

**ANGUS COUNCIL**

**COMMUNITIES COMMITTEE – 23 NOVEMBER 2021**

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

**REPORT BY IAN COCHRANE, 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 in light of previous Report No. 315/21 and the site visit by the committee on 22 October 2021, and
- (ii) determines to either authorise the placing of tables and chairs in the additional area subject to conditions or to refuse the application.

**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. 315/21, which was considered by the Communities Committee on 28 September 2021. 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 and subject to Byelaws prohibiting the consumption of alcohol in public places.

3.2 In considering Report No. 315/21, the committee agreed that an unaccompanied site visit should be undertaken to allow members to fully consider the impacts of the tables and chairs proposed in the application for The Corn Exchange.

**4. CURRENT POSITION**

4.1 An unaccompanied site visit was carried out by the committee members on 22 October 2021.

**5. PROPOSALS**

5.1 The current application for the placing of the items within the public road relates to a 3.5m x 9.5m area situated on the north side of The Corn Exchange building and shown highlighted in red to the bottom right of the layout plan included in **Appendix 1**. This is a third area outside this premises as detailed in Report No. 315/21 with the original area in place since 2013 – see Area in **Appendix 2** of this report - having been extended as approved by committee in January 2021 (reference Report No. 4/21) - see Area 2 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**

- 7.1 An Equality Impact Assessment has been completed for this report – **see Appendix 3**.
- 7.2 The Assessment concludes that there are either neutral or negative impacts on protected characteristic groups for the proposals contained in this report. Mitigations for the negative impacts are provided and detailed in Steps 10 and 12 respectively of the Equality Impact Assessment. The mitigation includes specific conditions that were included in Appendix 3 of Report No. 315/21.

## **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
- Report No. 315/21 - 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 – The Corn Exchange - Layout Plan  
Appendix 2 – The Corn Exchange - Previously authorised areas  
Appendix 3 – Equality Impact Assessment