

- 4.4 It is proposed that the use of the common land be controlled through a policy to give certain premises the right to use part of the common land in a controlled manner. Other than car parking no other use should take place on the common land without prior approval of the Council and the payment of a fee to the landowner, which would be used for the ongoing maintenance of the common land. The policy will control matters such as timing of use and daily removal of items, unimpeded pedestrian access, public liability and fees payable to the Council.
- 4.5 Currently Bucks County Council issues licences for similar circumstances through the Highways Act 1980. Aylesbury Vale District Council and Chiltern District Council issue licences for similar circumstances on council property and the proposed South Bucks District Council licences would be under the Commons Act 1899 in consultation with the landowners, Bucks County Council and Hall Barn Estates (HBE). Where the land is owned by BCC, it may be appropriate for SBDC to issue pavement licences as agent for Bucks CC under the Highways Act.
- 4.6 At the current time the following are known to have placed items on the land -
Café near the roundabout - tables and chairs.
Antique shop - flower tubs and advertising.
Flower shop - barriers and advertising.
Tea Shop - tables and chairs.
- Other premises occasionally place advertising boards and cars with adverts on the land, and scaffolding and skips are required for building works.
- 4.7 Members are asked to consider the above and advise whether subject to the relevant parties agreeing standard licence conditions and covering our legal costs, the proposal should be progressed with suitably worded Licences.
- 4.8 The District Council as managers of the land cannot however charge a fee for these licences, but the landowners can. It is suggested that the landowners make a charge for each licence on their land and agree to transfer the money to SBDC to be spent on maintenance works. Initial positive discussions have taken place with HBE and BCC about the proposals and further detailed discussions will take place. Officers will update Members at the meeting.
- 4.9 Members may also have a view about other items that could be included in this policy.
- 4.10 If the proposed approach is agreed by Members, further discussions with the landowners would be required and work would be required to prepare and implement individual licences and to govern and enforce the placement of items on the land. Legal support would be requested to draft appropriate documents and each request will be considered on its merits.
- 4.11 The number of each type of licence that is permitted will be considered carefully. Licences for skips, scaffolding and construction compounds can be based upon need when development arises, which is relatively infrequently, and on minimising the impact on users such as pedestrians and parking. Licences for tables and chairs will initially be for the existing cases (3 at present) and then judging future applications having considered the initial users against impact on pedestrians ease of access, visual impact on the area etc.

- 4.12 Members may wish to consider whether an upper limit of licences is proposed. If no limit is proposed, there may be potentially unfettered usage of the common land. In addition, there may be an occasion when a licence is refused and the applicant / business owner is next to a site with agreed uses.
- 4.13 Should a request be received for a more permanent structure such as building, wall or fence it would be dealt with through the normal planning and conservation area procedures.

5. Resource and Wider Policy Implications.

- 5.1 The work required to progress the matters above will require officer time during a period of increasingly limited officer resource.
- 5.2 There is a risk that without these licences the unauthorised use of the common land will be left to grow unchecked and pose difficulties for pedestrians and other users of the land.
- 5.3 There is a risk of challenge by individual premises who consider they can use the land. This will have to be monitored and legal advice given.

6. Recommendation.

- 6.1 The PAG is asked to note the report and advise on whether the Portfolio Holder should recommend to Cabinet the adoption of the proposed approach.

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Background Papers:	Bylaws for the Common Land. Scheme of Management for the Common Land, as set out under the Commons Act 1899