

NORWICH CITY COUNCIL

Report for Resolution

5

**Report To** Regulatory Sub-Committee  
20 December 2010

**Report of** Head of Citywide Services

**Subject** Highways Act 1980: Application for licence to  
place tables and chairs on the highway –  
Caleys of Norwich Ltd  
23 White Lion Street Norwich NR2 1PX

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**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 Caleys of Norwich Ltd 23 White Lion Street Norwich NR2 1PX.

**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 five tables and twelve chairs on the highway has been received from Inventive Leisure in respect of Revolution 6 Queen Street Norwich. A location plan, accompanying photograph and furniture details are attached at Appendix B to the report.
5. The requested days and times of use are Monday to Sunday between 1000 and 1700 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 received**

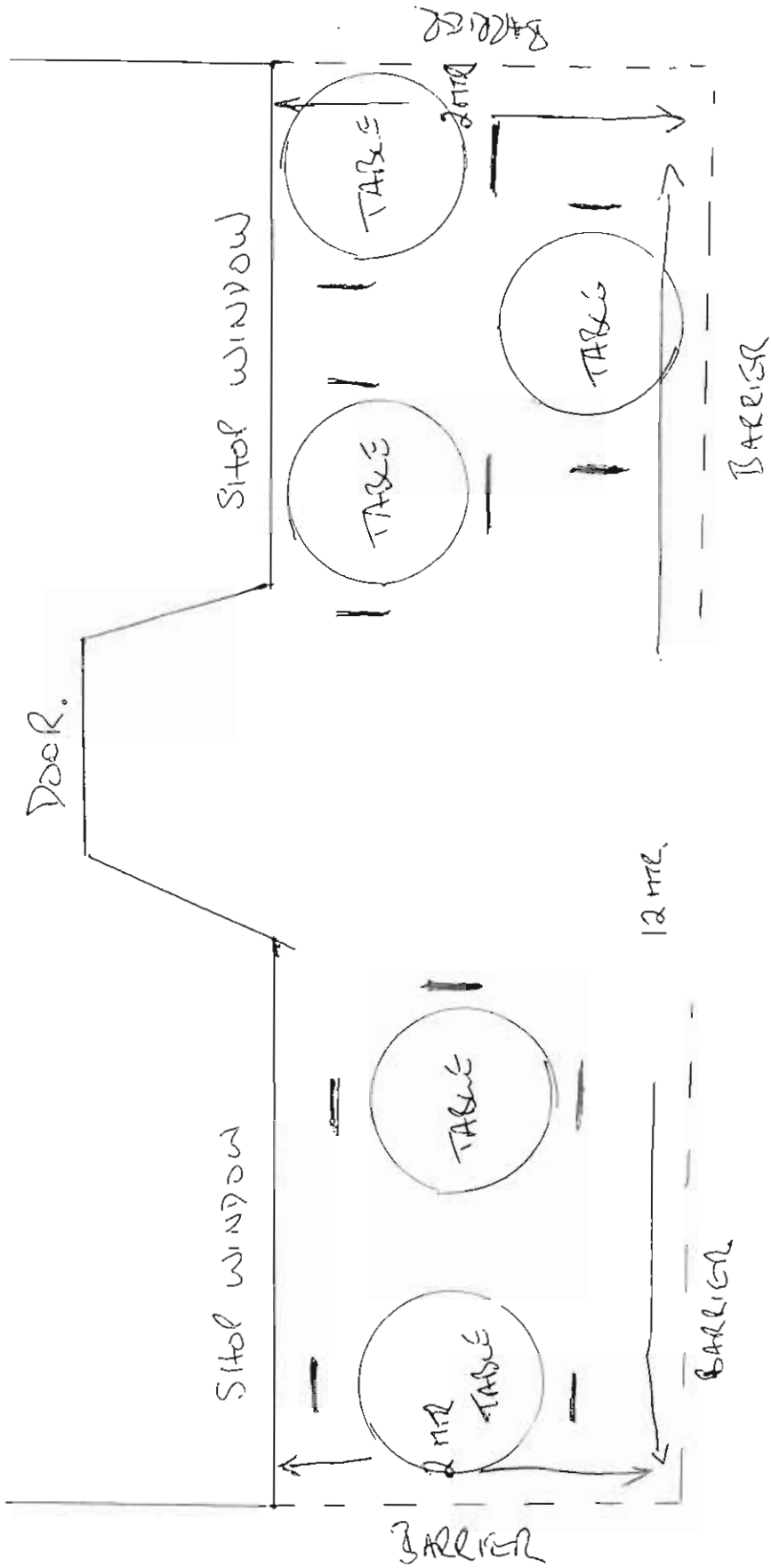
8. Comments have been received from the responsible authorities and these are attached at Appendix C to the report.

## 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



NOT TO SCALE.

— = CHAIR





PRIMARK  
COCOA AWARDS  
NO RACING

THE FOUNDER  
**CALEY'S**  
SINCE 1841

**COCOA CAFE**

**CALEY'S**

**CALEY'S**  
**COCOA CAFE**

**CALEY'S**  
**COCOA CAFE**  
Take Away Available  
Freshly Made  
Sandwiches  
Baguettes  
Wraps & Salads  
Cakes & Pastries  
Hot & Cold  
Beverages

Additional  
Seating  
Upstairs

### PAVEMENT BARRIERS

Welcome

Canopies

Pavement Barriers

Awnings

Patrols Awnings

Veterian style awns

Commercial Parasols

Pegola Systems

Terrace Screens Wind

Patrol Heating

Contract Hire

This system is a portable Pavement Barrier / cafe barrier System that is completely portable, it can be assembled and dismantled in minutes. The posts are manufactured from stainless steel, the base is cast iron with a polished aluminium cover plate or 20kg natural granite. The cover is made from acrylic canvas. Almost any type of branding can be added to this pavement barrier system to create a unique form of advertising. We believe our pavement barrier system to be the best on the market with the heaviest base on the market.

### CAFE BARRIERS

Ooh La La Cafe banner, cafe barriers

[more cafe barriers](#)



Pavement Barriers london



The rope pavement barriers / cafe barriers from Astra are all elegant in appearance

Supplied in a shine chrome finish, the posts are all 1060mm high and supplied complete with a galvanised cast iron weight. Suitable for both internal and external use, the posts from Astra combine great designs with durability



Smooth finished 20kg granite

We are able to offer a street advertising service, where you simply send your artwork and we will print a promotional banner to advertise any promotions that you are running. Simply remove the canvas from your pavement barriers / cafe barrier and replace with promotional material

PROPOSED BARRIER TYPE

Pavement Barriers / Cafe Barriers the perfect solution to define your pavement area

Examples Of Our Restaurant Barriers

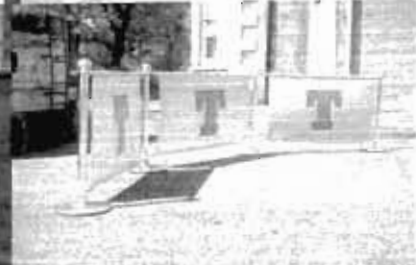
Our new black granite cafe barrier base



Contact our phone 01977 518005



Pavement barriers installed Townhouse Leeds



Pro-Global

Outdoor Table, Chairs, Stools - Aluminium Furniture  
Delivered Free

[Click Here To Enter Main Site](#)

[Close This Page](#)

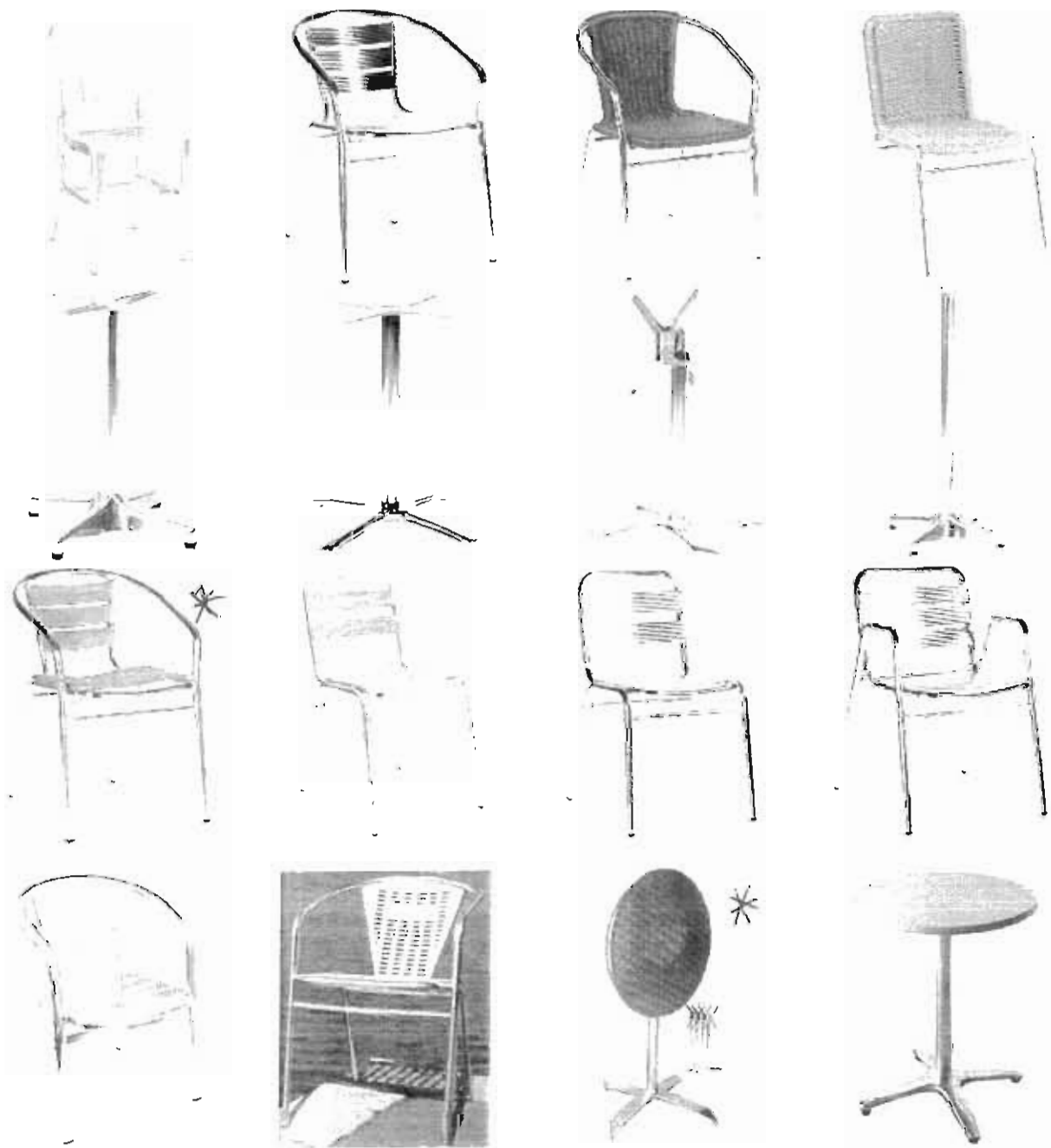
Patio, garden, cafe and outdoor - Aluminium furniture for outdoor use. Aluminium Outdoor furniture - chairs, tables, stools, for bars restaurant, cafe patio garden. Aluminium outdoor tables, aluminium chairs, aluminium stools for indoor and outdoor.

**You are in the Larger Images Page**

**Larger Images of Aluminium Furniture**

See more <http://www.proglobal.co.uk> - High Quality Bar stools, Kitchen Stools, Kitchen & Dining Chairs, Glass & Wood Dining and Kitchen Tables, Table Bases, Table Tops, Coffee tables, Lounge Furniture, Display Consoles, Mirrors, etc.

\* = TYPE OF CHAIR AND TABLE





Fuller, Maxine

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From: Yates, Kieran  
Sent: 07 October 2010 16:01  
To: Fuller, Maxine  
Cc: Keyes, Lewis  
Subject: 23 White Lion St

Hi Maxine

This application for tables and chairs outside 23 White Lion Street is potentially problematic.

White Lion Street is a Pedestrian Zone between 10am and 5pm daily and as such has a high density of pedestrians

It is also routinely used for loading and unloading throughout the day as is permitted by the traffic regulation order.

At its narrowest point outside 23 White Lion Street it is 5.3 metres (towards York Alley), narrowing it by 2 metres would leave 3.3 metres which if a large delivery vehicle was passing would leave very little space for pedestrians, especially if buggies or wheelchairs were present.

Despite the obvious benefits that café culture brings to Norwich city centre it must also be balanced with the needs of vulnerable road users, their road safety and the ambience of the street once tables and chairs and their barriers reduce available roadspace.

My recommendation would be to refuse this application due to the potential detriment and safety for pedestrians.

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**

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**From:** Page, Colin  
**Sent:** 11 October 2010 13:57  
**To:** Licensing  
**Subject:** Cocoa Cafe

F.A.O. Ian Streeter

I refer to your letter dated 6<sup>th</sup> October 2010, concerning an application by Cocoa Café to place tables and chairs in White Lion Street outside their premises, and have to inform you that the police have no objections.

The only concern I have is a possible conflict with vehicles delivering to Primark.

Regards

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

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**From:** Stanton, Jaan  
**Sent:** 22 October 2010 17:14  
**To:** Fuller, Maxine  
**Subject:** Tables and Chairs Licence - Caleys of Norwich Limited, Cocoa Café, 23 White Lion Street

Dear Maxine,

I have reviewed the above application and inspected the site. I would comment as follows:

The premises is situated at a pinch point near the top of White Lion Street and next door to the goods entrance of Primark. High-sided vehicles pass this point - indeed there is one such vehicle shown in the photograph accompanying the application. I need to make some more enquiries but I am also suspicious that vehicles reverse into the goods entrance of Primark judging by the high-level scuff marks on the brickwork adjacent to the Café (and which can again be seen in the photograph).

In my opinion the width of the seating area (at two meters) is rather large and would necessitate pedestrians having to make more use of the central portion of the roadway thereby making the avoidance of moving vehicles harder and increasing the likelihood of impacts.

There would however appear to be a precedence in that Costa Coffee (also on White Lion Street) has outdoor seating on that part of the road designated a footpath. Notwithstanding this I would ask that consideration be given to reducing the width of Caley's seating area to accommodate no more than a single table and three chairs to the left of the entrance door and two tables and five chairs to the right of the entrance door.

In any event I would strongly suggest that the seating area does not extend into the roadway i.e. beyond the limits of the red brick paving and road gulley shown in the photograph. This, I feel, would necessitate the removal of at least one of the tables to the right of the entrance door.

If, prior to the 2nd November deadline, I uncover any more information which alters my current thinking I shall get back to you.

Regards,

Jaan Stanton  
Food Safety Team Manager

Citywide Services  
Public Protection (Food Safety)  
Norwich City Council  
Tel: 01603 (21)2306  
Fax: 01603 212106

jaanstanton@norwich.gov.uk

## Fuller, Maxine

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**From:** Webster, Ben  
**Sent:** 02 November 2010 15:43  
**To:** Fuller, Maxine  
**Cc:** Cracknell, Glen  
**Subject:** 23 White Lion Street - Tables and Chairs License Application

Dear Maxine

Thank you for consulting me on the application from Caleys to place 5 tables and 12 chairs outside 23 White Lion Street.

The footfall is very high in this location in relation to the width of pedestrian space. Furthermore the pedestrian desire line runs immediately in front of the building because the street curves round into Red Lion Street. The introduction of an enclosure extending 2 metres out from the building would unacceptably restrict the amount of pavement space available and form an obstruction. I therefore object to this application. A revised application for three tables and six chairs might be acceptable.

Regards

Ben

Ben Webster  
Design, Conservation and Landscape Manager  
Norwich City Council  
(01603) 212518  
benwebster@norwich.gov.uk

## Fuller, Maxine

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**From:** Brown, Mark  
**Sent:** 14 October 2010 15:12  
**To:** Fuller, Maxine  
**Cc:** Yates, Kieran; Keyes, Lewis  
**Subject:** Tables and Chairs License - 23 White Lion Street

Maxine,

I refer to the consultation for a tables and chairs license at 23 White Lion Street.

Whilst in general tables and chairs are welcomed for the activity and vitality they bring to the street. In this case I would have concerns over the impact on the pedestrian environment. This part of the City Centre experiences extremely high levels of pedestrian movements and White Lion Street is already limited in terms of its width, it also provides for the servicing requirements to a number of retail premises in the vicinity.

I would therefore recommend refusing the application due to the potential detriment and safety for pedestrians.

Regards

Mark

Mark Brown  
Senior Planning Officer  
Planning Services  
Norwich City Council  
City Hall  
Norwich  
NR2 1NH

t. 01603 212505  
e. [markbrown@norwich.gov.uk](mailto:markbrown@norwich.gov.uk)  
w. [www.norwich.gov.uk](http://www.norwich.gov.uk)



Mr I Streeter  
Licensing Manager  
Public Protection (Licensing)  
Citywide Services  
Norwich City Council  
City Hall  
St Peters Street  
Norwich  
NR2 1NH

Please ask for:  
Direct Dial:  
Email:  
My Ref:  
Your Ref:



11 October 2010

Dear Sir,

**The Regulatory Reform (Fire Safety) Order 2005**  
**With reference to – Tables and Chairs Licensing Application**  
**Premises: Caleys, Cocoa Cafe 23 White Lion Street, Norwich, NR2 1PX**

I acknowledge receipt of the application for the above premises to place tables and chairs on the highway.

This authority has no objection to this application on the proviso that all items are readily removed should emergency access be required and no barriers etc are permanently fixed.

As these premises fall within the scope of the Regulatory Reform (Fire Safety) Order 2005, I would like to draw your attention to the following guidance document:

**Small and Medium Places of Assembly:** This guide is for all employers, managers, occupiers, and owners of small (accommodating up to 60 people) and medium (accommodating up to 300 people) places of assembly including: Public houses; Clubs; Village halls; Community centres; Libraries; Marquees; Churches; and other places of worship or study. ISBN 13: 978 1 85112 820 4

This publication is available to download from;

[www.norfolkfireservice.gov.uk/fs\\_risk\\_assessment\\_booklets.html](http://www.norfolkfireservice.gov.uk/fs_risk_assessment_booklets.html)

It is necessary where material alterations are proposed to comply with the Building Regulations 2000. In this case an application must be submitted to the Local Building Control Authority or an Approved Inspector.

Should you require any further assistance please do not hesitate to contact me on the number shown above.

Yours faithfully

 Mr Allison  
For Chief Officer

# CENTRAL NORWICH CITIZENS' FORUM

18<sup>th</sup> October 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  
CALEYS OF NORWICH LTD, 23 WHITE LION STREET,  
NORWICH**

I acknowledge receipt of your letter of 6<sup>th</sup> October pertaining to the above application and am grateful for the opportunity for us to comment and make recommendations.

Although this street is busy with vehicles loading and unloading there is no through traffic and we can see no reason why vehicles using the space nearby should not be able to do so without risk to people sitting outside Caleys premises and since the area adjoins the pedestrianised area leading to Hay Hill and Gentleman's Walk it appears to us to be eminently suitable to accommodate tables and chairs outside the Cocoa Café and we are happy to recommend approval of this application.

Yours sincerely

Julian F Foster  
CHAIRMAN