



BROMSGROVE DISTRICT COUNCIL

**VIRTUAL MEETING OF THE
LICENSING (MISCELLANEOUS) SUB-COMMITTEE B**

TUESDAY 17TH NOVEMBER 2020

AT 11.00 A.M.

MEMBERS: Councillors H. J. Jones (Chairman), A. B. L. English and
M. A. Sherrey

RESERVE MEMBER: To be determined

AGENDA

LICENSING SUB-COMMITTEE HEARING PROCEDURES (Pages 1 - 4)

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. Application for a Street Amenity Consent in respect of Amber Taverns Limited, The Old Post Office, 117-121 High Street, Bromsgrove, Worcestershire, B61 8AA (Pages 5 - 32)
4. 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 considers to be of so urgent a nature that it cannot wait until the next meeting.

K. DICKS
Chief Executive

Parkside
Market Street
BROMSGROVE
Worcestershire
B61 8DA

6th November 2020

**If you have any queries on this Agenda please contact
Pauline Ross
Democratic Services Officer**

**Parkside, Market Street, Bromsgrove, B61 8DA
Tel: 01527 881406
e.mail: p.ross@bromsgroveandredditch.gov.uk**

GUIDANCE ON VIRTUAL MEETINGS

Due to the current Covid-19 pandemic Bromsgrove District Council will be holding this meeting in accordance with the relevant legislative arrangements for remote meetings of a local authority. For more information please refer to the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police Crime Panels meetings) (England and Wales) Regulations 2020.

Please note that this is a public meeting conducted remotely by Skype conferencing between invited participants and live streamed for general access via the Council's YouTube channel.

You are able to access the livestream of the meeting from the Committee Pages of the website, alongside the agenda for the meeting.

If you have any questions regarding the agenda or attached papers please do not hesitate to contact the officer named above.

Notes:

As referred to above, the virtual Skype meeting will be streamed live and accessible to view. Although this is a public meeting, there are circumstances when the Sub-Committee might have to move into closed session to consider exempt or confidential information. For agenda items that are exempt, the public are excluded and for any such items the live stream will be suspended and that part of the meeting will not be recorded.

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Appendix

STREET AMENITY CONSENT APPLICATION LICENSING (MISCELLANOUS) SUB-COMMITTEE

HEARING PROCEDURE

1. The Chairman will open the hearing and introduce members of the Sub-Committee and officers present.
2. The Chairman will ask all other parties present to introduce themselves.
3. The Chairman will remind the Applicant that he/she can be represented by a legal representative at his/her own expense.
4. The Technical Officer, Worcestershire Regulatory Services will present the report.
5. The Chairman will invite Members of the Sub-Committee and all other parties present to put any relevant questions to the Technical Officer.
6. The Chairman will invite the Applicant and/or his/her representative to present his/her case and call any witnesses.
7. The Chairman will invite Members of the Sub-Committee and all other parties present to put any relevant questions to the Applicant and/or his/her representative.
8. Consultees / Interested Parties will be invited to present their representations or elect a spokesperson (which may be a Councillor) to speak on their behalf. New representations must not be raised.
9. The Chairman will invite Members of the Sub-Committee and all other parties present to put any relevant questions to the Consultees / Interested Parties.
10. The Consultees / Interested Parties will be invited to sum up.
11. The Applicant or his/her representative will be invited to sum up.
12. The Chairman will ask the Legal Advisor if there is any legal advice to be given.
13. At the conclusion of the hearing, ALL parties present will be placed in a virtual meeting Lobby, the Members of the Sub-Committee, the Legal Adviser and the Democratic Services Officer will remain in the virtual meeting.

Appendix

14. **Once the Sub-Committee has reached its decision, ALL parties will be called back into the virtual meeting with Members of the Sub-Committee, the Legal Adviser and the Democratic Services Officer. The Sub-Committee's decision, together with the reasons for the decision, will be announced by the Chairman.**
15. **The Sub-Committee's decision will be confirmed in writing to the Applicant and those parties who made representations.**

There is no right of appeal against the Council's decision to refuse to grant or revoke a Street Amenity Consent.

Appendix

Please Note:

- 1) ***Each application coming before the Licensing Sub-Committee will be treated on its own merits. In determining an application for a Street Amenity Consent, the Council will consider the following factors:***
 - (a) ***Consultation – relevant responses from consultees***
 - (b) ***Local Government Miscellaneous Provisions Act 1982***
 - (c) ***Bromsgrove District Council's Street Amenity Consent Policy***
- 2) ***The Chairman may require any person who in his/her opinion is behaving in a disruptive manner to leave the meeting, and may refuse to permit that person to return, or permit him/her to return only on such conditions as the Chairman may specify. However, such person may, before the end of the hearing, submit in writing any information which he/she would have been entitled to have given orally at the meeting had he/she not been required to leave.***
- 3) ***Decisions may be taken in the absence of the Applicant or any other party. All notices and representations received from absent parties will be considered.***
- 4) ***Questioning must not be hostile or intended to unfairly undermine the position of any party.***
- 5) ***Late evidence will only be considered with the agreement of all parties present.***
- 6) ***In cases where a decision cannot be given at the end of the hearing, a decision will be made within 5 working days.***

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BROMSGROVE DISTRICT COUNCIL

LICENSING SUB-COMMITTEE

17TH NOVEMBER 2020

HIGHWAYS ACT 1980

APPLICATION FOR GRANT OF STREET AMENITY CONSENT

PUBLIC HEARING	
Director:	Head of Worcestershire Regulatory Services
Contact Officer:	Paul Morrish Technical Officer 01905 822799 paul.morrish@worcsregservices.gov.uk
Ward(s) affected:	Sanders Park
Appendices:	Appendix 1 – Application and plan Appendix 2 - Representation Appendix 3 – Street Amenity policy

1. PURPOSE OF REPORT

- 1.1 To consider and determine an application for grant of street amenity consent in respect of;

**117 - 121 High Street
Bromsgrove
Worcestershire
B61 8AA**

A copy of the application and relevant plan is attached at **Appendix 1**

2 BACKGROUND

- 2.1 On 19th February 2020 an application was received from Amber Taverns Ltd for street amenity consent to place tables and chairs in the highway at The Old Post Office, 117-121 High Street Bromsgrove B61 8AA.
- 2.2 The applicant is applying to place 7 tables and 28 chairs in the High Street, immediately in front of the premises, Monday to Sunday 0900-21:30 hours.
- 2.3 The application contained all the requisite documentation including the fee and a plan outlining the proposed position of the tables and chairs to be placed in the highway in front of the premises.
- 2.4 The application was circulated to the various responsible authorities as detailed in the council's street amenity policy, and nearby businesses to the proposed location were also notified of the application.
- 2.5 Members should be advised the application was not referred to the sub committee in March as licensed premises were closed for lockdown, at the time when arrangements were being made to arrange a sub committee to determine the application.

3. REPRESENTATIONS

- 3.1 No representations have been received from any of the responsible authorities.
- 3.1 One representation has been received from a nearby business and is attached at **Appendix 2**. Concerns are raised relating to the potential for disruption of customer flow, noise and odour issues, anti social behaviour and the obstruction of view of the shop front.

4. LOCAL POLICY CONSIDERATIONS

- 4.1 The Sub-Committee should have regard to the Council's Street Amenity Policy, which is attached as **Appendix 3**
- 4.2 The Street Amenity Policy is available to download from the Council's website or to request a hard copy, contact Worcestershire Regulatory Services on 01905 822799 or email wrsenquiries@worcsregservices.gov.uk

5. LEGAL IMPLICATIONS

- 5.1 The Sub-Committee is obliged to determine this application in accordance with part 7A of the Highways Act 1980.
- 5.2 In making its decision, the Sub-Committee is obliged to have regard to the street trading policy adopted by The Council.

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- 5.3 The Sub-Committee must also have regard to the representations made and the evidence it hears.
- 5.4 The Sub-Committee must take such of the following steps as it considers appropriate:
 - (a) Allow the consent to be granted
 - (b) Refuse the application
- 5.5 All parties to the hearing will be notified of the Sub-Committee's decision in writing within five working days of the conclusion of the hearing.
- 5.6 The Sub-Committee are advised that The Highways Act 1980 does not provide any direct right of appeal against a decision to refuse a street trading consent application. Therefore an applicant aggrieved by a decision to refuse a street amenity consent, would only be able to challenge that decision by making an application for a judicial review
- 5.7 The hearing should be conducted in accordance with the agreed procedure.
- 6. FOR DECISION**
- 6.1 The Sub-Committee must consider whether to grant or refuse the application made by Amber Taverns Ltd.

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Bromsgrove
District Council
www.bromsgrove.gov.uk

BROMSGROVE DISTRICT COUNCIL
Parkside, Market Street, Bromsgrove, B61 8DA
Telephone: 01905 822799

WORCESTERSHIRE REGULATORY SERVICES
19 FEB 2020

Application for Grant/Renewal of a Street Amenity Permission
Highways Act 1980 Section 115F

SECTION A

Application Type:

(Please Tick ✓)

New

Renewal

Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference or description THE OLD POST OFFICE 117-121 HIGH STREET BROMSGROVE WORCESTERSHIRE	
Post town BROMSGROVE	Post code B61 8AA

Telephone number at premises (if any)

01527558949

Part 2 - Applicant Details

Please state whether you are applying for a Street Amenity licence as

a) an individual or individuals*

Please tick ✓

please complete section (A)

b) a person other than an individual*

i. as a limited company

please complete section (B)

ii. as a partnership

please complete section (B)

iii. as an unincorporated association or

please complete section (B)

iv. other (for example a statutory corporation)

please complete section (B)

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr Mrs Miss Ms Other title
(for example Rev.)

Surname

First names

I am 18 years old or over

Please tick ✓

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr Mrs Miss Ms Other title
(for example Rev.)

Surname

First names

I am 18 years old or over

Please tick ✓

Yes

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name	AMBER TAVELNS LTD
Address	VICTORY OFFICES 112 VICTORY ROAD BLACKPOOL FY1 3NW
Registered number (where applicable)	5535601
Description of applicant (for example, partnership, company, unincorporated association etc.)	PRIVATE LIMITED COMPANY
Telephone number (if any)	01253 757158 / [redacted]
E-mail address (optional)	[redacted]
Nature of Business : (Please give full description on what you intend to use the area for)	PUBLIC HOUSE FOR THE CONSUMPTION OF HOT & COLD DRINKS AND ALCOHOLIC BEVERAGES
Area of Highway to which application relates: (A plan showing the exact area of highway, indicating the position of the tables and chairs, must accompany this application)	PLEASE SEE THE ATTACHED.

Number of Tables: 7

Number of Chairs: 28

Width of footway available for public to pass: HIGH ST PEDESTRIANISED AREA

Day(s) and times for which Application is made

- Monday from 09:00 until 21:30 hours
- Tuesday from 09:00 until 21:30 hours
- Wednesday from 09:00 until 21:30 hours
- Thursday from 09:00 until 21:30 hours
- Friday from 09:00 until 21:30 hours
- Saturday from 09:00 until 21:30 hours
- Sunday from 09:00 until 21:30 hours

Purpose of tables and chairs
(eg eating or drinking)

DRINKING

If alcohol is to be served, is there an appropriate licence in force for the area in question?

Yes No

Premise Licence Number: 19/04727/PLM1

NB The applicant will be expected to provide the council with an indemnity in respect of any loss or damage caused by the placing of tables and chairs on the highway.

This application and the appropriate supporting documentation should be forwarded to the Licensing Team, Bromsgrove District Council, Parkside, Market Street, Bromsgrove, B61 8DA.

Please read the policy and guidance notes that accompany this application form. Failure to comply with the application procedure could result in a permission not being granted.

The following are required with this form before we can proceed with your application:

Please tick the boxes below ✓ to confirm you have sent them

- Application form (all sections completed)
- Licence fee and form sent to Licensing authority
- Plan showing the exact area of highway, indicating positions of tables & chairs
- Certificate of public liability to £5 million.
- Photos of chairs/Tables and barriers that will be used

Cash payments can be made with the application at the **Customer Contact Centre Bromsgrove District Council, Parkside, Market Street, Bromsgrove, B61 8DA.** Applications by post must be accompanied with the payment in the form of a cheque made payable to Bromsgrove District Council and sent to, **Licensing Team, Bromsgrove District Council, Parkside, Market Street, Bromsgrove, B61 8DA.**

The process of consideration and determination of your application will normally take between four and six weeks. If the application is referred to Licensing Committee the process is likely to take longer.

SECTION B

I/We confirm that the contents of this application are true and correct.

I/We agree that if permission is granted by Bromsgrove District Council to place tables and chairs on the highway, that I/We will comply with all Acts, Bylaws, Regulations and conditions relating thereto and for the time being in force.

I/We understand that non-compliance with any relevant Acts, Bylaws, Regulations and conditions will prejudice the continuance of any permission granted.

I/We understand that the council may utilise the information contained herein for internal purposes and may disclose the information to persons or organisations in accordance with the council's registration under the Data protection act 1998.

I/We, the undersigned, hereby apply for permission to place tables and chairs on the highway within the District of Bromsgrove and I/We declare that to the best of my/our knowledge and belief the foregoing statements are true and correct.

I/We understand that the permission will expire 1 year after it has first been granted and a newly completed application form will need to be submitted to the local authority by the date given in the renewal reminder letter. together with the fee current at that time.

Signature of applicant(s)

Name(s) in BLOCK CAPITALS

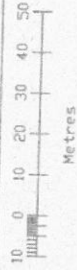
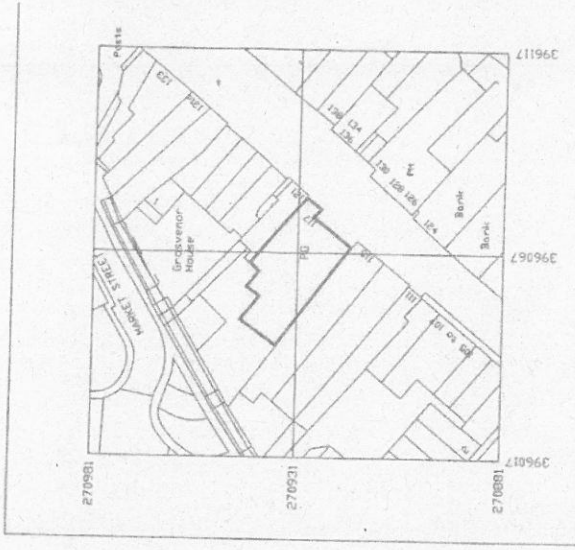
Capacity in which application is signed

Date

DIANA FREEMAN

COMPLIANCE MANAGER

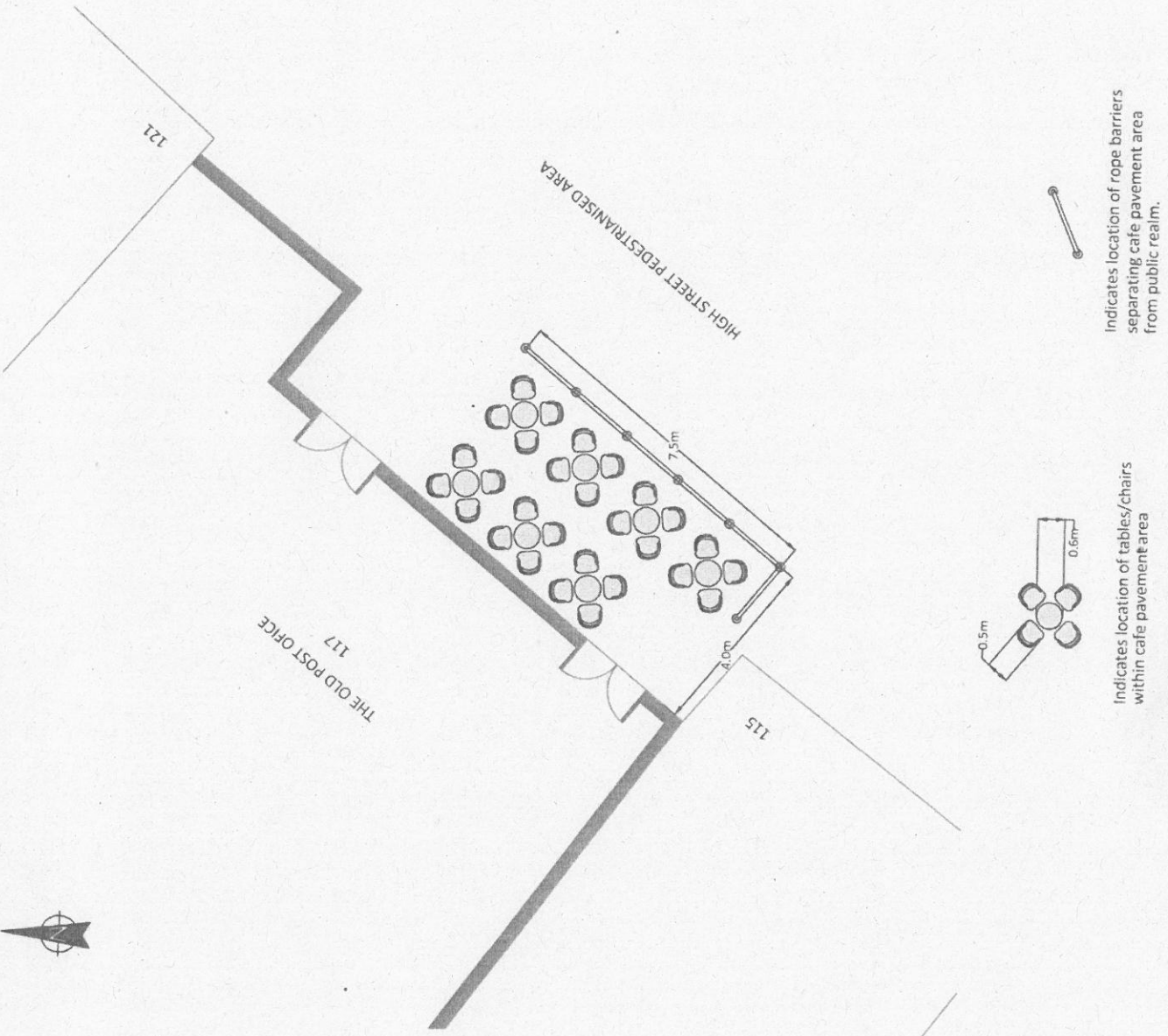
11.02.2020



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SITE PLAN @ 1 : 1250
Scale correct before printing

REVISIONS		P.R.E	
Architecture - Planning			
PROJECT TITLE	THE OLD POST OFFICE 117 HIGH STREET, SINGAPORE		
DRAWING TITLE	CAFE PAVEMENT LAYOUT		
DESIGNER	GENERAL ARCHITECTS		
CHECKED BY	PAUL FREEMAN ESC MCD		
DATE	FEB 2020		
SCALE @ A4	1:100 & 1:1250		
CUSTOMER NO.	DFL		



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Description Highways furniture. Please see attached photos

Nesbit Bolero Range

Barrier Post with canvas

Polished steel posts 950 H X 300 Concrete weights

Canvas 700H X 20DX 1430W Fire Retardant to BS5852

Tables

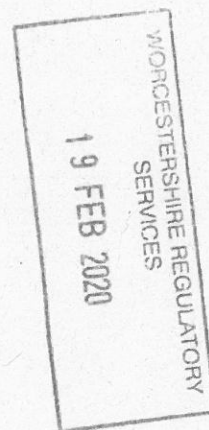
730H X 600 X W X 600 D Ash and Aluminium Flip top weight 7kg

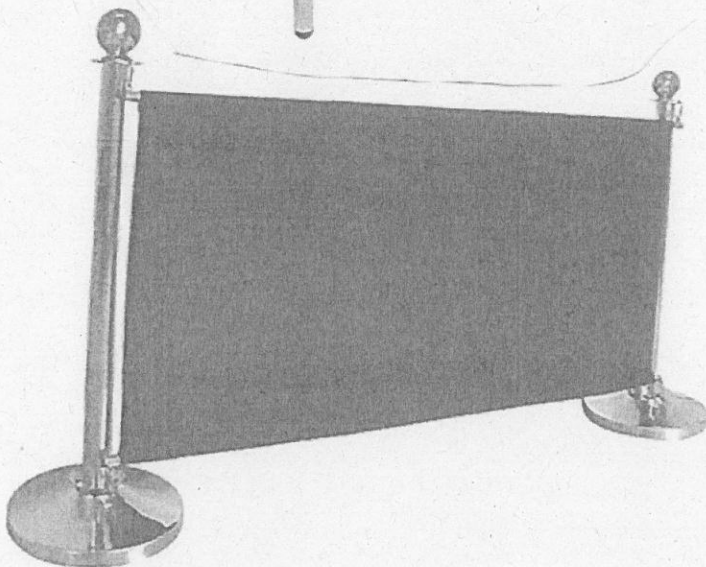
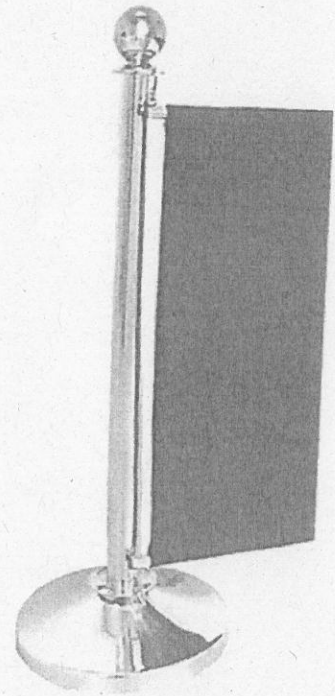
Chairs

Dimensions 860H X 558W X 520 D seat height 430mm weight 5.5kg each

The café pavement will be cleaned with a mild detergent and a soft brush. The area will be covered by the CCTV system and staff will make regular checks during the operating times

Risk assessment attached







Mackays Stores Limited

Estates Department, 9/10 High Street, Hitchin Hertfordshire SG5 1BH
Tel: 01462 432351/2 Fax: 01462 432353

Ref: MJH/LEF

28th February 2020

Recorded Delivery

Licensing
Worcestershire Regulatory Services
Wyre Forest House
Finepoint Way
Kidderminster
DY11 7WF

By email & Post
wrsenquiries@worscsregservices.gov.uk

Dear Sir

RE: Application by AMBER TAVERNS LTD t/a The Old Post Office to place 7 Tables and 28 Chairs on the Highway adjoining M & Co shop premises at 117-121 High Street, Bromsgrove

I refer to the Notice sent to our M & Co Premises and I am grateful to have the opportunity to make representations to you on the application. Given the Company's business is the retail sale of clothing you will not be surprised that the Company wishes to object in the strongest terms to the proposal. As a High Street retailer we are dependent upon our shop window display attracting custom. In our experience even temporary disruption to visibility of our stores for example, from nearby scaffolding, road/paving works affects trade and causes it to suffer. What is proposed is more long term with a long term effect. Some of the concerns are:

1. The pedestrian flow pattern past the Company's shop frontage will be disturbed and flow forced away from the window display(s). Disturbance will be worse on Tuesday, Friday and Saturday (Market Days).
2. Noise, smells, tobacco smoke etc. will find their way into the M & Co shop premises affecting the instore environment and merchandise on display.
3. The seating area may encourage anti-social behaviour, noise etc. during and after shop trading hours.
4. The seating's location may further obstruct views of the M & Co shop front which already suffers from visibility problems.

I do hope that you will take the Company's concerns into consideration and refuse the application.



Mackays Stores Limited

Estates Department, 9/10 High Street, Hitchin Hertfordshire SG5 1BH
Tel: 01462 432351/2 Fax: 01462 432353

Thank you once again for the opportunity to comment and I would be grateful if you could kindly acknowledge receipt of this letter.

Yours sincerely


Michael Harris BSc Dip Arb MRICS MCI Arb

Estate Manager

MACKAYS STORES LIMITED

Email: mharris@mackays.co.uk



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. 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

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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 unauthorised 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.

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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. 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 yearly 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.

PART 2 - Process

1. Applications must be made in writing using the form at Appendix 3 and submitted to Bromsgrove District Council, Parkside, Market Street, Bromsgrove, Worcestershire, B61 8DA.
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

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- 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.

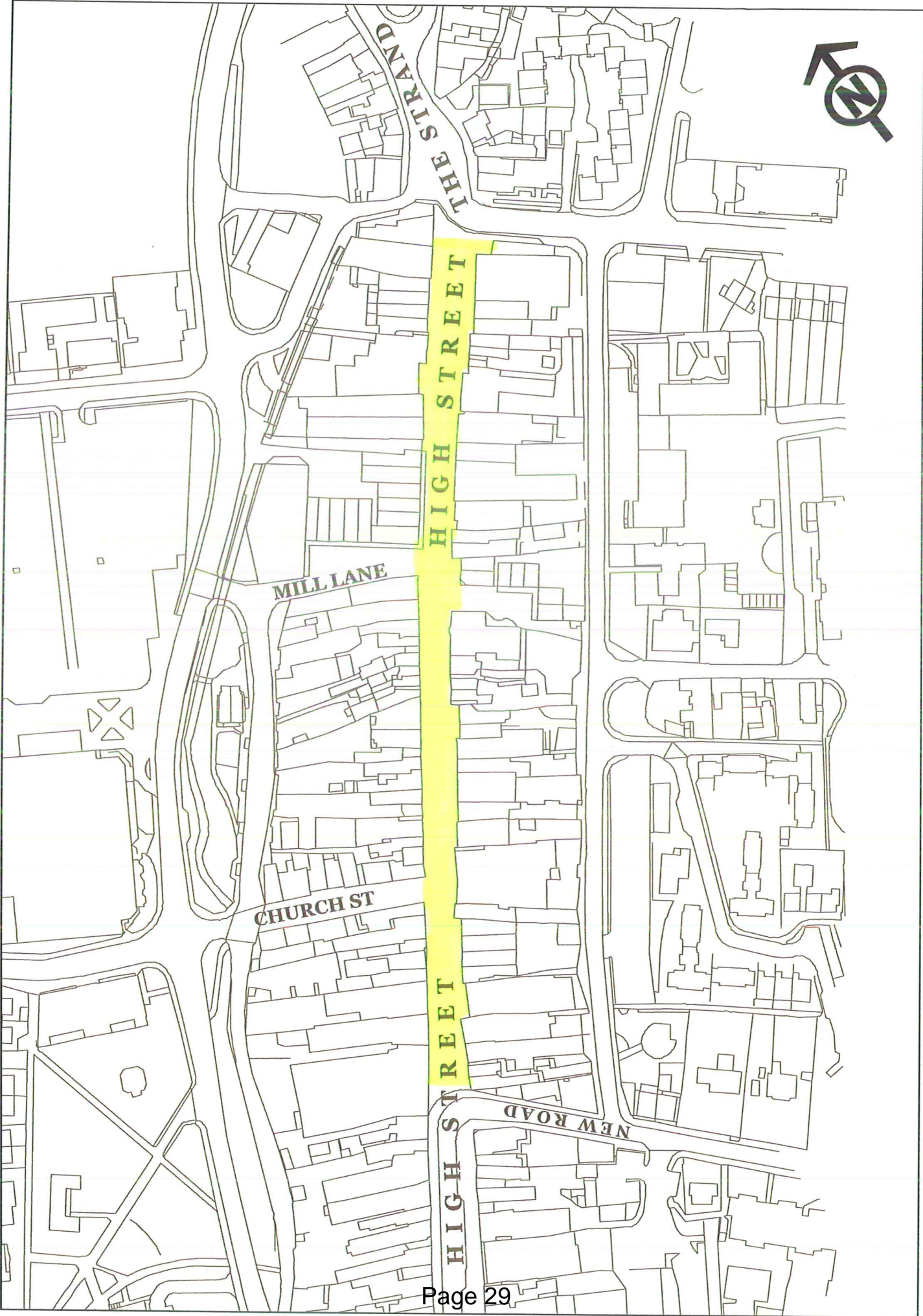
Appendices

Appendix 1 Area covered by the policy

Appendix 2 Plan of the High Street

Appendix 3 Application Form

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