

DELEGATED DECISION

REGENERATION AND LOCAL SERVICES



21st November 2019

**Blue Eye Café, 25 Elvet Bridge, Durham City, DH1
3AA
S115 Tables & Chairs Licence**

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 13 square metres and extending in length to a maximum of 6.5 metres in front of the premises. (See attached plan).

Background

- 2 The Blue Eye Cafe contacted the Council on 29th April 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 17th May 2019 a notice of the intention to consider consent was posted on site. On 17th May 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 During the consultation period, the Police replied requesting to restrict the times that the tables and chairs are present on the highway to be between 10am and 8pm. This has been communicated to Blue Eye Café and they have accepted this change.

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.

Contact: Andrew Blanckley

Tel:03000 268103

Appendix 1: Implications

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

Staffing - None

Risk – None

Climate Change - 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 29th April 2019. A consultation notice was also posted on site on 29th April 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

SCHEDULE OF CONDITIONS

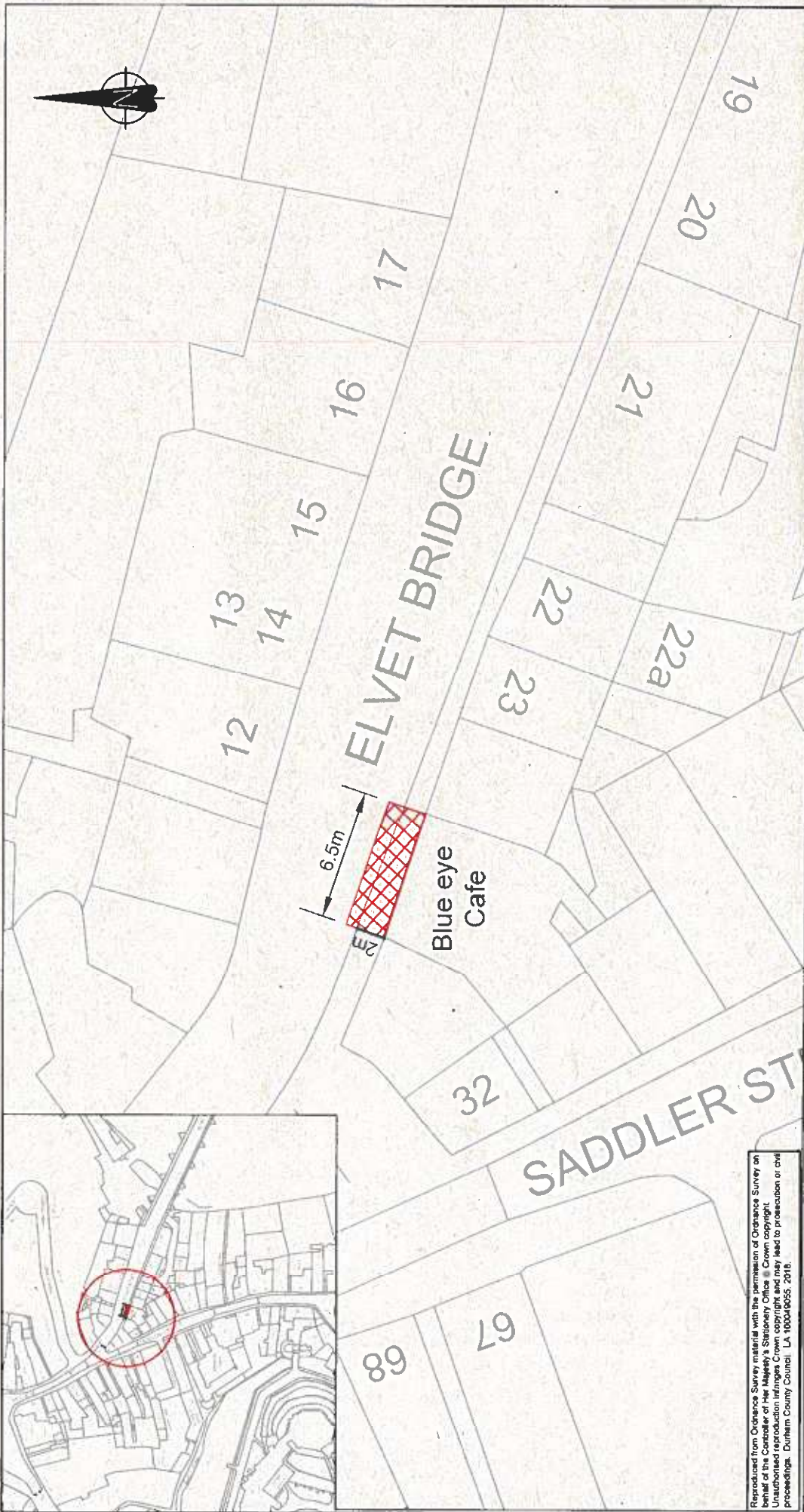
1. Consent is for the placement of tables and chairs on the agreed area for use by the clientele of Blue Eye Café, 25 Elvet Bridge Durham City.
2. **Consent does not confer the Grantee any licence for the sale to or consumption by the clientele of the premises or by any other persons of intoxicating 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 Assistant 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 10am to 8pm. **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 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/...


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. The area agreed on the attached plan must be complied with, this area CANNOT extend any further, this is so acquired highway rights are maintained.
13. **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:



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STRATEGIC ASSET MANAGEMENT
CORPORATE DIRECTOR OF RESOURCES & LOCAL SERVICES
COURT HILL, DURHAM, DEL 609

Project
S115 Table and Chairs Licence - Blue eye Cafe, Durham


Drawing
Layout

Scales
NTS

Project/Drawing No.
00079

Rev/ Amt	Drawn By	Date	Name	Approved By	Date	Sign	Description Of Amendments
	SMT	29/04/19					

Key:

 Table and Chairs allocation

Area approx: 13.5m²

