

ANGUS COUNCIL

COMMUNITIES COMMITTEE – 27 SEPTEMBER 2022

**APPLICATION FOR CONSENT TO PLACE TABLES AND CHAIRS IN A PUBLIC ROAD AT
APPLEGATE, ARBROATH**

REPORT BY ACTING DIRECTOR OF INFRASTRUCTURE (ROADS AND TRANSPORTATION)

ABSTRACT

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

1. RECOMMENDATION

It is recommended that the Committee:

- (i) considers the application for the placing of tables and chairs on the public road within the area on Applegate shown in **Appendix 2**, and
- (ii) agrees to authorise the placing of tables and chairs on the public road 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 only will be referred to Committee for a subsequent decision.

3.4 Similarly existing approved consents previously authorised under delegated powers will continue to be managed under delegated powers subject, as above, to no material changes.

4. CURRENT POSITION

4.1 As of 31 January 2020 the road at Applegate is regulated as a pedestrianised area where the driving of motor vehicles is prohibited, subject to certain exemptions, such as for the purpose of delivering or collecting goods.

4.2 Two areas on the road have in the past been allocated for use as fixed pitches, where such use is authorised by the Director of Infrastructure under delegated powers, as and when applications are received.

- 4.3 The areas dedicated for use as fixed pitches are shown in **Appendix 4**. Fixed pitch, reference number FP001, would be slightly overlapped by the area under consideration for the placing of the tables and chairs. However, there is sufficient space within the road to accommodate a slight adjustment of the fixed pitch areas that would allow sufficient space for the tables and chairs as applied for to coexist.
- 4.4 At the date of writing, no authorisations for the use of either of the fixed pitches are in place nor are any applications for such use pending.

5. PROPOSALS

- 5.1 A copy of the application for the placing of the items on the public road is provided in **Appendix 1** of this report.
- 5.2 The application for the placing of the items on the public road relates to a distinct area on the opposite side of the road from the premises at 14 Applegate, Arbroath. 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.

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.

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 – Draft Conditions of Consent

Appendix 4 – Fixed Pitches

Appendix 5 – Equality Impact Assessment