

**ANGUS COUNCIL**

**COMMUNITIES COMMITTEE – 28 SEPTEMBER 2021**

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

**REPORT BY DIRECTOR OF INFRASTRUCTURE**

**ABSTRACT**

This report deals with an application to add to existing authorisations by creating an additional 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 addition to the existing authorised areas by the creation of a third authorised area, and
- (ii) agrees to authorise the placing of tables and chairs in the additional area subject to the conditions contained in **Appendix 3** of this report.

**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 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 Existing approvals, 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 a change of land use for an extension to the original authorised area (Area 1) was granted by the Development Standards Committee on 05 February 2019 in consideration of Report No. 39/19.

4.2 Approval for the extension in the size of Area 1 and creation of a second area (Area 2) was determined by Communities Committee on 19 January 2021, after consideration of Report No. 4/21. The previously approved areas, (Areas 1 and 2) can be seen on the plan provided in **Appendix 4** of this report.

## 5. PROPOSALS

- 5.1 The current application for the placing of the items within the public road relates to a third distinct area (Area 3). Area 1 has been in place since 2013 and as discussed at 4.2 above, Area 2 was approved by Committee in January of this year. The application for the creation of Area 3 is copied in **Appendix 1** of this report.
- 5.2 The third location, if approved, will be 3.5 metres wide by 9.5 metres long and is situated on the north side of The Corn Exchange building between the previously approved Area 2 and the road at Gravesend. The relationship between Areas 2 and 3 is 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. EQUALITY IMPACT ASSESSMENT & FAIRER SCOTLAND DUTY ASSESSMENT

- 7.1 An Equality Impact Assessment has been completed for this report – **see Appendix 5**.
- 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.

## 8. CONSULTATION

The Chief Executive and Strategic 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 No. 4/21 – Application for Consent to Place Tables and Chairs in a Public Road at The Corn Exchange, Market Place, Arbroath

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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** – Previously Consented Areas

**Appendix 5** – Equality Impact Assessment