

**ANGUS COUNCIL**

**EXECUTIVE SUB-COMMITTEE – 9 JULY 2021**

**APPLICATION FOR CONSENT TO PLACE TABLES AND CHAIRS IN A PUBLIC ROAD AT  
THE MARKET ARMS, 95 HIGH STREET, MONTROSE**

**REPORT BY DIRECTURE OF INFRASTRUCTURE**

**ABSTRACT**

This report deals with an application for the placing of tables and chairs on the public footway in a designated area where the consumption of alcohol in public places is prohibited.

**1. RECOMMENDATION**

It is recommended that the Executive Sub-Committee:

- (i) considers the application for the placing of tables and chairs on the public footway within the area shown in **Appendix 2**, and
- (ii) agrees to authorise the placing of tables and chairs on the public footway subject to the conditions contained in **Appendix 3**.

**2. ALIGNMENT TO THE COUNCIL PLAN**

This report contributes to the Council Plan 2019-2024 priority:

**ECONOMY:** We want Angus to be a 'go-to' area for businesses.

**3. BACKGROUND**

- 3.1 Reference is made to Report No. 38/14 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 that 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 The Licensing Board has approved an occasional license for the area, which is due to expire on 5 July 2021.
- 4.2 Regardless of the occasional licence being granted by the Licensing Board, permission to place the items on the public footway is required from the roads authority before being able to utilise the space.

## **5. PROPOSALS**

- 5.1 The application for the placing of the items is copied in **Appendix 1** of this report.
- 5.2 The application for the placing of the items within the public road relates to a distinct area contained within a widened area of the footway outside the premises at 95 High Street, Montrose. The subject area is shown on the accompanying plan, which is detailed in **Appendix 2** of this report.
- 5.3 The local members have been consulted on the proposals with one member opposed as the proposal is not appropriate on High St and adjacent to car-parking; and three members supporting the proposal subject to a 1 metre distance between the kerb line **at** the car park and the enclosed area. This condition has been included in the conditions in **Appendix 3** and is shown on the plan in **Appendix 2**.

## **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. EQUALITY IMPACT ASSESSMENT & FAIRER SCOTLAND DUTY ASSESSMENT**

- 7.1 An Equality Impact Assessment has been completed for this report – **see Appendix 4**.
- 7.2 The Assessment concludes that there are either neutral or negative impacts on protected characteristic groups for the proposals contained in this report. Justification and mitigation for the negative impacts are provided and detailed in Steps 10 and 12 respectively of the Equality Impact Assessment. The mitigation includes specific conditions included in Appendix 3.

**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 – Infrastructure Service Committee, 9 March 2006

Report No. 38/14 – Consent to Place Tables and Chairs on Public Roads Adjacent to Licensed Premises in Designated Areas – Communities Committee, 21 January 2014

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List of Appendices:

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

**Appendix 2** – Application Plan

**Appendix 3** – Conditions of Consent

**Appendix 4** – Equality Impact Assessment