

## UPDATE ON IMPLEMENTATION OF THE PAVEMENT CAFÉ LICENCE POLICY

---

### 1.0 EXECUTIVE SUMMARY

- 1.1 This report provides an update on the implementation of the Pavement Café Licence policy. The demand for pavement cafés across Argyll and Bute is increasing, in particular in the towns that have had public realm improvements. The Council wish to encourage businesses to participate in alfresco café culture, but in a managed way to ensure the public space is safely maintained.
- 1.2 The Policy and Resources Committee at its meeting on 13 August 2015, approved the policy amendment and the extension of the free licence for a further year. The Committee requested that a further report be brought in August 2016 with an update on the implementation of the Policy.
- 1.3 The level of uptake of the licence by businesses has been less than anticipated. The local technical officers have responded to requests for information, including on-site meetings, however, very few of these queries have resulted in a formal application for a licence.
- 1.4 The implementation of a licence fee at this time will achieve minimal income for the Council and may be off-putting to businesses who are considering trialling pavement cafes.
- 1.5 We recommend that the licence fee is waived for a further year, and reconsidered in August 2017.

### 1.6 RECOMMENDATIONS

Members are asked to:

- Note the contents of this report
- Approve proactive engagement with the community to encourage further take-up of licenses
- Recommend that the Policy & Resources Committee approves the waiving of the Pavement Café Licence Fee for a further year

## UPDATE ON IMPLEMENTATION OF THE PAVEMENT CAFÉ LICENCE POLICY

---

### 2.0 INTRODUCTION

- 2.1 The demand for pavement cafés and external display of goods across Argyll and Bute has increased, in particular in the towns that have had public realm improvements. There is a need to regularise and control the use of public footways to ensure that the purpose of the footway, i.e. a pedestrian thoroughfare, is not compromised, whilst at the same time to provide vibrancy to our towns and stimulate economic growth.
- 2.2 The new Pavement Café Licence Policy was implemented in August 2014. The Policy was amended following the 20<sup>th</sup> August 2015 Policy & Resources Committee.
- 2.3 The Policy and Resources Committee agreed to waive the Pavement Café Licence fee for a further year period, and to reconsider this in August 2016.

### 3.0 RECOMMENDATIONS

Members are asked to:

- Note the contents of this report
- Approve proactive engagement with the community to encourage further take-up of licenses
- Recommend that the Policy & Resources Committee approves the waiving of the Pavement Café Licence Fee for a further year

### 4.0 DETAIL

- 4.1 The desire to encourage “pavement café culture” in our town centres is ongoing as they add to the vibrancy of the townscape, and are a driver for tourism and the economic growth of our towns. The best opportunities to develop a pavement café culture have been created through the Council’s flagship regeneration/public realm projects. Two of these projects have now been completed and officers are considering ways in which pavement café opportunities can be actively promoted at these locations. The Council wish to encourage businesses to participate in alfresco café culture, but in a managed way to ensure the public space is safely maintained.
- 4.2 The Pavement Café Policy sets limits and rules for what is acceptable for a

pavement café in order to maintain a safe and attractive public thoroughway. This includes all items associated with a pavement café, for example tables, chairs, menu boards, advertising. Consideration is given to aspects such as space, environment, neighbours and how the pavement café is managed.

4.3 The policy requires that each premise wishing to offer café culture facilities must obtain a Pavement Café Licence. To obtain a licence each premise must submit:

- Plans
- Proof of Indemnity Insurance
- Statement of management arrangements
- Risk assessment

4.4 The Council offers free pre-application advice. The uptake of this advice by proprietors has been poor. The following table details the number of queries received and the number of licences issued to date.

Area	B&C	H&L	OL&I	MAK&I
No. of licences issued	0	1	3	0
No. of applications received – Approval pending	0	0	0	0
No. of licences refused – Policy requirements not met	2	0	0	1
Approximate no. of pre-application enquiries with no formal application received to date	2	1	1	0

4.5 Licences have been issued in Oban and Helensburgh only. The single licence issued in Helensburgh lapsed in April 2016 and no request for renewal was submitted. The proprietor cited the reason for non-renewal as being that no other premise in the vicinity had applied for a licence to date. Businesses may not think it necessary to apply for a licence until the policy is enforced. This means that businesses may be operating pavement cafes in ways which inhibit movement of pedestrians, spoil the environment, or even cause safety hazards.

4.6 Enforcement has been limited to date due to competing demands on Roads technical officer resource.

4.7 Although enforcement of the policy is key, enforcement of an associated licence fee is not essential. Because of the low take-up of licences, enforcement of a licence fee at this time will not generate significant income for the Council.

4.8 There are a number of smaller businesses with one or two tables placed outside. The income generated by this low number of tables is unlikely to cover a licence fee and it is more likely that the proprietor will remove the tables if a fee is imposed.

- 4.9 The weather in Argyll is unpredictable which means that outside seating may only be used occasionally. This is likely to deter some businesses from purchasing a licence.
- 4.10 Pavement cafes add to the vibrancy of our towns and villages and make the environment more attractive to tourists. Ideally we want to encourage more of this type of facility as long as it is managed safely and attractively.
- 4.11 Waiving the licence fee but enforcing the requirement to obtain a licence is likely to lead to greater uptake and to encourage economic growth. We can then enforce the guidelines laid out in the policy to ensure each business operates their pavement café appropriately.
- 4.12 A further awareness campaign will be undertaken to encourage premises to either apply for a licence or remove their furniture from the footway.
- 4.13 Roads Technical Officers will engage with all known businesses who operate street cafes to encourage and support them to apply for a licence. Businesses will be advised on how to apply for a licence and on the guidelines in the policy.
- 4.14 Enforcement will be carried out after a reasonable time has elapsed following the campaign. Warnings will be issued to those premises who do not have a licence or who are operating outwith the guidelines.
- 4.15 The Café Licence Policy will be reviewed annually to ensure any changes to legislation, planning or litigation are taken into consideration.

## **5.0 CONCLUSION**

- 5.1 Café Culture is an increasing trend and an encouraging improvement to the vibrancy and economic growth of our towns. It is important for the policy to meet the demands of the businesses and at the same time provide safe and efficient management of our pavements. It is more important at this time to enforce the policy than to try to generate a small amount of income from Pavement Café Licences, which may ultimately discourage businesses from offering this type of facility.

## **6.0 RECOMMENDATIONS**

- 6.1 Members are asked to:

- Note the contents of this report
- Approve proactive engagement with the community to encourage further take-up of licenses
- Recommend that the Policy & Resources Committee approves the waiving of the Pavement Café Licence Fee for a further year

## **7.0 IMPLICATIONS**

7.1	Policy	Policy for the Use of Pavements – Café Culture
7.2	Financial	None
7.3	Legal	Avoids contravention of the Roads (Scotland) Act 1984. Amendment to the policy to comply with the requirements of the New Roads and Street Works Act 1991.
7.4	HR	None
7.5	Equalities	Policy continues to ensure sufficient space is maintained for all pedestrian users.
7.6	Risk	None
7.7	Customer Service	Awareness of Policy

**Executive Director of Development & Infrastructure Services, Pippa Milne**  
**Policy Lead, Councillor Ellen Morton**  
July 2016

**For further information contact:** Stuart Watson, Traffic & Development Manager,  
01546 604 889