

PAVEMENT CAFÉ LICENSING POLICY 2016-2021: CONSULTATION EXERCISE

Consultation Feedback Summary

	DATE OF RECEIPT	FORM OF REPRESENTATION	RESPONDENT DETAILS	SUMMARY OF REPRESENTATION	OFFICER COMMENTS
1	26 th Nov 15	Email	Mr Tim Northway (on behalf of Highways department, Torbay Council)	<p>Supportive of draft policy but highlights a number of omissions and area of concern:-</p> <ul style="list-style-type: none"> - Existing street furniture should be taken into account when assessing permit size. - Street furniture has been moved in the past at the applicants cost. - Concerns regarding additional fees, does the act allow? - Applications not normally granted for wet sales only, although there are some. - Common reason for refusal not mentioned. - Appeals not necessary as a reasonably application cannot be refused. - Conflict with safety if some premises are open before 10:00, delivery vehicle, street maintenance etc. 	<p>Added</p> <p>Added</p> <p>Reasonable costs, not administration fee, no change. Act states food and beverages, no change</p> <p>Noted, each application decided on its own merits</p> <p>Disagree. Open, fair and transparent process.</p> <p>Amended, case by case decision.</p>

				<ul style="list-style-type: none"> - No provision in the Highways Act to prohibit smoking on public highways. - No provision in the Highways Act to designate areas for entertainment, provision of refreshment only. - Agrees with Barriers, where appropriate. - Welcomes 'noise Officers' as consultees - Highways does not want a duty to inform of repairs/maintenance as maintenance schedules are already in place. - 2/3 of applications are to provide an outside smoking area. 	<p>Disagree, if offering licence. Act allows conditions as Council see fit.</p> <p>As above.</p> <p>Amended</p> <p>Amended (Condition 7.)</p> <p>Noted.</p>
2	18 th Nov 15	Email	Mrs Julie Smart (on behalf of Devon & Cornwall Constabulary)	<p>Agreement that Policy draft has sufficient details but would like to make the following observations:-</p> <ul style="list-style-type: none"> -Whilst the Police support the no-smoking approach they feel it will negatively impact on the highway as this could lead to congestion and conflict with other highway users. -Concerned of increased litter from discarded cigarette butts. -Concerned customers will be tempted to take their drinks with them when they leave the cafe licence area, will this lead to conflict with staff and customers. -Whilst customers are smoking outside of the licensed area it will be difficult for licensees to monitor and manage customer behaviour. 	<p>Noted and amended.</p> <p>Noted and amended.</p> <p>Noted and amended.</p> <p>Noted and amended.</p>

			<p>Argue customers are not committing a criminal offence smoking in the open and would rather they where under the direct supervision of staff.</p> <p>-Suggest areas larger enough could be spilt.</p> <p>-Police agree with barriers to demarcate licensed areas.</p> <p>-Police do not wish for any licensed area beyond midnight in the CIA areas and 11:00pm in all others. How will the Council deal with such applications.</p> <p>-Note policy state licences are for consumption of food and beverages but point out after 9:00 pm most for consumption of Alcohol only.</p> <p>-Police keen for cafe licences not becoming 'street drinking permits'</p> <p>-Note the policy makes no statement regarding the use of glass bottles, despite existing conditions do/conditions of a premises licence. Police do not want to a reversal of this approach.</p> <p>-Ask for Police Officer to be authorised to inspect and require paperwork in relation to cafe areas.</p> <p>-Support change requiring compliance with licensing conditions.</p>	<p>Noted and amended.</p> <p>Noted.</p> <p>Noted.</p> <p>Policy does not need further clarification.</p> <p>Noted, as per Highways observations.</p> <p>Policy clear licences are for consumption of food and beverages. Where no food is served requirements stand for seating/waiter service etc.</p> <p>Amended</p> <p>Amended</p> <p>Noted</p>
--	--	--	--	--

3	1 st Dec 15	Email	Food and Safety Team Torbay Council Town Hall	<ul style="list-style-type: none"> - Concerned a significant number of cafes will not be able operate if 2m gap is required between the cafe pavement area and the edge of the highway. The 2m rule is defined in the Highways Act and remains unchanged. - Agree with the smoke free proposals but are concerned about enforcement. - If smokers are forced to smoke on the open pavement will additional street furniture such as ashtrays be provided? - Will 'vaping' be provided? - Support proposals for allowing entertainment but suggest standardised record sheets could be provided by the Council. - Raise the issues of a business being reimbursed if the street is closed for long durations when they are unable to use the highways e.g. resurfacing works. 	<p>Highways Act stipulates 2 meter gap, this is not a change of policy.</p> <p>Noted</p> <p>This may need to be taken into account during an assessment if applicable.</p> <p>Yes, though not implied or encouraged.</p> <p>Noted</p> <p>No, Fee not rent.</p>
4			Environmental Protection Torbay Council	<p>Commented only on entertainment proposals.</p> <ul style="list-style-type: none"> - Suggest proposals for 'amplified music' would not work as all performances would have some sort of amplification. - Offered any music played should be through a noise limiter and make applicants aware this could be subject to change if problems occur. - Conditions should include the use of limiters, hours of 	<p>Noted, but not amended</p> <p>Noted</p> <p>Noted</p>

				<p>operation.</p> <ul style="list-style-type: none"> - Agrees with proposals for a 'temporary event' application but suggest the policy should give more detail on the noise management plan. - Emphasises swift enforcement if a business is causing a nuisance to neighbours. 	<p>Noted</p> <p>Noted</p>
5	27 th Nov 15	Email	Existing Licence holder	<p>No comments about the policy being sufficient in detail to allow effective decision making.</p> <ul style="list-style-type: none"> - Does not agree with smoke free proposals as some child/family friendly premises may wish to enforced others specifically use the area as an outside smoking area. - Concerns customers will be forced out onto the highways with other highway users and suggests non-smokers have the choice to either eat either outside or in whilst smokers don't. - Proposed splitting areas into smoking and no smoking, - Supports move towards allowing some entertainment. 	<p>Amended</p> <p>Amended</p> <p>Noted</p> <p>Noted</p>
6	17 th Nov 15	Email	Existing Licence holder	<p>Generally supportive of the policy and recognises it seeks to promote good practice.</p> <ul style="list-style-type: none"> - Concerned no performers will sing without an amplification. - Agrees with barriers but states unless the barriers are exceptionally heavy they tend to blow over in the wind. They have found barriers that can with stand high winds 	<p>Noted, but not amended</p> <p>Noted</p>

				<p>are very difficult to pack away at the end of the night to comply with the licence.</p> <ul style="list-style-type: none"> - Does not agree with complete smoke free areas but supports providing a percentage of tables for smoke free which they currently do provide. 	Amended
7	10 th Dec 15	Email	Member of the public	<p>Supports policy except smoke free proposals and makes the following observations:-</p> <ul style="list-style-type: none"> - Believes the proposals are a backdoor way of criminalising smokers whom he views as a minority group and smokers have the right to choose to smoke. Does not believe smoking contributes to litter and there is no proven link between smokers and passive smokers. 	Noted
8	10 th Dec 15	Email	Existing Licence holder	<p>Comments received only about the smoke free proposals.</p> <ul style="list-style-type: none"> - Concerned the smoke free proposal will be detrimental to her business and sees the proposal as one size fits all approach. She only has 4 tables and these are predominately used by smokers. - Also made comments about the amount of advertising boards blocking the public highway, though these comments fall outside of the scope of this consultation. 	Amended Noted