



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING COMMITTEE

MONDAY 12TH JANUARY 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 10th November 2014 (to follow)
4. Site Management Agreement Between Bromsgrove District Council and Public Fundraising Regulatory Association (PFRA) (Pages 1 - 10)
5. DRAFT Street Amenity Policy (Pages 11 - 32)
6. Licensing Committee Work Programme (Pages 33 - 34)
7. 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

29th December 2014



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**LICENSING
COMMITTEE**

12th January 2015

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

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

1. SUMMARY OF PROPOSALS

To provide Members with an update on further progress and negotiations with the Public Fundraising Regulatory Association (PFRA) with a view towards entering into a site management agreement to help regulate face to face fundraising in Bromsgrove Town Centre.

2. RECOMMENDATIONS

Members are asked to RESOLVE;

- (i) To note the contents of the report and the content of the updated draft site management agreement, and**
- (ii) To authorise the Head of Worcestershire Regulatory Services to sign the updated site management agreement on behalf of Bromsgrove District Council.**

3. KEY ISSUES

Financial Implications

- 3.1 The costs involved in liaising with the PFRA are being met from existing budgets held by Worcestershire Regulatory Services.

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Legal Implications

- 3.2 Section 5 of the Police, Factories, etc (Miscellaneous Provisions) Act 1916 enables authorities to make regulations to control street collections in their area. However the legislation does not cover face to face fundraisers who ask people in the street or other public place to sign up to donating to charitable causes by direct debit.

Service / Operational Implications

- 3.3 The Council regulates charitable collections taking place in any street or public place under the Police, Factories, etc (Miscellaneous Provisions) Act 1916. The Council can regulate collections where there is a collection of money or the selling of articles for the benefit of charitable purposes (cash collections).
- 3.4 The legislation does not cover face to face fundraisers who ask people in the street or other public place to sign up to donating to charitable causes by direct debit. The Council therefore cannot regulate this type of collection. The Council could however engage with the Public Fundraising Regulatory Association (PFRA) to try and establish a site management agreement to control this type of collection.
- 3.5 At the Licensing Committee on 23 June 2014, Members resolved to authorise the Head of Worcestershire Regulatory Services to enter into discussions with the PFRA with regard to establishing a site management agreement to regulate face to face fundraising by way of direct debit in Bromsgrove Town Centre.
- 3.6 Officers subsequently met with representatives of the PFRA in Bromsgrove Town Centre in order to discuss the contents of a site management agreement that would be acceptable to both the Council and charitable organisations that wish to conduct face to face fundraising in the town centre.
- 3.7 A draft agreement was then produced and was discussed at Licensing Committee on 10th November 2014. The draft agreement restricted fundraising to taking place in the pedestrianised area of the High Street between New Road and Stratford Road. The number of collectors permitted to visit on any day was restricted to five. The agreement also made clear that face to face fundraising can only take place on only three days Mondays, Wednesdays and Thursdays.

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- 3.8 Originally it had been the Council's intention to use terms of the site management agreement to restrict fundraising to taking place on just two days per week (Mondays and Wednesdays) and this was the starting point during the discussions with the PFRA. However the PFRA consulted its' membership on the proposed site management arrangements and the charities indicated that the demand is such that three days per week would be required for fundraising in Bromsgrove.
- 3.9 When considering the draft agreement in November 2014, Members of the Licensing Committee made clear that they were keen to ensure that the site management agreement only permitted collections on two days per week (Mondays and Wednesdays) and therefore resolved to direct officers to return to negotiations with the PFRA and make the strong feelings of Members known on the issue.
- 3.10 Further discussions and negotiations with the PFRA have since taken place. The PFRA has in turn consulted its Membership once again on the site management agreement proposals for Bromsgrove. This has led to a revised draft site management agreement being put forwards by the PFRA, which can be seen at **Appendix 1**. In the revised draft agreement, collections are restricted to two days of the week (Mondays and Wednesdays) in accordance with the wishes of Members of the Licensing Committee.
- 3.11 The PFRA has however reported that persuading their members regarding the reduction in days from 3 to 2 had been difficult, and that they could only do so on the basis that it was made it clear that this is a 6 month arrangement with an opportunity to review after 6 months to see if the restriction was having an unduly adverse effect on fundraising in the area. It is inherent within site management agreements for Councils and the PFRA to keep the agreements under review anyway, but this has been made explicit within the agreement drafted for Bromsgrove.
- 3.12 Members are asked to note the contents of the report and to authorise the Head of Worcestershire Regulatory Services to sign the site management agreement on behalf of Bromsgrove District Council.
- 3.13 If the site management agreement is entered into, the agreement would then need to be reviewed with the PFRA six months later to see if the terms of the agreement are having an unduly adverse effect on fundraising in the area.

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4. RISK MANAGEMENT

- 4.1 If a site management agreement is not entered into, face to face fundraising in Bromsgrove Town Centre will not be controlled in any way.

5. APPENDICES

Appendix 1 – Revised Draft Site Management Agreement

AUTHOR OF REPORT

Name: Dave Etheridge – Senior Practitioner (Licensing)
Worcestershire Regulatory Services
E Mail: d.etheridge@worcsregservices.gov.uk
Tel: (01527) 534121



Site Management Agreement

Between PFRA and Bromsgrove District Council

1 Purpose

The purpose and spirit of this voluntary Site Management Agreement (SMA) is to facilitate responsible face-to-face fundraising in Bromsgrove District Council and provide a balance between the duty of charities and not-for-profit organisations to fundraise and the rights of the public to go about their business without the impression of undue inconvenience. For the avoidance of doubt, this document does not constitute a legal contract.

Once this agreement is in place it should minimise the administration for the council, providing just one channel for information and support regarding face-to-face fundraisers, as nominated 'gatekeepers' only have to deal with one organisation, the PFRA, instead of dealing with each individual charity and fundraising organisation separately.

2 Statement of Conformity

All fundraisers will abide at all times by the relevant elements of the Institute of Fundraising's [Code of Fundraising Practice](#), and the PFRA's [Rule Book](#), or face the appropriate penalties.

If local authority officers note fundraisers contravening the PFRA's Rule Book or any local clause within the SMA, they will inform the PFRA's Head of Standards by contacting them on 020 7401 8452, providing details of the incident.

3 Access Details

3.1 Sites, team sizes, positioning, and frequency

Sites may be used as follows, as shown in the map at Appendix 1:

Bromsgrove town centre

Pedestrianised area of **High Street** between New Road and Stratford Road.

Capacity: maximum of 5 fundraisers

Positioning: fundraisers to be spread out along the length of the site.

Frequency: Mondays and Wednesdays only*.

*PFRA members reserve the right to review frequency in 6 months if this is considered to have an unduly adverse effect on fundraising in the area.

Where fundraisers are found to be working outside of the agreed locations, they must comply with requests made by Local Authority Officials and reposition themselves correctly or as directed on-site.

Only one charity will be present on any one site on any one day.

Fundraising will only be permitted between the hours of 9am and 7pm, unless otherwise specified.

Any exclusion dates (e.g specific event days) are to be announced by the Council to the PFRA to be booked into the PFRA's diary management system, giving a minimum of 4 weeks' notice to the PFRA from date of diary delivery.

3.2 Other Conditions

Fundraisers should be positioned in such a way as to offer an adequate 'comfort zone' to those users of the public highway who do not wish to engage. In furtherance of this, it is desirable that a minimum footway channel of 1 metre be maintained between fundraisers and the kerb / shop frontage where it is reasonable to do so.

Fundraisers should maintain a reasonable distance (of approximately 3 metres) apart from one another and any other legitimate street activities (e.g. street traders, Big Issue sellers, buskers, newspaper stands, promotional activities and market researching).

4 Information Required

4.1 Nominated Gatekeeper

The nominated gatekeeper for Bromsgrove District Council is XXXXXXXX, (name and role), and his/her contact details are XXXXXXXX (email and telephone). In his/her absence all enquiries should be made to XXXXXXXX (name, role and contact details)

4.2 Required Information

The PFRA will maintain and manage the diary schedule. Diary/Schedule information will include: contact details for the agency (if applicable); and charity being fundraised for.

Copies of the diary are to be made available to:

XXXXXXXXx (pls insert name, role and contact details of any other relevant officers)

These contact details shall be updated as and when necessary.

4.3 Transition and continuity

Should the nominated gatekeeper move on or responsibilities otherwise change, the gatekeeper will inform his/her successor of the detail of this agreement, the relationship with the PFRA, arrangements for the regulation of face-to-face fundraising, and provide the PFRA with contact details for the successor.

5 Complaint Management

PFRA will respond to and seek to resolve all complaints received, and issue penalties according to its rules. The Council will provide real time notification of any complaints it wishes to be resolved immediately and provide sufficient detail for any retrospective complaints to be investigated. Where the collection agencies or the charities themselves receive complaints it is expected that they will provide information to the PFRA including information about the identity of any individual collector who is subject of a complaint and of the action taken (if any).

Members of the public are encouraged to direct complaints about charity fundraising to the Fundraising Standards Board ([FRSB](http://FRSB.org.uk)).

6 Working Together

Bromsgrove District Council agrees to work with the PFRA to raise awareness regarding this site management scheme, including explaining what face-to-face fundraising is, the PFRA, the Code of Fundraising Practice, and facts about Direct Debit.

The PFRA monitors member organisations, through a programme of random spot-checks, responding to complaints, and other mechanisms, to ensure fundraisers' adherence to the Code of Fundraising Practice, PFRA Rules, and Site Management Agreements. The PFRA can give appropriate penalties or sanctions to those not abiding by the rules.

This SMA will be reviewed 6 months after it is signed, and then once every 12 months, if necessary, or earlier if there is just cause to do so. All amendments will be agreed in writing before becoming effective. Either party can withdraw from this agreement, giving 3 months' notice in writing.

Depending on when this agreement is signed, in relation to the PFRA's bidding/allocation cycle, there will be a lead-time of up to 8 weeks before the agreement can be fully implemented.

Signed For and On Behalf Of PFRA:

Print name:

Job title:

Date:

Signed For and On Behalf Of Bromsgrove District Council:

Print name:

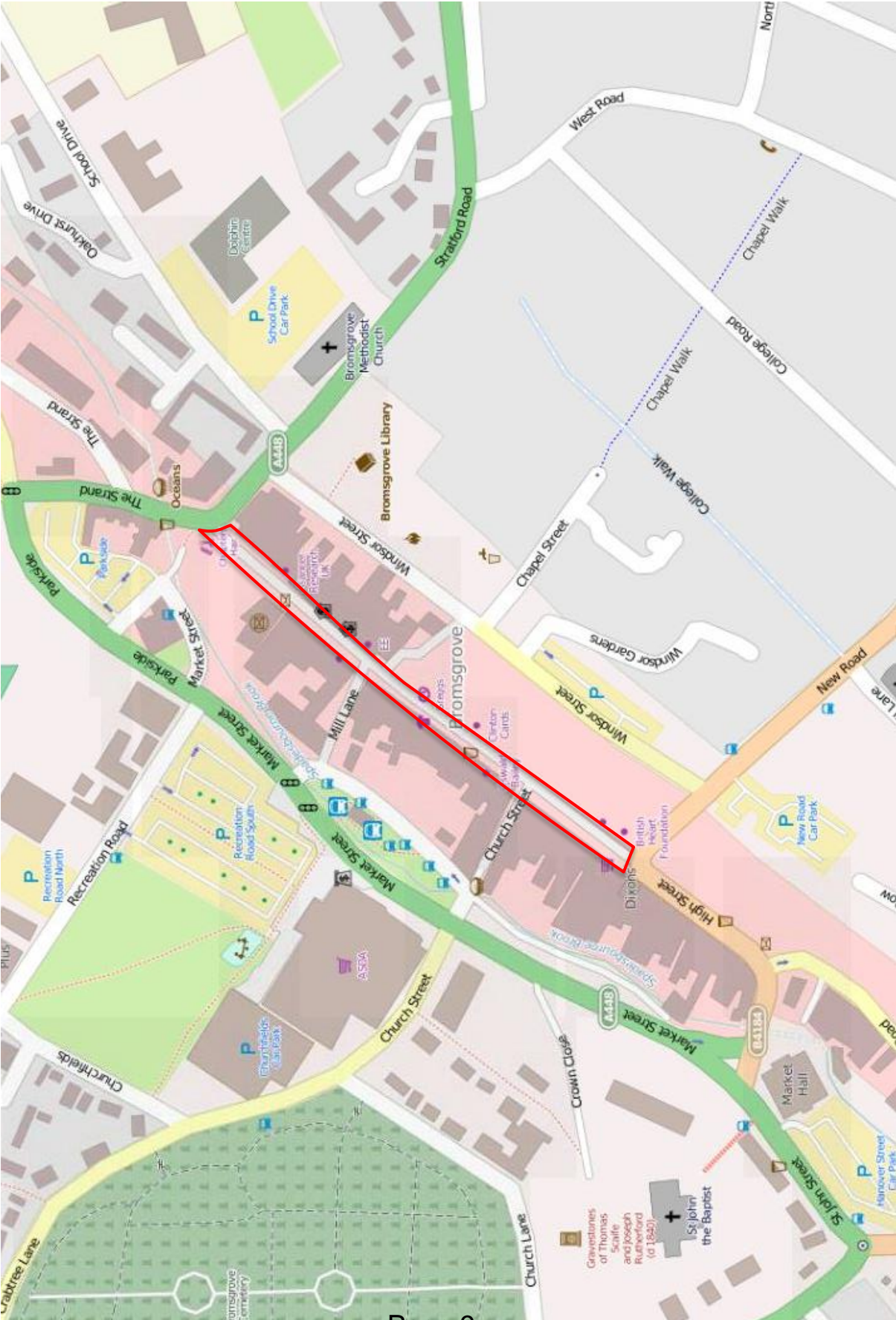
Job title:

Date:

Appendix 1 - Map(s)

Plan showing the area (s) where fundraising is to be permitted:

Bromsgrove town centre



Appendix 2 - Direct Debit Guarantee

Know your rights - The Direct Debit Guarantee

Direct Debit is one of the safest ways of making charitable donations. Organisations using the Direct Debit Scheme go through a careful vetting process before they're authorised, and are closely monitored by the banking industry. The efficiency and security of the Scheme is monitored and protected by your own bank or building society.

The Direct Debit Scheme applies to all Direct Debits. It protects you in the rare event that anything goes wrong.

The Direct Debit Guarantee

- The Guarantee is offered by all banks and building societies that accept instructions to pay Direct Debits.
- If there are any changes to the amount, date or frequency of your Direct Debit the organisation will notify you (normally 10 working days) in advance of your account being debited or as otherwise agreed. If you request the organisation to collect a payment, confirmation of the amount and date will be given to you at the time of the request.
- If an error is made in the payment of your Direct Debit, by the organisation or your bank or building society, you are entitled to a full and immediate refund of the amount paid from your bank or building society.
 - If you receive a refund you are not entitled to, you must pay it back when the organisation asks you to.
- You can cancel a Direct Debit at any time by simply contacting your bank or building society. Written confirmation may be required. Please also notify the organisation.

Licensing Committee

12th January 2015

STREET AMENITY POLICY

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 draft Street Amenity Policy attached at Appendix 1 and to authorise officers to carry out consultation on the proposed policy.

2. RECOMMENDATIONS

- 2.1 **That members note and approve the contents of the draft Street Amenity Policy attached at Appendix 1.**
- 2.2 **That members authorise officers to carry out formal consultation on the draft policy between 19th January 2015 and 2nd March 2015 and report back the findings of the consultation exercise to Licensing Committee when it meets on 23rd March 2015.**

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 at

Appendix 2. The fees will require separate approval from Cabinet as part of the Councils fees and charges policy.

- 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. Officers are in discussion with colleagues at the County Council to ensure that appropriate agreements can be set up to allow the District Council to take over management of the High Street under the Highways Act.
- 3.6 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.
- 3.7 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.
- 3.8 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 licences for uncontested applications in the Officer Scheme of Delegations.
- 3.9 When granting a licence the Council may attach such conditions as they think fit under section 115F of the Highways Act 1980.

Service / Operational Implications

Background and Need

- 3.10 Extensive public consultation during the design phase of the new public realm for Bromsgrove High Street, especially in respect of a detailed Equality Impact Assessment, raised serious issues regarding ease of movement and equality of access along the High Street.
- 3.11 The design principles put in place to address these issues have been successfully implemented in many towns and cities and form part of the District Plan. They include the use of linear zones, with complementary ambient lighting.
- 3.12 Each zone is visually recognisable as a distinct area that contrast and have clearly marked boundaries to help with the navigation and accessibility of the area to include clearly defining pedestrian, market and street café areas. This is particularly important for the visually impaired and those accessing the high street using mobility equipment.
- 3.13 An updated Street Amenity Policy is therefore proposed to enable the management of Street Café Areas along the High Street in line with the prevailing design and the principle of equality of access and unfettered and safe movement along the High Street.
- 3.14 It is also intended that the adoption of a Street Amenity Policy will underpin a structured and positive approach to actively designing Street Café areas into Bromsgrove High Street. This will help create a sense of vibrancy along the High Street, further lift the ambience of the area, improve the quality of street café provision and increase footfall and length of stay in support of all High Street traders.
- 3.15 As referred to above, one of the aims of the policy is to ensure that street cafes are placed in the locations provided for by the re-design of the High Street. Other aspects of the policy will cover the standard of the street furniture used, ensuring that access ways are not obstructed, and requiring street café areas to be enclosed with a suitable barrier. Under the policy standard conditions would be imposed on each licence granted and it will be possible for officers to impose additional conditions as and when appropriate.
- 3.16 The process of applying for Street Amenity Licences would be administered on behalf of the Council by Worcestershire Regulatory Services on the basis that the policy is setting up a regulatory process. It is proposed that there would be an initial application followed then by

annual renewals. The fees charged would be calculated on a costs recovery basis and details of the proposed fees are attached at Appendix 2. In terms of process, assuming that the application met the relevant criteria and there were no objections then the licence would be granted by officers. In the event of an application that did not meet the criteria and/or there were objections, then the application would be referred to Licensing Sub-Committee for determination.

- 3.17 Informal pre-consultation on the proposed policy has already taken place and officers have been speaking to those businesses that would be affected to explain how the proposed policy would operate.
- 3.18 At this stage members are being asked to consider the draft policy and give authority to officers to carry out formal consultation. The consultation period would run from 19th January to 2nd March. A further report setting out the outcome of the consultation would then come to members at the Licensing Committee meeting on 23rd March 2015. Based on the outcome of the formal consultation, Members would then be asked to consider whether to adopt the policy. If adopted the fees and charges would need to be approved by Cabinet.

4. RISK MANAGEMENT

- 4.1 The risk of inadequate response to the consultation will be mitigated by a proactive approach to seeking consultative meetings with those most affected.
- 4.2 Other identified risks include:-

The risk that some premises will not co-operate with the new system - this is being mitigated by pre-consultation with the relevant businesses but the Council would 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 – Draft Street Amenity Policy
Appendix 2 – Proposed charges

AUTHOR OF REPORT

Name: Richard Savory

Bromsgrove Town Centre Regeneration Programme Manager
Bromsgrove District Council

E Mail: r.savory@bromsgroveandredditch.gov.uk

Tel: (01527) 881281/881306

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Bromsgrove
District Council
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 Appendix1
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.

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. All emergency exits and routes must be kept clear.

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. Further information in relation to food safety can be obtained from Worcestershire Regulatory Services tel: 01905 722233.
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 unauthorised disposal of effluent or solid waste shall be the responsibility of the Consent holder.
31. Tables and chairs and other associated equipment, must be maintained in a presentable, clean, hygienic, tidy and safe condition at all times.

Means of Enclosure

32. 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.

33. 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.
34. 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.
35. 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

36. 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.
37. 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. Failure to comply with the Consent conditions may lead to the withdrawal of the Consent or refusal to renew the Consent in future years.
38. 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.
39. 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.
40. If there is a change in ownership of a café which holds a licence then a new application will be required.

Agenda Item 5

41. The Consent will normally operate from 10am to 11pm. In certain areas there may be reductions on those hours due to specific local highway requirements.
42. 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.
43. 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.
44. All designated Consent areas are checked yearly by the Council to ensure the street furniture is acceptable and that the Consent holder holds the required Public Liability Insurance.
45. 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.
46. 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.
47. 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.

PART 2 - Process

1. Applications must be made in writing using the form at Appendix 3 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
 - West Mercia police
 - 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.

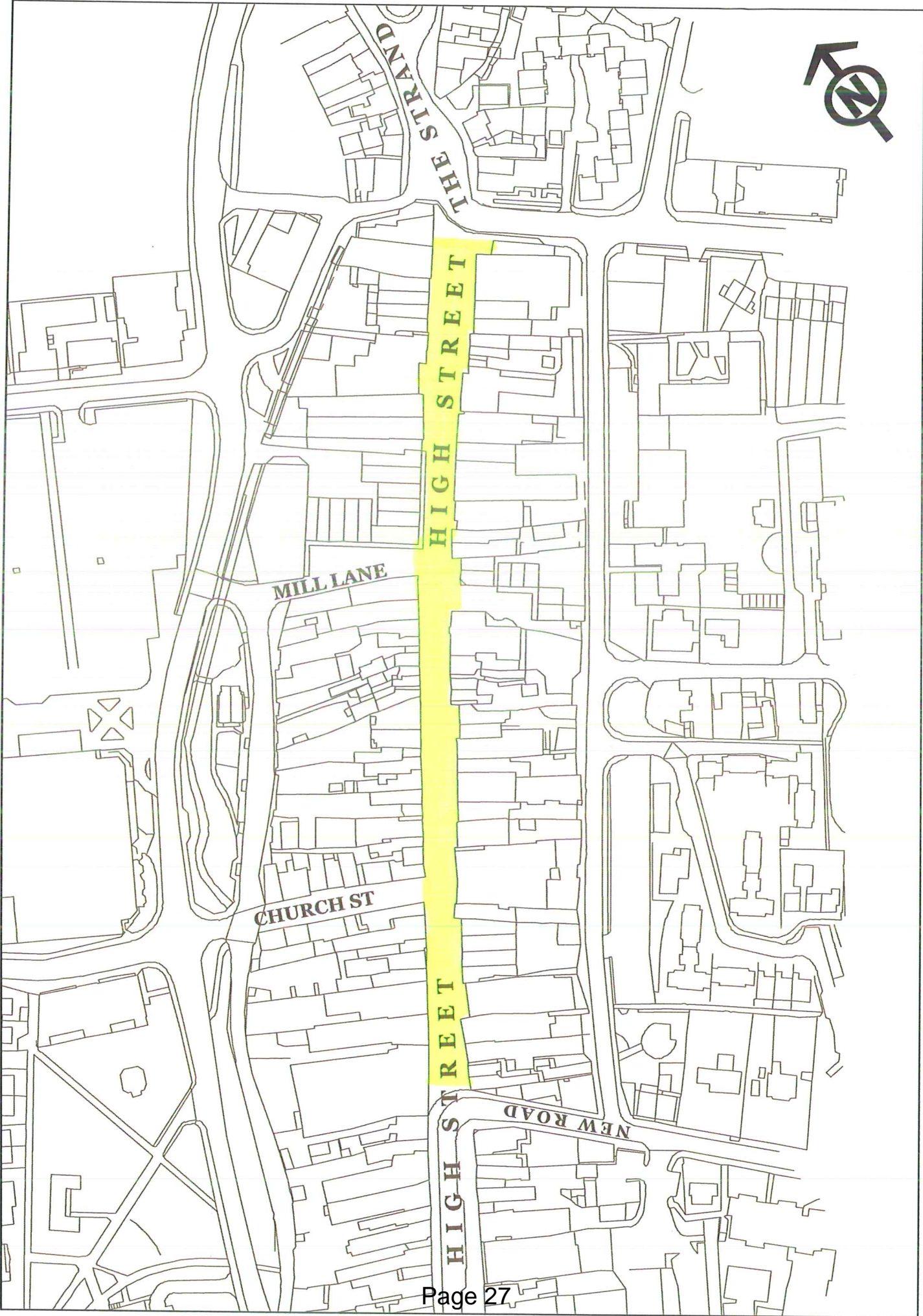
Appendices

Appendix 1 Area covered by the policy

Appendix 2 Plan of the High Street

Appendix 3 Application Form

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Appendix 2

Proposed charges for Street Amenity Policy

First application	£200
Annual renewal	£55

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LICENSING COMMITTEE

12th December 2014

12th January 2015

Site Management Agreement with the PFRA – Second Progress Report following renegotiation / Approval of amended Site Management Agreement

DRAFT Street Amenity Policy

23rd March 2015

Gambling Act 2005 – Review of Statement of Principles

Draft Sex Establishment Licensing Policy

Approval of consultation on amendments to Hackney Carriage and Private Hire Licensing Policies

DRAFT Street Amenity Policy – following consultation

To Be Allocated To Suitable Available Dates

Hackney Carriage and Private Hire Driver Licensing Policy Amendments (as a result of the Deregulation Bill)

Scrap Metal Licensing Policy

Detailed Report on the transition from Designated Public Place Orders (DPPOs) to Public Space Protection Orders (PSPOs)

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