

SCRUTINY COMMISSION – 2 MARCH 2011

LICENCES FOR STREET CAFÉS – UPDATE

REPORT OF THE DIRECTOR OF ENVIRONMENT AND TRANSPORT

Purpose of Report

1. To complete the response 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.
4. A report was considered by the Commission at its meeting on 19 January. It was resolved that the proposed reduction in charges be supported and that a ‘Light Touch’ review be established prior to reporting to the Cabinet.

Light Touch Review

5. The light touch review was asked to consider the following:
 - Requirements as to the siting of tables and chairs under the policy (appended);
 - Whether it was appropriate for a license fee to be charged regardless of the extent of the proposed use;
 - Arrangements to ensure engagement with disabled people in consideration of an application
6. Mrs. R. Page CC and Mrs. P. Posnett CC agreed to form the membership of the ‘Light Touch’ review and undertook a site visit (accompanied by an officer) to Melton Mowbray on Friday 4 February

and held a meeting with Council officers to discuss the conditions for street cafes licences.

7. The conclusions of the 'Light Touch' review are:
 - (i) That the requirements under the policy are reasonable in most circumstances, but that officers must consider each application on its own merits and record any conditions relating to a specific site on that license. This does not require a change of policy but should be noted within the application procedure.
 - (ii) It was noted that the fee charged relates to fixed costs, such as production of the legal document and inspection, that are no different what ever the extent of the proposed use. It was not considered appropriate to subsidise smaller establishments fees from those charged to larger establishments nor by this Authority. It was considered essential that all street café arrangements on the public highway are subject to the controls provided by the license system.
 - (iii) It is acknowledged that officers considering applications have a good knowledge of the needs of the disabled through management of the highway and that would inform the consideration of each application on its own merits. However, a regular dialogue with local groups representing the disabled regarding all highway matters is to be encouraged.

Resources Implications

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

Conclusions

9. The Council continues to actively support local traders and the vitality of its excellent market towns through effective street scene management.
10. 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 in the appended document.

Recommendation

That it be noted in response to concerns expressed that the proposed reduced charges for street café licenses will be considered by the Cabinet on 8 March and that the Commission is asked to indicate what comments it wishes to make on the proposed changes arising from the 'Light Touch'

review.

Circulation under the Local Issues Alert Procedure

None.

Officer to Contact

Andrew Warrington, Group Manager – Highways
Tel: 0116 305 2101
Email: andrew.warrington@leics.gov.uk

Background Papers

Cabinet report considered on 8 May 2007

List Appendices

Appendix – Conditions for Pavement Cafes