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MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Strong Communities Select Committee held
at Council Chamber - Council Chamber on Monday, 30th July, 2018 at 10.00 am

PRESENT: County Councillor J.Pratt (Chairman)

County Councillors: L.Jones, R.Roden, V. Smith, A. Easson,
R. Harris.

Also in attendance County Councillor(s): D. Dovey, D. Evans, B.
Jones, T. Thomas, M. Groucutt, M. Powell and S. Woodhouse

OFFICERS IN ATTENDANCE:

Hazel Ilett	Scrutiny Manager
Roger Hoggins	Head of Operations
Paula Harris	Democratic Services Officer
Steve Lane	County Highways Operations Manager

1. Apologies for absence

County Councillors P. Pavia, M. Feakins and A. Webb.

2. Declarations of Interest

None.

3. Open Public Forum (30 minutes)

The Committee were joined by members of the public wishing to speak on the Street Furniture Policy.

Mr Philip Boyer – Representing Save our Seats & Management of Kings Arms, Abergavenny

Mr Boyer welcomed charge removal, but raised concerns on the document;

St John's Square is sizeable. Tables and chairs on the Square make it a very busy social scene and felt this should continue. There haven't been complaints to date and there is ample room for access for disabled, no traffic incidents.

It is a shared space, but other there are other means to address traffic concerns. It is not broken, so don't try to mend it. Only issue is the legal situation, who would be responsible for accidents should they occur. But given there isn't a problem we don't want to lose any of the space. It's arbitrary and you would have to apply for more.

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People to keep the space they have and not have to apply for more unless they want more. Let people keep what they have.

David Farnsworth

Cannot understand the rationale to penalise traders. We need to become a creator of places and have vision. Second lesson is communication – MCC needs to rethink its relationship with community participation. Please stop producing hundreds of pages of policy documents that people don't understand.

How do we even find about what the Council is discussing, the MCC website is hard to navigate and it is virtually impossible to find the information you require.

Anthea Dewhurst

After research this issue dates back to 1419, historical law, problems are identical and unresolved. Each town is different and could make its own solutions.

Currently there is room if people comply with the rules for disability scooters, but accidents do happen in Monmouth with particularly sighted people with random A-boards, but the people who comply are not causing the problem.

It is felt we can improve rather than become rigid in the place of challenge. When the measurements are agreed, it was asked if this could be self-managing so that MCC has a reduced burden ~ a team of volunteers, perhaps with a visually impaired representative and a town council representative from Monmouth. Church Street could be full of character with hanging signs, other ideas on this.

Lucy Howell, Y-Fenni Business Community

This affects a considerable number of businesses in Abergavenny who are facing a battle and the introduction of the policy is another knock.

The festivals allow independents to trade without adhering to policy. We understand the legal obligation for MCC and we accept some form of licence but there's no reason the Council cannot work with the community. We feel that we managed before the introduction of the policy. We believe people should have to apply for a licence and conform to points A-G on the policy regarding health and safety, but we do not agree with the charge. We believe businesses should need to apply for 18 square metres or above and to be subject to a risk assessment.

Andrew Powell

Mobility club in Abergavenny was asked regarding any issues and they only highlighted one issue.

The Chair thanked the members of the public for attending the meeting and their comments.

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The Chair acknowledged receipt of a petition titled Save Church Street from County Councillor Mat Feakins.

4. Street Furniture Policy

Context

After extensive consultation with members, local councils, chambers of commerce and community groups such as CAIR and visually impaired, in January 2018 the Cabinet approved a new policy to manage obstructions in the highway. As a result of the consultation exercise and scrutiny by this select committee Cabinet approved the withdrawal of any charge for the display of A boards and reduced the charge to businesses for the use of tables, chairs and displays in the public highway.

The policy is being implemented throughout the county but opposition from the business community to some aspects of the policy has been encountered. This includes:

- From businesses seeking to occupy an area of the public highway greater than the maximum 18 sq metres allowed in the existing policy.
- From businesses complaining that the charge for displays is unreasonable particularly for small businesses and at a time when the retail industry is under increasing financial pressure.
- That the policy of permitting individual businesses to display A boards, displays, tables and chairs etc. should be withdrawn completely and a 'common sense' approach be adopted.

This report summarises the background to the opposition and asks members to consider what amendments to the existing policy they would wish to recommend to Cabinet.

Key Issues

In September 2017 the Strong Communities Select Committee received a report proposing that the policy for obstructions in the highway be amended and in particular that the charges be reviewed to reflect the Council's acknowledgement of increased financial burden upon businesses arising from the increase in business rates.

The recommendations from the Select Committee subsequently went to the Cabinet meeting in January 2018 at which it was approved that charges for A boards be withdrawn and proposed charges for displays, tables, chairs be halved with a further review of the policy in twelve months' time.

Below is a link to the January 2018 Cabinet meeting with agenda, reports and

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The policy has initially been introduced in the South of the county with some adverse comments but with permits being agreed with various businesses.

However when the scheme was introduced in Abergavenny representation was made by members and directly by businesses.

In the first instance representation was to relax the policy to allow businesses to occupy an area greater than 18 sq metres. This was particularly in relation to St John's Square, Abergavenny.

The square is a relatively large public open space where members of the public have enjoyed food and drink for many years. Currently at least one business has placed tables and chairs on an area larger than 18 square metres so strict adherence to the new policy would require that some of the tables and chairs be removed.

Representation suggests that removing the chairs and tables would be to the detriment of the general ambience prevalent in the square so officers have examined how the policy might be amended to accommodate businesses occupying an area greater than 18 square metres.

The recommendations below are a simple extension of the existing policy working in multiples of 6 square metres should charges remain over and above the areas and charges reflected in the current policy or an agreement of a specific area (not necessarily in multiples of 6 sq m) should charges be withdrawn.

It should be noted that whilst this proposal to relax the maximum area is as a result of representation from a business in St Johns Square, Abergavenny any such amendment to the policy would apply county wide so applications may be forthcoming from businesses elsewhere in Abergavenny or the county more generally. As a result the policy becomes 'open ended' within the context of how much of the public highway and business may occupy. It is considered onerous for the highway inspector to negotiate in isolation such an agreement for areas above 18 sq metres so it is proposed that the County Highway Manager or Head of Service, in consultation with the Cabinet member and local member, agree the permit.

Since then at a wider level representation have been received from various groups within the towns complaining that the charges associated with the issuing of permits for displays, tables, chairs, etc. places an unreasonable financial burden upon businesses, in particular smaller independent businesses, that are finding trade difficult in the current financial climate.

The representation was initially organised through social media and in particular by traders in Church Street Monmouth. However the campaign has become wider and representation has also been made on behalf of businesses in other towns within the county.

The policy requires officers to work with individual businesses so the administrative burden is greater than the previous 'blanket policy' scheme. The charge was included within the current policy to offer a contribution towards the additional demand upon staff

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resources. It is estimated it will generate approximately £2,600 per annum so should the charge be withdrawn it is not a major impact upon the highways budget overall and the loss would be absorbed in the wider highways budget.

Finally there were suggestions that the scheme should be withdrawn completely and a common sense approach adopted. Although the concept was not expanded upon it would seem reasonable to interpret this as no permit scheme and officers simply responding to complaints. In terms of staff resource this has much to commend it but it does mean that what is common sense or reasonable does rely upon the opinion of individual officers, members and businesses with no structure to any scheme.

With no individual permit system in place businesses will not be authorised by the highway authority (MCC) to place an item in the highway. The concept behind the permit is to obviate the Council and business of the need to maintain the highway clear of any obstructions (Highways Act 1980) which, in the absence of a policy, would take precedence so without such a policy both the business and council could be construed as acting ultra vires. Although accidents (and potential claims) are few and far between the lack of any policy to rely upon may make insurance null and void (enquiries to date have not offered a clear opinion on this).

Member Scrutiny

An Elected Member asked that the previous recommendation from this committee not to introduce charges prior to the Cabinet decision being made was noted and spoke of the disappointment felt by the select committee that charges were agreed by Cabinet.

The Chair reiterated comments made at the previous Select Committee meeting when the Street Furniture Policy was on the agenda for scrutiny and the committee's recommendation that charges were not introduced.

A Member spoke of the fantastic café culture in Monmouthshire and the need to encourage it, this has to be balanced with the need to ensure that members if the public can access these areas safely. The need for businesses to have all relevant insurances is essential.

There needs to be limitations and a policy in place so that no one business monopolises the outdoor space. The member spoke of having members of the select committee work alongside the business community to discuss what would be feasible on a town by town basis.

A Member agreed that insurance is essential and this needs to be the responsibility of the businesses, MCC need to regulate the activity with permits, however the Member felt that MCC deciding not to charge for the permits was the correct decision. The member spoke of the need to support local businesses in their offer to tourists.

The Cabinet Member B. Jones explained to the committee why it was initially felt that charges were introduced.

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A Member of the Committee thanked members of the public for attending the meeting and so eloquently expressing their concerns. The Member felt that engaging with the retailers would provide solutions to the current issues.

A local member for Caldicot spoke of the unique nature of each town and the need for local members to engage with their business communities to ensure that specific concerns were addressed.

A Member spoke of their support for the energy and drive that businesses place into promoting their businesses, however felt that the permit scheme administration costs should be covered by the people using the permits.

A local Member for Abergavenny suggested businesses sharing advertising boards.

A Member of their frustration of the perception of Monmouthshire being a rural county and highlighted the importance of towns and hoped that the revised policy would encourage businesses.

An Elected Member spoke of their shock when Cabinet ignored the Select committee's recommendation not to apply charges for permits. The member supported MCC having a policy to regulate street furniture.

It was asked that allowances were made for furniture which has been in situ for a number of years.

Members looked for confirmation from Officers that businesses who have already paid the fees are reimbursed immediately.

Committee's Conclusion:

Members of Committee voted and agreed on the following recommendations;

1. That this committee recommends to Cabinet that charges for permits for displays, tables, chairs be withdrawn but that charges arising from non – compliance with the permit scheme (as detailed within the existing policy) remain.

Votes

For - 5

Against - 1

2. That this committee recommends to Cabinet that additional criteria be added to the existing policy to allow businesses to occupy an area greater than 18 sq metres where this can be achieved without compromising safety or causing an unacceptable obstruction in the highway.

Votes

For – Unanimous

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That any request from a business to occupy an area greater than 18 sq metres be approved by the County Highways Manager or Head of Service in consultation with the local member and Cabinet Member for Operations.

Votes

For – Unanimous

That this committee recommends to Cabinet that the permit scheme for individual premises as described within the existing policy remain in place.(the withdrawal of the scheme leaving businesses with no authority to place any item in the public highway and leaving the authority with no agreement upon which to monitor compliance).

Votes

For – Unanimous

The Chair spoke of wanting vibrant, healthy high streets and communities in Monmouthshire and her wish to encourage businesses to contact her with any concerns they may have.

5. Date and time of next meeting - Thursday 13th September 2018 at 10.00am.

The meeting ended at 12.04 pm

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