

Highways Committee

28 June 2011



Proposed Tables And Chairs Licence

**Stanley Jefferson Public House,
5 Market Place, Bishop Auckland**

Report of Ian Thompson, Corporate Director

**Councillor Neil Foster, Cabinet Portfolio Holder for Economic
Regeneration**

Purpose of the Report

- 1 To advise the Committee of the representations received with regard to an application under the provisions of Section 115E of the Highways Act 1980 to place tables and chairs on the highway outside the Stanley Jefferson Public House, Market Place, Bishop Auckland, County Durham.
- 2 Having considered the representations, the Committee is recommended to endorse the proposal to place tables and chairs outside the Stanley Jefferson Public House.

Background

- 3 The footway outside the above property is within a busy commercial town centre area and as such is classified as a category 2 inspection footway meaning that regular maintenance inspections are completed. It is best practice adopted throughout the County that category 2 footways need to have a minimum of 2.3 metres of unobstructed footway for pedestrian movements. Works to widen the footway at this location were completed under an urban renewal and renaissance initiative scheme which took place between October 2009 and February 2010.
- 4 There are currently three premises with tables and chairs licences in the vicinity, these include 1, Market Place (shown in blue on plan 1 attached), 2, Market Place (shown in green on plan 1 attached) and 41 Market Place, (shown in red on plan 1 attached).
- 5 An application was received from JD Wetherspoon plc to place tables and chairs on the footway of classified road C188 outside The Stanley Jefferson, Public House, 5 Market Place, Bishop Auckland, County Durham, DL14 7NJ. The public house is open 7 days a week from 8.00am until 12 midnight Sunday to Thursday and 8.00am until 1.00am Friday and Saturday. The application asks for the seating area to operate 7 days a week from 8am until 11.00pm.
- 6 JD Wetherspoon plc has a premises licence which was issued after variation on 18 March 2010. This licence authorised the sale of alcohol for

consumption within the premises and outside the premises (see copy licence attached).

- 7 The application received showed that planning permission for a change of use to provide a café seating area had been sought and had been granted (see planning approval documentation).
- 8 Consultations were completed as part of the tables and chairs authorisation process. There were concerns raised by the Police and Councillor Zair. The Police raised concerns regarding emergency access/egress along with concerns regarding the effect of the reduced footway width during peak taxi operating times, as a result the Police stated that they were unable to lend their support to the application and requested that the application be refused on the grounds of public order and road safety. Councillor Zair also raised concerns regarding safety due to the proximity of the proposed tables and chairs to the taxi rank at evenings, particularly over the period from Thursday to Sunday.

Recommendations and reasons

- 9 It is recommended that the Committee authorise the proposal to place tables and chairs at the Stanley Jefferson Public House, Market Place, Bishop Auckland and approve the following conditions.
 - (a) The area agreed with the Area Traffic Engineer to be licensed for tables and chairs is shown on the attached plan (Plan 2) and ensures that the minimum width of 2.3m is maintained for pedestrian movements.
 - (b) It is recommended that due to the concerns raised a time restriction is placed on the operation of the area with the tables and chairs to be removed by 21.30 hrs at the latest, each evening.
 - (c) It is recommended that due to the concerns raised a barrier to prevent “table creep” should be used to define the agreed consent area. The barrier should be of a temporary nature to facilitate its removal each evening.
 - (d) The conditions of the tables and chairs permission states that “*The tables and chairs, whether in use or otherwise, shall occupy only that part of the highway agreed by the Traffic Manager. 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*”, however, it is recommended that due to the concerns raise a condition specifying that Tables and chairs must not obstruct emergency access/egress to the property of adjacent premises.
 - (e) To minimise the effect during peak times it is recommended that the tables and chairs are not placed on Market Days.

Background papers

Location plan of area showing current authorised tables and chairs permissions.

Copy of premises licence

Copy of planning consent documentation

Plan showing the area authorised for tables and chairs outside the Stanley Jefferson Public House

Copy of concerns forwarded from Durham Police and Councillor Zair.

Contact: Roger Culpin Tel: 0191 383 3702

Appendix 1: Implications

Finance –

There are no financial implications applicable to this scheme. An application fee has been received and the licence is subject to an annual renewal fee. The public house carries public liability insurance and through agreement of the licensing conditions, indemnifies The Council against liability.

Staffing –

There are no staffing implications applicable to this scheme. Administration and inspections will be undertaken as part of the routine roles of existing staff.

Risk –

It is not considered that the placement of tables and chairs at this location, with the conditions specified, will pose a risk to members of the public, Durham County Council or emergency service personnel.

Equality and Diversity –

Clearances have been maintained in order that the application does not hinder access along the public footway for pedestrians and wheelchairs/mobility vehicles.

Accommodation –

There are no accommodation implications applicable to this scheme.

Crime and Disorder –

It is considered that the placement of tables and chairs at this location will enhance the area and with the conditions specified no negative impact should be felt.

Human Rights –

It is not considered that the placement of tables and chairs at this location, with the conditions specified, will affect human rights.

Consultation –

Consultations have been completed by the Network Management and Planning divisions of Regeneration and Economic Development and Planning. These consultations included affected residents and businesses along with emergency services and statutory undertakers. The replies received by Network Management included CE Electric who stated there were no objections to the proposal providing that their rights are not affected, Sabic who stated there was no objection as their apparatus was unaffected, the ambulance service who stated that the tables and

chairs must not hinder responding emergency vehicles and the concerns raised by the Police and Councillor Zair, previously discussed.

Procurement –

There are no procurement implications applicable to this scheme.

Disability Discrimination Act –

Clearances have been maintained in order that the application does not hinder access along the public footway for pedestrians and wheelchairs/mobility vehicles.

Legal Implications –

Durham County Council would be responsible for ensuring that the area set aside for the use of tables and chairs is compliant with the conditions of the licence. The licence documentation affirms that *“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”*.