



Regeneration and Enterprise Scrutiny Committee

Date: 19/11/08
Open Report

Report of: **Steve Singleton**
(Economic Development & Tourism
Manager)

Wyre Forest District Draft Public Realm & Streetscene (Control of Street Furniture) Policy

1. Purpose of Report

- 1.1 To seek views and comments on the draft District Public Realm & Streetscene (Control of Street Furniture) Policy prior to it being referred to Cabinet for approval as a Public Consultation document.

2. Background

- 2.1 Members will be aware that overall strategic responsibility for the Adopted Highway, (i.e. roads, pavements and street lighting) within Wyre Forest District lies with Worcestershire County Council (Environmental Services Division).
- 2.2 This responsibility includes dealing with issues and requests relating to the siting of tables and chairs and other removable “street furniture” that are or are proposed to be located on any piece of adopted highway outside café, pub, restaurant and other commercial premises.
- 2.3 District Councils have, from time to time, exercised this function, subject (amongst other things) to the consultation requirements of Section 115H of the Highways Act 1980.
- 2.4 The Council has been working with the County Council to agree a partnership approach in Wyre Forest that will enable Wyre Forest District Council to take over future responsibility for dealing with the granting of permission for tables and chairs etc to be placed on “certain categories of the public highway”.
- 2.5 Members may recall some well publicised issues regarding the siting of chairs and tables on the public highway on Severnside North and Severnside South in Bewdley during the immediate past summer. An agreed Policy would ensure similar issues are set within an appropriately regularised framework that maintains the vibrancy and vitality of all the District’s centres.

- 2.6 It is proposed to have a Policy in place by April 2009. In order to meet this time table and allow sufficient time for public consultation, reporting to Members and final adoption by Council, it is proposed that an initial report and a draft Policy Consultation Document be tabled to the 20th November 2008 Cabinet for approval, subject to consideration by Licensing & Environmental Committee on 24th November 2008.

3. Key Issues

- 3.1 The draft Public Realm & Streetscene (Control of Street Furniture) Policy is set out in Appendix 1.
- 3.2 The Policy will enable relevant of pub, café, restaurant and other commercial businesses throughout the District to be able to apply for permission (by way of a Licence) to place seats and tables outside their respective premises, onto the pavement (i.e. an area of designated public highway) in order to consume food and drink.
- 3.3 The advantages of Wyre Forest District Council taking on this function are cited as being:-
- Local knowledge
 - Locally based officers to administer policy
 - Awareness of local regulation such as the consumption of alcohol on open spaces
 - A joined up approach to promoting the vibrancy of our towns
- 3.4 The Policy will not apply to privately owned land.
- 3.5 The Policy will:-
- 3.5.1 Highlight the requirements and standards expected of pavement café operations in the relevant centres – including details as to size, layout and design of furniture and ancillary items (“facilities”)
- 3.5.2 Guide those wishing to establish and/or operate pavement cafes, pubs and restaurants through the licensing process
- 3.5.3 Be outside of and in addition to a licence to sell liquor off premises and any entertainment consents
- 3.5.4 Set out the terms and conditions of a Licence Agreement, including the annual Licence Fee
- 3.6 Adoption of the final delegation of this function will include responsibilities for Property & Operational Services in respect of other street furniture, e.g. ‘A’ boards, flower pots, etc. The policy will also need to be considered when applications are made to hold markets.

- 3.7 Members are advised that in support of the District Council carrying out this task, the County Council would issue guidelines from a highways point of view and training if required.
- 3.8 In addition, there is power to recover expenses for granting these permissions under Section 115F of the Highways Act 1980. Such expenses will form part of the annual Licence Fee, to cover administration, annual renewal and the inspection fee.
- 3.9 **Annual Licence Fee:** Council will be required to set an annual licence fee to cover the cost of administering the licence and inspecting the premises from an enforcement perspective.
- 3.10 **Planning Permission:** Members are advised that it will not normally be necessary for the applicant to obtain planning permission, provided that the main existing premises have the appropriate permission and all facilities are portable. However, planning permission will be necessary if there is either some form of permanent development associated with the pavement café or if permanent barriers are proposed.

4. Options for the Committee

- 4.1 The Committee are asked to either:
- Endorse and recommend to Cabinet, as a Consultation Document, the draft Public Realm & Streetscene (Control of Street Furniture) Policy and Licence as set out in Appendix 1 or,
 - Put forward alternative or additional proposals for consideration by the Cabinet.

5. Financial Implications

- 5.1 An annual licence fee will be levied by the Council to cover the cost of administering the application and inspecting the premises. The level of fee to be decided upon adoption of the policy.

6. Background Papers

- 6.1 There are no background papers relating to this report.

7. Consultees

- Head of Community and Partnership Services
- Head of Financial Services
- Head of Legal and Democratic Services
- Head of Property and Operational Services

8. Appendices

- 8.1 Appendix 1 - Draft Public Realm & Streetscene (Control of Street Furniture) Policy and Licence

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