



COFNOD O BENDERFYNIAD WEDI'I DDIRPRWYO GAN SWYDDOG
RECORD OF DELEGATED OFFICER DECISION

Penderfyniad Allweddol | Key Decision ✓

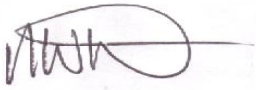
PWNC | SUBJECT: SAFER PLACES – 'STREET CAFES' IN TOWN CENTRES DURING CORONAVIRUS

DIBEN YR ADRODDIAD | PURPOSE OF THE REPORT:

In accordance with the Council's Scheme of Delegation, this report has been prepared to accompany the intended officer decision of the Group Director, Prosperity, Development and Frontline Services.

To agree to introduce a licensing scheme in Aberdare town centre regulating the placement of street furniture on the highway for a period of one year commencing August 2020.

PENDERFYNIAD WEDI'I DDIRPRWYO | DELEGATED DECISION:

	Nigel Wheeler	7 th August 2020
Llofnod y Prif Swyddog Chief Officer Signature	Enw (priflythrennau) Name (Print Name)	Dyddiad Date

Mae'r penderfyniad yn cael ei wneud yn unol ag Adran 15 o Ddeddf Llywodraeth Leol 2000 (Swyddogaethau'r Corff Gweithredol) ac yn y cylch gorchwyl sy wedi'i nodi yn Adran 5 o Ran 3 o Gyfansoddiad y Cyngor.

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.

YMGYNGHORI | CONSULTATION

A. Morgan

31st July 2020

LLOFNOD YR AELOD YMGYNGHOROL O'R CABINET
CONSULTEE CABINET MEMBER SIGNATURE

DYDDIAD | DATE

Stale

31st July 2020

LLOFNOD SWYDDOG YMGYNGHOROL
CONSULTEE OFFICER SIGNATURE

DYDDIAD | DATE

RHEOLAU'R WEITHDREFN GALW-I-MEWN | CALL IN PROCEDURE RULES.

A YW'R PENDERFYNIAD YN UN BRYN A HEB FOD YN DESTUN PROSES GALW-I-MEWN GAN Y PWYLLGOR TROSOLWG A CHRAFFU?:

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

YDY | YES x NAC YDY | NO ✓

Rheswm dros fod yn fater brys | Reason for Urgency:

Os yw'n cael ei ystyried yn fater brys - Ilofnod y Llywydd, y Dirprwy Lywydd neu Bennaeth y Gwasanaeth Cyflogedig yn cadarnhau cytundeb fod y penderfyniad arfaethedig yn rhesymol yn yr holl amgylchiadau iddo gael ei drin fel mater brys, yn unol â rheol gweithdrefn trosolwg a chraffu 17.2:

If deemed urgent - signature of Presiding Member or Deputy Presiding Member 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:

.....
(Llywydd | Presiding Member) (Dyddiad | Date)

DS - Os yw hwn yn benderfyniad sy'n cael ei ail-ystyried yna does dim modd galw'r penderfyniad i mewn a bydd y penderfyniad yn dod i rym o'r dyddiad mae'r penderfyniad wedi'i lofnodi.

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.

DYDDIADAU CYHOEDDI A GWEITHREDU | PUBLICATION & IMPLEMENTATION DATES

CYHOEDDI | PUBLICATION

Cyhoeddi ar Wefan y Cyngor | Publication on the Councils Website:- ____11-08-20____

DYDDIAD | DATE

GWEITHREDU'R PENDERFYNIAD | IMPLEMENTATION OF THE DECISION

Nodwch: Fydd y penderfyniad hwn ddim yn dod i rym nac yn cael ei weithredu'n llawn nes cyn pen 3 diwrnod gwaith ar ôl ei gyhoeddi. Nod hyn yw ei alluogi i gael ei "Alw i Mewn" yn unol â Rheol 17.1, Rheolau Gweithdrefn Trosolwg a Chraffu.

Note: This decision will not come into force and may not be implemented until the expiry of 3 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.

Yn amodol ar y drefn "Galw i Mewn", caiff y penderfyniad ei roi ar waith ar / Subject to Call In the implementation date will be

17-08-20

DYDDIAD / DATE

WEDI'I GYMERADWYO I'W GYHOEDDI: ✓ | APPROVED FOR PUBLICATION :✓

Rhagor o wybodaeth | Further Information:

Cyfadran Directorate:	Prosperity, Development & Frontline Services
Enw'r Person Cyswllt Contact Name:	Simon Gale
Swydd Designation:	Director of Prosperity & Development
Rhif Ffôn Telephone Number:	01443 281114



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

A REPORT TO ACCOMPANY A DECISION OF THE GROUP DIRECTOR OF PROSPERITY, DEVELOPMENT AND FRONTLINE SERVICES

SAFER PLACES – ‘STREET CAFES’ IN TOWN CENTRES DURING CORONAVIRUS

AUTHOR: Simon Gale, Director of Prosperity and Development

1.0 PURPOSE OF THE REPORT

- 1.1 The purpose of the report is to agree to introduce a licensing scheme to regulate the placement of street furniture on the highway, specifically used to support recreation and refreshment facilities in Aberdare town centre and help the local economy recover from the impact of the coronavirus crisis whilst also seeking to enable social distancing to be maintained.

2.0 RECOMMENDATIONS

It is recommended:

- 2.1 To agree to introduce a licensing scheme in Aberdare town centre regulating the placement of street furniture on the highway for an initial period of one year commencing August 2020. The terms and conditions of the scheme to mirror those agreed by Cabinet in March 2018 for Pontypridd town centre.

3.0 REASONS FOR RECOMMENDATIONS

- 3.1 To enable food and drink establishments in the town to maximise the amount of customers they can serve whilst still maintaining social distancing requirements. This will in turn support town centres and the local economy in safely recovering from the impacts of the coronavirus pandemic.

4.0 BACKGROUND

- 4.1 At its meeting on 25 June 2020 Cabinet considered a report from the Director of Prosperity and Development on the work undertaken in our town centres to respond to the coronavirus pandemic and to ensure visitors to our town centres could do so whilst still maintaining their social distancing requirements. The report also recognised the need to continue to support our town centre businesses, many of which will have been hit hard by the impact of the crisis and subsequent lockdown.

- 4.2 At the meeting Cabinet agreed that the Group Director for Prosperity, Development & Frontline Services monitors the situation on a regular basis to ensure our town centres and public spaces are suitably safe, and in consultation with the relevant Cabinet Member(s), introduces additional measures and/or enforces measures where necessary in order to prevent the spread of the coronavirus.
- 4.3 Since the writing of the 25 June Cabinet report non-essential shops have been allowed to reopen and more recently pubs, cafes and restaurants have been allowed to open but only on the basis that customers are served outside. As result the Council has received a number of requests from food and drink businesses to place tables and chairs on the public highway and in particular two formal approaches from the Pontypridd Business Improvement District (BID) and the Aberdare BID.
- 4.4 There is no doubt '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 particularly at a time when many town centre businesses are in such significant need of assistance and add to the facilities offered to people who visit, live, and work in the area.
- 4.5 However, whilst food and drink businesses being able to operate through street tables and chairs 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 and potentially restrict pedestrians' ability to maintain social distancing.
- 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 for 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.
- 4.7 The granting of permission for 'Street Cafés', (via the issuing of Licences), enables the Council to 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 and ensure furniture is placed in areas that do not restrict pedestrians' ability to maintain social distancing.
- 4.8 The legal position in terms of allowing street furniture in Pontypridd is in a way more advanced in Pontypridd than it is in Aberdare as a result of decision made by Cabinet at its meeting of 22 March 2018 to set up a scheme (initially a pilot) for the regulation of the placement of street furniture on the highway in Pontypridd. This scheme has granted a number of licences to businesses in the town but the scheme was suspended at the start of the coronavirus lockdown.
- 4.9 Through engagement with the Pontypridd BID and individual businesses in the town, expressions of interest are now being accepted for the reintroduction of street furniture, outside individual premises where it is safe to do so but also exploring the potential to use more communal space in the public realm to serve businesses that do not have sufficient space directly outside their establishment. Certain conditions will need to be met and each

business will need to have public liability in place with an emphasis placed on the BID and the traders themselves to safely manage the operation.

- 4.10 The Council has been approached by the Aberdare BID with a view to introducing a similar licensing scheme in Aberdare. Meetings have taken place between officers and representatives of the BID and areas have been identified in the town where street furniture can and cannot be safely placed on the highway. It is now open to the BID to engage with interested businesses so that expressions of interest can be made to the Council for the introduction of street furniture in the town to serve local food and drink operators. It is anticipated that these areas could, like Pontypridd, either be directly outside the premises where it is deemed safe to do so, or otherwise in communal areas within the public realm.
- 4.11 It is therefore proposed to introduce a licensing scheme in Aberdare town centre regulating the placement of street furniture on the highway for an initial period of one year commencing August 2020. It is recommended that the Aberdare licensing scheme be operated under the same process, criteria, conditions and non-compliance procedures as agreed by Cabinet for the Pontypridd licensing scheme.

5.0 EQUALITY AND DIVERSITY IMPLICATIONS

- 5.1 An Equality Impact Assessment (EqIA) screening form has been prepared for the purpose of this report. It has been found that a full report is not required at this time. The screening form can be accessed by contacting the author of the report or the Cabinet Business officer.

6.0 CONSULTATION

- 6.1 The proposal has been prepared through engagement with the Aberdare Businesses Improvement District and individual businesses and the local Members have been consulted. Given the expediency of introducing the scheme to assist businesses the situation will be kept under constant review and will run for an initial pilot period of one year.

7. FINANCIAL IMPLICATION(S)

- 7.1 Whilst the Council would receive a small amount of income via the fees charged for the determination and processing of street café licence applications, no budgetary adjustment is being made at this time given the temporary period of the scheme and the need to assess any service costs and income levels as part of this.

8.0 LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED

- 8.1 Section 130 of the 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.

- 8.2 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.
- 8.3 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.

9.0 LINKS TO THE COUNCILS CORPORATE PLAN / OTHER CORPORATE PRIORITIES

- 9.1 The regulation of the placement of street café furniture can be seen to contribute the delivery of the Council's Corporate Priorities with respect to the theme of "place": creating neighbourhoods where people are proud to live and work by making Rhondda Cynon Taf's local environment clean and attractive.
- 9.2 This report has considered the potential long term impact of regulating the placement of street café furniture on the highway to help show a clear responsibility for street café owners to ensure that obstructions and nuisances are dealt with at source.
- 9.3 With the aim of balancing the needs of businesses, encouraging a vibrant street café culture and reducing the risk of hazard to users of the highway, the Council can be seen to be collaborating with others to consider the needs of all users of the Highway.
- 9.4 The measures outlined in this report will help to ease the current problems associated with the placement of street café furniture by involving local business owners, the local BID group and other highway users in making a positive contribution to the health of our town centres.
- 9.5 The regulation of the placement of street café furniture will help support the delivery of a Wales of cohesive communities, a prosperous Wales and a Wales of vibrant culture and thriving Welsh Language.

10.0 CONCLUSION

- 10.1 The recommendations outlined above with regards to regulating the placement of street café furniture on the highway in Aberdare town centre, will bring the town in line with the system already in place in Pontypridd.
- 10.2 Whilst there is a greater number of 'A3' businesses in Pontypridd, there is still significant areas of public realm in Aberdare town centre that potentially can be utilised by food and drink businesses and the introduction of the licensing scheme will enable this to be undertaken in a safe and controlled manner, thus supporting local businesses whilst still promoting safe social distancing.