

ANGUS COUNCIL

COMMUNITIES COMMITTEE – 18 AUGUST 2015

CONSENT TO PLACE TABLES AND CHAIRS ON THE PUBLIC ROAD ADJACENT TO LICENSED PREMISES AT 9-13 HIGH STREET, ARBROATH

REPORT BY HEAD OF TECHNICAL AND PROPERTY SERVICES

ABSTRACT

The Committee is asked to consider an application for consent to place tables and chairs on the public footway at 9-13 High Street, Arbroath.

1 RECOMMENDATIONS

It is recommended that the Committee:

- (i) considers the application submitted in respect of the above (**Appendix 1**);
- (ii) approves the application subject to the conditions set out in **Appendix 2**.

2 ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/COPORATE PLAN

This report contributes to the following local outcomes contained within the Angus Community Plan and Single Outcome Agreement 2013-2016:

- Our natural and built environment is protected and enjoyed;
- Our communities are developed in a sustainable manner.

3 BACKGROUND

Reference is made to Report No. 38/14 approved by the Communities Committee on 21 January 2014.

4 CURRENT POSITION

In cases involving licensed premises which are located in designated areas where the consumption of alcohol is prohibited in public places, then the decision on whether or not to grant consent must be referred to Committee.

5 PROPOSALS

The application and location of the items is shown in **Appendix 1**.

6 FINANCIAL IMPLICATIONS

An approval will result in an annual income to the Council, currently set at £130 per annum, which will assist in recovering the costs of site inspections.

7 CONSULTATION

The local Members, the Head of Legal and Democratic Services, the Head of Planning and Place and Police Scotland were consulted in the preparation of this report.

NOTE: The background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) which were relied on to any material extent in preparing the above report are:

- Report No. 38/14 – Consent to Place Tables and Chairs on Public Roads Adjacent to Licensed Premises in Designated Areas

REPORT AUTHOR: Ian Cochrane, Head of Technical and Property Services

EMAIL DETAILS: CommunitiesBusinessSupport@angus.gov.uk

List of Appendices:

Appendix 1 – Application for Consent to Place items on Public Road

Appendix 2 – Terms and Conditions of Consent

APPLICATION FOR CONSENT TO PLACE ITEMS ON PUBLIC ROAD/FOOTWAY IN ACCORDANCE WITH SECTION 39 OF THE ROADS (SCOTLAND) ACT 1984

Instructions for Completing this Application Form

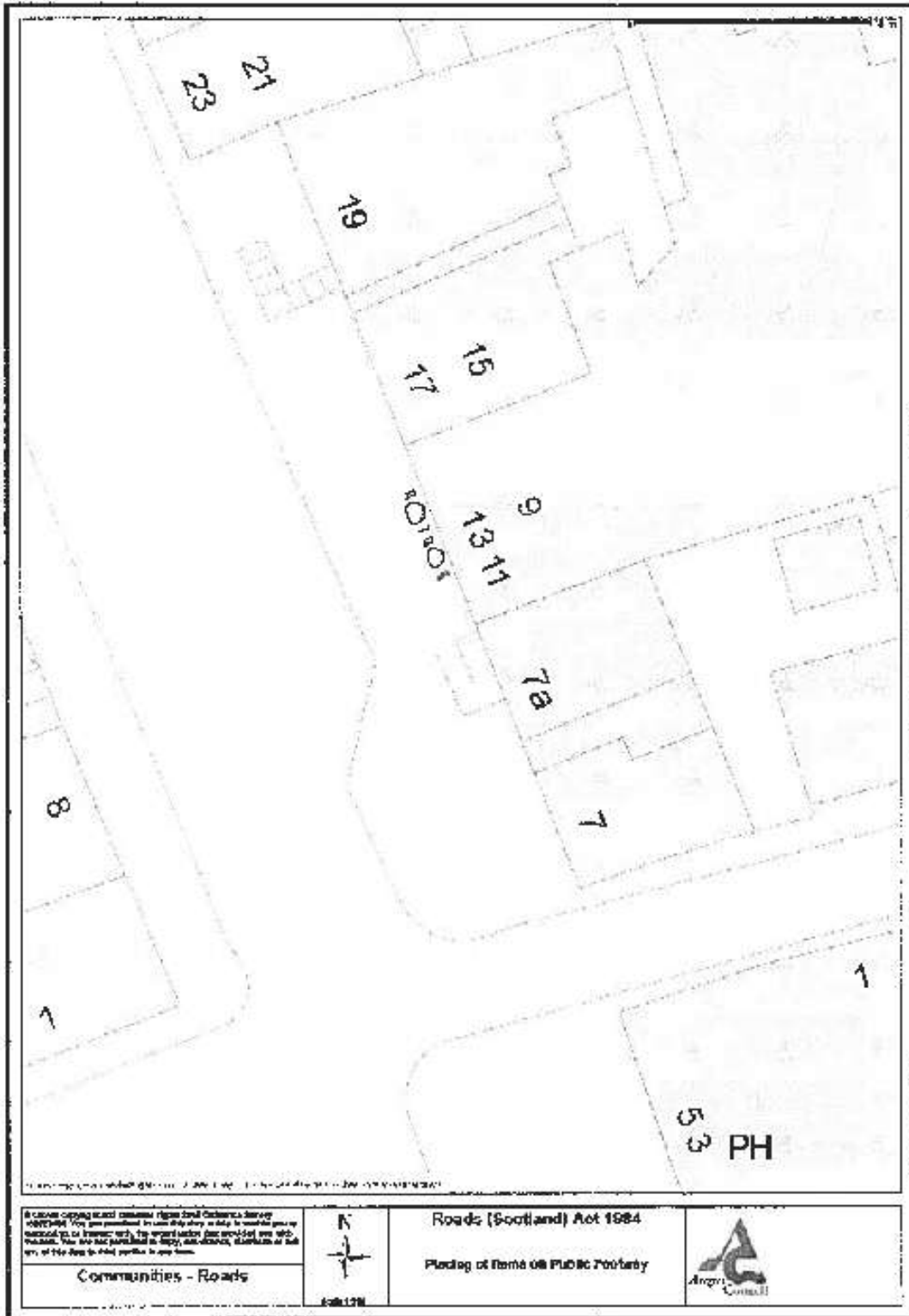
Please read the form including the terms and conditions of consent.
Please provide the information required on this page.
Please ensure that you have marked the intended location of the Item(s) which you wish to place on the location plan attached.
Please sign the form and the plan and return both to:-

Head of Technical and Property Services
Angus Council Communities Directorate
Roads
County Buildings
Market Street
FORFAR
DD8 3WR

ANGUS ROADS DIVISION				
No. 04160310 To GH/AL				
1	2	3	4	5
05 JUN 2015				
RESPONSE RECD <input checked="" type="checkbox"/>				
ANS: 473221 FILE REF				

If you have any queries, please contact Andy Barnes on 01307 473221

Applicant's Name (Please Print):	SUGAR AND SPICE
Applicant's Address:	9-13 HIGH STREET ARBROATH DD11 1BE
Applicant's Contact Telephone Number:	01241 437500
Item(s) Description - eg tables/chairs (please specify including numbers):	2 TABLES 2 CHAIRS AT EACH (4 IN TOTAL)
Item Location (Please mark on location plan attached): Address:	9-13 HIGH STREET ARBROATH DD11 1BE.
Applicant's Declaration	
(i) I hereby apply for consent for the Items to be placed at the Item Location;	
(ii) If consent is granted, I agree to be bound by the Terms and Conditions of Consent set out on pages 2 & 3 of this Application Form. I understand that any such consent may be subject to such additional conditions as the Head of Technical and Property Services may specify.	
(iii) I enclose a cheque in the sum of £130 to cover inspection costs in accordance with Section 40(6) of the Roads (Scotland) Act 1984. I understand that this will be returned in the event that consent is not granted.	
Signature of Applicant	



Terms and Conditions

(1) A copy of the consent and associated plan shall be kept on the premises and presented on demand to an officer of the roads authority or a police constable in uniform.

(2) The applicant shall indemnify Angus Council as roads authority for and against all actions, claims, demands, costs, charges, damages, losses and expenses of whatever kind or nature which may be brought or made against them or incurred by them in respect of the act, omission or default of the applicant arising in respect of any operation authorised by the consent unless due to the negligence or other breach of legal duty on the part of the Council or of any person for whom the Council is responsible.

(3) The applicant is required to have and maintain in force for the duration of the consent period public liability cover with a minimum indemnity limit of £5 million for each claim arising. Evidence of insurance shall be provided on request.

(4) Any damage caused to or at the authorised location during the consent period shall be made good at the expense of the applicant to the satisfaction of the roads authority without delay.

(5) The roads authority may carry out an inspection of the location in respect of which consent is being sought. The applicant shall provide any information reasonably required by the roads authority in connection therewith.

(6) Without prejudice to section 59(4) of the Roads (Scotland) Act 1984, the Items (including the barrier referred to in section (7) below) shall be immediately removed from the authorised area by the holder of the consent in the case of an emergency, as requested by the roads authority or by a police constable in uniform. The roads authority may withdraw or vary the terms of consent at any time in the interests of vehicular or pedestrian safety and free traffic flow.

(7) A barrier forming a boundary to the authorised area shall be provided at the expense of the holder of the consent in accordance with the following:

(a) constructed or formed to a minimum height of 1.0 metres;

(b) set back a minimum of 2.5 metres from the front face of the adjacent kerbline;

(c) constructed so as not to form a danger to any person(s) with a visual impairment or other disability;

(d) designed to the satisfaction of the Head of Technical and Property Services; and

(e) be placed above tape fixed to the ground to delineate the authorised area.

(8) The placing or depositing of the Items (including the barrier) upon the authorised area shall (if applicable) be restricted to a period commencing 30 minutes before the licensing hours granted by the Licensing Board and terminating at 20:00 hours (8 p.m.).

(9) The authorised area shall be kept clean and tidy at all times. The applicant shall remove or clean litter, spillages, dirt, filth or other offensive matter from the authorised area and the surrounding vicinity arising from its use to the satisfaction of the Head of Technical and Property Services. The authorised area shall be managed by the applicant in such a way as to avoid causing nuisance to neighbouring proprietors or to the public.

(10) Consent to place Items at the authorised area does not carry with it any right to interfere with any apparatus above, below or within the footway for example, underground pipes or overhead cables. Service providers who may have apparatus in the vicinity of the authorised area include but may not be limited to:-

Angus Council Roads Street Lighting, Scotland Gas Networks, British Telecom, Scottish Water, Scottish & Southern Energy, Cable & Wireless, Virgin Media.

It shall be the responsibility of the applicant to contact any such service providers for appropriate advice and the applicant will be deemed to have satisfied himself/herself as to the position of such apparatus.

(11) In the event of contravention of any of these terms and conditions, the roads authority may (i) remove the Items including the barrier in terms of Section 59(4) of the Roads (Scotland) Act 1984 and recover such expenses as are reasonably incurred and/or (ii) withdraw consent for the Items to be placed at the authorised area.

(12) Any consent granted is personal to the applicant and may not be transferred to any other person, firm or company.

(13) This application is for consent under section 59 of the Roads (Scotland) Act 1984 only. The Applicant is responsible for obtaining any other consents, permissions or licenses required for the applicant's proposed use of the authorised area. The applicant should seek separate advice in relation to any such other consents, permissions or licenses that may be required. Further information can be obtained by contacting Angus Council's

- Communities Directorate (planning, trading standards, consumer protection and environmental health matters);
- Resources Directorate (liquor or civic licensing matters).