

WYRE FOREST DISTRICT COUNCIL

LICENSING AND ENVIRONMENTAL COMMITTEE
24TH NOVEMBER 2008

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

OPEN	
RESPONSIBLE OFFICER:	Head of Planning Health and Environment
CONTACT OFFICER:	Brian Kent – Ext. 2593 Brian.Kent @wyreforestdc.gov.uk
APPENDICES	Appendix 1 – Draft Public Realm and Streetscene (Control of Street Furniture) Policy

1. PURPOSE OF REPORT

- 1.1 To agree a draft Policy for public consultation.

2. RECOMMENDATION

The Committee is asked to **DECIDE** to:

- 2.1 agree the Wyre Forest District Draft Public Realm and Streetscene (Control of Street Furniture) Policy for public consultation.**

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 Scrutiny Committee at its meeting on 19th November 2008, and Cabinet on the 20th November 2008, subject to consideration by this Committee and any amendments Members may wish to make.

4. KEY ISSUES

- 4.1 The draft Public Realm and 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”)
 - 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 and Operational Services in respect of other street furniture, e.g. 'A' boards, flower pots, etc. The policy will also need to be taken account of when considering street markets.
- 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 Regeneration and Enterprise Scrutiny Committee, Cabinet, Licensing and Environmental Committee 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.

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**

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

10. **BACKGROUND PAPERS**

None