



NORWICH City Council

Committee Name: Regulatory sub

Committee Date: 11/12/2023

Report Title: Highways Act 1980: Application for licence to place tables and chairs on the highway – Medina Bar, 25 Prince of Wales Road, Norwich NR1 1BG

Portfolio: Councillor Jones, Deputy Leader and Cabinet member for housing and community safety

Report from: Head of planning and regulatory services

Wards: Thorpe Hamlet

OPEN PUBLIC ITEM

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 Medina Bar, 25 Prince of Wales Road Norwich NR1 1BG.

Policy Framework

The Council has five corporate priorities, which are:

- People live independently and well in a diverse and safe city.
- Norwich is a sustainable and healthy city.
- Norwich has the infrastructure and housing it needs to be a successful city.
- The city has an inclusive economy in which residents have equal opportunity to flourish.
- Norwich City Council is in good shape to serve the city.

This report meets the People live independently and well in a diverse and safe city and the city has an inclusive economy in which residents have equal opportunity to flourish corporate priorities.

Report Details

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 as appendix A to 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 has been submitted in respect of Medina Bar, 25 Prince of Wales Road Norwich NR1 1BG seeking to place 6 tables and 12 chairs on the highway between the hours of 16:00 to 23:00 Monday to Sunday.
5. A copy of the application, accompanying photographs and location plans are attached at appendix B to the report.

Consultation

6. In accordance with The Act, appropriate notices have been placed on the street. Notification of the application has also been given to Chatterbox (the talking newspaper for the visually impaired) and the Norwich Access Group.
7. Details of the application have also been forwarded to the Norfolk Constabulary, Norfolk Fire Service and the City Council Planning, Health and Safety, Highways and Public Protection sections for comment.

Comments / Objections /Support

8. Representations have been received in respect of the application from the following and are attached at appendix C to the report:
 - Public Protection
 - Andre Smith (resident)
 - Norfolk Constabulary

Implications

Financial and Resources

9. There are no proposals in this report that would reduce or increase resources.

Legal

10. The decision of the committee can be appealed to the Magistrates Court within the statutory period.

Statutory Considerations

Consideration	Details of any implications and proposed measures to address:
Equality and Diversity	No implications, no proposed measures
Health, Social and Economic Impact	No implications, no proposed measures
Crime and Disorder	No implications, no proposed measures
Children and Adults Safeguarding	No implications, no proposed measures
Environmental Impact	No implications, no proposed measures

Risk Management

Risk	Consequence	Controls Required
Legal	Risk of legal challenge to incorrectly made decision.	Consideration of legislation and application information. Legal advisor to support members in making their decision.
Reputational risks to the council	If any problems arise following a decision to grant or if a decision is made incorrectly	Legal advisor to support members in making their decision

Reasons for the decision/recommendation

11. It is recommended that members determine the application to grant the table and chairs licence in accordance with Section 115E of the Highways Act 1980.

Appendices:

A – Standard conditions

B – Application / Photograph / Plans

C – Objections

Contact Officer: Rachel Bennett, Public Protection Licensing Adviser

Telephone number: 01603 989400

Email address: licensing@norwich.gov.uk

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.



Norwich
Application for a permit to place tables and chairs
on the pavement or road
Highways Act 1980, Section 115B /115E

For help contact
licensingapplications@norwich.gov.uk
Telephone: 0344 980 3333

* required information

Section 1 of 9

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

Hakim

* Family name

Skali

* E-mail

Main telephone number

Other telephone number

Include country code.

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

* Is the applicant's business registered in the UK with Companies House?

Yes No

* Registration number

14762770

* Business name

MED 2 BAR (NORWICH) LIMITED

If the applicant's business is registered, use its registered name.

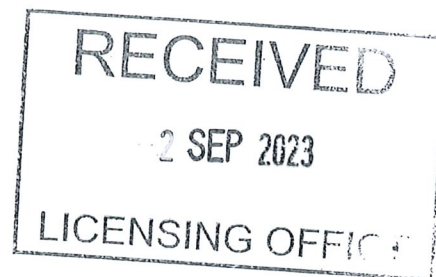
* VAT number

- NONE

Put "none" if the applicant is not registered for VAT.

* Legal status

Private Limited Company



Continued from previous page...

* Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Your Address

Address official correspondence should be sent to.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Continued from previous page...

Section 2 of 9

TYPE OF APPLICATION

Type of application : New Renewal

Section 3 of 9

PREMISES FOR WHICH PERMISSION IS REQUIRED

* Name of premises/
trading name

Premises Address

Is the address the same as (or similar to) the address given in section one?

Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Contact Details

Are the contact details the same as (or similar to) those given in section one?

Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

* Main telephone number

Other telephone number

Further Details

* Type of business (e.g. pub, restaurant, café)

Section 4 of 9

OWNERSHIP OF THE PREMISES

* In what capacity do you occupy the premises?

Freehold
 Leasehold

Continued from previous page...

- Tenant
 Other

Section 5 of 9

OCCUPATION OF THE PAVEMENT / FOOTWAY

* Describe the area where you wish to place tables and chairs (a detailed plan must be attached with your application)

Part of external pavement in front of building

Give the dimensions of the area you wish to occupy in metres

* Length

* Width

* Give the total width of the pavement or footway at this location

OPENING TIMES

State the days and times you propose to place tables and chairs on the pavement

* Day or days

* From

* To

* Do you plan to place tables and chairs on the pavement all year round? Yes No

Section 6 of 9

DETAILS OF FURNITURE

Provide details of all the furniture and other equipment you propose to place on the pavement. Check for local guidance notes and conditions - your responses may have to provide very specific information and you may be required to attach drawings or photographs with your application

Tables

* Number

* Description (e.g. dimensions, type, material, colour supplier/technical details, as appropriate)

650mm dia. Blue, Metal

Chairs

* Number

* Description (e.g. dimensions, type, material, colour supplier/technical details, as appropriate)

Continued from previous page...

Standard size, Blue, Metal

Litter Bins

Number

Parasols/Umbrellas

Number

Planters

Number

Space Heaters

Number

Lighting

Number

Barriers/Balustrades

Number

* Description (e.g. dimensions, type, material, colour supplier/technical details, as appropriate)

Aluminium Polished Posts with Black Rope

Other furniture or equipment

Description (e.g. dimensions, type, material, colour supplier/technical details, as appropriate)

Further Details

* Where will these items be stored when not in use?

Inside No 25

* Arrangements for clearing and cleaning the pavement at the end of the day

Pavement will be swept at end of every day

Section 7 of 9

PUBLIC LIABILITY INSURANCE

You must have a suitable level of public liability insurance to cover this activity – check local requirements.

* Do you have public liability insurance?

Yes No

Provide details of the policy

Continued from previous page...

* Insurance company	Alliance
* Policy number	A2T5/9391664
* Period of cover	12/1/23 to 12/1/24
* Amount of cover (£m)	10

Section 8 of 9

ADDITIONAL DETAILS

Provide any additional information which is required or relevant to your application (check for local guidance notes and conditions which may provide details of specific requirements in your area)

Section 9 of 9

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

This formality requires a fixed fee of £467

DECLARATION

* I am aware of the provisions of The Highways Act 1980. The details contained in the application form and any attached documentation are correct to the best of my knowledge and belief.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name	Ray Read
* Capacity	Agent
* Date	02 / 09 / 2023 dd mm yyyy

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/ability-to-place-tables-and-chairs-in-the-road/norwich/apply-1> to upload this file and continue with your application.

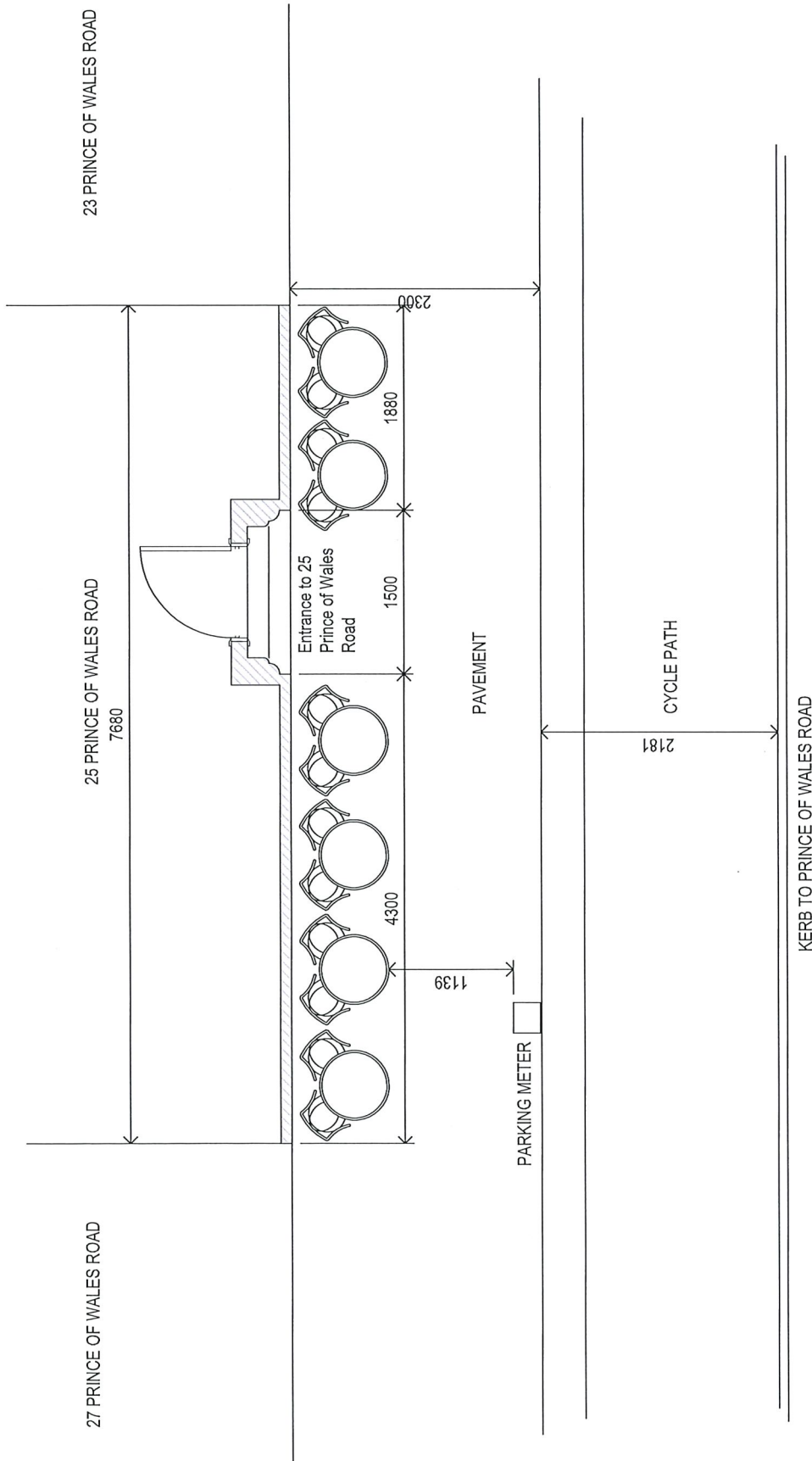
Don't forget to make sure you have all your supporting documentation to hand.



RECEIVED
2 SEP 2023
LICENSING OFFICE

NOTES:

1. ALL DIMENSIONS ARE IN MILLIMETERS UNLESS OTHERWISE STATED.
 2. DIMENSIONS ARE NOT TO BE SCALED FROM THE DRAWING.
 3. THIS DRAWING IS TO BE USED FOR GUIDANCE ONLY. ALL DIMENSIONS MUST BE CHECKED ON SITE.
 4. RAY READ DESIGN RETAIN COPYRIGHT OF THIS DRAWING/DESIGN.
- E IN DOUBLE PLEASE CASE.



Date	Drawn By	Approved/Description	Check

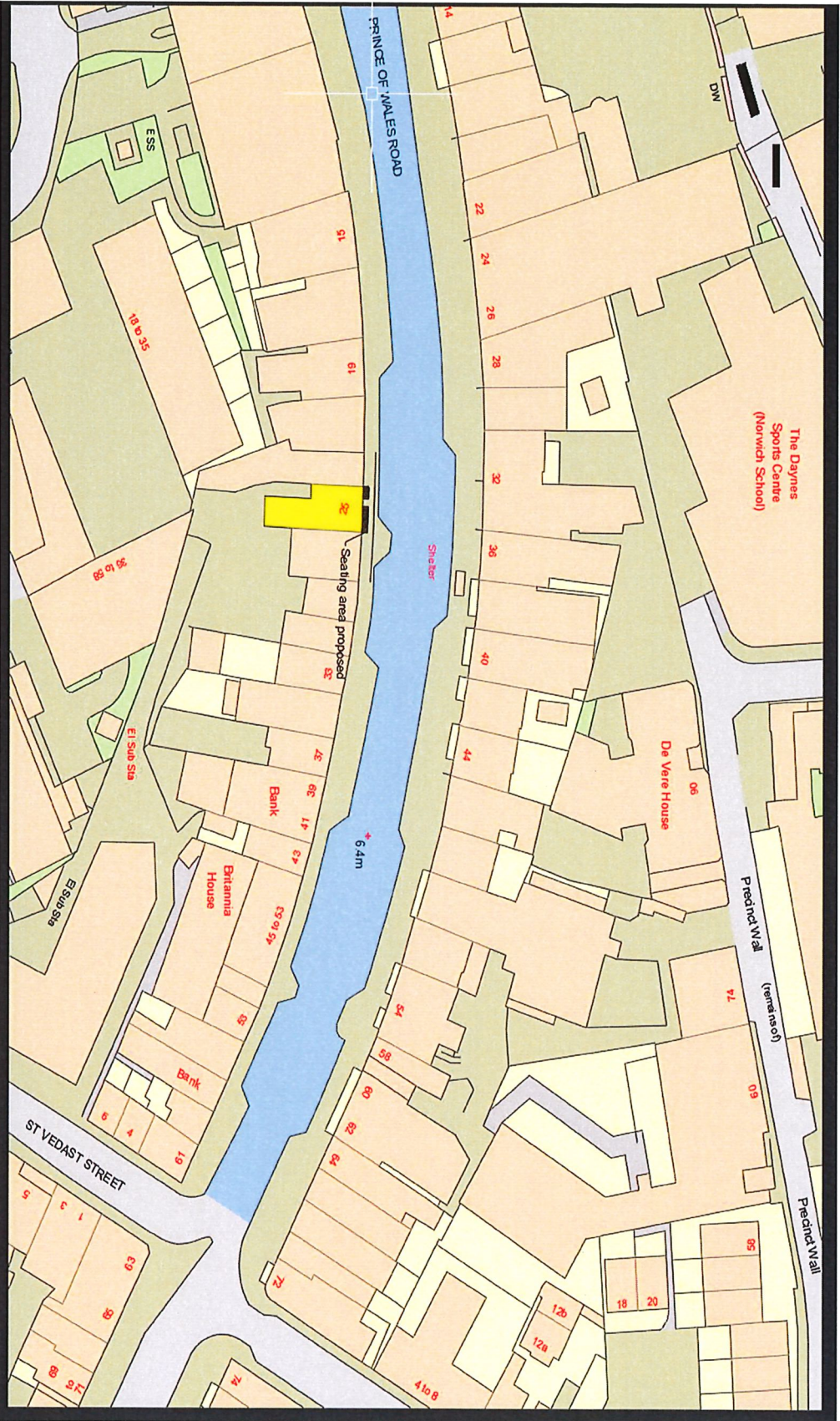
RAY READ DESIGN LIMITED
 24 WIND STREET, LEEDS, WEST YORKS
 LE1 1JH, UK
 TEL: 0113 2752255
 EMAIL: rrd@rayread.co.uk



Drawing Status		FOR APPROVAL
Drawn	Hickim Skalli	
Project	25 Prince of Wales Road	
Ref	NR1 18G	
Drawing Title		
SEATING LAYOUT-FRONT OF BUILDING		
Scale	1 : 20	Date Created
Drawn By	A1	SEP 23
Checked By		RR
Drawing No.	100	Revision
		P0

RECEIVED
 22 SEP 2023
LICENSING OFFICE

PROPOSED EXTERNAL SEATING - 25 PRINCE OF WALES ROAD, NORWICH, NR1 1BB



RECEIVED
- 2 SEP 2023
LICENSING OFFICE

LICENSING

From: Dawson, Tom
Sent: 27 October 2023 14:31
To: LICENSING
Cc: Sparham, Peter; Nicholson, Sally; Cheung, Tony
Subject: Tables & Chairs application - Medina Bar

Good Afternoon,

I am writing to raise an objection to the tables and chairs licence application submitted for the Medina Bar. On 25th August 2023 I walked past Medina Bar with colleagues prior to 2300hrs. At this time the venue had the tables outside as shown in the photo provided, it was also noted and brought to the managers attention that a number of their patrons were standing in both the footway and cycle lane with open vessels of alcohol. I do not believe that the venue have the capability to prevent this behaviour from occurring and causing a public nuisance.

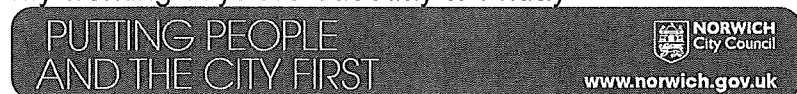
On top of this, I do not believe that there will be suitable clear space between the rope barrier and the edge of the footway. The plan provided does not show how much of the footway will remain clear. Having visited site today, The distance from the external wall of the premises to the parking meter measured 2040mm. The proposed distance from the tables to the parking meter is showing at 1139mm, giving an approximate size for the table and chairs of 901mm. Subtracting this measurement from the pavement width provided (2300mm) would leave a clear space of 1399mm which is below the space recommended by Section 3.2 of Inclusive mobility. This distance does not take into account the rope barrier showing in the last photo provided by the applicant.

Kind Regards

Tom Dawson
Environmental Protection Officer
Regulatory Services
Norwich City Council

0344 980 3333

My working days are Tuesday to Friday



Fuller, Maxine

From: noreply_xforms@norwich.gov.uk
Sent: 15 November 2023 14:45
To: LICENSING
Subject: Licensing - Representation Form

Norwich City Council

Licensing Authority

Licensing Act 2003

Statement of support or objection to an application for a premises licence

Your name/organisation name/name of body you represent	Andre smith
Postal address	7 Cromwell Close, Hethersett, Norwich, NR9 3HD
Email address	
Contact telephone number	
Address of the premises you wish to support or object to	Medina, Prince of wales road, Norwich

Your support or objection must relate to one of the four licensing objectives

Licensing objective	Please set out your support or objections below
To prevent crime and disorder	
Public safety	The plan submitted shows both an unacceptable/unachievable number of tables and chairs. The image shows 3 crowded tables. The operator has been operating these tables, and allowing alcohol consumption therein for a number of months already despite licensing conditions to prevent the same.
To prevent public nuisance	
To protect children from harm	
Please suggest any conditions which would alleviate your concerns	

Full name:	Andre Smith	Date:	15/11/2023
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Fuller, Maxine

From: Bartram, Michelle <[redacted]>
Sent: 01 November 2023 09:16
To: LICENSING
Cc: INNES, Emily
Subject: FW: Table & Chairs Licence Application - Medina Bar

CAUTION! This email originates from outside Norwich City Council.

Do not click on any links or open any attachments if you have any doubts about the email - please just delete the email.

Hello Licensing

I can confirm that Norfolk Police have received a copy of the tables and chairs application for Medina Bar, 25 Prince of Wales Road Norwich.

I am aware that colleagues within the city council have objected and raised concerns that there is insufficient space to allow people to pass.

In relation to crime and disorder, I request that the following condition is added to the licence:

- **The tables and chairs licence will not be in use during Norwich Home Football match games, 2 hours prior and 2 hours after the final whistle.**

With this condition added, there are no objections.

I have emailed the applicant and am waiting for a reply

Kind regards

Michelle Bartram

Licensing Officer

Licensing, Alcohol and Drug Team.

Norfolk Constabulary

Building 8

Norfolk Police Operations and Communication Centre

Wymondham, Norfolk, NR18 0WW

Mobile [redacted]