

MEETING	THE COUNCIL
DATE	1 MARCH 2012
TITLE	AUTHORISATION OF CAFÉ AMENITIES ON THE HIGHWAY
PURPOSE	TO RESPOND TO A NOTICE OF MOTION
REPORT BY	ALED DAVIES - HEAD OF REGULATORY DEPARTMENT
PORTFOLIO LEADER	COUNCILLOR W. GARETH ROBERTS, SENIOR PORTFOLIO LEADER - ENVIRONMENT

1. BACKGROUND

- 1.1 A notice of motion was submitted to the Council on this matter on 20 October, 2011. The Council decided to refer the notice for consideration by the Environment Scrutiny Committee.
- 1.2 The Head of Regulatory Department's report on the Authorisation of Café Amenities on the Highway was submitted to the Environment Committee on 1 December, 2011.

2. THE DISCUSSIONS OF THE ENVIRONMENT COMMITTEE

- 2.1 The Committee noted that the Council had a statutory duty under the Highway Act 1980, to abate any nuisance and to remove any unlawful obstructions interfering with the free passage and enjoyment of the highway.
- 2.2 It was noted that placing pavement cafe facilities on the highway without authority or licence was deemed to be an obstruction and therefore an offence under the various provisions of the Act.
- 2.3 In June 2006, the authority decided to implement a policy of granting licences to provide cafe facilities on the pavement as this enabled the authority to provide the economic benefits which can accrue from permitting café amenities at appropriate locations and to regulate and control the placement of tables and chairs on the highway in accordance with its statutory duty.
- 2.4 The Committee heard that the current fees were £30 per annum for each table placed and that the fees had not been increased since 2006.
- 2.5 The average cost of a licence in Gwynedd is approximately £100 in 2011/12 and the annual income from the licensing process is approximately £2,000. It is anticipated that the income would be approximately £4,500 when the procedure is implemented across the entire County. It was noted that the cost of administering the process to the Council is approximately £300 per site.

- 2.6 Arguments were heard that the licence fee was an additional cost for businesses during a period of recession.
- 2.7 A member noted that representatives of disability groups were supportive of the licensing process as it was one important method of reducing obstructions on pavements which could force disabled people, the elderly and mothers with prams off the pavement into the road and into the flow of traffic.
- 2.8 Whilst eager to see them being placed in appropriate places and being used, members of the Committee were eager to regulate the situation with café facilities on the pavement. It was expressed that the process was a strong tool for the Council to facilitate access for all and to contribute to keeping the streets safe.
- 2.9 The Committee heard that savings would have to be identified in other areas or bids submitted for additional resources should it be decided not to charge for these licences, thus recovery part of the costs and of their administration. Members expressed concern if the Council would have to shoulder an additional financial burden.
- 2.10 It was noted that the fee charged by the Council compared favourably with that charged by other Councils.

3. CONCLUSIONS

- 3.1 Based on the information submitted, the Environment Committee resolved to recommend adhering to the current fees structure.