

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

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