

Highways Committee

12 December 2007

**Section 115 – Highways Act 1980
Application To Place Tables And
Chairs On Highway
Outside Yates' Wine Lodge,
80-83 North Road, Durham City**



Report of John Richardson, Corporate Director, Environment

1.0 Purpose of the Report

- 1.1 To consider the application to place tables and chairs on an area of highway covering approximately 24 square metres and extending in length to a maximum of 8.33 metres in front of the premises (see attached plan).

2.0 Background

- 2.1 An approach has been received from Poppleston Allen (Solicitors) acting on behalf of The Laurel Pub Company requesting permission to place tables and chairs on an area of highway outside 80-83 North Road, Durham City for use by clientele of their premises, Yates' Wine Lodge.
- 2.2 Consultations have been undertaken under the provisions of Section 115B, 115C and 115E of Part 7 of the Highways Act 1980. On Tuesday 23 October 2007 a notice of the intention to consider consent was posted on site and also served on the owners and occupiers of premises it was considered might be affected by the proposals, allowing 28 days to make representations. In addition the Statutory Undertakers, the Police, Fire Brigade, Ambulance Service and the City of Durham District Council, together with the Local Member, were notified of the proposals and asked to indicate whether they would wish to make any representation. The usual conditions attached to the granting of such permission would apply.
- 2.3 From a highway point of view it is considered the proposal would not present a serious obstruction providing the tables and chairs are contained within the proposed consent area described in (2.1) above.

3.0 Objection

3.1 The City of Durham District Council objected on the following grounds:-

- i) The proposal “would add unnecessarily to the clutter of street furniture already present in the street”.
- ii) The proposal conflicts with the aims and “significant investment through a Heritage, Economic and Regeneration Scheme (HERS)”.
- iii) The proposal could “encourage anti-social behaviour in the area where there have been problems in the past”.

3.2 The Police also have major concerns regarding the proposal albeit, reluctantly, they would agree to the tables and chairs being placed during the day up to 17.00 hours. Their concerns can be summed up as follows:-

- iv) Should the proposal go ahead unfettered by additional conditions, it will create a recipe for conflicts at night, thus increasing the chances of public order offences occurring. Allied to this is the fact that the police are already seriously concerned with the level of public order instances in the North Road area.
- v) Whilst the police appreciate the effort of the proprietor of the premises to cater for those individuals who will use the area to smoke, their experience to date suggests that the noise levels in the area will increase. Consequently this may exacerbate the level of complaints from local residents and they do not wish to be a party to such an occurrence.

In conclusion they suggest that should we be minded to approve the proposal, the following condition be inserted:-

- No tables and chairs on the public highway after 5.00pm.
- They would also request that condition 9 of the standard ‘Schedule of Conditions’ be rigorously enforced:-

Consent may be temporarily suspended for any reasonable cause, at any time at the request of a Police Officer or any officer of the Statutory Authorities, including Durham County and the City of Durham District Councils, to enable them to carry out any of their statutory duties.

4.0 Recommendations and Reasons

4.1 Members are recommended to set aside the objections and endorse the provision of the tables and chairs up to 7.00pm, subject to a suitable agreement being reached to cover the management and clearing of the highway. That is based on it being understood that meals are served up to 7.00pm. The site will be monitored and assessed to review a change of time or withdrawal of the licence if necessary.

Background Papers

File – Unclassified, Durham – Encroachments.

Copies of the correspondence have been placed in the Members' Resource Centre.

Contact: Keith Reynolds Ext: 0191 383 4110

Appendix 1: Implications

Local Government Reorganisation

(Does the decision impact upon a future Unitary Council?)

None

Finance

None

Staffing

None

Equality and Diversity

None

Accommodation

None

Crime and disorder

None

Sustainability

None

Human Rights

None

Localities and Rurality

As detailed in report.

Young people

Potential safety improvements.

Consultation

Usual consultations were carried out.

Health

None