

GUIDANCE POLICY FOR USE OF PAVEMENTS – CAFÉ CULTURE

1. SUMMARY

- 1.1 This report is a covering report to a policy document that proposes guidance and rules for the occupation of areas of footways by Pavement Cafés.

2. RECOMMENDATION

- 2.1 Members are asked to:

- Note the decision of the Environment Development and Infrastructure Committee.
- Note that the policy has been the subject of a public consultation and the comments that have been received.
- Approve the Pavement Café Policy.

3. BACKGROUND

- 3.1 The demand for pavement cafés and display of goods is increasing across Argyll & Bute, in particular in the towns that have had public realm improvements.
- 3.2 There is a need to regularise and control the superficial use of public footways to ensure that the purpose of the footway, i.e. a pedestrian thoroughfare, is not compromised. There are many different users of footways with varied and sometimes conflicting needs. Visually impaired, wheel chair users, people pushing prams, small children, the elderly and individuals going about their day to day travels.
- 3.3 The Council has a number of responsibilities to all users of the public realm. As Roads Authority there is a liability to maintain safe and unhindered passage for all. As Planning Authority there is a liability to ensure that any development is appropriate and sensitive to its surroundings. As a licencing authority to ensure by-laws and liquor control is not infringed.
- 3.4 Charges are applicable for obtaining the necessary consents that are required. Planning Approval is statutory and fees are set nationally at £382 whilst a Pavement Café License is a Council controlled standard charge which will be set at £165. This report proposes that the Pavement Café Licence fee of £165 shall be waived for the

first year following the introduction of the policy. The proposal to waive this fee is to help stimulate economic activity and to actively promote an alternative culture which should add diversity to our towns.

- 3.5 Scottish Government is currently considering alterations to Permitted Development Rights which may mean in some scenarios 'Pavement Café's' shall not require planning consent. The change in legislation is not likely to be enacted until late summer 2014 and shall only apply to Café's / Restaurants where there remains 3 metres worth of unobstructed pavements. Public houses and larger pavement cafes will still require full planning consent.
- 3.6 It is proposed that this Policy is implemented by August 2014 with the Pavement Licence Fee being waived until August 2015 across the whole of Argyll and Bute. This will provide a transitional period allowing individual businesses time to adjust and work to the policy.
- 3.7 It is not intended that the policy would be applied to business premises such as fruit and veg businesses where a narrow display of goods is provided at the front of the building and where this does not impact on the free flow of pedestrian movements. Such examples are considered not to be significant and are out with the scope of this policy.
- 3.8 By 7th May, immediately prior to the agenda pack being finalised for this committee 5 comments had been received to the consultation. In general the comments received are seeking further clarification of the proposals but do not, in the view of officers, necessitate further amendments to the policy. These have been attached at Appendix 4 to this report. A verbal update will be given to the Committee regarding any further comments received.

4. PROPOSALS

- 4.1 The attached document details the information required, the management rules, the application process and the costs involved in the application.

5. CONCLUSION

- 5.1 By setting out the Council's position and a clear management strategy traders will be able to consider the viability, and practicality of considering setting up pavement cafés and external displays.
- 5.2 A uniform process will be in place across Argyll & Bute for management of pavement occupation by cafés and product displays.

6. IMPLICATIONS

- 6.1 Policy – Promotes management and control of occupation of areas of pavement for the benefit of the majority of users and can help town centre regeneration.

- 6.2 Financial – Can help with town centre regeneration. Direct income to the Council is negligible.
- 6.3 Personnel – Not significant.
- 6.4 Equal Opportunities – Policy ensures sufficient space is maintained for all pedestrian users.
- 6.5 Legal – regularises use of footways and avoids contravention of (Roads Scotland) Act 1984.

7. APPENDICES

Appendix1 – Extract of Minute of Environment, Development and Infrastructure Committee held on 10 April 2014

Appendix 2 – Report to Environment, Development and Infrastructure Committee held on 10 April 2014

Appendix 3 - Development and Infrastructure Services Guidance Policy For Use Of Pavements – Café Culture

Appendix 4 – Comments received on online policy consultation

Executive Director of Development and Infrastructure
March 2014

For further information contact: Jim Smith – Head of Roads and Amenity Services

ARGYLL & BUTE COUNCIL

POLICY AND RESOURCES COMMITTEE

**DEVELOPMENT &
INFRASTRUCTURE SERVICES**

15 MAY 2014

**EXTRACT OF MINUTE OF THE ENVIRONMENT, DEVELOPMENT AND
INFRASTRUCTURE COMMITTEE HELD ON 10 APRIL 2014**

6. CAFE PAVEMENT LICENCES

The Committee considered a report proposing guidance and rules for the occupation of footways by pavement cafes and the display of goods for sale in Argyll and Bute.

Decision

The Committee –

1. Noted and endorsed the report subject to the addition of -
 - a paragraph highlighting the liquor licensing requirements as part of any application;
 - a paragraph making it explicitly clear that the Council has the right to withdraw permission of a pavement café licence if so advised.
2. Approved that the Pavement Café Licence Policy be taken to the Policy and Resources Committee for approval as a Council Policy.
3. Approved that in the interim, prior to the Policy and Resources Committee that the Policy is posted on the website seeking comments from stakeholders highlighting the statutory obligations that must be adhered to as part of any pavement café licence.

(Reference: Report by Executive Director – Development and Infrastructure dated March 2014, submitted)

ARGYLL & BUTE COUNCIL

**ENVIRONMENT, DEVELOPMENT AND
INFRASTRUCTURE COMMITTEE**

**DEVELOPMENT &
INFRASTRUCTURE SERVICES**

10 APRIL 2014

GUIDANCE POLICY FOR USE OF PAVEMENTS – CAFÉ CULTURE

1. SUMMARY

- 1.1 This report is a covering report to a policy document that proposes guidance and rules for the occupation of areas of footways by Pavement Cafés and The Display of Goods for Sale in Argyll & Bute.

2. RECOMMENDATION

- 2.1 Members are asked to:

- Note and endorse the report.
- Approve that the Pavement Café Licence Policy be taken to the Policy and Resources Committee for approval as Council policy.
- Approve that in the interim, prior to the P&R committee that the policy is posted on the website seeking comments from stakeholders.

3. BACKGROUND

- 3.1 The demand for pavement cafés and display of goods is increasing across Argyll & Bute, in particular in the towns that have had public realm improvements.
- 3.9 There is a need to regularise and control the superficial use of public footways to ensure that the purpose of the footway, i.e. a pedestrian thoroughfare, is not compromised. There are many different users of footways with varied and sometimes conflicting needs. Visually impaired, wheel chair users, people pushing prams, small children, the elderly and individuals going about their day to day travels.
- 3.10 The Council has a number of responsibilities to all users of the public realm. As Roads Authority there is a liability to maintain safe and unhindered passage for all. As Planning Authority there is a liability to ensure that any development is appropriate and sensitive to its surroundings. As a licencing authority to ensure by-laws and liquor control is not infringed.

- 3.11 There is a desire to encourage “pavement café culture” in our town centres as it adds to the vibrancy of the townscape, provided it is done well. Displaying goods for sale can also add to the diversity and dynamics of town centres. There is a need to set limits and rules for what is acceptable and what is not.
- 3.12 Charges are applicable for obtaining the necessary consents that are required. Planning Approval is statutory and fee set nationally at £382 whilst a Pavement Café License cost £165 which is a Council controlled standard charge. This report proposes that the Pavement Café Licence fee of £165 shall be waived for the first year following the introduction of the policy. The proposal to waive this fee is to help stimulate economic activity and to actively promote an alternative culture which should add diversity to our towns.
- 3.13 Scottish Government is currently considering alterations to Permitted Development Rights which may mean in some scenarios ‘Pavement Café’s’ shall not require planning consent. The change in legislation is not likely to be enacted until late summer 2014 and shall only apply to Café’s / Restaurants where there remains 3 metres worth of unobstructed pavements. Public houses and larger pavement cafes will still require full planning consent.
- 3.14 It is proposed that this Policy is implemented by August 2014 with the Pavement Licence Fee being waived until August 2015 across the whole of Argyll and Bute. This will provide a transitional period allowing individual businesses time to adjust and work to the policy.
- 3.15 It is not intended that the policy would be applied to business premises such as fruit and veg businesses where a narrow display of goods is provided at the front of the building and where this does not impact on the free flow of pedestrian movements. Such examples are considered not to be significant and are out with the scope of this policy.
- 3.16 It is proposed that Members agree for the draft policy document being made available through the Council’s web site and that stakeholders are actively encouraged to comment on the draft policy. Any comments received are to be considered by the Policy and Resources Committee prior to approval of the policy document.

4. PROPOSALS

- 4.1 The attached document details the information required, the management rules, the application process and the costs involved in the application.

5. CONCLUSION

- 5.1 By setting out the Council’s position and a clear management strategy traders will be able to consider the viability, and practicality of considering setting up pavement cafés and external displays.

- 5.2 A uniform process will be in place across Argyll & Bute for management of pavement occupation by cafés and product displays.

6. IMPLICATIONS

- 6.2 Policy – Promotes management and control of occupation of areas of pavement for the benefit of the majority of users and can help town centre regeneration.
- 6.2 Financial – Can help with town centre regeneration. Direct income to the Council is negligible.
- 6.3 Personnel – Not significant.
- 6.6 Equal Opportunities – Policy ensures sufficient space is maintained for all pedestrian users.
- 6.7 Legal – regularises use of footways and avoids contravention of (Roads Scotland) Act 1984.

7. APPENDIX

Development And Infrastructure Services Guidance Policy For Use Of Pavements – Café Culture

Executive Director of Development and Infrastructure
March 2014

For further information contact: Jim Smith – Head of Roads and Amenity Services