

## **DELEGATED DECISION**

## **REGENERATION AND LOCAL SERVICES**



**12<sup>th</sup> July 2019**

**Hotel Indigo, Old Elvet, Durham City, DH1 3HL  
S115 Tables & Chairs Licence**

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### **Report of John Reed – Head of Technical Services**

#### **Purpose of the Report**

- 1 To consider the application to place tables and chairs on an area of highway covering 19 square metres and extending in length to a maximum of 12 metres in front of the premises. (See attached plan).

#### **Background**

- 2 Hotel Indigo contacted the Council on 7<sup>th</sup> June 2019, requesting permission to place tables and chairs on the adopted footpath outside of their premises.
- 3 Consultations have been undertaken under the provisions of Section 115B, 115C and 115E of Part 7 of the Highways Act 1980. On 13<sup>th</sup> June 2019 a notice of the intention to consider consent was posted on site. On 13<sup>th</sup> June 2019, notice of intention was 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 Local Members 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.
- 4 No objections were raised, however there were two responses that requested the use of barriers and showed concern over advertising. Planning have been consulted regarding advertising on the barriers and their thoughts are that so long as they only advertise their premises, advertising consent would not be required.

#### **Current Position**

- 5 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 (1) above.

#### **Recommendations and reasons**

- 6 I recommend that the application for a Tables & Chairs licence be granted subject to the attached terms and conditions.

#### **Background papers**

Section 115 Highways Act 1980, correspondence and photographs.

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**Contact: Andrew Blanckley**

**Tel:03000 268103**

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## **Appendix 1: Implications**

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**Finance** – Initial £209 fee paid, annual renewal of £52.50 payable each April

**Staffing** - None

**Risk** – None

**Equality and Diversity/Public Sector Equality Duty** - None

**Accommodation** - None

**Crime and Disorder** - None

**Human Rights** - None

**Consultation** – Statutory Undertakers, Emergency Services, Neighbouring Businesses and the local members were consulted on 13<sup>th</sup> June 2019. A consultation notice was also posted on site on 13<sup>h</sup> June 2019 and maintained for 28 days

**Procurement** – None

**Disability issues** - None

**Legal Implications** – Highways Act 1980 Section 115 states the requirement for a licence for any tables and chairs upon the adopted highway.

**PROPOSED PLACEMENT OF TABLES AND CHAIRS ON AGREED AREA  
AS PER THE ATTACHED SCALE 1: PLAN**

**SCHEDULE OF CONDITIONS**

1. Consent is for the placement of 6 tables and 12 chairs on the agreed area for use by the clientele of Hotel Indigo, Old Elvet, Durham City, DH1 3HL.
2. **Consent does not confer the Grantee any licence for the sale to or consumption by the clientele of the premises or by any other persons of intoxicating liquor (Permission for this must be sought from the proper sources).**
3. The tables and chairs, whether in use or otherwise, shall occupy only that part of the highway agreed by the Engineer. The tables and chairs should be so positioned to cause as little restriction along the highway as possible and must not encroach beyond the limits of the consent area.
- 3a. The tables and chairs shall only be permitted, upon the highway, between the hours of 7am and 9pm, also a barrier must be used to delineate the extents of the licenced area.
4. Any litter and spillages deposited on the highway whether within the limits of the consent area or the area surrounding, in consequence of or emanating from the use of the consent area must be removed and the highway left in a clean and tidy condition. The Grantee must take such steps as are practicable to prevent any litter emanating from the use of the consent area so as not to be a nuisance to the users of the highway and occupiers of adjacent premises.
5. The tables and chairs must be of a design and manufacture commensurate with the nature of the surrounding area and be approved by the Council. Any parasols or barriers associated with the tables and chairs must not carry any advertising material other than the name of the premises.
6. The County Council is not to be held liable for any damage that may be caused to the tables and chairs or any items associated with them by any third party. This includes persons using the highway, any of the Statutory Undertakers or contractors in their employ carrying out works for the installation or maintenance of their apparatus or by any operations or activities of the County Council. In the latter event the exception would be if the damage were due to wilful default or negligence on the part of the County Council, its servants or agents.
7. **The Grantee is to indemnify and keep sufficiently indemnified the County Council against all liability for any loss of or damage to property or injury to persons and any other expenses, loss, damage, costs, actions, suits, proceedings or claims which but for the granting of this consent and the placement of the tables on the highway would not have arisen. Minimum amount of cover should be no less than £5 million.**

**Continued/...**



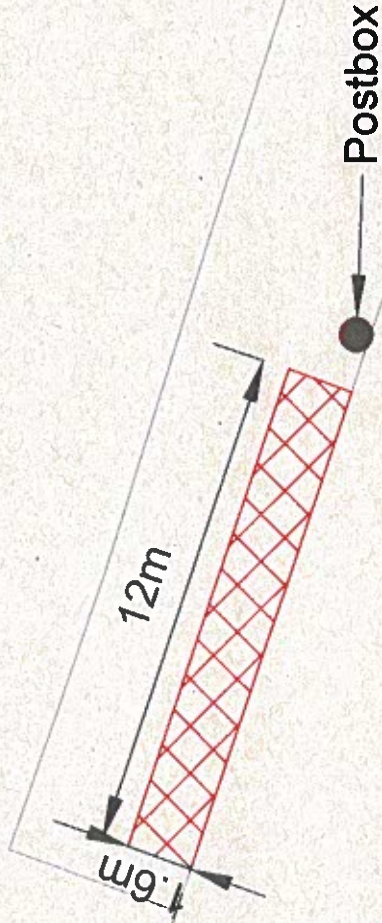
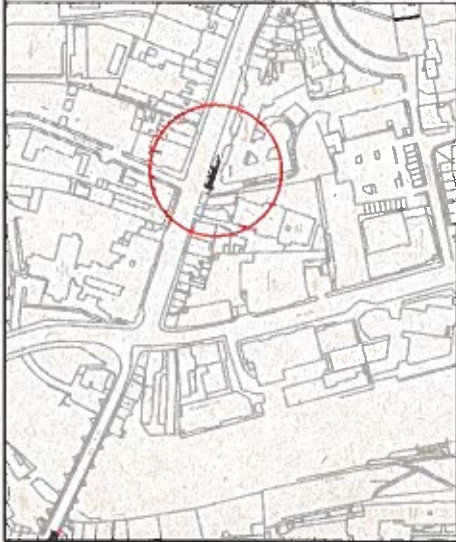
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8. The County Council may at any time revoke consent upon the breach of any of the conditions of consent or for any reason the Council may consider appropriate.
9. Consent may be temporarily suspended for any reasonable cause, at any time at the request of a Police Officer or any officer of the Statutory Authorities, including Durham County Council, to enable them to carry out any of their statutory duties.
- 9a. Consent will be suspended during special events, within the City Centre, at the direction of the County Council. Failure to comply with this direction will result in the termination, without notice, of your licence.
10. Consent shall be personal to the Grantee as the proprietor of the premises and shall not be assigned without the written consent of the County Council.
11. Consent shall not confer on the Grantee any rights as against the owners of the land on which the highway is situated to use the land.
12. **This consent is only valid upon the payment of an initial fee of £209 and the annual fee of £52.50 thereafter.**

I agree to abide by the above conditions.

Signed:
Print Name:
Date:





Hotel Indigo

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Key:



Table and Chairs allocation

Area approx: 19m<sup>2</sup>

Rev/ Amdt	Drawn By		Approved By	
	Name	Date	Name	Sign
	SWT	13/05/19		

Description  
Of Amendments



**STRATEGIC  
ASSET  
MANAGEMENT**  
CORPORATE DIRECTOR OF  
REGISTRATION & LOCAL  
SERVICES  
COURTY HALL, DURHAM DEL 004

Project  
S115 Table and Chairs Licence - Hotel Indigo, Durham

Drawing  
Layout

Scales  
NTS

Project/Drawing No.  
00083



