

SCRUTINY COMMISSION – 19 JANUARY 2011**LICENCES FOR STREET CAFÉS****REPORT OF THE DIRECTOR OF ENVIRONMENT AND TRANSPORT****Purpose of Report**

1. To respond to the petition submitted to the County Council regarding charges associated with license arrangements for “street cafés” in Leicestershire.

Petition

2. A petition with 2,801 signatures was submitted to the County Council in December 2010 and reads “We, the undersigned, call on Leicestershire County Council to review its policy on pavement cafés and not to introduce charges for them so that the cafes can continue to support the economy of Melton Mowbray.”
3. The petition was formally presented to the Commission at its meeting on 15 December. It was resolved to have a report on the matter at its next meeting.

Background

4. At its meeting on 8 May 2007, the Cabinet set a policy to introduce a requirement for licenses for street café as part of wider arrangements to provide effective management of the highway street scene.
5. This policy recognised the requirement to balance the needs of pedestrians in town centres with supporting local traders and maintaining the vitality of Leicestershire’s excellent market towns. It also enabled the County Council to respond positively to requests for street cafés where they supported local retail facilities without adverse impact on highway users.
6. Traders wishing to provide a street café for their customers also benefited from a license arrangement through certainty of investment in the necessary furniture for a licensed arrangement, from a requirement of minimum quality and consistent standards applied equally to them and their competitors, and from enabling the Council to take effective enforcement action where it may be required.

7. This policy also developed the guidelines that have been used informally for many years in the County regarding the positioning of “A-boards” and displays outside shops on the highway, set out in Appendix A.
8. Adjacent authorities also have formal licensing arrangements in place through the use of Section 115E of the Highways Act 1980, inserted by the Local Government (Miscellaneous Provisions) Act 1982 (c.30), Schedule 5.
9. Excluded from the policy is the control of street trading such as mobile food stalls in town centres, lay-bys or industrial estate roads, for which district councils have authority under different legislation to control.

Current charges

10. The assessment of licences is undertaken by the Environment and Transport Department, and licences issued by the Chief Executive’s Department.
11. Costs are fully recovered under the current charges, but with no net income.
12. The current initial charge is £300 for the first 12 months, and £150 per year (equivalent to £2.88 per week) thereafter. If a district council planning authority requires planning approval for such an arrangement (which they may do license scheme or not), the initial license charge is reduced to £150, avoiding a duplication of process.

Proposed reduction in charges

13. Recognising the concerns expressed by traders, it is proposed that through the introduction of an annual application date of 1st March - in time for summer season - efficiencies could be achieved through scale of process, whilst at the same allow reduced charges to be offered without additional cost to the County Council
14. All applications for new licences received before the annual application date would be charged at the reduced initial charge of £150 whether or not the borough/district has required planning approval (a further reduction for those submitted before the annual application date which requires planning can not be offered).
15. New licences would be effective 1 month following the annual application date - 1st April for 12 months.
16. Late applications would be charged the full £300 fee.
17. Similar efficiencies would be achieved for the annual renewal reducing that charge to £100.

Resource Implications

18. Provided the efficiency savings through the proposed process are achieved, there will continue to be no net cost to the County Council.

Conclusions

19. The Council continues to actively support local traders and the vitality of its excellent market towns through effective street scene management.
20. This includes the continuation of a license scheme for street cafés within the highway and enforcement against non-compliance and also other street clutter including inappropriate “A” boards and excessive shop displays within the highway, particularly where those extend beyond the reasonable approach set out in the guidelines at Appendix A.

Recommendation

That it be noted in response to concerns now expressed that the proposed reduced charges for street café licenses will be considered by the Cabinet and that the Commission is asked to indicate what comments it wishes to make on the proposed changes.

Circulation under the Local Issues Alert Procedure

None.

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Background Papers

Cabinet report – 8 May 2007

List of Appendices

Guidelines for Placing of Signs and Displays within the Highway