

# Regulatory Committee

10.00am, Monday 30 September 2024

## Motion by Councillor Bandel – Tables and Chairs Permit – minimum clear zones - referral from the Transport and Environment Committee

Executive/routine	Routine
Wards	
Council Commitments	

### 1. For Decision/Action

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- 1.1 The Transport and Environment Committee has referred a motion regarding the implementation of tables and chairs permits to the Regulatory Committee for information and asking it to give consideration to the terms of the Motion during its determination of respective applications.

**Dr Deborah Smart**

Executive Director of Corporate Services

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# Referral Report

## Motion by Councillor Bandel – Tables and Chairs Permit – minimum clear zones

### 2. Terms of Referral

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On 20 June 2024 the Transport and Environment Committee considered a motion The following motion by Councillor Bandel was submitted in terms of Standing Order 17:

- 1) To note that the Council affords businesses that sell food and/or drink the opportunity to place tables and chairs outside in a public area by means of Section 59 of the Roads (Scotland) Act 1984 (permitted obstruction of a public road).
  - 2) To note that Edinburgh Street Design Guidance factsheet P3 Footways (version 1.1, last updated 2018) sets out minimum clear zones where tables and chairs permits are requested, that these set out a preferred clear zone in areas of high footfall of 3m, a preferred minimum of 2m and an absolute minimum of 1.5m.
  - 3) To note that some recent applications for a tables and chairs permit have been approved with only 1.4 metres of the pavement clear.
  - 4) To requests officers to bring forward within two cycles a report on the implementation of tables and chairs permits, including, but not limited to, the following:
    - 4.1) A list of Tables and Chairs Permits granted in the last 12 months, and in each case setting out the minimum clear zone approved, and where this falls below the preferred or absolute minimums, the reason for this;
    - 4.2) A map, or list of roads as appropriate, which are considered to have 'high pedestrian flows' for the purposes of factsheet P3, and which should therefore benefit from minimum clear zones of 3m;
    - 4.3) Any recommended adjustments to factsheet P3 or to relevant procedure documents, to ensure that both policy and procedure are respecting the transport hierarchy, are providing adequate space for disabled people, those with limited mobility and those with buggies, and which are consistent.
- moved by Councillor Bandel, seconded by Councillor O'Neill

## **Amendment 1**

- 1) To note that the Council affords businesses that sell food and/or drink the opportunity to place tables and chairs outside in a public area by means of Section 59 of the Roads (Scotland) Act 1984 (permitted obstruction of a public road).
  - 2) To note that Edinburgh Street Design Guidance factsheet P3 Footways (version 1.1, last updated 2018) sets out minimum clear zones where tables and chairs permits are requested, that these set out a preferred clear zone in areas of high footfall of 3m, a preferred minimum of 2m and an absolute minimum of 1.5m.
  - 3) To note that some recent applications for a tables and chairs permit have been approved with only 1.4 metres of the pavement clear.
  - 4) To request officers to bring forward within two cycles a report on the implementation of tables and chairs permits, including, but not limited to, the following:
    - 4.1) A list of Tables and Chairs Permits granted in the last 12 months, and in each case setting out the minimum clear zone approved, and where this falls below the preferred or absolute minimums, the reason for this;
    - 4.2) A map, or list of roads as appropriate, which are considered to have 'high pedestrian flows' for the purposes of factsheet P3, and which should therefore benefit from minimum clear zones of 3m;
    - 4.3) Any recommended adjustments to factsheet P3 or to relevant procedure documents, to ensure that both policy and procedure are respecting the transport hierarchy, are providing adequate space for disabled people, those with limited mobility and those with buggies, and which are consistent.
    - 4.4) Notes that the URL for 'the City of Edinburgh Council's Tables and Chairs Applying for a Permit: Consent Guidelines and Terms and Conditions, April 2016' contained in the Edinburgh Street Design Guidance factsheet P3 Footways is a dead link and requests that this is rectified.
  - 5) To note that tables and chairs licence holders pay a license application fee which covers the costs of the process and that these are regulated; and notes further that this is in contrast to some retailers, particularly in the city centre, who obstruct pavements with product display stands and other street clutter, without paying for or applying for a licence to do so and which therefore has an unregulated nature.
  - 6) To request therefore that the report also covers measures which can be pursued to reduce this nuisance.
- moved by Councillor Aston, seconded by Councillor Dobbin

## **Amendment 2**

- 1) To note that the Council affords businesses that sell food and/or drink the opportunity to place tables and chairs outside in a public area by means of Section 59 of the Roads (Scotland) Act 1984 (permitted obstruction of a public road).
- 2) To note that Edinburgh Street Design Guidance factsheet P3 Footways (version 1.1, last updated 2018) sets out minimum clear zones where tables and chairs

permits are requested, that these set out a preferred clear zone in areas of high footfall of 3m, a preferred minimum of 2m and an absolute minimum of 1.5m.

- 3) To note that some recent applications for a tables and chairs permit have been approved with only 1.4 metres of the pavement clear.
  - 4) To request officers to bring forward within two cycles a report on the implementation of tables and chairs permits, including, but not limited to, the following:
    - 4.1) A list of Tables and Chairs Permits granted in the last 12 months, and in each case setting out the minimum clear zone approved, and where this falls below the preferred or absolute minimums, the reason for this;
    - 4.2) A map, or list of roads as appropriate, which are considered to have 'high pedestrian flows' for the purposes of factsheet P3, and which should therefore benefit from minimum clear zones of 3m;
    - 4.3) Any recommended adjustments to factsheet P3 or to relevant procedure documents, to ensure that both policy and procedure are respecting the transport hierarchy, are providing adequate space for disabled people, those with limited mobility and those with buggies, and which are consistent.
  - 5) To agree to refer this motion to the Regulatory Committee for information given its role in determining applications where there is a recommendation for refusal by the Director of Place requesting that gives due consideration to the terms of this motion.
  - 6) To agree to refer this to the Planning Committee given that the Edinburgh Street Design Guidance requires to be incorporated into the Edinburgh Design Guidance which is determined by the Planning Committee noting the request that factsheet P3 is reviewed.
- moved by Councillor Whyte, seconded by Councillor Munro

In accordance with Standing Order 22.13, Amendment 1 and Amendment 2, were adjusted and accepted as addenda to the motion.

## **Decision**

To approve the following adjusted motion by Councillor Bandel:

- 1) To note that the Council afforded businesses that sold food and/or drink the opportunity to place tables and chairs outside in a public area by means of Section 59 of the Roads (Scotland) Act 1984 (permitted obstruction of a public road).
- 2) To note that Edinburgh Street Design Guidance factsheet P3 Footways (version 1.1, last updated 2018) set out minimum clear zones where tables and chairs permits were requested, that these set out a preferred clear zone in areas of high footfall of 3m, a preferred minimum of 2m and an absolute minimum of 1.5m.
- 3) To note that some recent applications for a tables and chairs permit had been approved with only 1.4 metres of the pavement clear.
- 4) To request officers to bring forward within two cycles a report on the implementation of tables and chairs permits, including, but not limited to, the following:

- 4.1) A list of Tables and Chairs Permits granted in the last 12 months, and in each case setting out the minimum clear zone approved, and where this fell below the preferred or absolute minimums, the reason for this.
  - 4.2) A map, or list of roads as appropriate, which were considered to have 'high pedestrian flows' for the purposes of factsheet P3, and which should therefore benefit from minimum clear zones of 3m.
  - 4.3) Any recommended adjustments to factsheet P3 or to relevant procedure documents, to ensure that both policy and procedure were respecting the transport hierarchy, were providing adequate space for disabled people, those with limited mobility and those with buggies, and which were consistent.
  - 4.4) Notes that the URL for 'the City of Edinburgh Council's Tables and Chairs Applying for a Permit: Consent Guidelines and Terms and Conditions, April 2016' contained in the Edinburgh Street Design Guidance factsheet P3 Footways was a dead link and to request that this be rectified.
- 5) To note that tables and chairs licence holders paid a license application fee which covered the costs of the process and that these were regulated; and to note further that this was in contrast to some retailers, particularly in the city centre, who obstructed pavements with product display stands and other street clutter, without paying for or applying for a licence to do so and which therefore had an unregulated nature.
  - 6) To request therefore that the report also covers measures which could be pursued to reduce this nuisance.
  - 7) To agree to refer the motion to the Regulatory Committee for information given its role in determining applications where there is a recommendation for refusal by the Director of Place requesting that gives due consideration to the terms of this motion.

### **3. Background Reading/ External References**

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- 3.1 [Minute of the Transport and Environment Committee of 20 June 2024](#)
- 3.2 [Transport and Environment Committee – 20 June 2024 webcast](#)