

CONSULTATION ON THE DRAFT PUBLIC REALM AND STREETSCENE (CONTROL OF STREET FURNITURE) POLICY AND LICENCE CONDITIONS FOR HIGHWAY AMENITY LICENCES

Period 1st December 2008 – 9th January 2009

CONSULTEE	REFERENCE	COMMENT	HEAD OF PLANNING, HEALTH & ENVIRONMENT COMMENT	ACCEPTED
Bewdley Town Council 1/12/2008	Appendix 1 Highway Amenity Consultation Procedure	The Process Map at tier 3 shows consultation with Ward Councillors.	Consultation to include Town / Parish Councils in the flow chart.	Yes
5/1/2009	Process Map Ward Councillors	Could this include consultation with Bewdley and Stourport on Severn Town Councils		
	Policy Document Paragraph 12 Size and layout	If the 2 metre rule was imposed in Bewdley, this would preclude use of all the areas currently used other than that close to the civic space on Severnside South. Town Councillors would therefore propose that the 2 metre rule be deleted and replaced with wording that means every location for a licence will be considered on its own merits	Policy amended – 2 metre rule has been replaced	Yes
	Paragraph 18 Furniture	Town Councillors did not understand the significance of non-reflective fabrics although they accepted the need for furniture of a high quality and uniform style	Sentence changed	Yes

	Paragraph 27 Means of Enclosure	Rope barriers would not be acceptable due to problems of visibility.	Sentence changed	Yes
	Paragraph 34 Hours of Operation	The hours of operation should be extended to 10.00 p.m. in the evening	Sentence changed	Yes
	Paragraph 19 Alcohol Restriction Zone	The Licence should clarify how it operates within the 2003 Licensing Act as far as alcohol restriction zones	Accepted	Yes
	Markets and Other Events	To include a need for the temporary cessation of Regulations when markets and other events agreed with Wyre Forest District Council are being held	Accepted	Yes
Councillor Mrs T Onslow 5/12/2008	Policy Document No 34 Hours of operation	The Highways Amenity Licence will normally operate from 9.00am to 9.00pm. In certain areas there may be reductions on those hours due to specific local highway requirements. This should be flexible, depending on location, as some pubs might find it difficult to tidy everything away at 9.00pm	Tables and chairs need to be cleared from the highway for street cleansing. Operating hours beyond 9pm can cause noise problems to residents in close proximity. e.g. dragging of tables and stacking of chairs	No change

<p>Councillor J Campion 8/12/2008</p>	<p>Policy Document No 16 Furniture</p>	<p>Furniture must be located directly outside the premises with which it is associated. Consideration must be given to the operational requirements of neighbouring premises and their view will be sought on any applications made.</p> <p>I can foresee some difficulty in relation to the new eatery that is located on Severnside South as it has very narrow pavements outside of its premises. I will be grateful if the professional officers could again look at this particular requirement to ensure that it is both practical and proportionate, and to see whether there are any caveats that could be added to allow this particular establishment to continue to utilise the outdoor space.</p>	<p>Health and safety principles will always prevail and will be a prime consideration to the grant of such amenity. Every case will be judged on its merit.</p> <p>Application can be made outside of the building line and may be accepted if consultation with relevant parties all agree.</p>	<p>No change</p>
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<p>Councillor M Hart 8/12/2008</p>	<p>Policy Document No 24 Cleansing</p>	<p>It shall be the duty of the person to whom the permission is granted, to clean the section of highway in respect of which the permission is granted, to a standard to be determined by the Head of Property and Operational Services.</p> <p>I do feel that we should be more accurate and robust here and that the Head of Property and Operational Services should either add an addendum to the policy in terms of the issue of cleansing, or have some words within the paragraph explaining what the standard is going to be.</p>	<p>The Environmental requirements outlining the responsibility of the Licensee are prescriptive at numbers 22-24 of the Policy.</p>	<p>No change</p>
<p>Mr A Clifford The Mug House Severnside North Bewdley 8/12/2008</p>	<p>Licence Condition Number 11</p>	<p>The Licence will relate purely to the use of the public adopted highway land in relation to the premises that is subject of the Licence. It specifically does not relate to the use of any other external areas which may be within the ownership and / or control of the Licence Holder.</p> <p>Will the Licence not be transferable to any subsequent owner / licenses of the property?</p>	<p>The Licence does not give a tenure to the street area and is not transferable to a new owner / licensee</p>	<p>No change</p>

	<p>Licence Condition Number 19</p>	<p>The condition provides that no alcohol shall be consumed on the highway unless a licence has been issued. Does this mean that the area of the highway needs to be licensed?</p>	<p>The street does not have to be licensed under the Licensing Act 2003 unless the retail sale of alcohol takes place on the highway.</p> <p>Drinks can be purchased on the premises and taken outside</p>	<p>No change</p>
	<p>Licence Condition Number 21</p>	<p>All food and drink should be served to the tables and customers discouraged from purchasing food away from the tables or standing while consuming food or drink. Signage must be displayed to this effect.</p> <p>This implies that full waitress service is required. The style of service in England is different to the rest of Europe. It is tradition that drinks and food are purchased at the bar. Food is delivered to the table, drinks are not. To include a condition of this nature would increase staff costs and as a result would possibly have to increase to the customers. Perhaps a separate pricing structure would have to be introduced for the exterior tables which would be cumbersome.</p>	<p>Waitress service should be encouraged to prevent the licensed area being adopted as a smoking area.</p> <p>The licensed area is for the provision of tables and chairs on the highway.</p> <p>Tables and chairs need to be cleared from the Highway for street cleansing</p> <p>Operating hours beyond 9pm can cause noise problems to residents in close proximity. e.g. dragging of tables and stacking of chairs</p>	<p>No change</p>

	<p>Point 34</p> <p>Times of operation</p>	<p>During summer months customers like to stand by the river. It would be difficult to enforce a rule that customers must be seated along this stretch of river</p> <p>The Highways Amenity Licence will normally operate from 9am – 9pm. In certain areas there may be some reductions on those hours due to specific local highway requirements.</p>	<p>Every case will be decided on its merits but the usual parameter will be 9.00 a.m. – 10.00 p.m.</p>	<p>Yes</p>
<p>Councillor S Clee</p> <p>8/12/2008</p>	<p>Point 32</p> <p>Smokers</p>	<p>The provision of street furniture must be primarily in connection with the service of food / and or drink from the premises with which it is associated and shall not be solely for the use of smokers.</p> <p>Would it be possible to segregate smokers from non smokers where possible to do so.?</p>	<p>The segregation of smokers would be at the discretion of the Licensee.</p>	<p>No</p>

<p>Richard Williams Principal Pollution Control Officer Wyre Forest District Council.</p> <p>8/12/2008</p>	<p>Point 34 Operating Hours in the Street</p>	<p>The Highways Amenity Licence will normally operate from 9am – 9pm. In certain areas there may be some reductions on those hours due to specific local highway requirements.</p> <p>When considering the mixed use of urban areas within the district it is important that a balance of residential and commercial harmony is achieved with particular reference to noise and its control. The Street amenity policy should reflect this consideration, and in my view a 9pm curfew on the use of tables and chairs outside is reasonable, as it will ensure the following : -</p> <p>The tables use is tied into the cafe culture philosophy and fully embraces the concept of drink with food and not the other way around.</p> <p>Will ensure that any table and chairs which require removal (dragging and dropping of tables and chairs) and securing over night will not cause any unnecessary disturbance to local residents from any late night removal.</p>	<p>Tables and chairs need to be cleared from the highway for street cleansing.</p> <p>Operating hours beyond 9pm can cause noise problems to residents in close proximity. e.g. dragging of tables and stacking of chairs.</p>	<p>Yes</p>
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		<p>Will ensure that street furniture (privately owned) are not used as a 'persudo public beer garden' which have the capacity to give rise to noise problems. This usually occurs due to increased boisterous behaviour which is usually fuelled by excessive alcohol consumption which becomes more prevalent during late evening. The 9pm curfew will deter this and also discourage revellers from using the outside areas as a late evening meeting point.</p>		
<p>Kidderminster Town Centre Partnership</p> <p>6/1/2009</p>	Licensing Policy	<p>KTCP supports the proposed Policy as this will add ambiance and character to the town centre. As long as the Licensing arrangements managed appropriately, it should provide a footfall driver to eating and drinking establishments provide required seating and should assist the "dwell time" in the town, potentially encouraging later evening trading - particularly during the warmer summer months.</p>	Supports Policy	No

<p>Mr S Singleton Economic Development and Tourism Manager Wyre Forest District Council</p> <p>6/1/2009</p>	<p>Licensing Policy</p>	<p>The proposed Policy is a positive step, the pavement cafe/coffee shop culture helps to create a relaxing environment, meeting place and holiday flavour (weather permitting) in the town centre. The Partnership could build on this (for example) with more street entertainment and perhaps encourage quality buskers to the town</p>	<p>Supports Policy</p>	<p>No</p>
<p>Stephen Hawley Traffic and Development Co-ordination Engineer Worcestershire County Council</p> <p>6/1/2009</p>	<p>Licensing Policy</p>	<p>Section 7 of the Licensing Policy refers to barriers and you cannot licence barriers as they are considered to enclose the highway and are therefore unlawful</p> <p>Section 12 – there should be a gradient of no steeper than 1:9 of the footway in any licensed area to ensure that it is compliant with the Disability Discrimination Act</p> <p>Section 13 – Reference should be made to locations where visibility splays are obstructed are also not acceptable</p>	<p>Accepted change</p> <p>Accepted change</p> <p>Accepted change</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

		<p>Section 18 should be removed from the Policy document. I suggest that a canopy connected to the building consented is more appropriate.</p>	Accepted change	Yes
		<p>Section 19 – The handling of gas cylinders is dangerous and could explode in a collision or leak during maintenance. The reference to gas cylinders should be removed from the Policy document</p>	Accepted change	Yes
		<p>Section 22 – Small litter bins can be a trip hazard and should not be sited in the licensed area. The waiting staff should have a responsibility to pick up any rubbish</p>	Accepted change	Yes
		<p>Sections 25-29 – Planters and any other item or similar requires a separate licence and are considered on their own merit, but you cannot enclose the highway unless for highway purposes</p>	Accepted change	Yes

	Licence Conditions	Remove Licence Conditions 14-16	<p>Condition 14 has been removed on the basis that it encloses the highway which is illegal</p> <p>Condition 15 refers to litter bins or similar receptacles which must be emptied daily, and must not form trip hazards</p> <p>Condition 16 refers to the removal of all furniture or equipment on the highway at the end of each working day</p>	<p>This comment is accepted and the Condition has been changed</p> <p>This comment is accepted and the Condition has been changed</p> <p>This comment is accepted and the Condition has been changed</p>
K Hobson Bewdley Civic Society 7/1/2009	Policy Document Enclosures	I am surprised that you have included a barrier or fencing requirement. Would it be possible to require instead that the area be marked on the pavement in some other way	Reference to enclosures within the Policy has now been excluded	Yes
West Mercia Constabulary 9/1/2009	Policy document	Requests a copy of the document from Worcestershire County Council authorising Wyre Forest District Council to grant permissions for street furniture on the highway	Copy will be sent	Yes
		Paragraph 15 of the Policy must be strictly adhered to and emergency routes kept	Accepted	Noted

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		Would the holder of a Licence be expected to return it on expiry as well as the condition detailed in Paragraph 3 of the Licence	Licence would need to be returned to the District Council	Note
		Under Paragraph 4 of the Licence can 'obstruction' be defined?	Obstruction is defined under the terms of the Highways Act	Accepted
		West Mercia Constabulary considers any breach of the Licence nuisance or obstruction relating to the Policy a matter for Wyre Forest District Council to resolve	Accepted	No
		Persons who place street furniture on the highway without a Licence is a matter for Wyre Forest District Council	Accepted	Yes
		The Policy may be take into consideration the implications of Alcohol Restriction Zones	Accepted	No