

**WYRE FOREST DISTRICT COUNCIL**

**CABINET**  
**20<sup>TH</sup> NOVEMBER 2008**

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

<b>OPEN</b>	
<b>SUSTAINABLE COMMUNITY STRATEGY THEME:</b>	<b>Economic Success Shared By All</b>
<b>CORPORATE PLAN AIM:</b>	<b>A vibrant local economy</b>
<b>CABINET MEMBER:</b>	<b>Councillor Stephen Clee</b>
<b>HEAD OF SERVICE:</b>	<b>Head of Planning, Health &amp; Environment</b>
<b>CONTACT OFFICER:</b>	<b>Steve Singleton – Ext 2168 Steve.singleton@wyreforestdc.gov.uk</b>
<b>APPENDICES</b>	<b>1. Wyre Forest District Draft Public Realm &amp; Streetscene (Control of Street Furniture) (Control of Street Furniture) Policy</b>

**1. PURPOSE OF REPORT**

- 1.1 To agree a draft Policy for public consultation.

**2. RECOMMENDATION**

The Cabinet is asked to DECIDE to:

- 2.1 agree the Wyre Forest District Draft Public Realm & Streetscene (Control of Street Furniture) (Control of Street Furniture) Policy for public consultation.
- 2.2 delegate authority to head of Planning, Health & Environment, in consultation with Cabinet Member for Regeneration & Enterprise, to incorporate any minor changes to the consultation document, following consideration by Licensing & Environmental Committee on 24<sup>th</sup> November 2008.
- 2.3 delegate authority to Head of Planning, Health & Environment to undertake public consultation on the Policy at 2.1 between December 2008 and January 2009 and to report back to Cabinet in February 2009.

**3. BACKGROUND**

- 3.1 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).
- 3.2 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.

- 3.3 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.
- 3.4 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”.
- 3.5 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.
- 3.6 The draft Policy was considered by the Regeneration & Enterprise Committee at its meeting on 19<sup>th</sup> November 2008, the recommendations from which will be considered with this report. Due to timing of Cabinet meetings, this report will not be considered by the Council’s Licensing & Environmental Committee before public consultation takes place.

#### **4. PROPOSALS**

- 4.1 The draft Public Realm & Streetscene (Control of Street Furniture) Policy is set out in Appendix 1.
- 4.2 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.
- 4.3 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
- 4.4 The Policy will not apply to privately owned land.
- 4.5 The Policy will:-
  - 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”)

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- Guide those wishing to establish and/or operate pavement cafes, pubs and restaurants through the licensing process
  - Be outside of and in addition to a licence to sell liquor off premises and any entertainment consents
  - Set out the terms and conditions of a Licence Agreement, including the annual Licence Fee
- 4.6 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. Further, consideration of the policy will have to be given by Property & Operational Services when they consider the holding of markets on the highway.
- 4.7 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.
- 4.8 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.
- 4.9 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 public consultation will be carried out during December 2008 and January 2009 and further reports be tabled in the February cycle of meetings to R & E, Cabinet and Council for final adoption.

### **5. FINANCIAL IMPLICATIONS**

- 5.1 It is proposed that a Licence fee to cover the cost of administering the licence and inspecting the premises will be set by Council on an annual basis. The figure will be finalised upon adoption of the policy. The power to apply such a change is vested in section 115F of the Highways Act 1980.

### **6. LEGAL AND POLICY IMPLICATIONS**

- 6.1 Section 115F of the Highways Act 1980 is the appropriate power under which this function is exercised.

### **7. RISK MANAGEMENT**

- 7.1 The adoption of this Policy will give clarity and certainty to the use of the public realm by businesses and others wishing to accommodate street furniture, etc. and will ensure that members of the public and others are appropriately protected.

### **8. CONCLUSION**

- 8.1 The adoption of the Policy set out at Appendix 1 will enable the District Council to exercise the function controlling street furniture which is currently carried out by the County Council.

**9. CONSULTEES**

- 9.1 Head of Community & Partnership Services
- Head of Financial Services
- Head of Legal & Democratic Services
- Head of Property & Operational Services

**10. BACKGROUND PAPERS**

None