

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

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