

LICENSING REGULATORY COMMITTEE

Highways Act 1980 Street Café Licence – Diggles, Market Street, Lancaster - Request for Variation of Standard Conditions in relation to Permitted Times 4th June 2015

Report of Licensing Manager

PURPOSE OF REPORT

An application for a Street Cafe Licence licence has been received from M F Diggle. Along with his application the applicant has requested a variation of the standard licence condition which allows the street cafe to operate between the hours of 10am and 8pm, to allow him to operate from 7am.

The report is public

RECOMMENDATIONS

The Committee is requested to determine, in the light of the representations made, whether to allow the applicant's request for a variation of the standard licence condition in relation to the permitted times of operation for the street cafe licence to allow him to operate from 7am instead of the standard 10am.

1.0 Introduction

- 1.1 The Council grants permissions for Street Cafe Licences under Section 115E of the Highways Act 1980. Under Section 115F of the same Act, a District Council may attach to the grant of a licence under this section such conditions as they may think fit.
- 1.2 For the purpose of the above, the Council has established conditions attached to the grant of a Street Cafe Licence.
- 1.3 In relation to this application condition 4 states:-

The use of the Licensed Area shall cease before 20.00 hours each day and shall not commence prior to 10.00 hours.
- 1.4 The purpose of this condition is to keep the areas clear of obstruction to allow vehicular access for service vehicles and to allow street cleansing before the commencement of operation of the cafe where necessary.

- 1.5 Mr Diggle has now submitted a request to operate his Street Cafe area from 7am. He has stated on his application form that the only place he has to store his street cafe furniture is within his premise. His premise opens at 7am and he claims that without this variation he would not be able to operate a street cafe as he would not have anywhere to store his furniture. The street cafe would be located outside of his premises on Market Street, Lancaster. A copy of the application is attached at appendix 1 to this report, along with a plan of the area.
- 1.6 As part of the application process County Highways officers and Council Planning officers as well as other businesses in the area of the frontage have been consulted. Planning officers have not objected to this particular variation; however they have stated that they would not like to see it set a precedent, as some areas need to be kept clear to allow access to service vehicles and to allow street cleansing to take place. A copy of the response is attached at appendix 2 to this report.
- 1.7 At the time of writing this report no objection from County Highways or any other person has been received. However the closing date for representations is the 28th May and should any representations subsequently be received they will be added to the agenda.
- 1.8 Mr. Diggle has been invited to attend the meeting to make representations in support of his request.

2.0 Conclusion

- 2.1 Members are asked to consider whether they are satisfied to allow the applicant's request for variation of the standard condition and to allow the Street Cafe at Diggles, Market Street, Lancaster to operate from 7am instead of the standard 10am.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None.

FINANCIAL IMPLICATIONS

Financial Services have not been consulted as there are no financial implications.

LEGAL IMPLICATIONS

There is no right of appeal against imposition of a condition attached to a Street Cafe licence.

BACKGROUND PAPERS

None

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