alternative. Option C There may be an impact on users who do not have a smart phone and therefore will not be able to use the RingGo app to park. They could still call the landline number to register their stay if they have a phone.	
Disability	With all options it would become possible to make payment without visiting a pay machine.	Option B A disabled user may be required to visit the nearest pay station to purchase a ticket and then return to their car although RingGo would be an alternative.	
Gender Reassignment			No impact
Pregnancy and Maternity	With all options it would become possible to make payment without visiting a pay machine.	Option B A pregnant user or a mother with a pram/buggy may be required to visit the nearest pay station to purchase a ticket and then return to their car although RingGo would be an alternative.	



<i>Race</i>			No impact
<i>Religion and Belief</i>			No impact
<i>Sex</i>			No impact
<i>Sexual Orientation</i>			No impact
<i>Marriage and Civil Partnerships</i>			No impact

Stage 5 Decision

Specify the full details of your decision.

Include any changes made to the proposal, steps taken to eliminate or minimise any negative impact(s), any additional mechanisms put in place to meet the needs of particular groups or to help foster good relations etc.

Option A is unlikely to have any negative impact on users as it will maintain the status quo as much as possible.

Option B could mean that the very young or old, the disabled or the pregnant may have to walk to the nearest pay station to purchase their ticket, return to their vehicle to display it and then begin their stay although RingGo would be available as an alternative option for most.

As a caveat given that Hook Road is generally a long stay car park for commuters to or from Epsom, or for those visiting the Rainbow Leisure Centre, the proportion of users in these categories is generally very low. To mitigate any risk, once the locations of pay stations had been determined, it may be possible to re-locate some of the blue badge or parent & child spaces nearby.

Option C would only potentially impact those without mobile phones unable to book a remote parking session. Whilst this does not uniquely impact on any of the protected characteristics it may disproportionately impact older users. However as per the caveat in Option B, given that the majority of users in the car park are commuting or visiting the Leisure Centre the number of people impacted is not expected to be high. Signage and messages via



	Comms will also be put in place to advertise the change and direct those without a phone to the nearest suitable alternative car park.
--	--

Stage 6 EIA – Action Plan

Please specify any action that will be taken to support implementation of your decision

Issue Identified	Action required	Implementation Date	Responsible Officer
Option A - none			
Option B – potential impact on young, old, disabled or pregnant users who either do not have the facility to or choose not to use RingGo.	If this option is chosen then once pay station locations are confirmed then parent & child or blue badge bays could be positioned close by.	Will depend if this option is chosen.	Richard Chevalier Parking & Enforcement Manager
Option C – not defined but possible impact on those without smart phones (or no phone at all).	Good comms package required in advance to advise of change and reasons for it. Clear signage to be used including landline number to call to book parking session or alternative locations to visit, in comparable price bracket, where cash or card payment still accepted.	Will depend if this option is chosen but Comms will begin in advance of implementation.	Richard Chevalier Parking & Enforcement Manager

Stage 7 EIA Sign Off

EIA needs to be signed off by Head of Service.



If an EIA is going to be submitted with a proposal to a committee/corporate project board for decision making, the EIA needs to be approved by Head of Service and Strategic Management Team first.

Head of Service: Rod Brown	Date: 3/7/24
Strategic Management Team: (where applicable)	Date:
Name of Committee: (where applicable)	Date:

CAR PARK WORKING GROUP

Head of Service: Rod Brown, Head of Housing & Community
Report Author Andrew Bircher
Wards affected: (All Wards);
Urgent Decision?(yes/no)
If yes, reason urgent decision required:
Appendices (attached): Appendix 1 – Terms of Reference

Summary

This report seeks agreement on continuation of the councillor car park working group and to agree the terms of reference for the group.

Recommendation (s)

The Committee is asked to:

- (1) Agree to the continuation of a Car Parking Working Group**
- (2) Approve the Terms of Reference for the Car Park Working Group as set out in Appendix 1**
- (3) Agree to appoint members to the working group as set out at section 4.1 below.**
- (4) To authorise the Chair and in their absence the Vice Chair to invite councillors, stakeholders and officers to the Car Park Working Group as required.**

1 Reason for Recommendation

- 1.1 Committee cannot utilise the Car Parking Working Group without establishing the group.

2 Background

- 2.1 The Car Park Working Group is a subgroup of the Environment Committee. Where this Committee wishes to establish a working group each municipal year, this Committee is invited to consider and approve its establishment and its terms of reference for the year ahead.
- 2.2 The car parking working group has previously examined the Council's car parking arrangements and made recommendations to this Committee.
- 2.3 The membership and terms of reference for the car parking working group were agreed for the last municipal year at the Environment Committee on 17th October 2023. These arrangements ended at the start of the new municipal year.

3 Terms of reference

- 3.1 The draft terms of reference set out the proposed role for the car parking working group and the membership of the group and are set out in Appendix 1. Apart from updating to cover the current municipal year, these terms of reference remain unchanged from those agreed last year.

4 Membership

- 4.1 The Environment Committee is asked to appoint the following members to the car park working group:
 - The Chair of the Environment Committee (to preside as Chair of the working group) – Councillor Liz Frost
 - The Vice-Chair of the Environment Committee – Councillor Alan Williamson
 - Residents' Association members – Councillors Christine Cleveland, Arthur Abduin, Jan Mason
 - Conservative member – TBC
 - Labour member – Councillor Rob Geleit
 - Liberal Democrat member – Councillor Julie Morris

5 Risk Assessment

Legal or other duties

- 5.1 Equality Impact Assessment
 - 5.1.1 No issues arising from this report.
- 5.2 Crime & Disorder
 - 5.2.1 No issues arising from this report

5.3 Safeguarding

5.3.1 No issues arising from this report

5.4 Dependencies

5.4.1 None

5.5 Other

5.5.1 None

6 Financial Implications

6.1 **Section 151 Officer's comments:** It is important that the Council consider the level of parking fees and charges in their car parks. There are no financial implications arising from the proposed amendments to the Working Group Terms of Reference.

7 Legal Implications

7.1 **Legal Officer's comments:** the Working Group has no decision making powers but it will report its recommendations and views to the Environment Committee where necessary.

8 Policies, Plans & Partnerships

8.1 **Council's Key Priorities:** The following Key Priorities are engaged:

Effective Council / Opportunity and Prosperity

8.2 **Service Plans:** Car parking is an important element of the Council's financial strategy and providing support to its town centres.

8.3 **Climate & Environmental Impact of recommendations:** The Borough's car parks have a role to play in the climate change action plan, linking with actions to encourage more sustainable transport options and implementing public electric charging points in Council operated Car Parks. Consideration could also be given to investigating the feasibility of our car parks for solar canopies.

8.4 **Sustainability Policy & Community Safety Implications:** None

8.5 **Partnerships:** The Borough car parks are designed to support local businesses and retailers.

9 Background papers

9.1 The documents referred to in compiling this report are as follows:

Previous reports:

- Car Park Working Group Terms of Reference - 17 October 2023

Other papers:

None

- n/a

CAR PARKING WORKING GROUP

TERMS OF REFERENCE

Role of the Group

1. To assess if Epsom & Ewell Borough car parks (i.e. those owned and/or managed - under a contractual agreement which allows for the changed use of that car park - by the Council only) are fit for purpose in a changing environment, and to make recommendations to the relevant Committees. These include:
 - To assess current car park infrastructure and usage.
 - To investigate additional capacity in car parks across the borough.
 - To explore options to replace or upgrade existing car park equipment when required.
 - To consider alternative use of car parks in conjunction with other Council priorities.
 - To understand changes in car ownership and usage, and reflect these in the car park offering across the borough.
2. To discuss the short-, medium- and long-term car park strategy which can then be included in Epsom & Ewell's Parking Strategy, working in conjunction with the Local Plan, our venues and economic development. Establish the views of stakeholders including businesses located within the borough.
3. To assess the safety, ease of use and value for money for car park users whilst considering the economic vitality of Epsom & Ewell. To include:
 - Examining fees & charges for onward discussion.
 - Looking at parking permit feasibility options including workers / commuters / residents.
 - Examining changing trends of payment systems used in the car parks including electronic methods.
 - Understand what neighbouring councils are doing to ensure that we offer best value

4. To explore options to future-proof the Borough's car parking services.
To include:
 - To consider the impact of the changes of retail habits and in the retail offering provided within the Borough.
 - To assess the impact of changes to Surrey County Councils on-street parking strategy as well as local building developments as part of the Local Plan which may impact the Boroughs car parks.
 - To explore the opportunities for further electric vehicle and net zero charging within the borough car parks.
 - To explore the opportunities for commercial activities such as advertising within the Borough car parks.
5. To explore and discuss options for changes to existing car park usage.
including options for recreation grounds, parks and open spaces parking.

Decision Making/Reporting

Reports and recommendations from the Group will need to be presented through the Committee process to Environment Committee and potentially Strategy & Resources Committee, depending on the nature of the item.

Any consideration of options and thereafter proposed recommendations must be clear that consideration of the outcome of departmental Financial Sustainability discussions are taken into account to avoid recommendations being proposed for approval by Council/Committee that may nullify or fail to take into account internal budget discussions/decisions applicable to car parking across the Council.

Membership

This working group shall last for the remainder of this municipal year

The Chair of the group will be the Chair of Environment Committee.

The membership will consist of the Members as agreed by the Environment Committee.

Officers will provide support as listed. Stakeholders will be consulted and then invited to attend meetings, if appropriate

Officers:	Head of Housing and Community
	Parking & Enforcement Manager
	Chief Accountant / Senior Accountant

As required:	Head of Property & Regeneration
	Head of Operational Services
	Planning Policy

The Car Parking Working Group should consist of six Members*, excluding the Chair and Vice Chair of Environment. This should consist of three Members representing the Residents' Association, one from the Labour Party, one from the Liberal Democrats and one from the Conservative Party. If any of the Groups decide to relinquish their seat(s) then the Group will operate at a reduced capacity.

It is recommended that included in the representation of the committee is one Councillor from the Town Ward and one from the Ewell Ward as this is where a vast majority of the Council car parks are situated. If this is not possible from the existing membership of the Environment Committee then the Chair / Vice Chair has the facility to invite a ward Councillor(s) to the meeting to take part in the discussions.

*preferably from membership from the Environment Committee

Frequency & Timing of Meeting

The frequency and start time of meetings will be determined by the Chair or Vice Chair of Environment Committee in consultation with the Head of Housing and Community.

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ALLOTMENT WORKING GROUP

Head of Service:	Ian Dyer, Head of Operational Services
Report Author	Andrew Bircher
Wards affected:	(All Wards);
Urgent Decision?(yes/no)	
If yes, reason urgent decision required:	
Appendices (attached):	Appendix 1 – Terms of Reference

Summary

This report seeks approval to form of an Allotment Working Group and proposes a draft Terms of Reference for comment.

Recommendation (s)

The Committee is asked to:

- (1) Approve the continuation of the Allotment Working Group
- (2) Approve the Terms of Reference for the Allotment Working Group as set out in Appendix 1.
- (3) Agree to appoint members to the working group as set out at section 3.1 below.
- (4) To authorise the Vice Chair and in their absence the Chair to invite, councillors, stakeholders and officers to the Allotment Working Group as required.

1 Reason for Recommendation

- 1.1 The continuation of the Working Group comprising of members, officers and stakeholders as required, is necessary to ensure that the allotment provision in the borough is fit for purpose, efficient and sustainable.

2 Background

- 2.1 There are seven council managed allotments and three self-managed allotments in the borough.

- 2.2 This Working Group is a subgroup of the Environment Committee.
- 2.3 To set out responsibilities and provide focus for the Working Group a draft Terms of Reference has been prepared and is shown at appendix one.

3 Membership

- 3.1 The Environment Committee is asked to appoint the following members to the allotment working group:
 - The Vice-Chair of the Environment Committee (to preside as Chair of the working group), Councillor Alan Williamson
 - Councillor Christine Cleveland
 - Councillor Steven McCormick
 - Councillor Julie Morris

4 Risk Assessment

Legal or other duties

- 4.1 Equality Impact Assessment
 - 4.1.1 None for the purpose of this report
- 4.2 Crime & Disorder
 - 4.2.1 None for the purpose of this report
- 4.3 Safeguarding
 - 4.3.1 None for the purpose of this report
- 4.4 Dependencies
 - 4.4.1 None for the purpose of this report
- 4.5 Other
 - 4.5.1 None

5 Financial Implications

- 5.1 There are no specific financial implications arising from this report.
- 5.2 **Section 151 Officer's comments:** None arising from the contents of this report.

6 Legal Implications

6.1 There are no specific legal issues arising from this report

6.2 **Legal Officer's comments:** none arising from this report

7 Policies, Plans & Partnerships

7.1 **Council's Key Priorities:** The following Key Priorities are engaged:

7.1.1 Effective Council

7.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.

7.3 **Climate & Environmental Impact of recommendations:** The Working Group will address issues such as water use and other issues which may have an environmental impact.

7.4 **Sustainability Policy & Community Safety Implications:** One of the key objectives of the Working Group is to ensure the future sustainability of the Allotment provision within the Borough.

7.5 **Partnerships:** It is suggested that the Allotment Working Group invites key stakeholders to participate in the assessment process as required.

8 Background papers

8.1 The documents referred to in compiling this report are as follows:

Previous reports:

- None

Other papers:

- None

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Allotment Working Group

Draft Terms of Reference

Role of the Group

To assess the status of allotments in Epsom and Ewell and to make recommendations to the Environment Committee based on findings. Assessment should include but is not limited to:

- Carry out a bench marking exercise of allotment fees and charges
- Assess water charges, water conservation and usage
- To understand expenditure budgets and resources allocated to allotments
- Ensure current rules and regulations are fit for purpose
- Understand the process of migrating the current Allotment database to the My Council Services system to improve the integrity of the data, ease of administration and the customer experience
- Explore ways to reduce waiting lists and ensure 100% tenancy of all Council managed sites
- Understand and define the role of site representatives and the allotment forum
- Look at reoccurring issues on allotment sites such as waste management

Decision Making/Reporting

Reports and recommendations from the Group will be presented through the Committee process to Environment Committee.

Membership

The Chair of the group will be the Vice Chair of Environment Committee. The Vice Chair will be joined by least two members of the Environment Committee, with additional invitations sent to all Councilors who have an interest in allotments within their wards.

For efficiency, the working group should comprise of no more than ten core members.

Officers will provide support as listed and other officers will be invited to meetings as required. Stakeholders will be consulted and then invited to attend meetings, if appropriate.

Officers: Head of Operational Services
 Streetcare Manager/Assistant Streetcare Manager
 Administrators/Finance/IT - when required

Meetings and Project Length

The frequency of meetings will be determined by the Chair or Vice Chair of Environment Committee in consultation with the Head of Operational Services, an initial suggestion is bi-monthly meetings with the overall project concluding by end of April 2025.

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ENVIRONMENT AND SUSTAINABILITY WORKING GROUP

Head of Service: Justin Turvey, Head of Place Development
Report Author Andrew Bircher
Wards affected: (All Wards);
Urgent Decision?(yes/no)
If yes, reason urgent decision required:
Appendices (attached): Appendix 1 – Terms of Reference

Summary

This report recommends the continuation of a councillor Working Group to oversee the implementation of the Council's Climate Change Action Plan. It proposes terms of reference for the group to be approved.

Recommendation (s)

The Committee is asked to:

- (1) Agree the continuation of the Environment and Sustainability Working Group
- (2) Approve the terms of reference for the Working Group as set out in Appendix 1.
- (3) Agree to appoint members to the working group as set out at section 3.1 below.
- (4) To authorise the Vice Chair and in their absence the Chair to invite, councillors, stakeholders and officers to the Environment and Sustainability Working Group as required.

1 Reason for Recommendation

- 1.1 The continuation of this Member Working Group will support the delivery of the Council's commitment to addressing climate change.

2 Background

- 2.1 The Council has agreed to have a Climate Change Action Plan put in place with targets to reduce the Council's environmental impact with a view to it becoming carbon neutral by 2035. It was also agreed that this plan would be owned by the Environment Committee
- 2.2 To help ensure that the objectives set out in the Climate Change Action Plan are achieved, a cross-party working group of members should be established.

The proposed terms of reference for the group are set out in Appendix 1. The group will comprise seven members and a chair, with three representatives from the majority political group, the Residents' Association, and one each from the minority groups, Labour, Liberal Democrat and Conservative.

3 Membership

- 3.1 The Environment Committee is asked to appoint the following members to the working group:
 - The Vice-Chair of the Environment Committee (to preside as Chair of the working group) – Councillor Alan Williamson
 - Residents' Association members – Councillors Christine Cleveland, Tony Froud, and Jan Mason
 - Conservative member – TBC
 - Labour member – Councillor Chris Ames
 - Liberal Democrat member – Councillor Julie Morris

4 Risk Assessment

Legal or other duties

4.1 Impact Assessment

- 4.1.1 The establishment of the Working Group will support the delivery of the Council's commitment to addressing climate change.

4.2 Crime & Disorder

- 4.2.1 None arising from this report.

4.3 Safeguarding

- 4.3.1 None arising from this report.

4.4 Dependencies

- 4.4.1 None arising from this report.

4.5 Other

4.5.1 None arising from this report.

5 Financial Implications

5.1 The modest additional cost of administering the Working Group would be borne by existing budgets.

5.2 **Section 151 Officer's comments:** Any proposed projects requiring capital investment should be submitted through the annual capital programme cycle and will be assessed against the agreed criteria for schemes consistent with the Council's Climate Change Action Plan.

6 Legal Implications

6.1 The Climate Change Act 2008 sets a statutory target to reduce UK greenhouse gas emissions by 80% from 1990 by 2050. In May 2019, the UK Committee on Climate Change recommended that the UK government increase the statutory target to Net-Zero greenhouse gas emissions by 2050. This has now been formally adopted.

6.2 **Legal Officer's comments:** none arising from the content of this report.

7 Policies, Plans & Partnerships

7.1 **Council's Key Priorities:** The following Key Priorities are engaged:

- Work with partners to reduce our impact on the environment and move closer to becoming carbon neutral.

7.2 **Service Plans:** The matter is included within the Annual Plan and a key Council priority is to address Climate Change.

7.3 **Climate & Environmental Impact of recommendations:** The proposed Working Group will help to monitor progress on achieving the objectives set out in the Climate Change Action Plan.

7.4 **Sustainability Policy & Community Safety Implications:** The establishment of the Working Group will contribute directly and significantly to improving the Council's sustainability practice. It will also contribute to enhancing community safety in areas such as tackling poor air quality.

7.5 **Partnerships:** The Climate Change Action Plan includes specific actions to promote wider understanding and action through the variety of relationships that the Council has with other organisations operating in the Borough, including those that are subject to formal contracts.

8 Background papers

8.1 The documents referred to in compiling this report are as follows:

Previous reports:

- n/a

ENVIRONMENT AND SUSTAINABILITY MEMBER WORKING GROUP

TERMS OF REFERENCE

The Environment and Sustainability Member Working Group has been established by the Environment Committee as a Task and Finish Group to oversee the delivery of the Council's Climate Change ambitions.

Role of Group

1. To monitor and review actions of the Council to deliver the climate change priorities set out in the Annual Plan.
2. To help to identify the key climate change priorities to feed into the Annual Plan.
3. To identify initial key performance indicators and targets to enable the Council to track progress over time.
4. To consider the actions that the Council can take to influence the behaviour and actions of local residents, businesses and partners that can impact positively on the carbon footprint of the Borough.
5. To identify the sources of and likely availability of funding to enable the costed proposals to be taken forward.

Decision Making/Reporting

Proposals raised by the Working Group will need to be presented through the committee process to the Environment Committee and potentially the Strategy and Resources Committee where financial authority is required. The Working Group will operate by consensus: no voting and quorum are required.

Membership

The membership will comprise the members as agreed by the Environment Committee and no substitutions will be supported. Officers will provide support as required. Stakeholders will be consulted and then invited to attend meetings, if appropriate.

Councillors:	Vice Chair of Environment Committee (Chair)
TBC	Residents' Association member
TBC	Residents' Association member
TBC	Residents' Association member
TBC	Labour member

TBC	Liberal Democrat member
TBC	Conservative member
Officers:	Relevant officers as required

Frequency and Timing of Meetings

Agreed that the frequency of meetings will be one per quarter (total of four per annum).

Budget

There is no budget for this Working Group. Any additional funding would need to be requested through the Strategy and Resources Committee or projects within the capital programme.

URGENT DECISIONS

Head of Service: Victoria Potts, Director of Environment,
Housing and Regeneration

Report Author Andrew Bircher

Wards affected: (All Wards);

Urgent Decision?(yes/no)

**If yes, reason urgent decision
required:**

Appendices (attached):

Summary

To report to the committee the decisions taken by the Chief Executive and Directors on the grounds of urgency, in compliance with the requirements of the Constitution.

Recommendation (s)

The Committee is asked to:

- (1) **Note the urgent decisions taken and the reasons for those decisions, since the last meeting of the committee.**

1 Reason for Recommendation

- 1.1 To report to the committee the decisions taken by the Chief Executive and Directors on the grounds of urgency, in compliance with the requirements of the Constitution.

2 Background

- 2.1 The scheme of delegation sets out that the Chief Executive and Directors are authorised to take decisions on grounds of urgency regarding matters which would otherwise be reserved for determination by a Committee or Council. A matter can be deemed urgent if, in the reasonable opinion of the officer concerned, a delay would seriously prejudice the interest of the Council or of the public and it is not practicable to convene a quorate meeting of the relevant decision-making body in sufficient time to take the decision.

2.2 Since the last meeting of the Committee, four urgent decisions have been taken by the Director of Environment, Housing and Regeneration or the Acting Director of Corporate Services in consultation with the Chair, Cllr John Beckett, and new chair Liz Frost and published in Member News in line with the Council's Constitution, Appendix 2, Paragraph 3.1. iii. The decisions are set out below.

2.2.1 **Decision 117** - Two Defra consultations on Extended Producer Responsibility (EPR) scheme for Waste Electrical and Electronic Equipment (WEEE)

2.2.2 **Urgency reason for decision 117** - Timing of consultations (published 28/12/23 with responses required by 7/3/24) does not allow for review within the Committee's schedule (Committee meeting dates 23/1/23 and 25/6/24)

2.2.3 **Decision 123** - Amendment to Evening Parking Fee in Ashley Centre Car Park.

1) To reduce the evening tariff in the Ashley Centre Car Park for a stay of up to 5 hours from £7 to £5 with immediate effect (or as soon as is reasonably possible).

2) To introduce a limited number of evening and weekend only resident permits in the Ashley Centre Car Park and Hope Lodge Car Park charged at £450 in 2024/25

2.2.4 **Urgency reason for decision 123** - A number of formal complaints have already been received and any delay to action is likely to have a further negative impact on car park usage and Epsom Playhouse attendance

2.2.5 **Decision 125** - Police Parking Hope Lodge – the granting of 5 parking permits subject to a fee

2.2.6 **Urgency reason for decision 125** – the parking was required prior to the next committee

2.2.7 **Decision 126** – Epsom Playhouse production parking - Further to recent discussions at the Car Park Working Group in looking at ways to support Epsom Playhouse a request has been made for concessionary parking for the production team of Young Frankenstein. This urgent decision provides authority for a daily allowance of up to 10 members of the production team, cast or crew to park in the Ashley Centre Car Park, at the Parker Card rate of £8 per day, between Monday 13th and Saturday 18th May.

2.2.8 **Urgency reason for decision 126** – The production takes place prior to the next committee.

2.2.9 **Decision 128** - to agree to cap parking charges at Bourne Hall car park at a maximum of £2 on Saturday 25th May to support the Council's Festival of Arts and Sustainability

2.2.10 **Urgency reason for decision 128** - Event takes place prior to next Committee.

3 Risk Assessment

Legal or other duties

3.1 Equality Impact Assessment

3.1.1 None arising directly from this report, but some customers affected by the decisions taken will be impacted which has been considered as part of the decision

3.2 Crime & Disorder

3.2.1 None arise from this report

3.3 Safeguarding

3.3.1 None arise from this report

3.4 Dependencies

3.4.1 None arise from this report

3.5 Other

3.5.1 none

4 Financial Implications

4.1 **Section 151 Officer's comments:** Finance are consulted as part of the urgent decision making process.

5 Legal Implications

5.1 **Legal Officer's comments:** Legal are consulted as part of the urgent decision making process.

6 Policies, Plans & Partnerships

6.1 **Council's Key Priorities:** The following Key Priorities are engaged:

- n/a

6.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.

6.3 **Climate & Environmental Impact of recommendations - none**

6.4 **Sustainability Policy & Community Safety Implications: - none**

6.5 **Partnerships: n/a**

7 Background papers

7.1 The documents referred to in compiling this report are as follows:

Previous reports:

- none

Other papers:

- none