

**Fiona Lofthouse**

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**From:** Clinton Boyce  
**Sent:** 18 July 2005 15:37  
**To:** Fiona Lofthouse  
**Subject:** FW: Amenities on the highway

-----Original Message-----

**From:** Keith Parker  
**Sent:** 18 July 2005 12:26  
**To:** Clinton Boyce  
**Subject:** Amenities on the highway

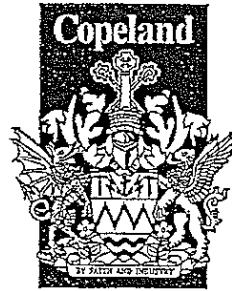
CB,

just a note re your consultation draft.

Only one comment, and that's that I think in all cases where 'refreshments' are being served a litter bin should be provided. With the caveat that we may require more than one depending on the nature of the operation.

Keith

Copeland Borough Council  
The Copeland Centre,  
Catherine Street, Whitehaven,  
Cumbria CA28 7SJ  
Switchboard: (0845) 095 2100  
Central Fax: (0845) 095 2140  
DX: 62904 WHITEHAVEN  
Website: www.copelandbc.gov.uk



10 Sandhills Court  
Queen Street  
Whitehaven  
Cumbria  
CA28 7QF

COPELAND BOROUGH COUNCIL LEGAL SERVICES UNIT
DATE RECEIVED
14 JUL 2005

Telephone: 01946 61996

Mr C Boyce  
Legal Services Manager  
Copeland Borough Council  
Catherine Street  
Whitehaven

13 July 2005

Dear Mr Boyce

### Policy Consultation on Certain Highways

It is my understanding that Executive and Council determine policy and delegation not the Panel.

Paragraph 3.1 states that the Ward and County Councillors are the district. Paragraph 7 does not state that Councillors will be consulted on the policy. Finally Councillor A Bradshaw is listed singularly on the list of consultees.

My thoughts are that this is a Copeland Policy not an individual town policy and that you have created a political minefield. Paragraph 4.5 which states 2 metres to the edge of the footway is fine in principle, but I would expect criticism about bollards, waste bins, planters and bus shelters.

Paragraph 6.1 interests me bearing in mind the use of patio heaters in Europe so why are we different. Other than the above comments I basically agree with the consultation.

Yours sincerely

Councillor Henry Wormstrup  
Portfolio Holder – Economic Infrastructure

Direct Dial:



2000-2001  
Planning for Business



This document can be made available in alternative languages and formats on request

## Clinton Boyce

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**From:** Dell, John [john.dell@cumbriacc.gov.uk]  
**Sent:** 29 July 2005 15:30  
**To:** Clinton Boyce  
**Cc:** Wallace, Chris R; Robinson, Richard John; Moultrie, James M; Butler, Andrew M; McLaughlin, Phil, (Capita); Marriott, Jonathan  
**Subject:** Consultation Document Proposed Policy relating to the Grant of Permissions for the Provision of Amenities on Certain Highways

Clinton I have been given a site of the above consultation document. As Cumbria County Council highways department does not appear to have been included in the list of consultees and as the implications of the proposal could affect the work of the department I would be obliged if you would include the following members of staff on the list

Chris Wallace Act. Head Highways Client Services Cumbria County Council Treasurers Block Carlisle CA3 8NA  
 John Robinson County Roads Engineer Client Services Cumbria County Council Treasurers Block Carlisle CA3 8NA

John Dell Act. Area Engineer (Copeland) Whitehaven Area Office Catherine Street Whitehaven Cumbria CA28 7QX

James Moultrie Development Control Engineer Whitehaven Area Office Catherine Street Whitehaven Cumbria CA28 7QX

Jonathan Marriott Area support Officer CE & E Whitehaven area Office Catherine Street Whitehaven CA28 7QX

Phil McLaughlin Highway Technican (Section Agreements) Capita Symonds Richmond House Catherine Street Whitehaven Cumbria. CA28 7QX

I will forward my comments once I have digested the report which at first glance seems excellent.

John Dell

1/9/05

Copy of Draft Policy, List of consultees +

Guidance for Applicants sent to John Dell @ Richmond Hse

PL

08/08/2005

157 25

**Fiona Loffhouse**

**From:** Clinton Boyce  
**Sent:** 08 August 2005 07:57  
**To:** Fiona Loffhouse  
**Subject:** FW: Consultation Regarding Provision of Amenities in the Highway

Fiona - pls print off and put with rest, then bring me the file. Consultation period must have ended.  
-----Original Message-----

**From:** Sykes, Sean (Capita Symonds) [mailto:sean.sykes@capita.co.uk]  
**Sent:** 04 August 2005 15:28  
**To:** Clinton Boyce  
**Subject:** Consultation Regarding Provision of Amenities in the Highway

I refer to your letter regarding proposed policy relating to the provision of Amenities within the highway.

The main issues Capita have are:

1. The Highway Authority (Cumbria County Council) and their agents (Capita Symonds & Amey Infrastructure) are required to inspect and maintain footways. Any applicant must be made aware that if inspections or repairs are required outside their premises, the Highway Authority and their agents can ask for the tables & chairs, 'A' boards etc to be removed for the period that the inspection/repair is required. A similar thing will need to be put in place for CBC when they wish to sweep or pressure wash the footway. As well as any work a utility company may wish to do.
2. CCC has no liability for any third party claims caused by the table, chairs, 'A' boards etc in the footway.

Sean Sykes

Project Manager

Capita Symonds

Whitehaven Local Practice

Richmond House, Catherine Street, Whitehaven, Cumbria CA28 7QY

Tel: 01946 852521

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e mail: [sean.sykes@capita.co.uk](mailto:sean.sykes@capita.co.uk)

Web: [www.capitasymonds.co.uk](http://www.capitasymonds.co.uk)

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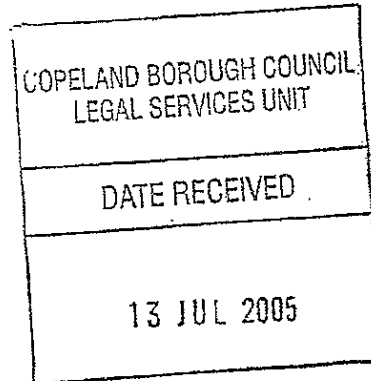
# Whitehaven Development Company

27 Lowther Street  
Whitehaven  
Cumbria CA28 7DN  
Tel: (01946) 690515  
Fax: (01946) 690595

Our Ref: TJP/AS

12th July 2005

Mr. Clinton Boyce  
Legal Services Manager  
Copeland Borough Council  
Copeland Centre  
Catherine Street  
Whitehaven  
Cumbria  
CA28 7SJ



Dear Clinton

**RE: PROPOSED POLICY RELATING TO THE GRANTING OF PERMISSION OF AMENITIES ON THE HIGHWAY**


I am pleased to see that Copeland has adopted a formal policy for the licensing of amenities on the highway, particularly in relation to the café culture, which is growing throughout the UK and is a fundamental part of Whitehaven's tourism economy.

In general terms, I am quite content with the policy that has been prepared, however, ~~I am a little concerned about the proposal for "end barriers" to denote the area in which tables and chairs will be contained. I think these will be designed in a whole variety of materials, shapes, sizes and consequently give the place a cluttered, uncoordinated and potentially shabby appearance.~~ I think the Council is being somewhat over cautious with regard to visually impaired, with regard to the choice of furniture reflecting the quality within the premises may not be helpful in relation to providing a style for Whitehaven's street furniture.

I trust the above is of some help.

Kind regards

Yours sincerely

  
T.J. PONTING  
Chief Executive

**Egremont Town Council**

MARKET HALL OFFICES  
MARKET STREET  
EGREMONT  
CUMBRIA CA22 2DF  
TEL: 01946 820254

Mr C Boyce  
Copeland Borough Council  
The Copeland Centre  
Catherine Street  
Whitehaven  
Cumbria CA28 7SJ

COPELAND BOROUGH COUNCIL LEGAL SERVICES UNIT
DATE RECEIVED
29 JUL 2005

21-Jul-05

Dear Mr Boyce

Re: Proposed Policy relating to the Grant of Permissions for the Provision of Amenities on Certain Highways

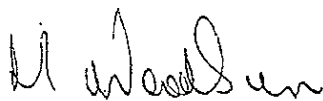
Your letter re: above was read out and fully discussed at the Town Council's recent meeting and herewith the comments of the Councillors:

- 3.1 Parish/Town Councils should be notified of applications and allowed to comment the same as we currently do for planning applications. We also think neighbouring properties should be specifically informed of the applications.
- 4.5 If the area application applied for, is covered by an existing by-law i.e. no alcohol allowed, as is the case for numerous areas including Egremont, then this application should be automatically refused.
- 4.5b An application should be refused if a width of 2m or less would remain between the structure and a bus shelter. This would take into consideration bus shelters that already exist near properties likely to submit applications.
- 5.2 Again, Parish/Town Councils should be consulted specifically with regard to "A" board applications.

Could temporary licences also be considered which would take into consideration special events e.g maritime festival?.

Egremont Town Council ask that you give serious consideration to the above points and look forward to the final decision agreed.

Yours faithfully

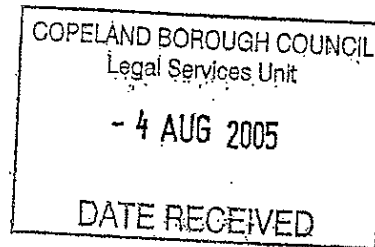


Mrs M Woodburn - Town Clerk

**CLEATOR MOOR TOWN COUNCIL**  
THE SQUARE \* CLEATOR MOOR \* CUMBRIA CA25 5AP

Telephone 01946 810242  
E-Mail [cleatormoortowncouncil@btconnect.com](mailto:cleatormoortowncouncil@btconnect.com)

Mr C Boyce  
Legal Services Manager  
Copeland Borough Council  
The Copeland Centre  
Catherine Street  
WHITEHAVEN  
Cumbria  
CA28 7SJ



3<sup>rd</sup> August 2005

Dear Mr Boyce

**CBC'S Policy relating to the grant of permission for the provision of amenities on certain highways.**

Following their review of the above policy, Town Council members concluded that while they had no objections, they did not wish to make trading any more difficult for those trying to conduct their business, but appreciated the need for safety with regard to the general public.

Members requested that upon receipt of requests for this permission, Copeland should send information to the town council concerned, for their comments prior to permission being granted.

Yours sincerely

Helen Gilmour  
Clerk to the Council

# CUMBRIA CONSTABULARY

Facsimile: 01946 517937  
Telephone: 01946 517895

Divisional Commander  
Chief Superintendent R. Smith

Please ask for: Traffic Management Officer

Whitehaven Police Station  
Scotch Street  
WHITEHAVEN  
Cumbria CA28 7NN

Our Reference: 321/05  
Your Reference: CAB/FL/CPV.63



04 August 2005

Mr C A Boyce  
Legal Services Manager  
Copeland Borough Council  
The Copeland Centre  
Catherine Street  
WHITEHAVEN  
CA28 7SJ

Dear Mr Boyce

## PROPOSED POLICY – GRANTING OF PERMISSION FOR AMENITIES ON HIGHWAYS

Thank you for your recent letter outlining the Copeland Borough Council proposals for the introduction of permissions, towards the provision of amenities.

Introduction of 'permission' in respect of amenity facilities would, be a most valuable consideration and feature, in respect of (general) community safety and crime prevention. We would be fully supportive in agreeing with the outline proposals. However, we would ask the following considerations:

- 1) Would there be a specified 'time limitation/period' upon the physical placement of necessary utensils/furniture i.e. 0900 – 2100 hours.
- 2) Possible conflict considering with recently introduced: Alcohol Consumption in Designated Places Regulations 2001.\*\* Would there be limitations upon alcohol served with meals at licensed restaurants, considering the respective peripheral areas were classed as 'premises'. (4.4 - 5.1)
- 3) Patrons partaking of 'catering' services – should be limited – dependant upon actual and available seating capacity.
- 4) Restrictions on actual numbers in place for seated (food) service only – not a general communal standing/association area or facility.
- 5) Where 'Barrier' fitments are constructed/considered – the lower 'Tapping Rail' should be of a higher visibility or have reflective material attachments.
- 6) Barrier construction should be of such design, with a view to preventing it being utilised as a seating or focal point facility. (6.1 (h))
- 7) Barriers should not be of such design in height/length as to completely obscure outward or inward visibility for patrons or on safety grounds. Staff should have full supervision – especially - where alcohol is served, being aware of prevention of underage drinking.
- 8) Drinking utensils for the service of alcoholic beverages, should perhaps, as an additional consideration – for outside usage – be of a plastic or unbreakable material. Prohibition on bottles being allowed outside. (6.1 (s))



9) Preventive measures should include: Immediate removal of any furniture/utensil(s) by the owner (or servant) upon reasonable demand by any: Authorised Local Council Representative and/or Fire Officer/Police Officer.

10) Licence should also be produced on demand to a Fire Service Officer. (6.1(p))

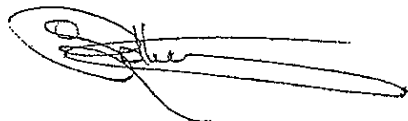
\*\* In respect of the current regulations, it is felt one of the difficulties, as at this time, may continue to be experienced in applying effective enforcement. In the main, due to the present 'boundary line' enclosure, premises and areas out-with this boundary, are likely to be seen as having somewhat of an advantage should licence facilities be granted.

You may wish to consider, perhaps as an opportune time, to expand the legislative boundaries; with a view to encompassing a greater area of the town. One possibility for your views on any new boundaries would perhaps be from Coach Road to the harbour.. A new boundary line, from Preston Street on the westerly side and a new boundary line from Midgey Gill/Loop Road on the easterly side.

Police officers would be more than pleased to co-operate and assist with any further communication relating to this aspect in particular.

We hope these observations may be of assistance in compilation of the Copeland Borough Council Policy.

Yours sincerely



S Rothery  
(Traffic Management Officer)