

**ANGUS COUNCIL**

**COMMUNITIES COMMITTEE – 19 JANUARY 2021**

**APPLICATION FOR CONSENT TO PLACE TABLES AND CHAIRS IN A PUBLIC ROAD AT  
THE CORN EXCHANGE, MARKET PLACE, ARBROATH**

**REPORT BY IAN COCHRANE, DIRECTURE OF INFRASTRUCTURE**

**ABSTRACT**

This report deals with a retrospective application to extend an existing authorised area and create an additional associated area for the placing of tables and chairs in a designated area where the consumption of alcohol in public places is prohibited.

**1. RECOMMENDATIONS**

It is recommended that the Committee:

- (i) considers the application for an extension of the existing authorised area and creation of a second authorised area, and
- (ii) agrees to authorise the placing of tables and chairs in those areas subject to the conditions contained in **Appendix 3**.

**2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN/CORPORATE PLAN**

This report contributes to the following local outcome contained within the Angus Local Outcomes Improvement Plan and Locality Plan:

- Economy: Angus is a good place for business

**3. BACKGROUND**

- 3.1 Reference is made to Report No. 38/14 which was approved by the Communities Committee on 21 January 2014. The report dealt with procedures for the granting of consents for the placing of tables and chairs at licensed premises which are located within designated areas subject to Byelaws prohibiting the consumption of alcohol in public places.
- 3.2 In such cases it was agreed that the decision on whether to grant or to refuse consent should be referred to Committee or if necessary, an Executive Sub-Committee.
- 3.3 It was further determined that subsequent applications for renewal of those consents authorised by Committee will be dealt with under the scheme of delegation only where no material changes to the authorised area are proposed (i.e. no increase in number of tables and chairs/no alteration to the area of land covered by the consent). That is, that material changes will be referred to Committee for a decision.
- 3.4 Similarly existing approved consents previously authorised under delegated powers will continue to be managed under delegated powers subject to no material changes (as above).

#### **4. CURRENT POSITION**

- 4.1 Planning permission for the change of land use for the extension to the existing authorised area was granted by the Development Standards Committee on 05 February 2019 in consideration of Report No. 39/19.
- 4.2 The Licensing Board has approved occasional licenses for both of the areas contained within the application under consideration from 03 November until 16 November 2020 and from 17 November until 30 November 2020.
- 4.3 The applicant has been utilising the area subject to planning and licensing and this has generated some concern for neighbouring properties in relation to access for pedestrians and emergency vehicles. In discussion with the applicant the number of tables and chairs in the area has been reduced to alleviate these concerns.

#### **5. PROPOSALS**

- 5.1 The application for the placing of the items within the public road relates to two distinct areas. Area 1 concerns a small extension to the existing authorised area which has been in place since 2013. Area 2 relates to a separate area on the opposite side of the Corn Exchange building. The application for the placing of the items is copied in **Appendix 1** of this report.
- 5.2 Area 1 extends to 1.4 metres by 9.4 metres; and Area 2 to 3.5 metres by 13.5 metres. The subject areas are shown on the accompanying plan which is detailed in **Appendix 2** of this report.

#### **6. FINANCIAL IMPLICATIONS**

- 6.1 In dealing with such applications, inspection charges are levied on applicants, under Section 140(6) of the Roads (Scotland) Act 1984.
- 6.2 By setting these inspection charges annually, the authority is maintaining a cost neutral position.

#### **7. HUMAN RIGHTS IMPLICATIONS**

There are no human rights implications arising from this report.

#### **8. EQUALITIES IMPLICATIONS**

The issues contained in this report fall within an approved category that has been confirmed as exempt from an equalities' perspective.

#### **9. CONSULTATION**

The Chief Executive, Deputy Chief Executive and Directors of Finance, Legal & Democratic and Communities 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. 334/06 – Charging for Services – Consent to Place Furniture or Other Obstructions on Land Forming Part of a Public Road
- Report No. 38/14 – Consent to Place Tables and Chairs on Public Roads Adjacent to Licensed Premises in Designated Areas

**REPORT AUTHOR:** Ian Cochrane, Director of Infrastructure  
**EMAIL DETAILS:** Communities@angus.gov.uk

List of Appendices:

**Appendix 1** – Application for Consent to Place items in a Public Road

**Appendix 2** – Application Plan

**Appendix 3** – Conditions of Consent