

DURHAM COUNTY COUNCIL

At a Meeting of the Highways Committee held at the County Hall, Durham on **Wednesday 12 December 2007 at 10.00 a.m.**

Present:

Councillor H Douthwaite in the Chair

Members:

Councillors C Carr, Cordon, Davies, T Forster, E Foster, Gray, Hunter, Knox, Manton, Mason, Morgan, O'Donnell, Pendlebury, Priestley, Pye, Stelling, Southwell and Walker.

Other Members:

Councillors R Carr and Wright

Apologies for absence were received from Councillors Bell, Holroyd, Porter, and Young.

A1 Minutes

The Minutes of the meeting held on 12 December 2007 were agreed as correct and signed by the Chairman.

In relation to item A2 concerning the seasonal gating scheme at Stanhope Ford, Councillor Southwell informed Members that a few weeks after the Committee made the decision to gate the ford during the winter time only, a car had been stuck in the ford.

A2 Section 115 – Highways Act 1980- Application To Place Tables and Chairs on the Highway Outside Yates' Wine Lodge, 80-83 North Road, Durham City

The Committee considered a report of the Corporate Director, Environment regarding an application to place tables and chairs on the highway outside Yates' Wine Lodge at 80-83 North Road, Durham City (for copy see file of Minutes).

Councillor Southwell declared an interest in the item as a member of Durham City Council.

The Committee heard the following representations:-

Clare Eames of Poppleston Allen Solicitors advised that she was representing the Laurel Pub Company who owned Yates' Wine Lodge. She introduced Kevin Walker, the Area Manager of the Laurel Pub Company and Mark Harrington, the Manager of Yates' Wine Lodge. She advised that Inspector Proud of Durham Constabulary was present at the meeting and that he would be informing the Committee that they had found an amicable solution for approving the licence, which he had spoken to Durham City Council about.

Clare Eames advised that the Laurel Pub Company had looked at the situation carefully and they believed it would enhance Yates' Wine Lodge and the North Road area of the city. Her client would be happy with any furniture design, and for there to be a condition that all tables and chairs would be withdrawn from outside by 7 p.m. The management have in place procedures for checking outside areas for litter, damage, and nuisance, and she also pointed out that plastic glasses would be used outside. She advised that they did have booklets showing the furniture they proposed.

Mr Walker, the Regional Manager advised that they also own the Slug and Lettuce public house in the Walkergate area which works well with the outside tables and chairs. The Laurel Pub Company believed that Yates' Wine Lodge was lacking an outside space for clients to eat and drink. He pointed out that it would be subject to a table service and therefore it could only be used by their clients. He informed the Committee of their operating policy for outside areas which managers adhere to. These areas are kept clean and there is CCTV in operation. He believed it would be of great benefit to people using the North Road side of Durham, and that they would work closely with the police to ensure there was no anti-social behaviour.

Inspector Proud informed the Committee that the police are involved in reducing violent crime in the city and other areas in Durham, and so they wished to create a café culture in Durham city. He had spoken to Peter Herbert of Durham City Council and he agreed that they would not have any objections to the proposal providing the tables and chairs were put away by 7 p.m. and now that the Laurel Pub Group had agreed to use polycarbonate glassware throughout the pub.

Councillor Walker enquired what time last orders for food would be, in order to ensure that the tables and chairs were away by 7 p.m. He suggested that the County Council should receive some income for the use of the pavement which is highway.

The Acting Director of Corporate Services advised that they would have to look into see whether the pavement was owned by the authority. They would have highway rights however ownership rights were unlikely. It was pointed out that there is already quite a substantial charge for the licence.

Councillor Pye advised that he supported the application in principle, however, he questioned what would happen during the busy periods of the year and gave the example of the Fridays before Christmas when the pubs are often as busy on an afternoon as they are on an evening.

Councillor Southwell advised that they have set a precedent for furniture on pavements. He pointed out that much money had been spent in the North Road area

of the city on its conservation, and that Peter Herbert was from the Planning Department and not the conservation section of Durham City Council. He asked for clarification on where the tables and chairs would be in relation to the pub and would there be sufficient room for pedestrians to be able to use the footpath comfortably.

The Corporate Director, Environment advised of the location of the tables and chairs, and clarified that they would be placed as shown on the plan attached to the report. He reminded the Committee that they had considered very similar issues in the past which had been approved and suggested that this was in a less sensitive area to the others in terms of nearby residents. He considered that this application was no different to other applications which had been approved in the conservation area, and that he was not aware of any problems arising from them.

Councillor C Carr was concerned that this would block off the pavement for use by pedestrians, he questioned where the boundary for this lay, he asked how good the CCTV equipment was and were there any issues that they should be aware of in terms of the licensing application.

The Corporate Director, Environment advised that this was one of the wider footpath areas in the city and it was not envisaged there would be a problem for pedestrians, even if people mingled there. He pointed out that should there be conflict the County Council would be able to request that clause 9 of the 'schedule of conditions' be rigorously enforced.

Inspector Proud advised that the police did not have any objections to the proposals providing that the tables and chairs were cleared away by 7 p.m. and that there was no consumption of food or beverages outside of the establishment after that time. It was up to the management of the pub to have procedures in place for this. The Laurel Pub Company had advised that they would upgrade the CCTV to a more efficient model.

Clare Eames advised that they are not required to make any further licensing applications and there was no conflict from it.

Councillor Pendlebury suggested that by introducing the café culture in Durham city it would create a more relaxed atmosphere, which would be a nicer environment for tourists. He agreed in principle to the application providing that the conditions stipulated are adhered to.

Councillor Hunter agreed with the comments made by the police that they needed to do something about violent crime in the city. She had undertaken visits with the police to Durham city on a weekend evening and is aware of the problems and agreed that the café culture could be the way forward. She wanted to ensure that the CCTV would be working.

Mr Walker pointed out that he has much experience in running this type of pub where they have tables and chairs that have to be inside by a certain time. It was likely, however yet to be determined, that last orders for food would be 6.30 p.m. Monitoring through CCTV is part of their operating policy and they keep the footage for 30 days. There will also be physical checks of the area to ensure that there is no

damage or any litter, and that the tables and chairs remain within the designated area.

The Corporate Director, Environment pointed out that there would not be any problems in terms of monitoring, the police would be in the area particularly on a night time and if there were any problems the police could take action.

Councillor O'Donnell advised that the café culture in Europe that is also now in many English cities has been successful. Following the assurances given by the police and the Laurel Pub Company of the checks and monitoring that would be made, he advised of his support for the proposal.

Councillor Knox advised that the culture needs to change in this country and that as the Laurel Pub Company wants to move forward in creating a different environment in the North Road area the Committee should support this. Assurances had been given that the conditions attached to the granting of this proposal would be adhered to. He pointed out that in addition to the CCTV by Yates' Wine Lodge, Durham City Council had its own CCTV in operation.

Councillor E Foster suggested that this should help re-invigorate the North Road area of the city.

Councillor Davies suggested that this may create a precedent in the North Road area and should other pubs apply for something similar would the police be able to monitor all cases.

The Corporate Director, Environment advised that each application would be considered on its merits, and that Members would have to consider any further applications for North Road carefully. In the North Road area there are measures in place to keep the city in good condition and particularly on an evening there are restrictions on traffic movement.

Councillor Southwell advised that he would welcome the operator having its own CCTV, and that he supported the application now that the police are happy that the tables and chairs would be removed by 7 p.m.

Councillor Morgan suggested that the County Council should investigate the legality of levying a reasonable charge for applications of this nature that are on the highway.

The Corporate Director, Environment advised that there is a charge for the licences and that there were conditions that they were to adhere to in terms of litter etc and that if there was any damage they would be liable.

The Acting Director of Corporate Services would investigate this matter to see whether the County Council could levy a charge for trading purposes on the highway.

Councillor C Carr supported the application. He requested that if there were any further applications of this type, that information on the licensing conditions be attached to future reports.

Resolved:

The Committee endorsed the proposal to set aside the objection, and proceed with the scheme as set out in the recommendations in the report, and that Condition 9 of the 'Schedule of Conditions' be rigorously enforced.

A3 Consideration of Installation of Traffic Island, C38 North End, Sedgfield

The Committee considered a report of the Corporate Director, Environment regarding the proposal to install a traffic island in the village of Sedgfield (for copy see file of Minutes).

The Committee then heard the following representation:-

Mrs M Howell, a resident of Sedgfield was representing Sedgfield Village Residents' Forum. She advised that the residents' forum supported the proposal to introduce the traffic island which would be of benefit to the safety of residents in the village. With there being so many parked cars in the village and the high volume of cars travelling through it is difficult for pedestrians to cross the road. This is of concern particularly for those elderly residents in the village. All the village schools and most of the facilities in the village are on the east side of the road and they have to cross the busy road. She pointed out that many years ago there was a pedestrian crossing however now the residents would welcome there being an island.

Resolved:

The Committee endorsed the proposal to set aside the objections and proceed with the scheme as proposed.

A4 Public Footpath, Queen Street, Seaham Parish, Easington District – Proposed Stopping-up Order

The Committee considered a report of the Corporate Director, Environment regarding an application to stop-up a Public Footpath at Queen Street, Seaham (for copy see file of Minutes).

The Corporate Director, Environment advised that since the report had been written, a further letter of objection had been received from the Ramblers' Association. He summarised the content of the letter and commented on the points raised:-

No other objections to the proposals had been received. On asking the Town Council for comments, in response they raised no objections. He pointed out that should the Committee agree today with the proposal then the Order would be advertised in the local press and there would be a period of objection where members of the public could lodge an objection should they have one. The change on the road from

chicanes to road humps had in fact made the speed of traffic on the road slow down rather than speed up as had been suggested by the Ramblers' Association. He pointed out that the issues regarding planning approval was not an issue for the Highways Committee and had been dealt with by a senior planning officer. It was suggested that it would be detrimental to get rid of the existing path however it was felt that the existing path is potentially dangerous and it is not too inconvenient to take the alternative path which would be only slighter longer. The new path is lit and does not have a flight of steps like the old path which makes accessibility difficult for some. If the route was put through the school grounds it would mean relocating the service area and playground, and this which would lead to the safety at the school being compromised.

Mr R Fenwick, the Section Manger of the Architects Section of the Corporate Services of Durham County Council, spoke on behalf of the applicant. He explained that the overriding concern was to maximise child safety. This site was accommodating three schools into one and should be utilised effectively. Advice received was that new modern schools should have one single point of access for pedestrians which was controlled. If the footpath was not stopped-up the site would be split in two and there would be a safety issue to have members of the public walking though the grounds particularly when children are in the playground. He believed that the alternative route would be a better route and would only be an additional 100 metres to the exiting path. He had been told by some of the local residents that on a night time youths congregate by the steps on the existing route and that had put some people off from using it. There would be a 2 metre fence around the grounds which would make the school grounds more secure. If the path was not stopped-up they would not be able to make the school secure.

Councillor Mason, the Local Member, advised of his support for the proposal. He pointed out that making the new school secure is essential for the community. He appreciated there may be a slight detour however there had been problems with the existing footpath for the junior school and he asked the Committee to support the proposal as it was important for this development to move forward.

Councillor Walker supported the comments made by Councillor Mason. He was aware there had been problems with security on the existing site, however, it was important to make the new school secure and this would be done by having a two metre fence.

Resolved:

The Committee determined that an Order to stop-up the Public Footpath at Queen Street, Seaham be made, as it is not possible for the development to proceed without the stopping-up of the path, and suitable alternative routes already exist using adjacent adopted highways.