

Report of	Licensing, Food and Safety Manager	Author	Jon Ruder
Title	Pavement Permits (Street Restaurant, Café and Bar Furniture)		
Wards affected	Castle Ward Initially		

1. Executive Summary

- 1.1 The purpose of introducing a permit procedure for the safe layout of movable street furniture in the town is to encourage a café culture in relation to bars, pubs, restaurants and cafes, whilst controlling the layout of the public highway in relation to tables, chairs and barriers. The aim is to use a permit and conditions system to ensure ease of access, safety and improve visual impact in an efficient, fair and controlled way. The proposed policy is intended to help businesses understand where street cafes might be encouraged, where they will not be permitted and what the specific requirements are.

2. Recommended Decision

- 2.1 This report seeks the Licensing Committee's approval of the Pavement Permit Policy and subsequent referral to Full Council.

3. Reason for Recommended Decision

- 3.1 The Licensing Committee is asked to agree the proposed Pavement Permit Policy to enable formal adoption by Council if there is more than one decision, please list them separately..

4. Alternative Options

- 4.1 Not to introduce a Pavement Permit Policy.

5. Background Information

- 5.1 It is felt that the regulated provision of street cafés makes a positive contribution to the street scene and adds vitality to the town bringing life, colour and interest onto the street. The legislation that covers this policy is found under the **Highways Act 1980 Part VIIA Provision of Amenities on Certain Highways Section 115**. The process can be enforced by both ECC and CBC. However, the suggested protocol relies on CBC carrying out the inspections and any resultant enforcement. Fees can be levied for this in order to cover the cost of the process. Fees for 2018 have already been agreed as part of the Council fees and charges process.
- 5.2 The policy and procedure has been written in conjunction with Essex County Council and appropriate access groups have been consulted. The policy and procedure require approval by the Licensing Committee. Consideration will also need to be given to Colchester's Public Space Protection Order (PSPO) and any associated impact. If agreed, the businesses will then be given time to make their applications to regularise existing pavement cafes and apply for new ones before enforcement will begin. Town Centre businesses have been made aware of this. Enforcement will be carried out by Licensing Officers as part of their town centre activity.
- 5.3 It is suggested to apply this policy to the town centre zone initially before considering other areas such as Dedham, Tiptree, Wivenhoe, Rowhedge and Mersea Island. There are approximately 20 businesses in the town centre that currently have street furniture out on the pedestrian highway, none as far as we are aware have a licence from Essex County Council. 5 premises have quasi permission agreed with CBC and ECC pending the implementation of this policy. There has been no control or agreement as to what the 20 premises currently have and as such a number of them encroach the public highway.

6. Equality, Diversity and Human Rights implications

- 6.1 The Policy has been developed in accordance with and taken account of, all relevant legislation and national and local strategies.

7. Standard References

- 7.1 There are no particular references to the Strategic Plan; consultation or publicity considerations or financial; community safety; health and safety or risk management implications.

7. Strategic Plan References

- 7.1 The Council's strategic plan is the overarching strategy for the Borough setting out the direction and potential for the Borough and integrating social, economic and environmental strategies

This Policy aims to contribute to this vision through promoting a wider range of high-quality attractions that encourage an increased range of customers in order to lead to longer term economic viability. Licensed premises provide a key role as an employer, in regeneration, and in attracting people to the town. Additionally, effective regulation plays an essential role in enabling businesses to thrive and contribute to the Borough's economy

8. Consultation

- 8.1 Consultation was carried out prior to this Committee meeting.

9. Publicity Considerations

- 9.1 Affected businesses will be advised if the policy is approved.

10. Financial implications

- 10.1 The costs associated with the issuing of permits will be recovered by the relevant fee.

11. Health, Wellbeing and Community Safety Implications

- 11.1 There is no known direct public health and safety issues which might arise from the adoption of the revised Policy.

12. Health and Safety Implications

- 12.1 There are no known negative public health and safety issues which might arise from the adoption of the Policy. The policy will regularise the provision of street furniture to promote safe use of the public highway.

13. Risk Management Implications

- 13.1 The Policy will continue to provide the Council with a sound basis for decision making.

Appendices

Appendix A – Pavement Permit (Café Furniture) CBC Policy and Procedure 2018

Appendix B – Guidance Notes - Pavement Permit (Café Furniture)

Appendix C – Application - Pavement Permit

Appendix D – Licence – Pavement Permit