

CABINET MEMBER FOR TOWN CENTRES

**Venue: Town Hall,
Moorgate Street,
Rotherham. S60 2TH**

Date: Monday, 13th December, 2010

Time: 9.30 a.m.

A G E N D A

1. To determine if the following matters are to be considered under the categories suggested, in accordance with Part 1 of Schedule 12A (as amended March 2006) to the Local Government Act 1972.
2. To determine any item which the Chairman is of the opinion should be considered later in the agenda as a matter of urgency.
3. Minutes of previous meetings of the Cabinet Member for Town Centres held as follows:-
 - 1st October, 2010.
 - 18th October, 2010.
 - 1st November, 2010.

For signature by the Cabinet Member (see Minutes presented to Council on 8th December, 2010)

4. Street Cafes: Consent under the Highways Act 1980 Section 115E. (report attached) (Pages 1 - 4)
Bob Stock, Network Principal Highway Engineer, to report.
 - to outline proposed changes to the standard conditions attached to licences for businesses to place tables and chairs on the highway to obtain improved amenity within the street scene by ensuring that high quality furniture is used and that the seating areas are kept clean and well managed.
5. Financial and Statistical Report for Parking Services for the financial year 2009/2010. (report attached) (Pages 5 - 8)
Martin Beard, Parking Services Manager, to report.
 - to report details of statistics and income and expenditure for Parking Services for the financial year 2009 / 2010.

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	TOWN CENTRES
2.	Date:	13 December 2010
3.	Title:	STREET CAFES: CONSENTS UNDER HIGHWAYS ACT 1980 SECTION 115E
4.	Directorate:	ENVIRONMENT AND DEVELOPMENT SERVICES

5. Summary

The report outlines proposed changes to the standard conditions attached to licences for businesses to place tables and chairs on the highway to obtain improved amenity within the street scene by ensuring that high quality furniture is used and that the seating areas are kept clean and well managed.

6. Recommendations

That it be resolved that the revised conditions attached to the report be incorporated within all licences for street cafes in town centres from 1 April 2011.

7. Proposals and Details

Street cafes can make a positive contribution to the visual appeal and ambience of our town centres by adding vitality, colour, life and interest to the street scene. However, to maximise amenity the furniture used must be of high quality, be attractive and the seating areas occupied must be well managed and kept clean.

The legal background to the Council permitting the operation of street cafes is contained in Part VIIA of the Highways Act 1980 which deals with the provision of amenities on certain streets. This part of the Act applies to elements of the highway not intended for vehicular use or where vehicular traffic is prohibited by a traffic order or a pedestrian planning order.

Section 115C of the Act empowers councils to provide, maintain and operate facilities for recreation or refreshment on such highways and section 115E allows councils to grant permission to a person to do anything the council could do under section 115C. The appropriate consents to be obtained and consultation undertaken prior to permitting such activity are set out in the Act.

Section 115F gives a council power to impose such conditions as they think fit to permissions under section 115E and to require the payment of their reasonable expenses in connection with the granting of permission. Section 115K sets out the remedies available to a council in cases of a failure to comply with the terms and conditions of the permit.

In order to ensure that the amenity benefits from granting permission for the operation of street cafes is gained consideration has been given to an amended set of conditions to apply to licences granted for the operation of street cafes. The proposed conditions are attached as an appendix to the report.

The aims of the revised conditions are intended to ensure that:

- All furniture used is of a high quality and pleasing appearance
- Appropriate barriers are provided to clearly demarcate the seating area
- Operators undertake to ensure that the seating area and surrounding area are kept clean

There are currently 8 establishments, all within Rotherham Town Centre, that have licences to place tables and chairs on the highway. These licenses are all due for renewal in July or August 2011.

It is proposed that the revised conditions will apply to all licenses permitting seating areas on the highway from 1 April 2011. The existing licences will be replaced by revised licences with the agreement of the licence holders and an appropriate credit given for the unexpired portion of the existing licence. If the licence holder does not agree to the revised conditions then the existing license will be honoured until its renewal date and then withdrawn.

During January 2011 the existing licence holders will be visited by highway and business development officers to explain the proposed changes and outline the grant assistance available to the businesses affected.

Conditions relating to the display of goods outside businesses, permitted under the same section of the Highways Act, will not be changed.

8. Finance

Currently an annual fee of £100 is charged for issuing and administering licences issued under Section 115E of the Highways Act 1980.

It is proposed that a full review of fees and charges will be undertaken early in 2011 and reported to Members for approval to introduce the revised rates from April 2011.

Council grants are available to businesses in Rotherham Town Centre under the Street Café Grant Scheme to help towards the purchase of high quality furniture with a one-off contribution to cover the costs:

- up to 75% (maximum £2,000) for independent businesses
- up to 50% (maximum £1,000) for national or regional operators.

For new businesses the cost of the planning consent fee can also be claimed up to £365.

9. Risks and Uncertainties

New conditions applying to these licences that require a higher standard of quality in the furniture used by the businesses might be perceived as unhelpful for businesses struggling in the current economic climate. This risk is significantly mitigated by the availability of grants toward up to 75% of the additional costs incurred in purchasing the new furniture as part of the Street Café Grant Scheme.

If existing licence holders decline to agree to the revised conditions or should action by the council become necessary to enforce the revised conditions then adverse media coverage is likely to result.

10. Policy and Performance Agenda Implications

Improving the environment (Rotherham Alive) – helping to keep Rotherham's streets clean.

More people come to the Town Centre for work, shopping and things to do and see (Rotherham Achieving) – continuing to support town centre retailers and promote a range of activities to attract people to the town centre.

Helping to create safe and healthy communities (Rotherham Alive) –improving the standards of the seating areas may reduce public perception of anti social behaviour as an issue in town centres.

11. Background Papers and Consultation

Part VII of the Highways Act 1980

12. Contact Name : *Robert Stock, Network Principal Engineer, Streetpride Service, tel. 822928, bob.stock@rotherham.gov.uk*

HIGHWAYS ACT 1980 – SECTION 115E

CONSENT TO PROVIDE AMENITIES ON CERTAIN HIGHWAYS

Conditions attached to the licence

1. (where appropriate) The tables, chairs and other furniture are permitted from to each day of the week to coordinate with the traffic restrictions applying to that part of the highway.
2. The tables, chairs and other furniture will be confined to the frontage of the property and contained within the area detailed on the attached plan.
3. Should the tables, chairs or other furniture be considered at any time to be causing an unnecessary obstruction, the Council or the police reserve the right to have them removed or relocated as deemed appropriate.
4. Furniture used must be high quality and uniform in a café style, with aluminium being the preferred material. (NB plastic tables and chairs and other low quality patio furniture will not be permitted).
5. The seating area must be enclosed by stable lightweight barriers to demark the seating area from the surrounding pedestrian areas. The barriers will either be of a solid canvas form or of a form containing solid elements at heights of 100mm and 1000mm above ground level.
6. All furniture placed within the area must be suitably secured and not overhang beyond the licensed area.
7. Furniture may display the name of the establishment but no other branding or advertising will be permitted.
8. The seating area and immediate environs shall be kept free of litter and other matter generated by the use of the area and a suitable receptacle for litter must be provided for the use of patrons and emptied at suitable intervals. Where smoking is permitted in the seating area then separate bins for the resulting waste must be provided.
9. The licence holder shall ensure that all vacated tables are cleared of all uneaten food, crockery, cutlery and associated debris.
10. The licence holder shall ensure that the tables, chairs and other furniture are maintained to a high standard and be in a clean, tidy and safe condition at all times.
11. The licence holder shall ensure that the seating area is kept under supervision at all times of its operation and that customers are seated.
12. A copy of the licence conditions and a plan of the permitted area shall be displayed on the premises.

Additional conditions for premises licensed to sell alcohol

1. The license holder shall ensure that drinks are served in ceramic cups or polycarbonate glasses or bottles.
2. The licensed area must be cleared of customers and all furniture by 23:00 even if the main premises can continue to operate beyond this time.

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Cabinet Member for Town Centres
2.	Date:	13 December 2010.
3.	Title:	Financial and Statistical Report for Parking Services for the Financial Year 2009 / 2010
4.	Programme Area:	Environment and Development Services

5. Summary

This report gives details of statistics and income and expenditure for Parking Services for the financial year 2009 / 2010.

6. Recommendations

- a) **Cabinet Member approves the report and the report is published accordingly.**
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7. Details

Background

The Council, its population and visitors are facing increasingly difficult challenges each year with regard to motoring. Rising fuel costs, changes in the road tax structure, the rising cost of vehicle insurance and traffic congestion all add up to a car being an expensive entity.

Accordingly, parking is a significant issue for motorists.

Rotherham MBC has endeavoured to assist motorists during 2009/10 by the introduction of several initiatives, namely:

- The “Free Parking After 3” scheme, introduced in May 2009 for the remainder of the financial year.
- Free parking in the town centre for the five Saturdays in the run – up to Christmas.
- The Council undertaking enforcement of mis-use of designated disabled bays at Parkgate Shopping Centre.
- The establishment of the Council’s Blue Badge Fraud Investigation Team.

The “Free Parking After 3” scheme

This scheme allowed members of the public to park their vehicles free of charge after 3pm in the town centre. The scheme was funded by the Council and was welcomed by shoppers and, particularly, owners of town centre businesses.

Free Saturday Parking

This offer was introduced for the 5 Saturdays up to Christmas. It was funded by the Rotherham Economic Regeneration Fund. Businesses in the town reported the scheme to be a significant success and Parking Services employees reported a definite increase in car park usage.

Parkgate Shopping Centre Enforcement

Unauthorised use of designated disabled parking bays was, reportedly, a significant problem at Parkgate Shopping Centre. An arrangement was agreed between the Council, Savills (the owners of the Retail Park) and Total Parking Solutions (TPS) in October 2009. The Council’s Civil Enforcement Officers have, since then, patrolled the area daily enforcing unauthorised parking in designated disabled bays, parking on double yellow lines and parking outside bay markings.

Blue Badge Fraud initiative.

The Council’s Parking Service established a Blue Badge Fraud Investigation Team. Officers received training in surveillance, evidence taking and conflict resolution. The team has worked successfully and this has resulted in the Council securing prosecutions for fraudulent use of blue badges.

8. FinanceFinancial:

The total income and expenditure of the on-street and off-street parking account for 2009/10 was as follows:

Total Expenditure **£1,068,652**

Income

Penalty Charge Notices **£ 242,796**

Off Street Pay & Display **£ 596,536**

On Street Pay and Display **£ 216,010**

Permits (staff, residents, private Wellgate permits) **£ 252,346**

Bailiffs **£ 31,125**

Miscellaneous **£ 8**

Total Income **£1,338,821**

Net Surplus **£ 270,169**

It should be noted that the income from penalty charges is wholly off-set by the cost of employing the team of Civil Enforcement Officers, and that the net surplus therefore derives from the operation of its car parks.

The Council works in conjunction with Total Parking Solutions in locations where it is not appropriate for a Traffic Regulation Order to be implemented. Some examples of these locations are Parkgate Shopping Centre (where this arrangement has been in place since October 2009) and various Council Office car parks, to which the public have no access and use is restricted to permit holders only. This arrangement raised a total of £8100 during the financial year 2009/10 and this figure is included in the income figure for Penalty Charge Notices.

The pay and display income figures include a £57,000 funding which was provided by the Council in order to allow the "Free After 3" parking scheme to be offered. It also includes a £19,000 "RERF" (Rotherham Economic Regeneration Fund) grant to allow free parking in the Town Centre on the five Saturdays in the run-up to Christmas 2009.

Statistical information:

<i>Number of higher level Penalty Charge Notices (PCNs) issued</i>	5003
<i>Number of lower level PCNs issued</i>	3945
<i>Number of PCNs paid</i>	7691
<i>Number of PCNs paid within 14 days</i>	5838
<i>Number of PCNs against which a formal or informal representation has been made</i>	2445
<i>Number of PCNs cancelled (i.e. where an informal or statutory representation is successful)</i>	1467
<i>Number of PCNs written off</i>	135
<i>Number of vehicles wheel clamped</i>	Nil
<i>Number of vehicles removed</i>	Nil

9. Risks and Uncertainties

N/A

10. Policy and Performance Agenda Implications

N/A

11. Background Papers and Consultation

N/A

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