

NORWICH CITY COUNCIL

Report for Resolution

Report To Regulatory Sub-Committee
20 December 2010

4

Report of Head of Citywide Services

Subject Highways Act 1980: Application for licence to
place tables and chairs on the highway –
Revolution 6 Queen Street Norwich NR2 4TL

Purpose

To ask members to consider an application to place tables and chairs on the highway.

Recommendation

That members determine the application to place tables and chairs on the highway submitted in respect of Revolution 6 Queen Street Norwich NR2 4TL.

Financial Consequences

The financial consequences of this report are nil.

Corporate Objective/Service Plan Priority

The provision of outdoor refreshment facilities can enhance the character and vitality of an area and contribute to Norwich as a vibrant city of culture.

Contact Officers

Ian Streeter

Phone No
212439

Background Documents

Background

1. Section 115E of the Highways Act 1980 (The Act) provides for a council to grant a person permission to use objects or structures on certain categories of highway for a purpose which will result in the production of income.
2. The Act also provides for a council to attach such conditions as they think fit to a permission granted under Section 115E. The council has adopted standard conditions in respect of permissions to use objects or structures on the highway and these are attached at Appendix A of the report.
3. The Act gives councils a wide discretion to determine such applications and to impose conditions. Each case must be considered on its own merits with due weight being given to relevant considerations only. Existing policies or guidelines should not be applied so rigidly that an exercise of discretion in each individual case is precluded. Accordingly, the adopted standard conditions could be added to or amended depending on the circumstances of each individual application.

The Application

4. An application to place six tables and eighteen chairs on the highway has been received from Inventive Leisure in respect of Revolution 6 Queen Street Norwich. A location plan and accompanying photographs are attached at Appendix B to the report.
5. The requested days and times of use are Monday to Sunday between 0700 and 0200 hours.

Consultation

6. In accordance with The Act, occupiers of nearby premises have been consulted and appropriate notices have been placed on the street and in Chatterbox. The City Centre Residents Forum and the Norwich Access Group have also been notified of the application.
7. Details of the application have also been forwarded to the Norfolk Constabulary, Norfolk Fire Service and the City Council's Planning, Transportation and Landscape, Health and Safety and Pollution Control sections for comment.

Comments / Objections / Support

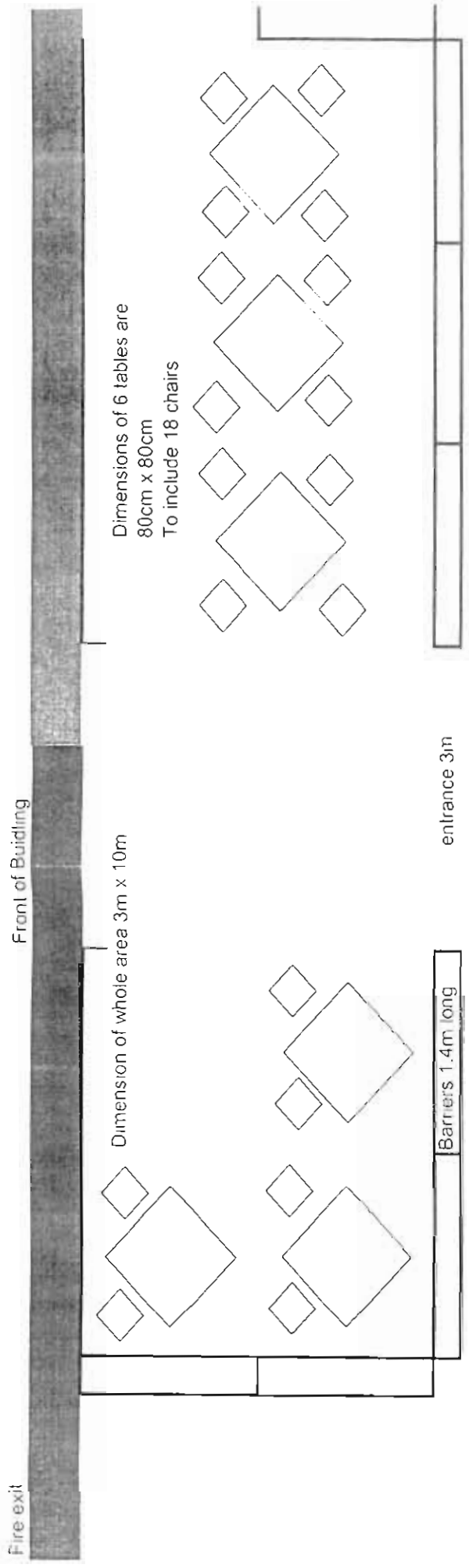
8. Comments have been received from the responsible authorities and letters objecting to the application have been received from local residents. These are attached at Appendix C to the report.

Tables and Chairs Licence – Standard Conditions

- 1 The Council's reasonable expenses in connection with the granting of this permission shall have been paid and the annual fee starting with the date of this permission shall have been paid before the permission is first exercised.
- 2 The Licensee shall indemnify the Council against any claim whatsoever, in respect of injury, damage or loss arising out of the grant of this permission other than injury, damage or loss which is attributable to the negligence of the Council.
- 3 The objects or structures shall be placed only on the licensed area and on no other part of the public highway.
- 4 The objects or structures shall be used only for the purposes stated above and only in connection with the premises.
- 5 The objects or structures shall be removed from the public highway forthwith upon the direction of a Police Constable in uniform or a Traffic Warden.
- 6 The objects or structures shall be removed from the public highway forthwith to enable the passage of any emergency service vehicles or any vehicle engaged on the repair or maintenance of the public highway or apparatus within the public highway or any other vehicle authorised by the Council to proceed on the public highway.
- 7 Permission for the tables and chairs is granted from **(time of day/month of year)** to **(time of day/month of year)** (subject to earlier termination under clause 13).
- 8 No amplified music or live music shall take place on the licensed area.
- 9 The tables and chairs, the subject of this Licence, shall be removed from the licensed area each day outside of the licence period.
- 10 The Licensee shall ensure that the licensed area is mainly enclosed by a barrier that is in keeping with the visual appearance of the area, not less than 800mm high and with no more than 150mm between the base rail and the ground, or other design as previously agreed in writing by the Council. Neither the barrier nor other furniture should carry strident advertising that goes beyond the purpose of discreetly identifying that the pavement cafe is associated with a particular business.
- 11 The Licensee undertakes to ensure that the licensed area is closely monitored and kept clean and tidy at all times.
- 12 No alteration to the highway surface shall be permitted to be carried out by the Licensee in implementing this Licence

- 13 The Council may, by service of a notice in writing on the Licensee or owner of the premises, withdraw the Licence forthwith:-
- (a) in an emergency or in the event that the Council considers the exercise of the Licence causes a substantial and unreasonable obstruction of the right of the public to pass or re-pass on the public highway,
 - (b) if any condition of this permission is broken,
 - (c) if the Council considers it to be necessary in connection with the exercise of any of its functions or the functions of any statutory undertaker or public utility,
 - (d) for any other reasonable cause.
- 14 The Licensee shall inform the Council's Head of Legal and Democratic Services in writing of any change in the owner or occupier of the premises within one month of that change.
- 15 This permission is for tables and chairs and barriers only. No other items, for example space heaters, are permitted by this licence.

APPENDIX B



RECEIVED
18 OCT 2010
LICENSING OFFICE



Love Vodka Love Food

REVOLUTION

REVOLUTION

REVOLUTION

REVOLUTION

REVOLUTION

REVOLUTION

PRIVILEGE MENU OFFERS

- 1. ...
- 2. ...
- 3. ...
- 4. ...
- 5. ...
- 6. ...
- 7. ...
- 8. ...
- 9. ...
- 10. ...





APPENDIX
C

Fuller, Maxine

From: Page, Colin
Sent: 20 October 2010 11:23
To: Licensing
Subject: Tables and Chairs at Revolution

Dear Mr. Streeter,

I refer to your letter dated 18th October 2010, regarding the application by Revolution of 6, Queen Street, Norwich, to have tables and chairs outside their premises, and have to inform you that the police have no objections.

Regards

Colin Page

Colin Page.



It takes 24 trees to produce 1 ton of office paper!
Think . is it really necessary to print this email?

This e-mail carries a disclaimer

Go here to view [Norfolk Constabulary Disclaimer](#)

Fuller, Maxine

From: Yates, Kieran
Sent: 22 October 2010 14:11
To: Fuller, Maxine
Subject: Revolution: tables and chairs

Hi Maxine

Queen Street is a pedestrian zone at any time with a loading restriction between the following times: 7pm-3am and 11am-4pm on any day

This can mean that before 11am the road can get busy with loading and loading vehicles mingling with pedestrians and cyclists; tables and chairs in this location effectively occupy what was the pavement, narrowing the highway which is now a shared surface.

My preference would be to allow tables and chairs from 11am till 3am so as to avoid the morning peak period on Queen Street.

However as we have had no complaints to date, this requirement is not essential. However if an earlier time was permitted I would prefer if there was a break clause to enable us to vary the hours tables and chairs during the consent period.

regards

Kieran

Kieran Yates BA (Hons), Dip TP
Transport Planner
kieran.yates@norwich.gov.uk
01603 212471

Norwich City Council
Transportation
City Hall, Norwich, NR2 1NH

Fuller, Maxine

From: Platt, Sarah
Sent: 01 November 2010 10:48
To: Fuller, Maxine
Subject: Tables and Chairs Licence: Revolution, 6 Queen Street, Norwich (10/01883/I)

Dear Maxine,

Further to your consultation on the above table and chairs licence I can confirm that Planning have no objections. This is a wide pedestrianised street and has a heavy footfall during the daytime and evening economy hours. The tables and chairs are to be contained within the area of highway immediately outside the premises and demarcated in an alternative paving finish. It is considered that there would be ample room for access by emergency services vehicles both to premises on this street and as a route through although formal consultation of Transportation should be made. There is a history of tables and chairs being used in this area and it is felt that this is an excellent location for such a use, adding to the vibrancy and character of the street scene.

I would however ask that you advise the applicant that they require Advertisement Consent for their new fascia sign and awning. Application forms can be found on our website at the following link: http://www.norwich.gov.uk/webapps/atoz/service_page.asp?id=1178. Information on our validation requirements can be found here: http://www.norwich.gov.uk/intranet_docs/A-Z/Planning%20service/Validation_checklist.pdf

Should you have any further questions please feel free to contact me again.

Kind regards
Sarah

Sarah Platt, MA, BA (hons)
Planning Officer (Inner Area Team)
Planning Services, Regeneration and Development
Norwich City Council
City Hall, Norwich
Norfolk. NR2 1NH
Tel: 01603 212500
Fax: 01603 213015
E-mail: sarahplatt@norwich.gov.uk

0344 980 33 33

Think... do you really need to print this email?

CORPORATE RESOURCES

- 5 NOV 2010

POST ROOM

Re-
Revolution-
6 Queen St.,
Norwich

The Bear Shop



Dear Sir:

I object strongly to the suggestion that the above public house should have tables outside their premises until 2.00am Mon-Sunday.

As you may know we get a great deal of noise from Queen St. & London St. bars which has been recorded - I assume. This is a large residential area and not Prince & Wales Rd.

Yours sincerely
Robert J Stone.

18 Elm Hill, Norwich, Norfolk NR3 1HN

RE: REVOLUTION

MR TOOKE (WHO IS REGISTERED BLIND)
TEL: 01603 466310, PHONED TO OBJECT
TO THE TABLE + CHAIRS APPLICATION. THE
GROUNDS ARE:-

- ① QUEEN STREET IS TOO NARROW.
- ② THEY ARE NEVER CLEARED UP AND RUBBISH
IS LEFT AROUND THE TABLES.
- ③ GUIDE DOGS GO FOR THE FOOD LEFT ON
THE FLOOR.
- ④ TABLES + CHAIRS MAKE IT EXTREMELY
DIFFICULT TO GET AROUND WITH A GUIDE
DOG, AS THESE DOGS NEED TO GO IN
A STRAIGHT LINE.
- ⑤ THESE TYPE OF APPLICATIONS ARE DANGEROUS
FOR BLIND PEOPLE AND VERY UNFAIR.
- ⑥ THE CITY IS BECOMING A COMPLETE NONSENSE.

MAXIM
(DETAILS TAKEN OVER THE PHONE)

Fuller, Maxine

From: Doris
Sent: 03 November 2010 14:45
To: Licensing
Cc: Licensing
Subject: Revolution r Queen Street, Norwich

These premises are situated half way down Queen Street which has a wide pavement. I have called at this premises before to check it was accessible for wheelchairs, the answer was yes, they showed me where the tales and chairs would be stored which was in the side entrance which had still space for wheelchairs I said it was O.K. before and I have had no reason ho change this.

Doris Pashley
Norwich Access

CENTRAL NORWICH CITIZENS' FORUM

9th November 2010

Mr Ian Streeter
Licensing Manager
Public Protection (Licensing)
Citywide Services
Norwich City Council
via e-mail

Dear Mr Streeter

**Re: APPLICATION FOR TABLES AND CHAIRS LICENCE
REVOLUTION, 6 QUEEN STREET, NORWICH**

I acknowledge receipt of your letter of 18th October and am grateful for the opportunity to comment on the above application.

We have no objection to the continuance of the practice of having tables and chairs outside Revolution as occurred when the premises were trading as Orgasmic Café/Bar. However, the residents of St Michael at Plea have pointed out to us that they have had, on several recent occasions, to complain to my Forum and the City Centre SNAP of unruly and anti-social behaviour among the very many people who pass along Queen Street, particularly at night and, although they do not blame the customers of Revolution for that, they do point out that, if people were sitting at tables and chairs outside Revolution, they would tend to exacerbate the noise nuisance and anti-social behaviour about which they have drawn our attention.

With this in mind, we are prepared to accept that the tables and chairs would continue to enhance the streetscape during the day and early evening but believe it would be preferable for there to be a requirement that they be removed by midnight so as to reduce the risk of anti-social behaviour and noise nuisance thereafter. We strongly recommend this to you.

Yours sincerely

Julian F Foster

CHAIRMAN

Central Norwich Citizens' Forum is a company limited by guarantee and registered in England No 4855745 and a charity registered with the Charity Commissioners for England and Wales No 1106226.

R.

Iris Poulton



Your reference 10/01934/TABCHA

Dear Mr Streater

I would like to express my disapproval to having tables & chairs outside Revolution. Apart from taking up the walking space it encourages people to hang around. Only on this Friday, I was intimidated by 4 young men standing by them as I wanted to go to the bank from my premises. As I'd collected cash I felt very vulnerable.

Also there is the noise of many people laughing & drinking. We used to pay extra rates for the privilege of living in a quiet historic area of the city - Now I feel we should be paid for having

to put up with all the
changes!!! (I have lived
here for almost 25 years)

Yours faithfully

J

Fuller, Maxine

From: Jan James-Watfa
Sent: 13 November 2010 12:18
To: Licensing
Subject: Application 10/01934/TABCHA

Licensing
Norwich City Council
City Hall

Dear Sirs

Tables & Chairs Application for Revolution - 6 Queen Street 10/01934/TABCHA

I would appreciate consideration be given to nearby residents of St. Michael at Pleas who already suffer the consequences of the night-time economy on Queen Street. Some of our homes are approximately 25 metres from Queen Street and the noise of patrons in the street now is bad enough without encouraging them to linger in comfort on tables and chairs on the street until 2am.

Our homes, and many of our residents, were here long before the licenses were granted for the office buildings on Queen Street but our peace and safety is gradually being eroded by the continuous extension of conditions applied for by these business purely for their financial gain but our personal loss, in more ways than one.

Yours faithfully

Jan Watfa and Family
16, 18 & 20 St Michael at Pleas
Norwich



3 Princes Street,
Norwich,
Norfolk,
NR3 1AZ

14 November 2010

Mr. Adrian Akester,
Head of Citywide Services,
City Hall,
Norwich, NR2 1NH.



Dear Mr. Akester

RE: Highways Act, 1980, Part VIIA, Provision of Amenities on Highways. Vodka Revolution, Queen Street.

I was alarmed to see the notice of the application by 'Revolution' for permission to have tables and chairs on Queen Street for the purpose of selling alcohol until 2am. Although during the day, the current tables and chairs area emphasizes a food menu - "Love Vodka - Love Food", the core night time trade is alcohol and customers will be drinking out on Queen Street until 2am.

This represents an increase in their sales area and a magnet for even more people to hang around on Queen Street into the early hours of the morning. The type of misbehaviour, noise and disturbance which people imagine is limited to Prince of Wales Road is now also a feature of Queen Street. General Sir Richard Dannat described Prince of Wales Road as "somewhere between a battlefield and mayhem". This is a description which many of us long term residents of this area would recognise as a description which can, unfortunately, increasingly be applied to the streets in our neighbourhood.

The noise, disturbance and anti-social behaviour in our adjacent residential streets has increased substantially over the last three or four years since late licensing encouraged groups of drinkers to roam around the city in the small hours of the night.

People gather, often in large numbers, and hang around outside obviously lively venues, and ones with people drinking outside are even more of a draw to the street - an advertisement for the alcohol-based business, but consequent nuisance and disturbance to our settled residential streets around it. Also to the serious detriment of the churchyard close by. Our home has windows at the back which are vulnerable to the noise at the top of Queen Street. My daughter has had to move out of her bedroom because of increased noise. Our family have had to register complaints with Environmental Health about noise twice this year (after having written on a previous occasion

earlier in the year to the owner of those particular premises), but we and neighbours still regularly suffer from the noise and nuisance generated well after 2 and 3am throughout the week.

I relate this as evidence of how Queen Street has substantially changed in character particularly late at night and particularly in the last year. We residents need the protection that the City's policy AEC1 should afford us as significant partners in this conservation area. These premises are outside the delineated 'late night economy area'.

The cost to residents of the commercial expansion of the late night drinks business is also an additional cost for policing and the other emergency services and of course street cleaning.

I do not think it would be safe to encourage alcohol consumption out on Queen Street. These premises are already very large and have wide open double doors (without the usual acoustic lobby) which encourages people in and washes noise and customers out onto the street. Door supervisors do not take responsibility for managing crowds beyond the roped off area. Granting this application for an outside area for drinking, particularly throughout the evening, would allow this business to expand into the street which would further encourage the noisy disturbances we are already suffering from.

The aim should be to insist that businesses keep their noise and customers inside their premises and off the streets. Their commercial advantage is to our disadvantage. I ask that the Committee refuse this application.

Yours sincerely,

Carol Hardman



Friends of Elm Hill
20 Elm Hill
Norwich
NR3 1HG



11th November 2010

Provision of amenities on highway
"Revolution" Queen Street, Norwich

Dear Sir,

Friends of Elm Hill are a local voluntary community group which represent the residents and businesses in the Elm Hill area.

Norwich City Council Policy AEC1 was adopted in November 2004 and we assume therefore probably written in 2002/2003. Since then 6000 new dwellings have been built in the city including some in the residential areas listed below:

- St Michael at Pleas
- Princes Street
- Wagon and Horses lane
- Elm Hill
- Quayside
- Roaches Court (Wensum street)
- Friar's Quay

Queen Street now has 4 large drinking establishments. Wensum Street has the Glasshouse and Lawyer large drinking establishment, London Street has the Havana club and St George's has Delaneys. These have been permitted to expand into mega pubs/clubs long after the above residential areas were established in the city.

None of these large drinking establishments are in the Late Night Activity Zone and all contravene policy AEC1.

We and many of the city residents consider there is now significant detrimental effect on the amenities of residents and the character of the area and also a detrimental impact (including cumulative) on the City Centre.

Owing to the introduction of the Licensing Act 2003 bars and clubs in the area close at different times late at night. This results in gangs of late night drinkers roaming around looking for an open drinking establishment shouting and behaving badly. On Saturday and Sunday mornings the businesses and residents have to sweep up the broken glass, wash down the vomit, urine stains and remove human excrement.

We have no objection to Revolution serving drinks at their tables in Queens Street during the day but wish to object most strongly to them being permitted to do so until 02.00 every day of the week. Such a license will add to the noise and mess already being created in this area and to the significant detrimental effect on the amenities of residents and character of the area and the City Centre.

Since the granting of the proposed license will set a precedent in the area we ask that any such license, if granted, should be limited to 20.00 every night.


Peter Bentley (Chairman)

