



RECORD OF DELEGATED OFFICER DECISION

Key Decision



Operational Decision

SUBJECT: PONTYPRIDD TOWN CENTRE: REGULATION OF STREET FURNITURE ON THE HIGHWAY – PUBLIC CONSULTATION

PURPOSE OF REPORT:

To outline proposals to regulate the placing of street furniture on the Highway, specifically used to support recreation and refreshment facilities, in Pontypridd town centre.

In accordance with the Council's Scheme of Delegation, this report has been prepared to accompany the intended officer decision of the Director of Highways and Streetcare Services as described below.

DELEGATED DECISION (Date):

It is agreed to:

- 1) To proceed with a 6-week long consultation period to seek the views of local traders and the general public on Council plans to regulate the placement of street furniture on the Highway in Pontypridd town centre.
- 2) Upon completion of the consultation period, to present a report to Cabinet summarising the feedback received and to put forward suggested recommendations with regards to the composition and implementation of street furniture regulations.


Chief Officer Signature

NIGEL WHEELER
Print Name

20.11.17
Date

The decision is taken in accordance with Section 15 of the Local Government Act, 2000 (Executive Functions) and in the terms set out in Section 5 of Part 3 of the Council's

Constitution

CONSULTATION

R. Ben

20.11.17

CONSULTEE CABINET MEMBER SIGNATURE

DATE

CONSULTEE OFFICER SIGNATURE

DATE

CALL-IN PROCEDURE RULES

IS THE DECISION DEEMED URGENT AND NOT SUBJECT TO CALL-IN BY THE OVERVIEW AND SCRUTINY COMMITTEE:

NO

Reason for urgency:

If deemed urgent - signature of Mayor or Deputy Mayor or Head of Paid Service confirming agreement that the proposed decision is reasonable in all the circumstances for it being treated as a matter of urgency, in accordance with the overview and scrutiny procedure rule 17.2:

.....

(Mayor)

.....

(Dated)

NB - If this is a reconsidered decision then the decision Cannot be Called In and the decision will take effect from the date the decision is signed.

FOR CABINET OFFICE USE ONLY

PUBLICATION & IMPLEMENTATION DATES

PUBLICATION

Publication on the Councils Website: - 21.11.17.

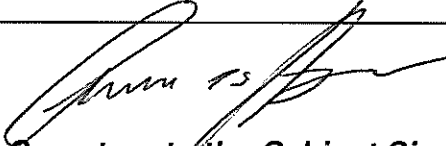
DATE

IMPLEMENTATION OF THE DECISION

Note: This decision will not come into force and may not be implemented until the expiry of 5 clear working days after its publication to enable it to be the subject to the Call-In Procedure in Rule 17.1 of the Overview and Scrutiny Procedure Rules.

Subject to Call-In the implementation date will be: 29.11.17.

DATE

 Secretary to the Cabinet Signature	CHRISTIAN SS MANAGAN Print Name	21.11.17. Date
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Further Information

Directorate:	Highways and Streetcare Services
Contact Name:	Huw Jenkins
Designation:	Highways Technical Services Manager
Tel.No:	(01443) 494801

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2017-2018

**REPORT TO ACCOMPANY A DECISION OF THE DIRECTOR OF HIGHWAYS AND
STREETCARE SERVICES**

DATE: NOVEMBER 2016

Part 1	Item No.
Pontypridd town centre: Regulation of street furniture on the highway – public consultation	

1. PURPOSE OF THE REPORT

- 1.1 The purpose of the report is to outline proposals to regulate the placement of street furniture on the highway in Pontypridd town centre, and to recommend a period of public consultation with respect to the proposals.

2. RECOMMENDATIONS

- 2.1 It is recommended that:

- (a) The Council undertakes a 6-week long period of consultation with local businesses, Chambers of Trade, and the local Business Improvement District (BID) group to seek their views and opinions on the proposals for regulating the placement of street furniture on the highway in Pontypridd town centre as detailed below.
- (b) A report is prepared for Cabinet following the conclusion of the consultation period, which will summarise the feedback received and put forward suggested recommendations with regards to composition and implementation of street furniture regulations.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To seek the views of key stakeholders, the Pontypridd BID group, access groups and wider public on the Council's proposals to regulate the placement of street furniture on the highway in Pontypridd town centre, and to then implement any regulations accordingly.

4. BACKGROUND

- 4.1 The regeneration of Pontypridd Town Centre has resulted in a number of businesses placing items of street furniture, such as tables and chairs, (Street Cafés), outside of their premises, which the Council duly supports and encourages.

- 4.2 Street Cafés can make a positive contribution to town centres by adding vitality, colour, life and interest to the street scene. They can also assist in maximising the use of public spaces, aid the local economy and add to the facilities offered to people who visit, live, and work in the area.
- 4.3 However, whilst the provision of Street Cafés is rightly encouraged, it is also vitally important that they are properly administered and managed. Tables and chairs placed on the highway without written authorisation constitute an unlawful obstruction of the highway.
- 4.4 The granting of permission for Street Cafés, (via the issuing of Licences), will enable the Council to administer and manage the types of street furniture permitted at given locations, thus reducing any risk of hazard to other users of the highway, with particular regard to the visually impaired and people with mobility issues.
- 4.5 Moreover, by granting permission to third parties, the Council will be able to effectively regulate Street Cafés and ensure clear responsibility to Street Café owners to ensure that obstructions and nuisances are dealt with at source and that access is maintained at all times to statutory undertakers apparatus.
- 4.6 The Council is empowered, pursuant to Part VIIA of the Highways Act 1980, inserted by the Local Government (Miscellaneous Provisions) Act 1982, to grant permission to third parties authorising the provision of certain facilities on or over highways, including the provision of chairs and tables. Permission may be granted subject to conditions in accordance with sections 115E & 115F of the Highways Act 1980.

5. REGULATION OF STREET CAFÉS – PROPOSALS

- 5.1 Applications for Street Cafés must be made in writing by submitting a Licence Application Form to the Council together with any required supporting documentation.
- 5.2 Applications will be determined on a case-by-case basis in accordance with the provisions of Part VIIA of the Highways Act 1980 and in line with the General Conditions.
- 5.3 The licensee will be required to indemnify the Council against all claims, proceedings, actions, demands, liability, costs, charges or expenses that may at any time be taken, made or incurred in consequence of the use of the chairs and tables and other objects.
- 5.4 The licensee must take out, at their expense, valid third party public liability insurance to the sum of at least £5,000,000 in respect of any one event with an insurance company of repute to be approved by the Council.

- 5.5 Permission to provide recreation and refreshment facilities on the Designated Areas will only be given to businesses already in possession of food and hygiene certificates.
- 5.6 Where provided, licences would be valid for one year to give the Council opportunity to review each case annually. Licences may be revoked if any conditions of the licence are breached.
- 5.7 If a property is operating a Street Café without a Licence, then the Council may take appropriate enforcement action to ensure compliance.
- 5.8 The Council is entitled, pursuant to section 115F of the Highways Act 1980, to require the payment of such charges to reimburse its reasonable expenses in granting the permission of a Licence for the placement of street furniture on the highway. Consequently, it is proposed that a charge of £30.50 be set for each Licence granted in order to cover the reasonable costs of the Council in issuing said Licence. (The charge amount is consistent with other licences issued by the Council for the placement of items such as skips and scaffolding structure on the highway).

6. EQUALITY AND DIVERSITY IMPLICATIONS

- 6.1 There are no equality or diversity implications associated with this report.

7. CONSULTATION

- 7.1 6-week long period of consultation with local businesses, Chambers of Trade, the BID group and access groups. The consultation period will include direct engagement with town centre trading representatives.

8. FINANCIAL IMPLICATION(S)

- 8.1 There are no significant financial implications associated with undertaking a 6-week long public consultation exercise.

9. LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED

- 9.1 Section 130 Highways Act 1980 provides that it is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway and to prevent, so far as possible the obstruction of any highway for which they are the highway authority.
- 9.2 Street furniture such as tables and chairs that have been placed on a highway by third parties without lawful authority amount to an unlawful obstruction of the highway. The Council have numerous powers to ensure that unlawful obstructions are removed.

- 9.3 The Council has the power to issue a Licence to third parties permit the placing of street furniture on a highway under Part VIIA of the Highways Act 1980. Such a Licence may be issued subject to conditions and the payment of a fee.

10. LINKS TO THE COUNCIL'S CORPORATE PLAN / OTHER CORPORATE PRIORITIES / SIP

- 10.1 The regulation of street furniture can be seen to link to the Single Integrated Plan in respect to the theme of "Prosperity": businesses are supported to thrive and grow.

11. CONCLUSION

- 11.1 The proposals outlined above with regards to regulating the placement of street furniture on the highway in Pontypridd town, including the requirement of a Licence for a set fee, mark a significant departure from current practice and will directly affect a key town centre. Consequently, an extended period of public consultation is viewed as essential to aid Council decision-making on this issue.