



## **BROMSGROVE DISTRICT COUNCIL**

### **MEETING OF THE LICENSING COMMITTEE**

**MONDAY 23RD MARCH 2015**  
**AT 6.00 P.M.**

**COMMITTEE ROOM, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE**

**MEMBERS:** Councillors C. J. Spencer (Chairman), K. A. Grant-Pearce (Vice-Chairman), J. S. Brogan, M. T. Buxton, S. J. Dudley, J. M. L. A. Griffiths, P. A. Harrison, H. J. Jones, B. Lewis, R. J. Shannon, S. P. Shannon, L. J. Turner and P. J. Whittaker

### **AGENDA**

1. To receive apologies for absence and notification of substitutes
2. Declarations of Interest  
  
To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.
3. To confirm the accuracy of the minutes of the meeting of the Licensing Committee held on 12th January 2015 (Pages 1 - 4)
4. Approval of consultation on amendments to Hackney Carriage and Private Hire Licensing Policies (Pages 5 - 22)
5. Street Amenity Policy - Outcome of Consultation (Pages 23 - 50)
6. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman, by reason of special circumstances, considers to be of so urgent a nature that it cannot wait until the next meeting

K. DICKS  
Chief Executive

The Council House  
Burcot Lane  
BROMSGROVE  
Worcestershire  
B60 1AA

13th March 2015



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## BROMSGROVE DISTRICT COUNCIL

### MEETING OF THE LICENSING COMMITTEE

12TH JANUARY 2015 AT 6.00 P.M.

PRESENT: Councillors C. J. Spencer (Chairman), K. A. Grant-Pearce (Vice-Chairman), J. S. Brogan, M. T. Buxton, S. J. Dudley, J. M. L. A. Griffiths, H. J. Jones, R. J. Shannon, S. P. Shannon, L. J. Turner and P. J. Whittaker

Officers: Mrs. S. Sellers, Mr. D. Etheridge, Mr. R. Savory and Ms. R. Cole

27/14 **APOLOGIES**

An apology for absence was received from Councillor P. A. Harrison

28/14 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

29/14 **MINUTES**

The minutes of the meeting of the Licensing Committee held on 10th November 2014 were received.

Councillor R. J. Shannon requested that it be noted that at this meeting he had stated that the Worcester Road taxi rank was not being used.

**RESOLVED** that, subject to the above comment, the minutes be approved as a correct record.

30/14 **SITE MANAGEMENT AGREEMENT BETWEEN BROMSGROVE DISTRICT COUNCIL AND PUBLIC FUNDRAISING REGULATORY ASSOCIATION**

The Committee considered a report containing an update on further progress and negotiations with the Public Fundraising Regulatory Association (PFRA) with a view to entering into a site management agreement to help to regulate face to face fundraising in Bromsgrove Town Centre.

The Senior Licensing Practitioner, Worcestershire Regulatory Services (WRS) reminded Members of the background to this issue and of the discussion which had taken place at the previous meeting on a draft agreement with the PRFA. At the previous Meeting, Members had felt that the number of days on which face to face collections could be undertaken in Bromsgrove High Street

should be restricted to two per week. The PFRA had indicated that following discussion with its membership, it was felt that three days per week were required.

In accordance with the discussion at the Committee meeting, further negotiations had subsequently taken place with the PRFA and it was reported that the organisation had now agreed to restrict collections to two days per week (Mondays and Wednesdays).

It was reported that the PRFA had requested that the operation of the agreement be reviewed after it had been in operation for six months. At that stage there would be an assessment of any adverse impact on fundraising within Bromsgrove. Members were in agreement with these proposed arrangements and it was noted that the PRFA would be expected to provide robust evidence of any decline in the level of fundraising at the end of the six month period should this be the claimed situation.

It was felt that in view of adverse comments previously received from members of the public in relation to the frequency of face to face fundraising activities within the High Street, it would be useful if appropriate publicity on the new arrangements could be arranged with the Council's Communications Team.

**RESOLVED:**

- (a) that the contents of the report and the updated draft Site Management Agreement be noted; and
- (b) that the Head of Worcestershire Regulatory Services be authorised to sign the updated Site Management Agreement on behalf of the Council.

31/14

**DRAFT STREET AMENITY POLICY**

The Committee considered a report and accompanying draft Street Amenity Policy in respect of the pedestrianised section of Bromsgrove High Street. At this stage officers were requesting permission to undertake more formal consultations with those businesses which would be affected.

The introduction of the Policy and the accompanying licensing regime would enable management of High Street Café Areas to be undertaken in a cohesive way. The Town Centre Regeneration Programme Manager outlined the benefits of an updated Street Amenity Policy which included the opportunity to improve the appearance and vibrancy of the High Street and to improve ease of movement and access for all.

It was noted that the adoption of the Policy would enable a structured a positive approach to actively designing Street Café Areas into Bromsgrove High Street. It was proposed that licensing process could be undertaken locally at District level by WRS on behalf of this Council, rather than by Worcestershire County Council Highways Department.

It was reported that officers had already discussed the matter on an informal basis with the owners or managers of the businesses which would be affected by the Policy. The reaction had been positive, with the “chain” outlets being used to similar regimes in other areas of the Country. The more local, individual businesses had also seen the advantages of the introduction of a scheme which would improve the appearance of the High Street but which would be administered locally.

It was noted that the proposed fee structure, which had been part of the initial informal discussions, would enable WRS to cover their costs involved in the administration and enforcement of the scheme. The fees would also be part of the formal consultation if this was agreed to by Members. Formal consideration of the fees would be a matter for the Cabinet following the consultation period.

Members were generally supportive of the proposal to formally consult on the draft Policy. The use of “A” Boards which were employed by a variety of businesses for advertisement purposes was queried. Officers advised that “A” Boards would not be controlled under this Policy and this would need to be revisited separately at a later date if required. It was confirmed however that no Town Centre in the County was covered by an “A” Board Policy.

There was a detailed debate and Members raised a number of issues to which officers responded. These included:

- Premises Licences – coverage of the outside areas;
- Legislation in respect of smoking;
- Enforcement of the Policy, including responsibility for cleaning;
- Legislation in respect of music;
- Appropriate levels of fees

It was noted that the results of the consultation would be reported to the Committee at its next meeting on 23rd March 2015.

**RESOLVED:**

- (a) that the Draft Street Amenity Policy as set out in Appendix 1 to the report be noted and approved for the purposes of consultation;
- (b) that officers be authorised to carry out formal consultations on the Draft Policy between 19th January 2015 and 2nd March 2015 and to report back to the Licensing Committee on 23rd March 2015 on the results of the consultation.

32/14

**LICENSING COMMITTEE WORK PROGRAMME**

The Committee considered the Work Programme for the remainder of 2014/2015.

**RESOLVED** that Licensing Committee Work Programme be noted.

33/14 **ANY OTHER BUSINESS**

With the agreement of the Chairman there was an update in relation to the provision for Taxis whilst major works were being undertaken at Bromsgrove Railway Station. This had been raised at the previous meeting (Minute 26/14 refers) when Members had expressed concerns regarding traffic congestion at the Railway Station, part of which was caused by the fencing off of an area of land previously used for Taxis to wait.

Members stated that the problem was still on going with Taxis and other vehicles parking in inappropriate places and causing further congestion.

Officers reported that following discussions with the relevant parties a formal request had been made for a temporary Taxi parking area to be marked out at the station and arrangements were in hand for this to be implemented. It was hoped this would help to alleviate the position pending the completion of the Railway station project. This was noted.

The meeting closed at 7.25 p.m.

Chairman



## LICENSING COMMITTEE

23<sup>rd</sup> March 2015

**REQUEST FROM BROMSGROVE TAXI ASSOCIATION FOR CHANGES  
TO HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICIES**

Relevant Portfolio Holder	Councillor Rita Dent
Portfolio Holder Consulted	Yes
Relevant Head of Service	Ivor Pumfrey – Acting Head of Worcestershire Regulatory Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

### 1. **SUMMARY OF PROPOSALS**

The Licensing Committee has previously considered a report submitted by the Chairman of Bromsgrove Taxi Association in which a number of changes to the Council's current policies and procedures relating to hackney carriage and private hire licensing were proposed.

These changes have been discussed at trade forums and officers are now seeking approval to carry out formal consultation on a number of proposed changes to the Council's existing policies and procedures relating to hackney carriage and private hire licensing.

### 2. **RECOMMENDATIONS**

**Members are asked to RESOLVE;**

**Whether or not to instruct Worcestershire Regulatory Services to carry out formal consultation on a number of proposed changes to the Council's existing policies and procedures relating to hackney carriage and private hire licensing as set out in the draft consultation document at Appendix 2.**

### 3. **KEY ISSUES**

#### **Financial Implications**

- 3.1 The costs involved in carrying out the consultation would be met from existing budgets held by Worcestershire Regulatory Services.

## LICENSING COMMITTEE

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### Legal Implications

- 3.2 The Council's current policies in relation to the operation of Private Hire Licences and Hackney Carriage Licences are set out in the Taxi Handbook and associated guidance issued by the Council. There are currently no scheduled reviews due to be undertaken in relation to the Council's policies, although officers ensure that the policies are continually kept up to date to reflect any relevant changes in legislation.
- 3.4 It is worth noting that there are some legislative changes to the rules around Private Hire and Hackney Carriage licensing which will come into effect as part of the Deregulation Bill. The Bill is currently progressing through Parliament and it is not known when it will receive the Royal Assent, although it would be expected before May 2015.

### Service / Operational Implications

- 3.5 At its meeting held on 10<sup>th</sup> November 2014 the Licensing Committee considered a report submitted by the Chairman of Bromsgrove Taxi Association in which a number of changes to the Council's current policies and procedures relating to hackney carriage and private hire licensing were proposed.
- 3.6 The Committee resolved to note the report and tasked officers with setting up trade forums to discuss the ideas more widely before bringing proposals and a consultation document back to the Committee for comment.
- 3.7 A trade forum was arranged and took place on 5<sup>th</sup> February 2015 at which the proposals contained in the Taxi Association report were discussed. A further forum took place on 5<sup>th</sup> March 2015. In total 35 people attended one of other of the forums.
- 3.8 The proposed changes to policy were discussed and **Appendix 1** contains a summary of the general response from those attending the forums, to each of the proposals under consideration.
- 3.9 It is perhaps unsurprising that existing licence holders have concerns about, and are not generally supportive of, changes to policy that would have an adverse financial impact on them, for example by requiring them to spend more money on a replacement vehicle when their reaches the Council's standard upper age limit for licensed vehicles.

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- 3.10 Whilst the forums were a very useful exercise and reasonably well attended, officers would now like to carry out formal written consultation on the proposed amendments to policies and procedures with all existing licence holders and interested groups. This would allow for a wider range of views to be expressed and considered by the Committee before it decides how it wishes to proceed.
- 3.11 A draft consultation document has been prepared for this purpose and can be seen at **Appendix 2**.
- 3.12 Members are asked to decide whether to instruct Worcestershire Regulatory Services to carry out formal consultation on proposed changes to the Council's existing policies and procedures relating to hackney carriage and private hire licensing as set out in the draft consultation document.
- 3.13 Consultation would take place over a period of at least twelve weeks during which further open forums would be held with the licensed trade and other interested parties to further explain the proposals being considered and help people to respond to the consultation.
- 3.14 All responses received during the consultation exercise would be reported back before the Licensing Committee later this year before any decisions are taken as to whether to proceed with any of the proposals being considered.
- 3.15 Whilst officers recognise that the Deregulation Bill contains two clauses relating to hackney carriage and private hire licensing, it is felt that the proposals being considered by the Council would not be materially affected by the clauses in the Deregulation Bill. As such there is no obvious reason to delay in carrying out consultation on the proposed changes to policy and procedure at this stage.
- 3.16 Indeed by the time consultation on the proposals is completed, the Deregulation Bill should have received Royal Assent and any changes this legislation will require to the Council's policies and procedures can be incorporated at the same time.

## 4. RISK MANAGEMENT

- 4.1 The risks identified by this report relate to the Council either acting too hastily to change policy or choosing to disregard the issues raised by the taxi drivers through Bromsgrove Taxi Association. These risks are being managed by the approach of seeking more information from the trade and considering all the relevant implications, including forthcoming legislative changes, and carrying out formal consultation before deciding whether to proceed with making any changes.

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### 5. APPENDICES

- Appendix 1 – Summary of General Responses at Forums
- Appendix 2 – Draft Consultation Document

### AUTHOR OF REPORT

Name: Dave Etheridge – Senior Practitioner (Licensing)  
Worcestershire Regulatory Services  
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Tel: (01527) 534121

## Summary of Proposals

Proposal	Response from Forum
<p>Return to a two-tier system (private hire or hackney carriage)</p>	<p>Opinion of this proposal was mixed however a majority of the licence holders present at the forums did not support this change.</p> <p>There were concerns expressed that those issued “private hire only” licences would not have sufficient local knowledge to perform their role properly if the geographic knowledge test was removed as a requirement for this type of licence.</p> <p>The majority of those present could not see an advantage in making this change.</p>
<p>New applicants to pay separately to undertake each knowledge test they sit.</p>	<p>This proposal had the support of the vast majority of those present at the forums.</p> <p>As this is not a matter of policy, this proposal has been addressed by officers when proposing the fees and charges for 2015/16.</p>
<p>Limit applicants to three attempts at passing the knowledge test and having to wait six months before sitting the test again after a third failure.</p>	<p>This proposal had the support of the vast majority of those present at the forums.</p> <p>Some licence holders suggested that an applicant failing three knowledge tests should be permanently barred from applying for a licence.</p> <p>Officers explained that this was not possible as the Council cannot fetter its discretion in such a way.</p>
<p>All new applicants to sit a Maths and English test.</p>	<p>A proposal to introduce an “essential skills test” for all new applicants had the support of the majority of those present at the forums.</p>
<p>Applicants for licences to drive hackney carriage vehicles to be tested on the hackney carriage tariff.</p>	<p>This proposal had the support of the vast majority of those present at the forums.</p>

# Agenda Item 4

<p>All new applicants (and those who receive in excess of six penalty points on their DVLA licence) to take a driving standards test.</p>	<p>In relation to new applicants, this proposal had the support of the vast majority of those present at the forums.</p> <p>In relation to existing drivers, the majority of those present at the forums agreed that it would be useful for a Licensing Sub-Committee considering a drivers fitness to hold a licence as a result of picking up driving licence endorsements, to be able to require them to undertake a similar assessment of their driving capabilities as an alternative to having their licence suspended or revoked.</p>
<p>Introduce a requirement that new hackney carriage vehicles entering the licensed fleet are under five years of age when first licensed.</p>	<p>The vast majority of the licence holders present did not support this change.</p> <p>The financial implication of such a policy change was the main reason for raising concerns.</p> <p>Some attendees suggested that the Council's policy on age limits for hackney carriages should in fact be relaxed rather than tightened.</p> <p>Many attendees made the point that a vehicle's age is not necessarily a reliable indicator of its condition and suitability for use as a hackney carriage or private hire vehicle.</p>
<p>New licences for hackney carriage vehicles should only be granted in respect of brand new wheelchair accessible vehicles.</p> <p>This requirement to also apply to existing licence holders who are replacing licensed vehicles that have reached the upper age limit or which need to be replaced for any other reason.</p>	<p>Whilst having fewer concerns in relation to applying this policy change to new applicants, the vast majority of the licence holders present did not support making this change in relation to existing licence holders who they felt should be afforded "grandfather rights" to be able to retain "saloon type" vehicles.</p> <p>The financial implication of such a policy change was the main reason for raising concerns and requesting grandfather rights.</p> <p>One attendee questioned whether there was sufficient demand for wheelchair accessible vehicles to justify this approach.</p>



**Bromsgrove**  
District Council

[www.bromsgrove.gov.uk](http://www.bromsgrove.gov.uk)

# **Hackney Carriage and Private Hire Licensing Policies and Procedures A Consultation**



## **Why is this consultation taking place now?**

The Council has considered a report from the Bromsgrove Taxi Association which highlighted a number of concerns with the existing policies and procedures. The report also suggested some potential amendments to the existing policies and procedures.

The issues that concern both the Bromsgrove Taxi Association and the Council are the imbalance between the number of Hackney Carriages and Private Hire Vehicles licensed in the District. It is felt that current policies and procedures do not encourage a healthy balance between the two different sectors of the licensed vehicle trade and are leading to an over proliferation of Hackney Carriage vehicles plying for hire in the District.

There is also a perception from the licensed trade that the requirements placed on those applying for licences from Bromsgrove District Council are not as stringent as those in other neighbouring authorities. It is felt that this may be leading to those who cannot meet the requirements in other areas coming to Bromsgrove to obtain licences as an alternative, adding to the over proliferation of Hackney Carriage vehicles plying for hire in the District.

Finally there is concern from the Council that there are very few licensed Hackney Carriage vehicles plying for hire in the District that are capable of carrying a wheelchair user whilst they remain seated in their wheelchair.

The Council is keen to make clear that it is not pursuing any particular changes to policies and procedures with a view to providing protection from competition for the existing licensed trade. However the Council is considering making changes that will improve standards and confidence in the licensed Hackney Carriage and Private Hire trade in the District.

The Council has decided to carry out consultation on some proposed changes with those who would be affected if the changes were made, including:

- Licensed Hackney Carriage and Private Hire Drivers
- Licensed Hackney Carriage and Private Hire Vehicle Proprietors
- Licensed Private Hire Operators
- Relevant Trade Associations
- West Mercia Police
- VOSA
- Worcestershire County Council – School / College Transport
- Organisations representing the elderly and the disabled.
- Residents and those that represent them



## **How long does this consultation period last for?**

This consultation is open for responses until **31<sup>st</sup> July 2015**.

## **Where should I send my response to this consultation?**

Consultation responses should be forwarded to:

Taxi Consultation – Bromsgrove  
Worcestershire Regulatory Services  
Wyre Forest House  
Finepoint Way  
Kidderminster  
Worcestershire  
DY11 7WF

Alternatively responses can be submitted to the Council by email using the subject line “Taxi Consultation – Bromsgrove” and sent to [wrsenquiries@worsregservices.gov.uk](mailto:wrsenquiries@worsregservices.gov.uk)

## **Will the Council listen to my opinions?**

The Council will consider and have regard to all responses it receives during this consultation exercise before deciding whether to proceed with making changes to the existing policies and procedures.

## Consultation Questions

### Part A – Driver Licensing

The Council is considering introducing a “private hire only” licence alongside the dual hackney carriage and private hire driver licence is currently issues.

The licensing requirements for this new type of licence would be the same as for the dual licence, but the “knowledge test” taken would be tailored to the private hire sector of the trade only with less emphasis placed on elements of local geographic knowledge that is more relevant those licensed to drive hackney carriage vehicles.

Do you agree with this proposal?

YES

NO

Please provide reasons for your answer above (continue on a separate sheet if necessary)

DRAFT

# Agenda Item 4

The Council is considering requiring all new applicants for licences to drive Hackney Carriage and/or Private Hire vehicles to undertake a driving standards test.

Do you agree with this proposal?

YES

NO

Please provide reasons for your answer above (continue on a separate sheet if necessary)

The Council is also considering requiring all licence holders who accumulate more than six penalty points on their DVLA licence to undertake a driving standards test.

Do you agree with this proposal?

YES

NO

Please provide reasons for your answer above (continue on a separate sheet if necessary)

# Agenda Item 4

The Council is considering requiring all new applicants for licences to drive Hackney Carriage and/or Private Hire vehicles to undertake an “essential skills” test which would cover matters such as basic mathematics, map reading, communication skills etc.

Do you agree with this proposal?

YES

NO

Please provide reasons for your answer above (continue on a separate sheet if necessary)

The Council is considering limiting new applicants to three attempts at passing both the knowledge and essential skills tests before they are barred from attempting the tests again for six months.

Do you agree with this proposal?

YES

NO

Please provide reasons for your answer above (continue on a separate sheet if necessary)

## Part A – Vehicle Licensing

The Council is considering introducing a requirement that new hackney carriage vehicles entering the licensed fleet are under five years of age when first licensed. Currently a vehicle can be anything up to ten years of age when first licensed as a hackney carriage.

This policy change would affect both new applicants for Hackney Carriage vehicle licences and those who are replacing their Hackney Carriage vehicles for any reason.

Do you agree with this proposal? (please circle)	YES	NO
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Please provide reasons for your answer above (continue on a separate sheet if necessary)

DRAFT

# Agenda Item 4

The Council is considering introducing a requirement that, from a specified future date, all new vehicles being licensed at Hackney Carriage Vehicles must be a wheelchair accessible vehicle (WAV). WAV means a vehicle capable of carrying a wheelchair user whilst they remain seated in their wheelchair.

The effect of this policy change would be to see the gradual phasing out of “saloon” type vehicles so that ten years after the Policy comes into effect all vehicles licensed by the Council to be used as Hackney Carriages should be WAVs.

Do you agree with this proposal?	YES	NO
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Please provide reasons for your answer above (continue on a separate sheet if necessary)

DRAFT

If the Council decides to proceed with the policy change relating to new Hackney Carriages being WAVs do you think that “grandfather rights” should be provided in relation to the holders of existing licences to use vehicles as hackney carriages?

Affording “grandfather rights” to existing licence holders would mean existing vehicle owners would be able to continue replacing their existing vehicles on a “like for like” basis.

YES		NO	
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Please provide reasons for your answer above (continue on a separate sheet if necessary)

DRAFT

If the Council decides to proceed with the policy change relating to new Hackney Carriages being WAVs and decides to afford existing licence holders “grandfather rights,” how long should those grandfather rights extend for after the policy comes into effect?

1 year		2 years	
5 years		10 years	
Indefinitely		Other please specify	

Please provide reasons for your answer above (continue on a separate sheet if necessary)

DRAFT



Do you have any other suggestions or comments in relation to the Councils existing policies and procedures in relation to Hackney Carriage and Private Hire Licensing?

DRAFT

# Agenda Item 4

In what capacity are you responding to this consultation?			
Licensed Hackney Carriage / Private Hire Driver		Licensed Private Hire Operator	
Member of the Public		Elected representative	
Other (please specify)			

Your Details (optional)	
Name	
Address	
Date of Birth	

**Thank you for taking the time to respond to this consultation.**

**All responses received will be considered by the Council prior to a decision being made about how to proceed.**

### STREET AMENITY POLICY – OUTCOME OF CONSULTATION

Relevant Portfolio Holder	Councillor Rita Dent
Portfolio Holder Consulted	Yes
Relevant Head of Service	Kevin Dicks
Wards Affected	All wards
Ward Councillor Consulted	N/A
Non-Key Decision	

#### 1. SUMMARY OF PROPOSALS

Members are asked to consider the feedback from the consultation on the draft Street Amenity Policy and to approve the final version of the policy to come into force from 01 May 2015.

#### 2. RECOMMENDATIONS

- 2.1 That Members note the responses received during the consultation period and consider the information set out in the report.**
- 2.2 That Members approve the contents of the draft Street Amenity Policy attached at Appendix 1 and authorise the introduction of the policy with effect from 01 May 2015.**
- 2.2 That members recommend to Cabinet that the fees set out at paragraph 3.2 of this report be adopted and added to the Fees and Charges Schedule as follows:**
- Street Amenity Policy - First application: £200**
- Street Amenity Policy - Annual renewal: £55.**
- 2.3 That Members recommend to Full Council that delegated authority be granted to the Head of Legal, Equalities and Democratic Services to update the Scheme of Delegations to make provision for the officer decisions required under Section 115 of the Highways Act 1980 as described in this report, and for the terms of reference for Licensing Committee to be amended to allow for it to determine Street Amenity Consents.**

### 3. KEY ISSUES

#### Financial Implications

- 3.1 The introduction of the Street Amenity Policy will not have any direct financial implications on the Council's budget. Agreement has been reached that staff from Worcestershire Regulatory Service (WRS) will perform the role of receiving and processing applications, including granting applications where appropriate and supporting the process for licensing sub-committee hearings to take place in the event that any applications are contested. There will not be any increase in the amount of charges the Council pays for the services provided for it by WRS. However, to off-set the extra costs it is proposed that the fee income generated from the policy will be retained by WRS as opposed to being returned to BDC.
- 3.2 An application / annual fee will be charged to go towards the additional cost of managing the Street Amenity Policy. Fees will be charged on a costs recovery basis only as with other regulatory services. WRS officers have carried out an exercise to calculate the charges based on pricing for their time and the proposed fee schedule is set out below. The fees will require separate approval from Cabinet as part of the Councils fees and charges policy.

#### Proposed charges for Street Amenity Policy

First application	£200
Annual renewal	£55

- 3.3 The level of fees will be kept under close review by WRS and may be subject to future change. The reason for this is that it is difficult to assess how much work is going to be involved until the policy is put into practice. The fees proposed are the best estimate WRS can give at this time on the information available and are in line with the fees for street amenity policies in other Districts in Worcestershire.

#### Legal Implications

- 3.4 As referred to above WRS have agreed to take on the additional work for administering the Street Amenity Policy on the basis that they retain the fee income.
- 3.5 The legal authority to regulate the placing of items on the Highway is set out in section 115E of the Highways Act 1980. As a pedestrianised former highway the land owner of the High Street is Worcestershire County Council.

## Licensing Committee

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Discussions have been on-going between the District Council legal team and the County Council legal team as to how the policy is going to be put into effect. It is understood that the County Council are in agreement for the District Council to exercise the power to licence street furniture for the High Street. This is a dual function that can be exercised by County or District under the legislation. A suitably worded letter of understanding will be drawn up to reflect the agreement.

- 3.6 Applications for street furniture to be placed on the highway in other areas of the District will continue to be decided by the County Council, as will applications for certain other highway uses within the area covered by the policy.
- 3.7 There are a number of licences for street cafes that have been granted by the County Council. Care will have to be taken to ensure that when these licences expire, new applications are made to the District Council under the new policy. Officers requested information about which premises hold existing licence from the Highways department in January and are waiting for this to be supplied.
- 3.8 The draft policy is restricted to the adopted Highway along the pedestrianised section of Bromsgrove High Street. It does not extend to any other areas of public highway or to any areas of private land. Siting of Street Café areas on private land sits outside the Highways Act, would require the consent of the land owner and must not conflict with any rights of way that may exist.
- 3.9 Expanding the policy to other streets within the Town Centre area may be considered in due course once they have benefitted from reconstruction works as part of the overall Town Centre Regeneration Programme. Any such expansion would also have to take into account the restrictions outlined above as to private land and the need not to conflict with any rights of way.
- 3.10 When granting a licence the Council may attach such conditions as they think fit under section 115F of the Highways Act 1980.
- 3.11 To enable the policy to be implemented changes will need to be made to the Bromsgrove District Council constitution to allow for Licensing Sub-Committee to determine any applications where objections have been raised and to delegate to officers the ability to grant consents for uncontested applications in the Officer Scheme of Delegations and to attach conditions to consents that are granted.

## Licensing Committee

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### Service / Operational Implications

#### Feedback from Consultation Process

3.12 Following consideration of the draft policy by members of Licensing Committee on 12<sup>th</sup> January 2015, the consultation period ran from 19<sup>th</sup> January 2015 to 2<sup>nd</sup> March 2015. A copy of the consultation document is attached at Appendix 2. The consultation was advertised by the following means:-

- Press release and promotion of the consultation on the Council's web site
- Delivery of flyers to the business premises on the High Street
- Letters sent to the food businesses that will be directly affected and be required to make an application under the new policy
- Direct notification to Members and to the usual statutory consultees including Worcestershire Highways, West Mercia Police, Hereford and Worcester Fire and Rescue Service, Ambulance service, WRS and internal Council departments that are affected

3.13 A total of 7 responses were received. A table setting out the main issues raised by the responses is attached at Appendix 3. From those consultees who replied there would appear to be broad support for the introduction of the policy, including the proposals for size and lay out and the proposed fee levels. Some consultees gave more detailed feedback. Officers have been through these comments carefully and made some minor changes to reflect the points made.

3.14 The minor changes include:-

#### **Part 1**

- Para 5 – clarification of the dual responsibilities of the District and the County under the Highways Act
- Para 19 – clarification of emergency exits/ routes
- Para 26 – clarification that food business must ensure licensing rules are adhered to
- Para 32 – addition requirement for street furniture to be stored safely when not in use.
- Para 42 – clarification of the rules around operating hours for consents

#### **Part 2**

- Para 4 – addition of Community Environmental Health Team WRS and Hereford and Worcester Fire Service as consultees.

- 3.15 The Community Environmental Health Team requested that:
- \* all operators must comply with relevant food safety requirements.
  - \* licence should not be transferrable.
  - \* there is someone from the District Council to monitor and inform WRS where necessary.

Environmental Services comments:

- those venues that allow smoking in the café area must provide receptacles for public use.

Suggested issues NOT put into the Policy:

- set a time frame for when furniture can be in place (Environmental Services) – Policy was amended to restrict use of furniture to within opening times.
- The use of own food/drink in a street café area (John Gaunt & Partners) – we do not wish to encourage people to use these areas for their own food/drink.
- A licence should be revoked if renewal fee not paid on time (Environmental Health) – a licence will not be issued if the fee has not been paid.

- 3.16 Members are now asked to consider the consultation responses and to approve the amended draft policy. Subject to Cabinet approval of the fees, and Council approval of the changes needed to the Constitution referred to at para 3.11, officers would intend to bring the new policy into effect starting in May 2015. For the first 12 months there will be an overlap between any existing licence issued by the County Council and the new scheme. Gradually as the older County Council issues licences expire, all the food businesses will be brought under the new policy.

- 3.17 As detailed in the report to Licensing Committee of 12<sup>th</sup> January 2015, the policy will be administered on behalf of the Council by colleagues from WRS. Provided there are no objections and the policy is met, consents will be granted by officers under delegated powers. Where there are objections, or a proposal is outside of policy, then the decision whether or not to grant will be made by Licensing Sub-committee following a hearing.

**4. RISK MANAGEMENT**

4.1 The identified risks include:-

- The risk that some premises will not co-operate with the new system - this has been mitigated by pre-consultation with the relevant food businesses but the Council will not have the ability to compel a business to apply for a licence. In other town centres which operate street amenity policies such as Worcester and Wyre Forest there have generally not been problems with non-compliance.
- The ability of the Council to enforce the policy – unlike some other regulatory schemes there are no provisions that would allow the Council to prosecute a business that continually infringed the scheme. If problems arose the Council would seek to resolve them through discussion and giving advice to the business owner. Section 115 of the Highways Act also includes provision for the serving of a formal notice to require a breach of the terms of the licence to be remedied.

**5. APPENDICES**

Appendix 1 – Amended Draft Street Amenity Policy  
Appendix 2 – Consultation Questions  
Appendix 3 – Summary of consultation responses

**6. BACKGROUND PAPERS**

Report to Licensing Committee dated 12<sup>th</sup> January 2015

**AUTHOR OF REPORT**

Name: Richard Savory

Bromsgrove Town Centre Regeneration Programme Manager

Bromsgrove District Council

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**Bromsgrove**  
District Council

[www.bromsgrove.gov.uk](http://www.bromsgrove.gov.uk)

## **BROMSGROVE DISTRICT COUNCIL**

### **STREET AMENITY CONSENT (CONTROL OF STREET FURNITURE)**

#### **POLICY, PROCESS AND CONDITIONS**

##### **PART 1 - Policy**

1. Bromsgrove High Street has benefitted from a major reconstruction in high quality natural materials helping to establish it as a unique and striking destination of character. At the heart of the design is ease of movement along the High Street and the principle of equality of access for all.
2. The High Street uses contrasting and complementary materials and lighting to create visually different ambient zones throughout its length. Bromsgrove District Council wishes to further support this transformation of the High Street by establishing and encouraging the creation of street café areas along its length.
3. The aim of this policy is to enable, weather permitting, good quality pavement cafes, pubs and restaurants which can enhance the ambience of the High Street and contribute to a relaxed and sociable style of eating and drinking. This policy applies to the main pedestrian thoroughfare of the High Street not including Chapel Walk, Mill Lane and Church Street. For ease of reference the area covered by the policy is shown on the plan attached at Appendix 1
4. The purpose of this policy is twofold:
  - To highlight the requirements and standards expected of pavement cafés, pub and restaurant operations in the town centre
  - To guide those wishing to establish and/or operate pavement cafes, pubs and restaurants, through the Consent process
5. The Council authorises street cafes which are not situated on privately owned land, by the granting of a Street Amenity Consent (“Consent”). The Consent is renewable annually. Although previously consents for street cafes were issued by Worcestershire County Council, from May 2015 any new applications for consents in the High Street will be decided by the District

Council under this policy. The District Council will be relying on the powers set out in Section 115E of the Highways Act 1980. For premises that are not situated on the High Street, applications will still need to be made to Worcestershire County Council.

6. The following fees will be charged by the Council to process preliminary applications and annual renewals. Fees will be reviewed annually by the Council as part of its review of fees and charges

First application	£200
Annual renewal	£55

7. The Consent application process involves specific procedures following the guidance in this policy. There is an application form which needs to be completed by all applicants.
8. It will not normally be necessary to obtain planning permission for outdoor street cafes on the public highway, provided that the main existing premises have the appropriate planning permission and all facilities are portable. However, planning permission will be necessary if there is some form of permanent development associated with the pavement café. Further advice on specific applications will be available from the Planning Department who can be contacted on 01527 881288.
9. Upon receipt of an application, it will normally take two months for the application to be determined.
10. Some areas along Bromsgrove High Street have been specifically designed as Street Café areas and other areas may not be suitable. However each application is considered on its own merits using the criteria set out in this document.
11. The Council therefore reserves the right to refuse applications if they are considered to be inappropriate.
12. The Consent will relate purely to the use of the public adopted Highway land in relation to the premises that is the subject of the Consent. It does not relate to the use of any other external areas which may be within the ownership and / or control of the Consent holder.
13. Any Consent that is issued is subject to the general provisions and conditions set out in this Policy and may also have separate, premises specific, conditions attached to it by the Council.

## **The Criteria for Considering Applications**

### **Size and Layout**

14. Ancillary street furniture will only be allowed in an appropriate location outside of, adjacent to, or very near the premises or business with which it is associated. Consideration will be given to the operational requirements of neighbouring premises and their views will be sought on any applications made.
15. The layout must not conflict with or impede the safe passage of pedestrians (including the partially sighted and those using wheelchairs or mobility scooters) along the High Street. The main pedestrian only routes run parallel to the central granite thoroughfare along the length of the High Street in front of the shops and are defined in buff coloured 'moselden' york stone setts.
16. The proximity of the shop front to the main pedestrian-only route varies and so the application must be accompanied by a scaled plan showing the area of highway included in the proposal and distance from and any impact on the main pedestrian route. The scaled plan must include the layout and maximum number of seats and perimeter treatment, and illustrations and dimensions of the furniture to be used.
17. Where layouts may impinge on the main pedestrian-only routes, it may be possible instead to place tables and chairs in a clearly defined area near to, but not immediately adjacent to, the building or business. Alternatively if the proposed layout would result in pedestrians being diverted onto the granite thoroughfare the use of conditions to restrict the days/hours of operation may be considered. In all cases, as referred to above, the overriding objective of the policy is to ensure safe access to the High Street by all users including pedestrians and emergency vehicles.
18. The layout of furniture and means of enclosure will only be approved if provision has been made for customers with disabilities.
19. Street furniture must not be positioned as to block access to any existing fire exits, or to obstruct the emergency vehicular access route along the High Street.

## **Furniture**

20. The furniture should be of a high quality and uniform style within the designated Consent area, appropriate for outdoor use. Plastic and/or picnic tables will not be approved.
21. Applicants should consider providing umbrellas or canopies in order to minimise the risk of food contamination from birds that may roost on trees and buildings along the High Street.
22. Any umbrella or canopy must not overhang the boundary of the pavement café. Use of umbrellas along with their location, materials and colour must be specified as part of the design. Umbrellas must remain unopened in high winds.

23. Canopies, awnings and blinds which attach to the building and pull over the seating area can be a positive addition to the appearance of the High Street. In some cases, however, they may require advertisement consent or planning permission.
24. Non–furniture items such as menu boards, signs and portable gas heaters, also need to be approved as part of the designated Consent area. The Council may require the removal of items it deems to be ‘unacceptable clutter’ or which intrude into sight lines.
25. All items need to be portable enough to be brought in at the end of the permitted period of each working day, for street cleansing purposes, or in the event of an emergency.

## **Environmental and Other Requirements**

26. All pavement café operations must comply with the relevant food safety requirements. Applicants will also need to ensure that the necessary permissions under the Licensing Act in relation to the sale and consumption of alcohol are in place. Further information in relation to food safety and the sale/ consumption of alcohol can be obtained from Worcestershire Regulatory Services tel: 01905 822799.
27. Litter bins, of an approved type, for the deposit of cartons, wrappers, containers and similar discarded items, shall be provided in sufficient numbers to ensure the area is kept clean and tidy at all times.
28. Litter bins will be emptied, by the Consent holder, at least daily and more often when required.
29. It shall be the duty of the Consent holder to clean the section of the highway designated under the Consent.
30. All litter, breakages, grease or spillages must be removed immediately and further, the whole area must be thoroughly cleaned at the end of each working day to a standard to be determined by the Head of Environment Services. The cost of dealing with any drainage blockages resulting from the disposal of effluent or solid waste shall be the responsibility of the Consent holder.
31. If the consent holder allows smoking in the outside area covered by the policy, suitable receptacles must be made available and maintained by the consent holder.
32. Tables and chairs and other associated equipment, must be maintained in a presentable, clean, hygienic, tidy and safe condition at all times.

33. Suitable, sufficient and safe means of storage must be provided for those items to be removed from the highway outside operating hours. Further, safe means of erection, removal, lifting and transport of the street furniture must be provided.

## **Means of Enclosure**

34. The applicant will need to include details of means of enclosure of the proposed pavement café area. This is required to demarcate the designated area which contains the tables and chairs and to make it distinguishable from other pavement users, and particularly to assist blind and visually impaired pedestrians.
35. Consent holder's should ensure that, where food and drink is sold for consumption on the premises, that the consumption of such food and drink remains within the boundary of the pavement café.
36. In some specially designed areas of the High Street means of enclosure will be provided by the Council. This is achieved via specially designed columns which are removable from a special housing set into the pavement. The columns are connected via solid bars from which café screens can be hung. The Council will provide the columns in these locations and the applicant will be expected to provide the café screens.
37. In other areas the design of the barrier should complement the character of the surrounding area and, in any event, must have solid bars/elements at around 100mm and 1000mm above ground level. Barriers must be readily identifiable by the partially sighted. Solid barriers are preferred. Rope barriers will be considered but may be rejected if it is felt that they are not suitably robust in design or would not be readily identifiable by the partially sighted. Small, moveable and properly maintained planters which create a neat 'hedge' when in place may be considered.

## **General**

38. The granting of a Consent applies only to the named Consent holder in respect of the premises authorised and is outside of, and in addition to, any other licence or consent that may be required. Consent holders must ensure that any Premises Licence or other licence or consent held by them allows them to serve or otherwise provide food and/or drink for consumption in the area designated in the Highways Amenity Consent.
39. The list of standard conditions which will attach to all consents is set out in Part 3 of this document. In addition to the standard conditions, officers or the Licensing Sub-Committee may decide to attach individual conditions if necessary to reflect the particular location or lay out of the seating area.

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Failure to comply with the Consent conditions may lead to the withdrawal of the Consent or refusal to renew the Consent in future years.

40. 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.
41. Any changes to any part of the pavement café operations (including furniture, other items, area or operating hours) must be agreed in writing with the Council and may need to be the subject of a new or revised Consent.
42. If there is a change in ownership of a food business which holds a licence then a new application will be required.
43. The hours of operation of the Consent will not exceed the hours of operation of the food business. The Council will not grant consents to food businesses to commence before 9 am or to finish later than 11pm. In certain areas there may be reductions placed on operating days and times due to specific local highway requirements.
44. Public Liability Insurance cover to £5m will be required for the designated Consent area and evidence of this must be provided to the Council upon first application and subsequent annual renewals and at such other times as the Council may request.
45. If the criteria in the policy are met and there are no objections officers will grant the consent. In the event that the criteria are met but there are objections then the decision whether or not to grant the consent will be referred to the Council's Licensing Sub-Committee who will provide a final determination of the application. The Licensing Sub-Committee's decision is final and there is no right of appeal.
46. All designated Consent areas are checked a minimum of once a year by the Council to ensure the street furniture is acceptable and that the Consent holder holds the required Public Liability Insurance.
47. The Council will take advice from the Police regarding the potential for anti-social behaviour at establishments and, if so advised, may require the use of plastic drinks containers for use in the designated Consent area.
48. Failure to comply with the conditions in this Policy and/or those specified on the Consent may result in the Consent holder being referred to a hearing before the Licensing Sub-Committee who may revoke, suspend or add additional conditions to, the Consent.
49. Consent holders must have regard to the requirements of section 115K of the Highways Act 1980, the provisions of which take precedence over all other conditions mentioned in this Policy or which appear on the Consent.

50. When undertaking enforcement activities, WRS will have due regard to the Regulators' Code and in particular will work with businesses to secure compliance with any formal action being a last resort.

## **PART 2 - Process**

1. Applications must be made in writing and submitted to Bromsgrove District Council, The Council House, Burcot Lane, Bromsgrove B60 1AA
2. Applications must be accompanied by the following:-
  - Evidence of public liability insurance.
  - Scale plan showing proposed lay out of the seating area
  - Details of proposed street furniture, means of enclosure and any other items to be included within the enclosed area. (including description, photographs and supplier/technical details where appropriate)
3. The Applicant will be responsible for displaying a public notice at the premises to publicise the application for a period of no less than 21 days.
4. WRS will consult on the application on behalf of the Council with:-
  - The Town Centre Re-development Team
  - The Licensing Team
  - Community Environmental Health Team WRS
  - West Mercia police
  - Hereford and Worcester Fire and Rescue Service
  - Development Control
  - Conservation Officer
  - Environment Services/ Street cleansing
  - Ward councillors
  - Market Manager
5. WRS will in addition to the standard consultees listed above seek the views of neighbouring premises who will be notified in writing of the application.
6. Officers will consider all consultation responses and the criteria in the policy and the need for any additional conditions. Assuming that the criteria are met and there are no objections then the consent will be granted with additional conditions as may be appropriate. In the event that objections are received which cannot be resolved during the consultation period then the application will be referred to the Licensing Sub-Committee to be determined. The decision of the Licensing Sub-Committee will be final. There is no right of appeal.

## **PART 3 – Standard Conditions**

1. The Holder(s) of this Consent shall not exercise privileges granted by this Consent otherwise than strictly in accordance with this Consent. It may be necessary for a temporary cessation of the Consent when events agreed by Bromsgrove District Council are being held.
2. The Holder shall produce this Consent on demand when so required by a Police Officer or a duly authorised officer of the Council.
3. The Holder(s) shall return this Consent to the Principal Licensing Officer immediately on revocation of this Consent.
4. The Holder(s) shall not cause any obstruction of the highways or danger to persons using it and shall not permit persons to gather so as to cause a nuisance or annoyance or danger to any persons lawfully using the highway.
5. The Holder(s) shall not use or allow to be used any music playing, music reproduction or sound amplification apparatus or any musical instruments, radio, or television receiving sets whilst exercising privileges granted to this Consent unless otherwise agreed with the Council in writing.
6. The Holder(s) shall not make excavations or indentations of any description whatsoever in the surface of the highway or place or fix any equipment of any description in the said surface unless otherwise agreed with the Council in writing.
7. The street café area permitted by the Consent must be used solely for the purpose of consuming refreshments and not for any other purpose.
8. The Holder(s) shall not take the issue of this Consent to exclude the requirement to obtain any other Consent, planning permission or consents which may be required to accommodate all of the proposals.
9. The Holder(s) shall make no claim or charge against the Council in the event of the chairs or tables or other objects being lost stolen or damaged in any way from whatever cause.
10. Notwithstanding the specific requirements of Condition 4, the Holder(s) shall not do or cause anything to be done in or on the highway which in the opinion of the Council may be or become a danger, nuisance or annoyance to or cause damage or inconvenience to the said Council or to the owners or occupiers of any adjacent premises or to members of the public.
11. The Holder(s) shall not assign, underlet or part with any privileges given by this Consent or any part thereof but the Holder(s) may surrender it at any time.
12. The Holder(s) shall observe and comply with any directions in relation to the use of the highway given by relevant officers of the Council.
13. The Holder(s) shall maintain the licensed area shown marked in red on the attached plan to the Consent, and the immediate adjacent area, in a clean and tidy condition during the Permitted hours and shall leave the same in clean and tidy condition and unobstructed, which will include (1) washing down the area, and (2) removing any refuse and litter on the highway in the vicinity of the tables and chairs. This will be carried out whenever necessary and in a way which does not create a nuisance to other parties and neighbouring premises.



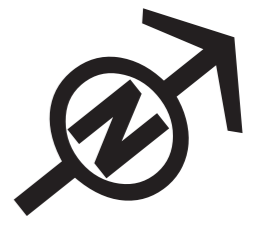
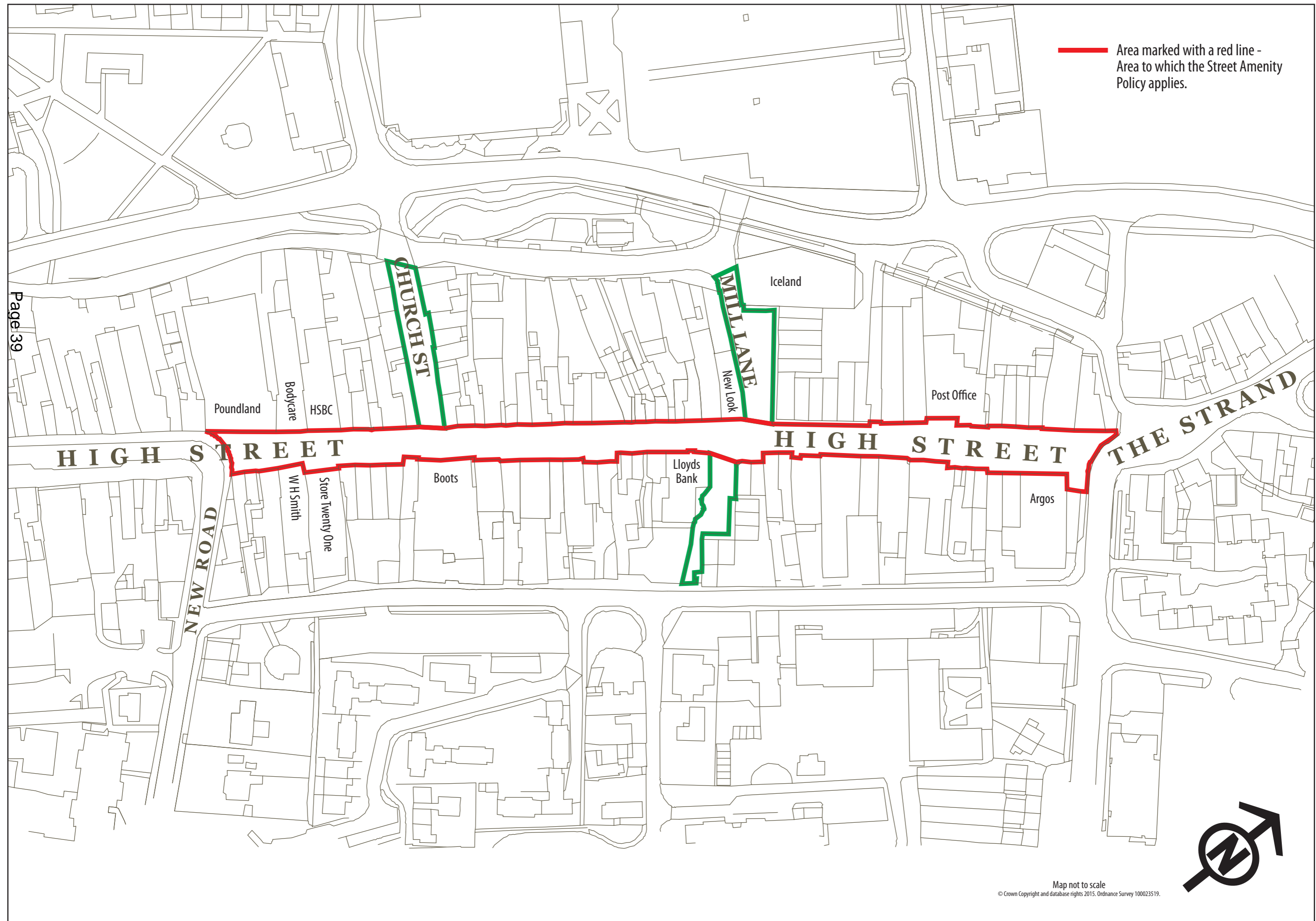
14. Furniture must be of an agreed standard and may be themed to match the rest of the café, pub or restaurant furniture. It must be maintained in a clean and tidy condition and not placed so as to obstruct any entrance or exit to buildings, or be placed outside the allocated seating area.
15. The Holder(s) shall provide litter bins and similar receptacles for the deposit of cartons, wrappers, containers and similar discarded items and ensure that the same are emptied daily and more often when required. The area should be clean and tidy at all times and waste from the holders operations must not be disposed of in litter bins provided by the Council.
16. The Holder(s) shall remove all furniture, equipment and litter bins placed on the highway at the end of each working day.
17. The Holder(s) shall indemnify the Council against all actions, proceedings, claims, demands and liability which may at any time be taken, made or incurred in consequence of the use of the chairs and tables and other objects and for this purpose must take out at the Holder(s) expense public liability insurance in the sum of at least £5,000,000 in respect of any one event and must produce to the Council on request current receipts for premium payments and confirmation of annual renewals of the policy.
18. Nothing in this Consent shall be construed as the granting or purported granting by the Council of any tenancy under the Landlord and Tenant Act 1954 or any permission under the Town and Country Planning Act 1990 or any statutory modification or re-enactment thereof for the time being in force.
19. No alcohol shall be consumed on the highway unless a licence has been issued by the licensing Authority.
20. 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.
21. The Holder(s) shall be responsible for paying the annual renewal fee.
22. The Consent may be revoked for non-compliance with the above conditions and any additional conditions imposed, and the Council shall not in any circumstances be liable to pay compensation to the Holder(s) in respect of such revocation.
23. In certain circumstances the Holder(s) may be required to take immediate action to remove all facilities from the highway at the specific request of a Police Officer or duly authorised officer of the Council.

## **Appendices**

Appendix 1 Area covered by the policy

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— Area marked with a red line -  
Area to which the Street Amenity  
Policy applies.



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**Bromsgrove  
District Council**

[www.bromsgrove.gov.uk](http://www.bromsgrove.gov.uk)

## **Bromsgrove District Council**

### **Street Amenity Policy (Control of Street Furniture)**

#### **Consultation**

##### **Why do the Council want to introduce a Street Amenity Policy?**

Bromsgrove High Street has benefitted from a major reconstruction project involving the replacement of the public highway and installation of new lighting, planting and seating. Bromsgrove District Council wishes to further support this transformation by establishing and encouraging the creation of street café areas along the length of the pedestrianised part of the High Street. The new High Street has been designed to accommodate areas for outdoor seating and the aim is to enable good quality cafes, pubs and restaurants which can enhance the ambience of the High Street and contribute to a relaxed and sociable style of eating and drinking.

The powers to licence street café areas are currently exercised by the County Council as the Highways Authority. In order to encourage a consistent approach and to have local input into the use by residents and businesses of the High Street the District Council are proposing that the power to issue street café licences should in the future be exercised by the District Council. In accordance with good practice the District Council has developed a policy or a set of rules as to how it would regulate street cafes on the High Street.

##### **What area will the policy apply to?**

The policy will apply to the main pedestrian thoroughfare of the High Street not including Chapel Walk, Mill Lane and Church Street.

## What will the policy cover?

The policy will cover the rules around the placing of street furniture (tables and chairs) on the pavement. Although the area in question has been opened up to pedestrians it is still classed as a highway and the power for the Council to licence the placing of tables and chairs on the highway is set out in the Highways Act. The Council intends to use the policy to ensure that tables and chairs are set out in appropriate locations and that ease of access along the High Street can be maintained to pedestrians and permitted vehicles. The aim of the policy is to promote the use of good quality street furniture which will enhance the appearance of the town centre. There will be strict conditions around maintaining cleanliness, not allowing noise nuisance and ensuring that the tables are used for the purpose of consuming food and beverages.

## Who will applications be decided by and will there be a fee to pay for a licence?

The policy once adopted will be administered for the Council by Worcestershire Regulatory Services. Applications that meet the criteria and to which there are no objections will be granted. Additional conditions may be added. Each licence will last 12 months and will then have to be re-newed. Applications which fall outside the criteria or to which there are objections will be referred to the Licensing Committee to be decided. In line with other Councils that operate street café policies, the Council will be charging applicants a fee to cover the administration costs of considering and deciding applications. The proposed fees will be £200 for a new licence and £55 for an annual renewal.

## Why is this consultation taking place now?

The Council has developed a draft policy and wishes to find out the views of all those who would be affected by the introduction of the policy including:

- Businesses on the High Street
- Residents
- Market Traders
- West Mercia Police, the fire service and the ambulance service
- The Highways Authority - Worcestershire County Council
- Environmental Health
- District Councillors

## **How long does the consultation period last for**

The consultation is open until 2<sup>nd</sup> March 2015. All responses received will be considered and a report recommending whether the policy should be adopted will be presented to the Licensing Committee on 23<sup>rd</sup> March 2015

## **Where should I send my response to this consultation**

Responses should be forward to:

Street Amenity Consultation  
Town Centre Regeneration Team  
The Council House  
Burcot Lane  
Bromsgrove  
B60 1AA

Alternatively responses can be submitted to the Council by email using the subject line "Street Amenity Policy Consultation" and sent to:

[regeneration@bromsgrove.gov.uk](mailto:regeneration@bromsgrove.gov.uk)

A copy of the policy document can be found on the Council's website at:

[www.bromsgrove.gov.uk/streetamenity](http://www.bromsgrove.gov.uk/streetamenity)

## Consultation Questions

### Question 1

Bromsgrove District Council wishes to encourage good quality street cafes on the High Street and proposes to do this through introducing a Street Amenity Policy. Do you agree with the aim of encouraging street cafes?	YES	NO
Please provide reasons for your answer above		

### Question 2

Do you agree with the proposals in the draft policy for size and lay out of café seating areas and the proposals for type of furniture and use of barriers? If you have any specific comments please use the space below.	YES	NO

### Question 3

Do you agree with the proposals in the draft policy as to the fees for the licences of £200 for an initial licence and £55 for an annual renewal? If you have any specific comments please use the space below.	YES	NO



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## General comments

Do you have any other suggestions or comments in relation to street cafes on the High Street, or in relation to any specific parts of the draft policy

In what capacity are you responding to this consultation?

High Street business with an existing street café licence or intending to apply for a street café licence		Market Trader	
Other High Street Business		District Councillor	
Member of the Public			
Other ( please specify)			

**Thank you for taking the time to respond to this consultation**

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## Bromsgrove District Council - Street Café Policy internal Consultation.

<b>Question</b>	<b>Community Env. Health team</b>	<b>Environmental Services</b>	<b>WRS</b>
1. Encourage street cafes – agree/disagree?	-		Agree
2. Size & layout – agree/disagree?	-	-	Agree
3. Fee (initial & annual) – agree/disagree?	-		Agree – regular review to provide cost recovery to WRS.
General comments.	<p>Policy not clear on who will enforce on behalf of BDC.</p> <p>All emergency exits &amp; routes must ne kept clear.</p> <p>All pavement café operations must comply with relevant food safety requirements.</p> <p>Area must be kept clean and cost of dealing with any drain blockage from disposal of waste shall be responsibility of the consent holder.</p> <p>Items musty be stored safely.</p> <p>Licence not transferrable.</p> <p>Consent should cover opening times of premises.</p>	<p>This response if to ensure the street cleansing activities of Environmental Service are not adversely affected by the proposed Street Café policy and that the additional activities that will take place as a result of this policy do not create added pressures on the street cleansing service.</p> <ul style="list-style-type: none"> <li>• It would be prudent to specify the actual area which the holder must keep clean e.g. remove litter including food items, cigarette litter and packaging generated from the business for example within 5 metres of the seating area in order to actually measure and control this if required.</li> <li>• Currently a number of properties on the high street allow their customers to stand outside their frontage and</li> </ul>	<p>Notifying neighbours – clarity required on which neighbours. Is this required at all?</p> <p>Policy should clearly state which body has authority for granting permission and for control outside of the Policy area.</p> <p>Environmental &amp; other requirements – include advice to contact WRS for specific advice on alcohol.</p>

	<p>Furniture &amp; liability to be checked periodically.</p> <p>Team to be added as a consultee.</p>	<p>smoke, as part of this they must provide a suitable receptacle and empty and maintain it as necessary. Some properties fail to adhere to this and these are likely to be the very businesses that apply for street cafes. We therefore need to ensure the provision of receptacles for smoking related litter specifically is identified apart from other general and food related litter.</p> <ul style="list-style-type: none"> <li>• Street cafes by their very nature would usually have paying customers visit, consume and pay for food and vacate the seating area leaving behind and food related packaging and litter at the table. It is therefore an essential part of the holder's role to ensure tables are cleared immediately of food waste and litter to prevent the distribution into the surrounding environment.</li> </ul> <p>Our Street Cleansing service operate in the town centre</p> <p>Mini Sweeper          Mon, Wed, Fri &amp; Sun 5:30am – 9:30am</p> <p>Litter picking          Mon – Tue 7:45am          Wed – Thur 7:45am – 3:45          Fri 7:45am- 2:45am          Sat &amp; Sun 7:45am – 3:45am</p>	
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		<p>During summer months and around Christmas, weekends may have some variation with crews working until 5pm.</p> <p>We will need to ensure our service is not adversely affected with street cafe furniture and enclosures. Currently mini sweeper crews will move aside furniture where it is present if it is present, however, if the quantity of furniture increases this could cause problems our mini sweeper activities. Therefore it would be preferable to set a time frame from when furniture, enclosures and planters etc can be presented and when they must be removed. This would allow Street Cleansing service to be worked around the requirements of the high street activity.</p>	
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**Bromsgrove District Council - Street Café Policy external Consultation.**

<b>Question</b>	<b>Marstons (Red Lion PH)</b>	<b>W. Mercia Police</b>	<b>Greggs</b>	<b>H&amp;W Fire &amp; Rescue</b>
4. Encourage street cafes – agree/disagree?	Agree	-	Agree – a good quality area can provide a valuable and enjoyable experience.	-
5. Size & layout – agree/disagree?	-	-	Agree – equipment needs to be within agreed layout for pedestrian safety.	-
6. Fee (initial & annual) – agree/disagree?	Agree	-	Agreed.	-
General comments.	<p>Planning permission – applicants should obtain planning permission so that planning matters; amenities and change of use can be considered.</p> <p>Previous licence holders – should be given precedence. A good track record should be taken into account.</p> <p>Proposed condition- Condition 20 (food &amp; drink to be served to tables) should be point of good practice only. Revocation when no issues arising would be disproportionate.</p> <p>Renewal – should be a simplified process to reduce administration.</p>	No concerns.		Would like to be considered as a consultee in the application process.