

Report of	Meeting	Date
Director of Development and Regeneration Director of Streetscene, Neighbourhoods and Environment (Introduced by the Executive Member for Economic Development and Regeneration)	Development Control Committee Executive Cabinet	19 <sup>th</sup> June 2007 26 <sup>th</sup> June 2007

## INTERIM PAVEMENT CAFÉ DESIGN & LICENCE GUIDE

### PURPOSE OF REPORT

- To inform Members of the Interim Pavement Café Design & Licence Guide and seek adoption of the document for the purpose of interim control and public consultation.

### CORPORATE PRIORITIES

- The adoption of guidance about design is directly relevant to the Council's vision to make Chorley the place of choice for living, working and investing and to the Council's Strategic Objective of developing the character and feel of Chorley as a good place to live. The Interim Pavement Café Design & Licence Guide directly links into the implementation of the Town Centre Strategy.

### RISK ISSUES

- The issues raised and recommendations made in this report involve risk considerations in the following categories:

Strategy	*	Information	
Reputation	*	Regulatory/Legal	*
Financial	*	Operational	
People	*	Other	

- A failure to prepare and adopt design guidance and obtain pavement café licences is likely to have adverse implications for the Councils' reputation, both in terms of the information it provides and the function that it performs.

The smoke free legislation in the Health Act 2006 comes into force on the 1<sup>st</sup> July 2007. This introduces a smoking ban in enclosed places such as restaurants, pubs, bars and cafes and proprietors may seek to provide external areas in which customers may legitimately smoke. In these circumstances, the provision of guidance about external facilities will provide a measure of support to local businesses.

- In addition, there could be adverse regulatory/legal implications if pavement cafés are allowed to operate on the highway without the necessary Highways Amenity Licence, Planning Permission or compliance with Health and Safety requirements. The guidance will provide a clear framework within which such considerations can be addressed.

- 6 The Pavement Cafe Design & Licence Guide will support the development of the commercial potential of the town centre, which is a priority task within the Town Centre Strategy. This guidance will also be rolled out to surrounding villages.

## BACKGROUND

7. The Chorley Pavement Café Design & Licence Guide is a document that will support the regeneration, economic development and vitality of the Town Centre. It specifically focuses on Chorley Town Centre and seeks to implement objectives within the Town Centre Strategy, which was adopted in October 2006. The policy also supports the establishment of pavement cafés outside the Town Centre, within surrounding villages subject to compliance with planning policy, particularly in conservation areas
8. Chorley Town Centre and surrounding villages have much to offer and an ambience that is attractive to visitors and residents alike. The Council and its partners aim to encourage well designed and managed pavement cafes that will contribute to a relaxed and sociable style of eating and drinking.
9. The purpose of this design and licence guide is threefold:
  - To ensure that any pavement café makes a positive contribution to the street scene.
  - To ensure that any pavement café operation is of a high standard, run in accordance with specified requirements and standards.
  - To guide those wishing to establish and/or operate pavement cafés through the necessary licensing and planning processes.
10. Where pavement cafés are not located on privately owned land, they will usually be sited on part of the highway. Chorley Council and Lancashire County Council, have approved a scheme under which certain amenities (eg pavement cafés) may be provided on specified areas of public highway. In order to operate a pavement café on the highway under this scheme, a Highways Amenities Licence must be obtained. The licensing process will take between 6-8 weeks and licences are renewable annually.
11. In order to ensure that pavement cafés make a positive contribution to highway amenities and to the area in question, and to protect rights and safety on highways, the Council has set out a list of requirements that must be met by any licence application. The Streetscene, Neighbourhoods and Environment Directorate will administer and enforce the licence applications. Should any permanent structure or other development be associated with a pavement café, planning permission will be required and will have to be obtained prior to the submission of a Highway Amenity Licence.
12. The Council is prepared to encourage outdoor cafés across the whole Borough. However, within this general guideline, each proposal will be considered on its merits. Pavement cafés cannot be accommodated in certain streets, due to factors such as visual impact, width restrictions, obstructions or very heavy pedestrian flows.
13. **Smokefree in Chorley.** From July 1<sup>st</sup>, virtually all enclosed places will become smoke free. Whilst pavement cafes offer an open environment , it must be pointed out that the health related legislation recognises a person's right to be protected from the harm of second hand smoke and to breathe smokefree air. In this connection, it should also be noted that no permanent or non-portable shelters will be permitted on the highway.

14. The guide contains information about;  
design considerations,  
the licensing process  
the licence application form.

#### **COMMENTS OF THE DIRECTOR OF HUMAN RESOURCES**

15. There are no HR implications arising directly from this report.

#### **COMMENTS OF THE DIRECTOR OF FINANCE**

16. There are no financial implications directly associated with this report.

#### **RECOMMENDATION**

17. That the Executive Cabinet approves the Interim Pavement Café Design & Licence Guide, as presented in Appendix A, for the purposes of public consultation; and agrees that any minor amendments which may be made in the light of consultation responses, together with final adoption, be delegated to the Director of Development and Regeneration and the cabinet member for Economic Development and Regeneration.

#### **REASONS FOR RECOMMENDATION**

18. To put in place positive guidance for Pavement Cafés in Chorley to encourage well designed and managed establishments, which will support the vitality and viability of the Town Centre

#### **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

19. None

#### **CONCLUSION**

20. The Pavement Café Design and Licence Guide plays an important function in improving the streetscene of Chorley Town Centre, supporting local businesses and creating a contemporary market town in which people can meet and enjoy their leisure time. The licence process is both a statutory and non statutory process which ensures that all legal, planning and health and safety considerations have been addressed.

JANE E MEEK  
DIRECTOR OF DEVELOPMENT AND REGENERATION

JOHN LECHMERE  
DIRECTOR OF STREETSCENE, NEIGHBOURHOODS AND ENVIRONMENT

<b>Background Papers</b>			
<b>Document</b>	<b>Date</b>	<b>File</b>	<b>Place of Inspection</b>

Draft Pavement Café Design Guide	May 2007	---	Economic Regeneration
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<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
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