

WYRE FOREST DISTRICT COUNCIL

LICENSING AND ENVIRONMENTAL COMMITTEE

26TH JANUARY 2009

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

OPEN	
RESPONSIBLE OFFICER:	Head of Planning Health and Environment
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APPENDICES	Appendix 1 - Stakeholder responses Appendix 2 – Public Realm and Streetscene (Control of Street Furniture) Policy

1. PURPOSE OF REPORT

- 1.1 To agree a Policy following public consultation.

2. RECOMMENDATION

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

- 2.1 **Recommend to Cabinet that they recommend to Council to approve the Wyre Forest District Public Realm and Streetscene (Control of Street Furniture) Policy, and to delegate powers to issue licences, set conditions and agree fees with the Head of Planning, Health and Environment.**

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 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 and by this Committee on the 24th November 2008.
- 3.7 It was resolved that a period of consultation should take place with stakeholders and responsible authorities between the 1st December and the 9th January 2009 to assess any likely impact within the District.

4. KEY ISSUES

- 4.1 Consultations were made with Stakeholders throughout the District and responses are reported at **Appendix 1**.
- 4.2 The Policy and Conditions is set out in **Appendix 2**.
- 4.3 The Policy will enable the owners of pubs, café, restaurant and other commercial businesses throughout the District to be able to apply for permission to place seats and tables outside their respective premises, from the 1st April 2009.
- 4.4 The Policy will not apply to privately owned land.

4.5 **The Policy**

- highlights the requirements and standards expected of pavement café operations in the relevant centres – including layout and design of furniture;
- guides those wishing to establish and/or operate pavement cafes, pubs and restaurants through the licensing process;
- sets out the terms and conditions of a Licence Agreement.

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.

6. **LEGAL AND POLICY IMPLICATIONS**

- 6.1 Section 115F of the Highways Act 1980 is the appropriate power under which this function is exercised.
- 6.2 It is proposed that the administration of the licences, together with the Conditions and setting of the annual fee, be delegated to the Head of Planning, Health and Environment as detailed.

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 will enable the District Council to exercise the function controlling street furniture.

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