



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

CABINET

22nd MARCH 2018

**PONTYPRIDD TOWN CENTRE: REGULATION OF THE PLACEMENT OF
STREET CAFÉ FURNITURE ON THE HIGHWAY**

**REPORT OF THE GROUP DIRECTOR CORPORATE AND FRONTLINE
SERVICES IN DISCUSSIONS WITH THE LEADER OF THE COUNCIL,
COUNCILLOR A MORGAN**

Author: Roger Waters, Service Director, Highways and Streetcare Services

1. PURPOSE OF THE REPORT

- 1.1 The purpose of the report is to provide detailed feedback from the recent public consultation exercise undertaken in respect of proposals to regulate the placement of street furniture on the highway, specifically used to support recreation and refreshment facilities in Pontypridd town centre, and to help inform a Cabinet decision on the way forward.

2. RECOMMENDATIONS

2.1 It is recommended that:

- (a) Cabinet notes the widespread support of those who responded to the consultation in relation to the proposal to regulate the placement of street furniture on the highway, specifically used to support recreation and refreshment facilities in Pontypridd town centre (the 'Proposal');
- (b) Cabinet considers the outcome of the consultation exercise undertaken and other matters as outlined in the report (and its appendices) as regards the Proposal;
- (c) Cabinet determines whether or not to set up a pilot scheme regulating the placement of street furniture on the highway within Pontypridd town centre for a period of one year commencing from April 2018;.

Subject to 2.1(b) and (c) above:

- (d) Where an application is duly made to, and approved by, the Council, a licence permitting a third party to provide recreation and refreshment facilities (the 'Licence'), on or over Market Street, Church Street, Mill Street, Taff Street or High Street within Pontypridd Town Centre (the 'Designated Areas'), be issued subject to conditions; and
- (e) An annual fee of £30.50 (subject to annual increases as per Council policy in relation to fees and charges), be charged by the Council for each Licence granted within the Designated Areas to cover the reasonable costs of the Council in issuing and administering the Licence.

3. REASONS FOR RECOMMENDATIONS

- 3.1 In support of regenerating our town centres Cabinet are being asked to consider the regulation of street furniture as part of an ongoing strategy to make our Town Centres vibrant and places people want to visit and work.
- 3.2 Pontypridd town centre has the largest concentration of street café furniture of any town centre in RCT; thus it is seen the most appropriate location to undertake a pilot scheme aimed at regulating the placement of such furniture.

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. CONSULTATION FEEDBACK

- 5.1 A 6-week period of public consultation with local businesses, Chambers of Trade, the Pontypridd BID group and access groups was undertaken between December 2017 and January 2018.
- 5.2 The consultation was carried out both online and in person and involved direct engagement with town centre trading representatives and members of the public.
- 5.3 In conjunction with the Council's consultation section, the Regeneration and Planning town centre team were particularly proactive in liaising with the Pontypridd BID group, including interviewing town centre business owners.
- 5.4 A detailed set of reports collating feedback from the public consultation with members of the public and local businesses into regulating the placement of street furniture on the Highway in Pontypridd town centre can be found at Appendix A to this report.
- 5.5 Almost half of all consultees considered street café furniture to present an increased risk to pedestrian users with restricted mobility or sight loss.
- 5.6 Two thirds of respondents thought that the implementation of a licence scheme would be a positive action in regulating the placement of street café furniture on the highway.
- 5.7 The overwhelming majority of respondents viewed the implementation of a licence scheme requiring premises to comply with strict guidelines

to be a positive aid in order to enable the safe movement of pedestrians in the town.

- 5.8 Over 75% of those whom took part in the consultation backed the Council's desire to support a street café culture within Pontypridd town centre through the implementation of a licence scheme.

6. REGULATION OF STREET CAFÉS – PROPOSALS

- 6.1 Applications by Street Cafés within the Designated Areas would be required to be made in writing by submitting a Licence Application Form to the Council together with any required supporting documentation. (Please see Appendix B for a draft Street Café Guide and application pack).
- 6.2 Applications would 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 set out in the Licence.
- 6.3 The licensee would 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.
- 6.4 The licensee would also be required to 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.
- 6.5 Permission to provide recreation and refreshment facilities in the Designated Areas would only be given to businesses already in possession of food and hygiene certificates.
- 6.6 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. (Please see Appendix C for an example Street Café Furniture Licence).
- 6.7 If a property is operating a Street Café without a Licence, then the Council may take appropriate enforcement action to ensure compliance.
- 6.8 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 be set for each Licence granted in order to cover the reasonable costs of the Council in issuing said Licence. (The

initial proposed annual Licence charge amount of £30.50 is consistent with other licences issued by the Council for the placement of items such as skips and scaffolding structure on the highway).

- 6.9 It is proposed the Licence arrangement operate on pilot basis initially for a period of one year commencing April 2018.

7. NON-COMPLIANCE PROCEDURES

- 7.1 The Council would undertake a phased approach to enforce any unauthorised placement of street café furniture ranging from retrospective charges to the removal of street furniture, and legal action to recover costs.
- 7.2 Any item of street furniture associated with a street café found on the highway in breach of s115E of the Highways Act 1980, (as well as any associated requirements of the Council), could be subject to removal by the Council with all associated costs of the removal, disposal and storage of the street furniture being recharged to the street café owner.
- 7.3 If Street café owners put street furniture out without applying for a Licence then, on application for a licence, they would be required to pay the proposed Licence determination charge of £30.50, plus an additional inspection charge of £75.
- 7.4 It is proposed Street café owners would have two working days to pay the charges/ If they fail to pay the charges the Council would proceed to remove the unauthorised street café furniture from the highway in accordance with the Highways Act 1980.
- 7.5 Upon recovery of costs by the Council, a street café owner would be permitted to reclaim their street café furniture. The street cafe furniture would be stored for a maximum period of twenty-eight days, after which time the street café furniture would be disposed of by the Council.

8. EQUALITY AND DIVERSITY IMPLICATIONS

- 8.1 An Equality and Impact Assessment of the proposed regulation of the placement of street furniture has not identified any negative or adverse impact upon vulnerable groups (e.g. pedestrians with restricted mobility or sight loss).

9. FINANCIAL IMPLICATION(S)

- 9.1 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 pilot nature of the scheme and the need to assess any service costs and income levels as part of this.

10. LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED

- 10.1 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.
- 10.2 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.
- 10.3 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.
- 10.4 Where consultation is undertaken, it should be done when proposals are at a formative stage; give sufficient reasons for any proposal to permit intelligent consideration and allow adequate time for consideration and response.
- 10.5 Cabinet are now required to give conscientious consideration to the outcome of the consultation process prior to any decision(s) being made on the proposal.
- 10.6 The consultation exercise described in section 5 and attached as Appendix 1 gives the Cabinet information from stakeholders to consider as part of their decision making process.

11. LINKS TO THE CORPORATE AND NATIONAL PRIORITIES AND THE WELL-BEING OF FUTURE GENERATIONS ACT.

- 11.1 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.
- 11.2 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.
- 11.3 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.
- 11.4 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.
- 11.5 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.

12. CONCLUSION

- 12.1 The recommendations outlined above with regards to regulating the placement of street café furniture on the highway in Pontypridd town centre, including the requirement of a Licence for a set fee, mark a significant departure from current practice.
- 12.2 A recent 6-week period of public consultation has shown that there is significant support for the Council's proposals and it can further be inferred that the effective regulation, management, and where necessary, enforcement, of the placement of street café furniture would play an important role in ensuring that our town centres are both vibrant public spaces and at the same, safe for all Highway users.

Appendix A (Consultation Reports)

Appendix B (Street Café Guide and application pack)

Appendix C (Example Street Café Furniture Licence)

Other Information:-

Relevant Scrutiny Committee

Public Services Delivery, Communities and Prosperity

Contact Officer

LOCAL GOVERNMENT ACT 1972

AS AMENDED BY

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

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22nd MARCH 2018

REPORT OF THE GROUP DIRECTOR CORPORATE AND FRONTLINE SERVICES IN DISCUSSIONS WITH THE LEADER OF THE COUNCIL, COUNCILLOR A MORGAN

Item: PONTYPRIDD TOWN CENTRE: REGULATION OF THE PLACEMENT OF STREET CAFÉ FURNITURE ON THE HIGHWAY

Background Papers

[Delegated decision – 20.11.17](#)

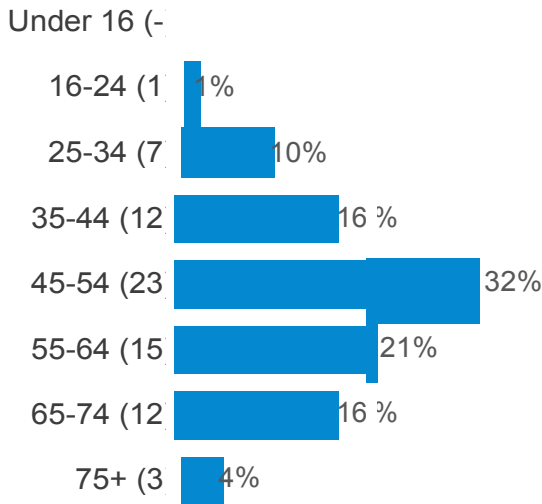
Officer to contact:

Pontypridd Street Café Furniture

This report was generated on 23/01/18. Overall 75 respondents completed this questionnaire. The report has been filtered to show the responses for 'All Respondents'.

The following charts are restricted to the top 12 codes. Lists are restricted to the most recent 100 rows.

Age:

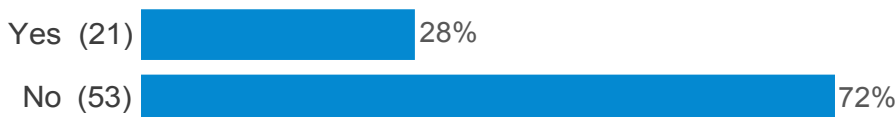


Gender:

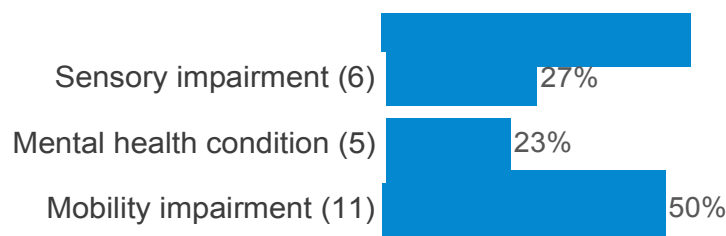


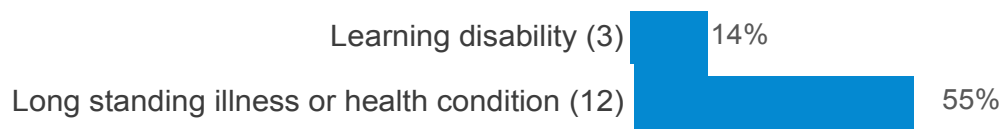
Do you consider yourself to be disabled?

The definition of disability as defined under the Disability Discrimination Act is a 'physical or mental impairment which has a substantial and long term adverse effect on ability to carry out normal day to day activities'

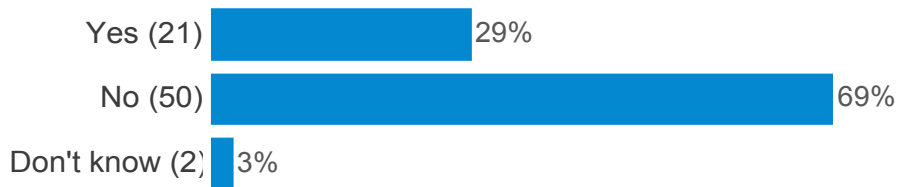


If yes, how would you describe your disability or long-term health condition? (Please tick all that apply)





Do you consider street cafe furniture to present a hazard to pedestrian users of the highway?



Comments:

Frequently restricting pedestrian flows, causing conflict as walkways are narrowed. Have tripped over a few a-frames...

As the town centre bus passes through town frequently, there is not a great deal of room on the pavement for pedestrians in some parts of the High Street and the furniture is an additional hazard. The food left outside on the tables also attract the many pigeons in the area, causing further hazards.

Although much of the street furniture is not a problem in Pontypridd the general design of the street can cause problems, most of the street has the road and pavement at the same level so you aren't always aware where you are walking and the street furniture can push you into the road. Also at some point the pavement and road are at a very slightly different level and as above the furniture forces you out wider into the street and you can stumble or slip on this difference of level.

In general terms NO, but at some locations street café furniture can be a potential hazard where streets are narrower and traffic is passing, albeit slowly.

Yes to pedestrian users with restricted mobility or sight loss

It depends on the width of the street and the amount of pedestrian traffic vs the size of the 'outdoor café area'

Enough space needs to be left for pedestrians, with particular thought for people with any disability - blindness, wheelchair users...

No not really it has to be contained to the side of the building and not allowing it to Sprawl along and the middle of the street

Not only pose a hazard but the idea of this is to offer Smoking facilities , I am a non smoker and seeing full ashtrays and breathing in the smoke when you pass is something I want to avoid.

But must be placed safely and appropriately in spacious areas

Street cafes present problems for disabled people in wheelchairs because it forces them out into the main road this presents a health and safety issue if they do it properly than yes, no problems my suggestion would be to Monitor the size of the gap that the cafes are putting their chairs out on and make sure that they provide enough space for large wheelchairs electric wheelchairs and manual wheelchairs.

Helps with regeneration/atmosphere

Sometimes they can cause issues for the visually impaired especially if they are sticking out.

I believe they would add to the culture and atmosphere of the town.

They can be a barrier to wheelchair users and those with sight loss. People have to walk onto the road to avoid the obstructions.

As long as pedestrians are taken in to consideration the option to sit outside a cafe is welcome. Pontypridd is for the most part pedestrianised and the traffic that can come through is generally careful.

Abroad everywhere has cafe culture.

Comments:

I am more concerned with cars and vans parking on what was a clearly defined road/pavement area, which is now one level stretch.

My husband is in a wheelchair and due to things on the pavement, there is no room for us to walk on the pavement so we end up having to walk in the road

Obstructs pavements, especially at busy times e.g. market day or Christmas

As long as the furniture is bright and close to the walls of the buildings

Providing this is planned in an organised manner accounting for obstruction to wheel chair users or prams sight impaired persons. Regular checks on safety with spillage of food /drink avoiding hazards.

sometimes the amount of people with pushchairs etc pushes the pedestrian onto the road when trying to pass

Ceir yw'r perygl mwyaf

Unless a pavement is fully obstructed, for example, if a wheelchair user or pushchair/pram has to be pushed onto the road to avoid obstruction, then it becomes a hazard.

makes the town look more vibrant

Being a guide dog user my dog follows the shoreline of the shops so any obstacles causes a major problem as the dog has to work out how to get around the obstacle safely.

I consider street furniture an obstacle which causes an inconvenience to the public. Some shops do not take into account pedestrians and place the street furniture in such a way as to cause people to walk onto the roads, especially during busy periods

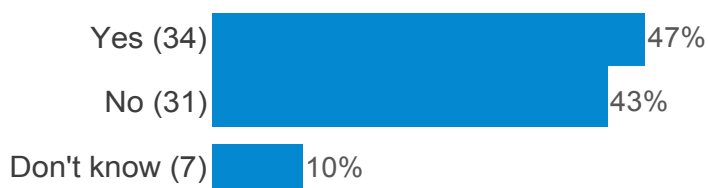
This needs to take into account common sense for all users and that they don't start creeping further and further out onto the roads and pavements

As long as they don't cause an obstruction to people passing. We have a few in Treorchy and they seem to work. The trouble could occur if people stop to chat and that causes problems.

Until you do what was suggested 30 years ago and stop cars travelling through Taff Street.

Efallai y bydd rhai siopan yn berchen ar ran o'r palment yn union gyrchol of laen ey hyngin. Mae siopau yn cam-drin gofad cyhopddus.

Do you consider street cafe furniture to present an increased risk to pedestrian users with restricted mobility or sight loss?



Comments:

Before the introduction of street furniture the town will need to be cleared of cars during the hours the bollards are in use. Traffic will be a hazard

See above

See comments above, the risks to people with mobility and sight problems would increase tenfold. These people already have problems navigating the erratic kerbs on the pavement as do many older people. I have witnessed several bad falls in the town with older people tripping over uneven kerbs.

Comments:

Yes for the reasons stated in Question 5 but I do believe it can be managed by making sure there is enough room to pass safely.

Particularly 'A' Boards which are often placed outside shops other than cafes.

Yes, it will be a hazard that needs to be navigated.

Not if carefully managed

As long as the furniture is placed with consideration for people with disabilities it should be ok

it may present a risk, but lots of other obstructions would pose the same risk, pedestrians being a major one, and that will never change. perhaps considering the colours of a boundary around the street furniture will help.

no not unless it has been contained and tight against the building, the hazard could be when chairs are left not tucked under the tables.

Yes because it may cause people to trip over and if there's not enough room make all them not look what they're doing and fall into the road.

Large enough to be visible except for totally blind. Some restriction as to how much space is taken up.

You might not clearly see some of the furniture depending on size / colour. It could also cause a problem for those with restricted mobility as they have to work a wheelchair / stick / crutches around the furniture - it can become another obstacle!

As the streets are pedestrianised, those with disabilities will be able to enjoy using the café, as not all café 's are accessible due to the historic age of the buildings in Pontypridd.

It depends where it is, for example opposite iceland, it creates a bottle neck and hazard on a corner.

They can be a barrier to wheelchair users and those with sight loss. People have to walk onto the road to avoid the obstructions

I am not in a position to comment on this.

There are bins and fixed benches already.

For the reason above

Takes up too much space causing people to move into the road.

Dependant upon colour schemes used - e.g. Silver chairs against the grey pavements of Pontypridd will not always be immediately visible to someone with an impairment.

I have been very glad to sit on street cafe chairs for just a moment to rest.

As long as the furniture does not protrude too far into the paved area it should be of no problem

As ABOVE Q5

I hadn't given this much thought before but I can see that this might well pose a problem for those with mobility problems.

Although I've never personally experienced nor has anybody I know of had any issues.

this may be a problem

See above

Street furniture causes a number of hazards for cane users and guide dog users. The lack of bottom rail to the café screens/barriers means that cane users cannot find the edges which causes huge potential trip hazards and similar problem for guide dog who are trained to follow a shoreline.

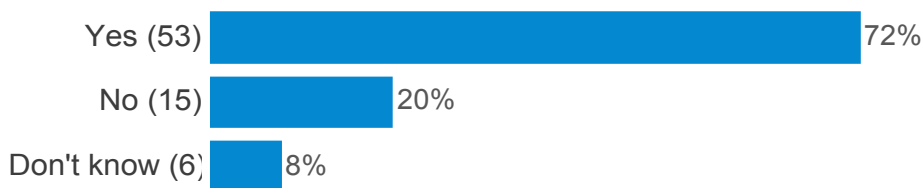
not necessarily. The people sitting could guide or warn the blind people.

As long as you stop cars from parking the length of Taff Street.

Pena chaiff ei gadw I eiddo preifat.

That would depend on the disability and if the proper signage is used, including proper barriers.

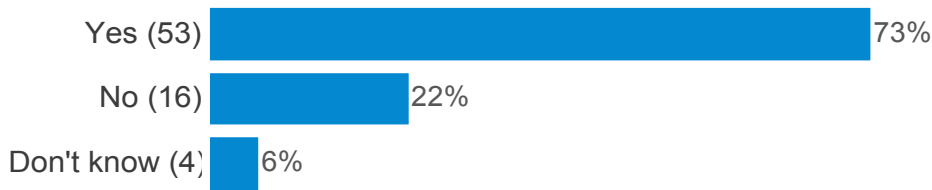
Do you consider the implementation of a permit scheme to be a positive action to regulate the placement of street cafe furniture on the highway?



Comments:

- Would provide more regimented system, easier to enforce. Promote pedestrian flows
- Personally I wouldn't grant permits to premises in Taff Street because of the traffic but Market Street or Mill Street shouldn't be a problem with proper monitoring.
- Will still enable local traders to provide seating outside their premises.
- A permit is necessary to regulate the size of the 'outdoor' café area
- could be an idea to have a permit to regulate the amount of street furniture in the town.
- yeah because it make the business responsible for their actions if any occur
- If this can be regulated and you put a standard in place then I see it as a positive move!
- As this can ensure that health and safety rules are adhered to.
- What is the current system? I don't think there's a need for a permit system, it's just more admin and paperwork for business owners.
- As long as stores don't have to pay
- It depends on what the implementation of a permit scheme involves. If it is reasonable, not too onerous and cheap to manage then I would support it
- Will stop any cafes etc being inconsiderate.
- see earlier comment on cars parking in Taff Street
- If this means that this ensures enough room for people to comfortably use the pavement.
- The council needs to take back control to prevent dangerous obstructions
- A permit scheme would enable not only the regulation of non approved items which could cause injury, but could also be used to generate income for the council.
- How much will it cost to implement permits?
- It the rules are stuck to the pedestrians will have no problems navigating the roads
- This could enable monitoring and quality in suitable safe and tidy furniture avoiding eye sores to lowering standards of intent purposes of this scheme
- As long as there are NO charges, NO fees or exchange of money of any kind, that will only HURT small business and drive them away from the town.
- If the amount of places with outdoor furniture is permitted then at least I will know which ones do and don't have them.
- You can then regulate who is allowed, ie narrow pavements etc
- It is not the street café furniture that's the problem with Taff Street, it's the Council allow Taff Street to be used as a car park.
- Os yw'r caffï yn bachenary palmant y ty allan. Mae yn rhyw ddodrefn stryd ar eidd o prefait folly nid oes yn rhyw foysnes y cynon.
- For the hours between 11am to 3pm, must be removed before traffic allowance times.

The implementation of a permit scheme will require premises to comply with strict guidelines. Do you consider this a positive aid to enable the safe movement of pedestrians in the town?



Comments:

Again need to keep town clear of cars during hours bollards are in use

As above.

It all depends on how strict your guidelines would be and how properly the local authority would operate and enforce them.

keep everything under control and an eye on the numbers of furniture in the street, there has to be a limit to the number of tables and chairs otherwise this would be a hazard to pedestrians.

Yes because it will save the pedestrians putting themselves at risk to go into the road or even falling in the road.

Not really, more paperwork for nothing

As above, it does depend on the details of the "strict guidelines".

Waste of taxpayers moneu to implement.

If this would make it safer

Definitely. Without a permit scheme there is nothing stopping premises from utilising all of the pedestrian areas, forcing people to use the roadway instead.

Strict guidelines need to be implemented for the safety of all pedestrians

AS Q7

As long as it doesn't hurt the business by implementing fines. "3 strikes and you're out" would be better than fining an already starving business.

At the moment there are no restrictions and outdoor furniture moves quite a bit with strict restrictions in place this will be limited and will therefore help.

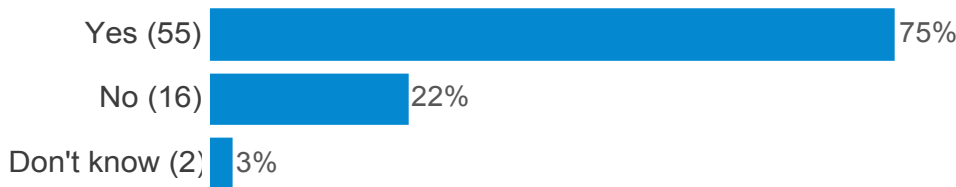
If this takes into account the needs of visually impaired people, common sense and is enforced

This is essential.

Pedestrians are not safe on the pavements now as cars are always blocking the pavements. It is mainly persons travelling by busses that shop in Pontypridd, car drivers park only to use Boots and quick shop, it is the main shoppers that are affected by poor traffic control in Taff Street, hence why Pontypridd is losing its shoppers to other towns.

Os bydd perhngian caffï yn fydydffurfio a'r gyfraith, acnad ynyd yn rhuystro'r palmant. Nid yw'n fysnesy cyngor.

Do you support the Council's desire to support a street cafe culture within Pontypridd town centre, through the implementation of a permit scheme?



Comments:

Yes, however sufficient space needs to be afforded to allow easy continued pedestrian use of pavements.

Yes, the current situation makes the area far more pleasant to visit. On a completely different subject (I realise this isn't the place for this) one major problem I find with Pontypridd town centre is the sheer number of Charities that can be found trying to get donations from you, some days you can be stopped six or seven times. Whilst I try to support charities generally this can be very off putting and has stopped me on occasion from going into the town centre.

Will need to be enforced fairly and effectively.

Anything to increase trade and business in Pontypridd is an excellent thing

The need to sort out the pavements as many don't know when the road starts and pavement begins this is more dangerous than the street furniture

I support businesses that want to grow especially when they're shop so small it's a good idea but not at safety of the public,

More unnecessary rules and regulations. How much would it cost to administer ??

There is a need to bring a positive and vibrant atmosphere and culture to the town. As this will attract visitors and encourage residents to use the town more.

I support a street cafe culture. Anything which encourages this is welcome. I don't know how the law stands currently, so it's hard for me to say whether a permit scheme aids this because I don't know how the law stands currently.

but at no additional cost to the shop / cafe owner - just the adherence of guidelines. I would not want to see this scheme as an income generating scheme for RCTCBC

It depends which area of the town, it may encourage people to sit outside and smoke more which makes walking through towns unpleasant.

However need to acknowledge unsafe areas to do this - where there's curbs, busy roads etc.

I do support the Council's desire to support a street cafe culture but the permit scheme should be managed reasonably and with some flexibility. How often do we encounter the public bodies exercising an over the top mentality with little understanding of the way businesses have to operate. Yes, I would support RCT supporting this cafe culture by helping to manage it with thoughtfulness, reasonableness and trying to help rather than hinder with what is very often destructive bureaucracy.

definitely.

It csn be supported without permit scheme.

Also cleaner streets, more litter collectors and free parking to mitigate against out of town shopping

This would be a good idea

I support street cafes but wonder at the cost to cafes and the cost of implementation. Sometimes too much interference from councils. Let them get on with it for now and see how it turns out. They seem to be ok without the council sticking their nose in.

Comments:

This brings life into the streets and also is a way of people communicating with each other as they sit and drink their coffee etc

I would think it is better to promote quality and safety obviously however to enable this a reasonable cost for permit must be considered This would assist cafe owners to obtain standards in original out lay of expenses and maintenance. This permit should also continue of the support of regular checks on these sites to monitor all aspects of safety and quality to obtain positive outlook of the area of Pontypridd.

I think we should encourage businesses to make the town more inviting to visitors ..a permit would be an added expense to put them off. If anything its the traffic thats the hazard.

the main problem is ambiguity in the current pedestrianisation and lack of definition between road and pavement following the regeneration projects 5 years ago. This has led to unclear and unsafe environments for shoppers

Mae diwylliant tebyg yn Aberystwyth 7 diwrnod yr wythnos

Yes it works, have a walk through Treorchy!!

If they did something about the cars, who wants street café with cars driving past them all the time.

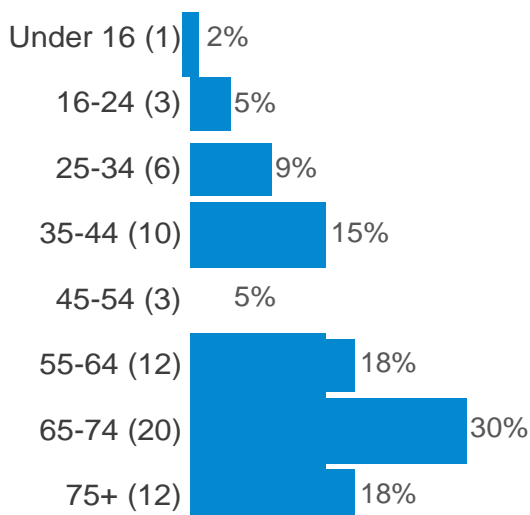
Dim cynllyn trwyddedau, osgwelch yn dda. Pamna all y cyngor-feddwl ei fusnes ci hun a gweith redy'r gyfraith bresennol, ar blocio palmentydd.

Pontypridd Street Café Furniture

This report was generated on 23/01/18. Overall 68 respondents completed this questionnaire. The report has been filtered to show the responses for 'All Respondents'.

The following charts are restricted to the top 12 codes. Lists are restricted to the most recent 100 rows.

Age:



Gender:

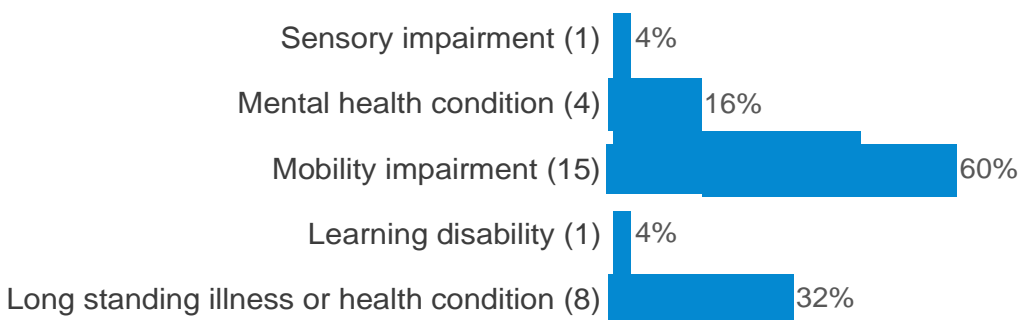


Do you consider yourself to be disabled?

The definition of disability as defined under the Disability Discrimination Act is a 'physical or mental impairment which has a substantial and long term adverse effect on ability to carry out normal day to day activities'



If yes, how would you describe your disability or long-term health condition? (Please tick all that apply)



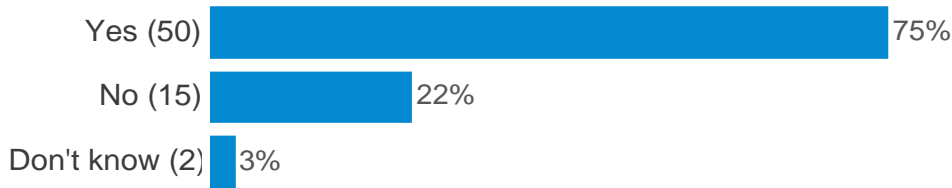
Do you consider street cafe furniture to present a hazard to pedestrian users of the highway?



Comments:

- Not to me
- At times
- Great to sit outside
- No if done appropriate ly
- Some areas
- Some areas especially wheelchair users
- At busy times and traffic flow
- Not narrow roads
- At times
- Wheelchairs and sticks particularly
- Unless tro not in place

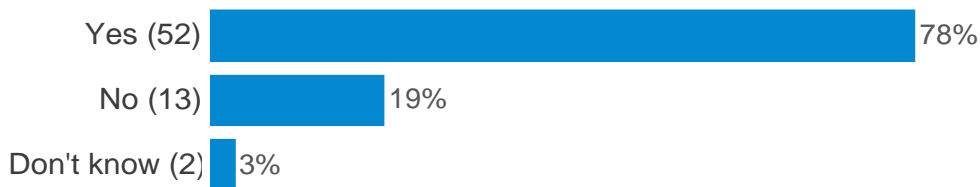
Do you consider street cafe furniture to present an increased risk to pedestrian users with restricted mobility or sight loss?



Comments:

- Depending on severity of condition
- Could be depending on condition
- Depending on condition
- Sight loss - maybe
- Not necessarily, most are used to the furniture and use it
- If impede in the road
- Possible
- In narrow rds only
- Possibly
- If road open

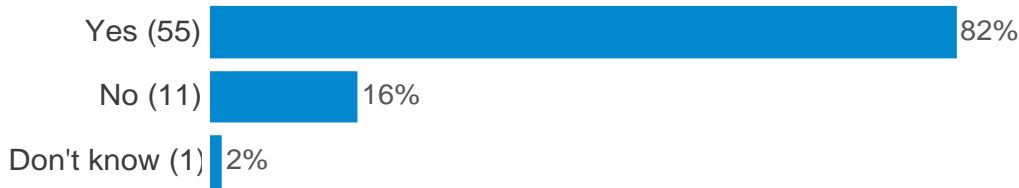
Do you consider the implementation of a permit scheme to be a positive action to regulate the placement of street cafe furniture on the highway?



Comments:

- Open gates to river walkway
- Divers times would need to be considered
- Burden on owners especially if an extra cost at already challenging times

The implementation of a permit scheme will require premises to comply with strict guidelines. Do you consider this a positive aid to enable the safe movement of pedestrians in the town?



Comments:

Safer for cafe owners also

Do you support the Council's desire to support a street cafe culture within Pontypridd town centre, through the implementation of a permit scheme?



Comments:

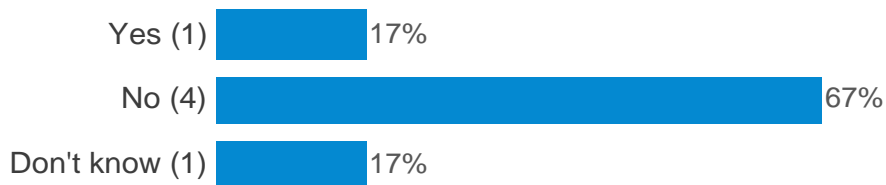
- If at a reasonable cost to the business
- Open walkways are necessary to allow businesses to improve and increase
- Add vibrancy to the town as well as allowing people to rest. Traffic through will need to be considered.
- Enjoy the opportunity to sit outdoors
- Gives a good feel in the town. Seats in town are uncomfortable and low. Bus stops are not covered.
- Without permit scheme
- No charge to business
- No charge to businesses.
- Attracts more people to the town like European cities
- If Managed and in a safe environment
- Good for smokers to still enjoy a cuppa and meet people
- Road needs to be closed

Pontypridd Street Café Furniture Business survey

This report was generated on 23/01/18. Overall 6 respondents completed this questionnaire. The report has been filtered to show the responses for 'All Respondents'.

The following charts are restricted to the top 12 codes. Lists are restricted to the most recent 100 rows.

Do you consider street cafe furniture to present a hazard to pedestrian users of the highway?



Comments:

In the right place it works fine. In terms wrong place it's a hazard

As long as they are off he highway

Do you consider the implementation of a permit scheme to be a positive action to regulate the placement of street cafe furniture on the highway?



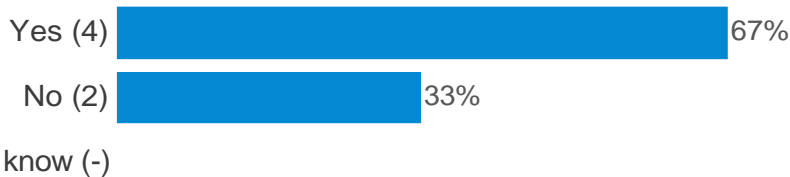
Comments:

Permits should be introduced to avoid street furniture to be placed on designated parking bays.

The implementation of a permit scheme will require businesses to ensure any permitted street café furniture placed on the highway be placed within a set area and enclosed using a barrier and / or screen. Do you consider this a positive aid to enable the safe movement of pedestrians in the town?



The implementation of a permit scheme will require businesses to hold a valid public liability insurance certificate to the value of £5 million that extends beyond the business premises to include the use of any permitted area of the highway for street café purposes. Do you consider this a positive action in safeguarding the public as part of a scheme to regulate the placement of street café furniture on the highway?

**Comments:**

The certificate value is far too high

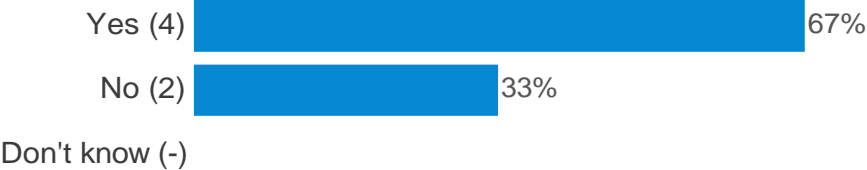
The implementation of a permit scheme may require businesses to pay a nominal fee to cover the administration costs associated with the issuing of any permit as part of the scheme. Do you consider this to be a fair levy on businesses?

**Comments:**

Depends on the fee

Depends on television levy and the rateable value of the business

Do you support the Council's desire to support a street cafe culture within Pontypridd town centre, through the implementation of a permit scheme?





Rhondda Cynon Taff CBC

Street Café Guide: Terms and Conditions

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1. INTRODUCTION

- 1.1 The regeneration of Pontypridd Town Centre has resulted in a number of businesses placing tables and chairs (Street Cafés) outside of their premises, which Rhondda Cynon Taf County Borough Council fully supports and encourages subject to controls. Street Cafés can make a positive contribution by adding vitality, colour, life and interest to the street scene and they can help maximise the use of public spaces, aid the local economy and add to the facilities offered to people who visit, live, and work in the borough.
- 1.2 Whilst the provision of Street Cafés is encouraged, it is vitally important that they are properly administered, managed and controlled. Street Cafés will not be permitted where they will create a hazard for highway users especially those with visual or mobility impairments.
- 1.3 This guide is intended to help businesses understand where Street Cafés will be permitted, the permissions needed from the Council and others and how applications will be assessed. Although each application will be considered on its merits, this guide contains key points, which will be considered in every case.
- 1.4 Should you wish to establish and operate a Street Café outside your premises, please read this guide thoroughly to check that your proposal meets all the criteria. Council officers will also be pleased to offer advice with your application. (See Contacts below).

2. LEGAL SITUATION

- 2.1 For the purpose of this guide, Street Cafés are considered to be tables, chairs or other permitted objects or structures placed on the highway where food and drink is served to customers.
- 2.2 For the purpose of this guide, due to safety issues, Street Cafés in Pontypridd Town Centre will only be considered in the designated areas of Market Street, Church Street, Mill Street, Taff Street and High Street.
- 2.3 The Council's byelaws, policies and standards will need to be complied with at all times.
- 2.4 This guide relates to the possible establishment of a Street Café on a highway. Cafés not on the highway are not covered by this guide and would not require a Street Café licence, although they may require planning permission.
- 2.5 There is no right of appeal to the Council in the event that an application is refused.

3. PERMISSIONS REQUIRED

- 3.1 Permissions to use the highway for Street Cafés are granted by the issue of licences by the Council as the Highway Authority under Section 115E of the Highways Act 1980. Tables and chairs placed on the highway without written authorisation constitutes an unlawful obstruction of the highway and the Council may take enforcement action in such cases. This may include removal by the Council and the recovery of costs and removal of goods.
- 3.2 A proposal to extend the Street Café beyond the width of your own frontage will need the express consent of the owners affected by the proposal.
- 3.3 Prior to the granting of a Street Café Licence the Council are required to publish a notice of the proposals. Any representation made to the Council in respect of the Street Café Licence will require formal consideration by the Council. This may result in modification or rejection of the proposed Street Café License.

4. DESIGNING THE STREET CAFÉ (SIZE AND LAYOUT)

- 4.1 To a large extent, the size and layout of your proposed Street Café will depend upon the characteristics of the site outside your premises, the space available, the street furniture, the type of premises. There are however a few fundamental principles to follow.
- 4.2 The Street Café should generally occupy an area directly in front of and be visible from your existing premises.
- 4.3 The needs of any other users of the town centre will be taken into account e.g. pedestrians, trades people, adjacent businesses, bus stops etc.
- 4.4 A clear pedestrian route must be maintained for those walking on the public highway past the premises. This shall not be less than 1.7 metres wide, but it cannot impede pedestrian flow. Two kinds of siting will be considered. On normal street pavements or narrow footways the tables and chairs should be placed against the building. In pedestrian streets or on exceptionally wide pavements it may be permissible to place tables and chairs in a clearly defined area away from the building providing this area is not well used by pedestrians or used for activities. However, café furniture must be positioned so that it leaves a minimum clearance of 450mm from the edge of any kerb. If it is intended to design the café with a pedestrian route passing through it, then that route should be as straight as possible, obvious and free from obstructions. The presence of tables and chairs should never discourage pedestrians from using the footway. Each application will be determined on its own merits. An appropriate officer will assess the safety and suitability of establishing an outside seated area and how the seating and tables should be arranged.

- 4.5 Emergency exit routes from your own and adjacent buildings should not be obstructed by the Street Café and emergency service vehicles must have access along all streets at all times.
- 4.6 It is not appropriate to set a standard size for Street Cafés. Each application will be determined on its merits taking account of the site characteristics, the space available and the proposed layout.
- 4.7 The layout of the Street Café's furniture and means of enclosure must provide adequate access and circulation space for all customers including wheelchair users and those with pushchairs, buggies, etc.
- 4.8 Tables and chairs should not be located where they will impede drivers' sight lines or obscure highway signs.
- 4.9 Once the size and layout of a Street Café is agreed it is important that the boundary restrictions are adhered to at all times.
- 4.10 All activities associated with the café must be contained within the agreed boundary including all tables, chairs, parasols, planters, barriers/fencing etc.
- 4.11 Unless it is inappropriate or impractical, you are required to provide a portable means of enclosure for the Street Café area such as wind breakers. These should be stable and sturdy, not contain protruding parts and should include a tapping rail.
- 4.12 When the area of a Street Café has been agreed, a definitive plan of the area showing the boundaries and the dimensions will be attached to, and form part of, the Licence. A copy of the Licence and plan must be kept on the premises at all times and be available for inspection.
- 4.13 If you intend to use parasols their metric dimensions must be specified as part of the application and their proposed locations shown on the site layout plan. Parasols, when opened, should be safely secured and contained entirely within the boundaries of the street café to ensure they do not cause an obstruction or present a danger to any user of the Street Café or any other users of the highway.
- 4.14 In all cases the Council requires that all permitted objects and or structures are stored off the highway when not being used in accordance with the permission granted.

5. MANAGING THE STREET CAFÉ (SITE CLEANLINESS)

- 5.1 The licensee will be responsible for the cleanliness of the Street Café area at all times. The area should be kept clear of any stray or wind-blown litter from the café.
- 5.2 If smoking is permitted in the Street Café each table must be provided with an ashtray, which should be emptied each time the table is cleared. If smoking is not permitted a "No Smoking" sign must be placed on each table. At the end of each day all discarded cigarette stubs will need to be cleared.
- 5.3 Failure to carry out cleaning of the area at the end of the day may result in the Council carrying out the work for which the licensee will be charged.
- 5.4 Every effort should be made to avoid causing damage to the highway or adjacent property. The cost of rectifying any damage to the highway surface or to street furniture caused by any activity connected with the Street Café operation may be recharged to the licensee.
- 5.5 South Wales Police and emergency services will be consulted on all Street Café applications.
- 5.6 The licensee will be required to indemnify the Council against all claims, actions, demands, costs, charges or expenses arising out of the granting of the permission. The Council requires that licensees have 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. Details of the third party liability insurance must be enclosed with the street café licence application.
- 5.7 Granting a licence to operate a Street Café does not imply an exclusive right to the area. The operator of the Street Café should be aware that the Council reserves the right to gain access to the Street Café area for cleaning, repairing and maintaining the highway or street furniture. Other organisations, such as statutory undertakers, may also require access for maintenance and repair of their equipment. The Council therefore reserves the right to suspend the licence temporarily if, for any reason, it becomes necessary.
- 5.8 All furniture, etc., is to be removed from the highway and the Street Café area cleansed within 30 minutes of closing.

6. GETTING THE PERMISSIONS REQUIRED

- 6.1 It is recommended that you seek the advice of the Council before you submit your application. Council officers will be pleased to provide advice on specific cases before the formal application is made. This does not

guarantee approval of the application but it may help to seek advice prior to purchasing street furniture. We are here to help.

- 6.2 To apply for your permission to use the highway for a Street Café you will need to complete an application form for a Street Café licence.
- 6.3 You should enclose with your application details of the furniture, parasols and the means of enclosure to be used. These details should include their dimensions, as well as drawings, photos or pictures of the proposal.
- 6.4 A fee, currently £30.50, (but subject to annual percentage increases as per Council policy in relation to fees and charges), will be charged on the granting of the licence.

7. THE STREET CAFÉ IN OPERATION

- 7.1 A Street Café licences issued by Rhondda Cynon Taf County Borough Council is not transferable and should not, therefore, be regarded as a transferable asset.
- 7.2 Licences shall be valid for one year and are renewable annually at the discretion of the Council subject to payment of a fee.
- 7.3 The Council will carry out periodic inspections to make sure that the terms and conditions of the licence are being adhered to.
- 7.4 The Council may suspend or terminate a licence if any of the conditions of the licence are breached.

8. CONTACTS

- 8.1 Applications should be returned to:

Rhondda Cynon Taf County Borough Council
Streetworks Department
Ty Sardis
Sardis Road
Pontypridd
CF37 1DU

Tel: (01443) 425001



Rhondda Cynon Taff CBC

**Application for a licence to operate a
street café on the highway**

THE LICENCE APPLICATION

Who will deal with the application?

RCTCBC Streetworks team will deal with the licence application after consulting other bodies including the Police, the Local Planning Authority, Licensing department and the Council's Regeneration team.

Applying for a licence?

You need to complete 2 copies of the application form enclosed with this guidance. (1 copy will be retained by the Council and the other should be retained in your business premises and be made freely available for inspection by a Council Officer if so required).

The application should be supported by graphic details of the furniture and the means of enclosure (barrier), in order for its appearance and impact to be established (photographs / catalogue items etc. can be used).

Two copies of the following plans also need to be supplied:

- Location plan* (scale 1:1250) showing the outline (to be edged red) of the premises and the proposed location of the street café;
- Site plan (scale 1:100) showing the proposed boundary, kerb and building lines, points of access, seating/table layout, key dimensions and any other similar information.

* Location plans are available from RCTCBC One4All Centres at a cost.

How long will it take to assess the application?

The target date is 8 weeks from the receipt of the application to its determination. This time includes a period of not less than 28 days when the Council, under the requirements of the Highways Act 1980, will provide notices describing the proposals and offering those affected the opportunity to make representations.

Officers of the Council will assess each application on its merits. If objections are received, it may be referred to elected members for their decision.

If the application is approved it is likely to be subject to a number of terms, one of which will be that a copy of the certificate of the third party insurance be submitted for approval of the Council before the Street Café starts.

Conditions of the Licence

Licences are granted for a period of one year. The initial pilot scheme in Pontypridd will run for the financial year 2018-19, (1st April 2018 – 31st March 2019).

Licences are not transferable and should not be regarded as a transferable asset.

The licence will include terms and conditions based on the principles of this guide and the Council will carry out inspections to check they are being adhered to.

If any minor or occasional breeches are found, the Council will try to rectify the situation by negotiation with the licensee. If the situation continues, the Council may withdraw the licence. In the case of major persistent breeches, the licence may be withdrawn immediately.

A licence may be terminated at any time by mutual consent.

Before completing this form, please ensure you are familiar with the requirements detailed in the Street Café Guide.

I/We apply under the provision of the above act for a Street Café licence.
I submit the following particulars (please use BLOCK CAPTIALS)

1. GENERAL DUTIES

Applicant's Full Name:

Trading Name (if any):

Address of premises for proposed Street Café:

Type of Business:
(eg Wine Bar, Sandwich Bar)

Tel. No.

Fax. No.

Name & address of agent or address for correspondence (if different from above)

Tel. No.

Fax. No.

General description of Food/drink to be served:
(Eg alcoholic beverages, hot meals, e

2. DETAILS OF FURNITURE, MEANS OF ENCLOSURE & OTHER

Note: Applicants are required to supply a specification for all items proposed. This should be supported by photographs, sketches, clear photocopies and/or technical details (dimensions / colours / materials etc.).

DETAILS OF PROPOSED STREET FURNITURE

Proposed No. of Tables

Proposed No. of Chairs

Please give description and supplier / technical details of proposed furniture (continue on a separate sheet if necessary)

DETAILS OF PROPOSED BARRIERS

Please give description and supplier / technical details of proposed barriers (continue on a separate sheet if necessary)

DETAILS OF ANY OTHER ITEMS TO BE INCLUDED IN PAVEMENT SEATED AREA

Please give description and supplier / technical details of proposed furniture / items (continue on a separate sheet if necessary)

3. STREET CAFÉ OPERATION

DETAILS OF SERVICING ARRANGEMENTS

Please give details of customer toilet facilities and also furniture storage facilities (continue on a separate sheet if necessary)

Proposed **Weekday** opening hours

From

To

Staff on duty during the above opening times

Existing

Proposed

Proposed **Saturday** opening hours

From

To

Staff on duty during the above opening times

Existing

Proposed

Proposed **Sunday** opening hours

From

To

Staff on duty during the above opening times

Existing

Proposed

Are you registered with RCTCBC for food sales?

Yes / No

Do you intend for alcoholic beverages to be consumed in the area(s) concerned?

Yes / No

If yes, please give further details and premises licence number:

I declare that I am over 18 years old and I certify that, to the best of my knowledge & belief, the above particulars are correct.

Signed

Print name

Dated



RHONDDA CYNON TAF

Street Café Furniture Licence

Business Name:

Town:

Permit Number:

Expiry Date: