

NORWICH CITY COUNCIL

Report for Resolution

Report To Regulatory sub-committee
16 January 2012

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Report of Head of citywide services

Subject Highways Act 1980: Application for licence to
place tables and chairs on the highway –
Caffe Nero 20 Gentlemans Walk Norwich NR2 1NA

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 Caffe Nero 20 Gentlemans Walk Norwich NR2 1NA.

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 four tables and eight chairs on the highway at Davey Place has been received from Lucy Hartigan in respect of Caffè Nero 20 Gentlemans Walk Norwich NR2 1NA. 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 Friday between 07:30 and 18:30 and on Saturdays and Sundays between 08:30 and 18:00.

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

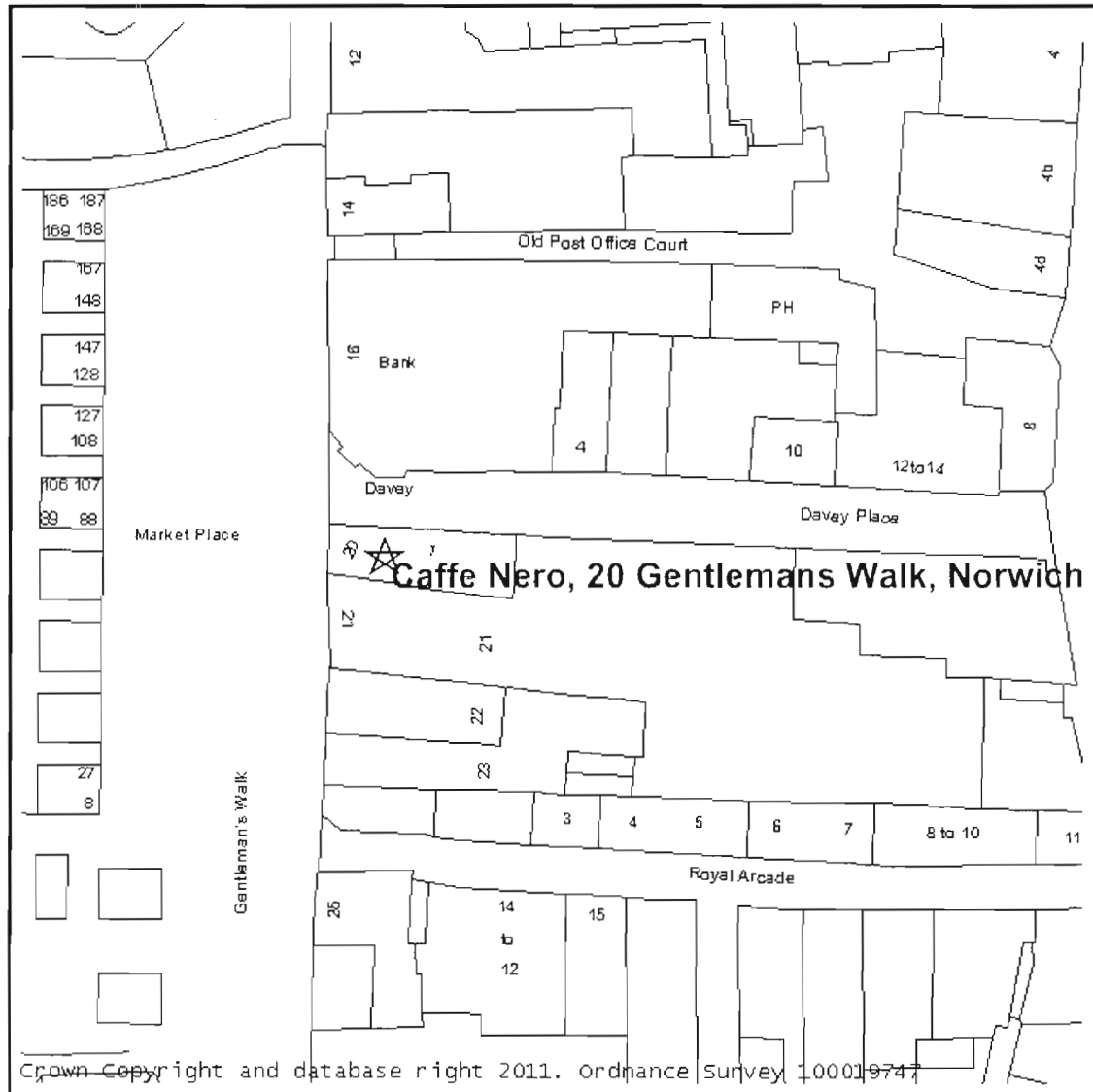
8. One representation has been received from a local businesses objecting to the application and this is attached at Appendix C to the report. A verbal representation has been received from Mr Took who is registered blind and who makes the following points:
 - Davey Place is too narrow. He uses this road a lot and the area is very uneven. Also delivery vans park there which makes it even more difficult to pass through.


- The city centre is being clogged up with too many table and chairs licences.
 - The licence is not necessary.
 - The area is never regularly cleaned so this will lead to more foof being left around which is a distraction for guide dogs.
9. No representations objecting to the application have been received from the responsible authority consultees, although an officer from the council's design, conservation and landscape team has suggested that the distance of 0.8 metres between the building and the barrier (as shown on the plan in Appendix B) should be increased to 1.2 metres to allow adequate room for seating and for comfortable movement in and out of the area. .

Tables and Chairs Licence – Standard Conditions

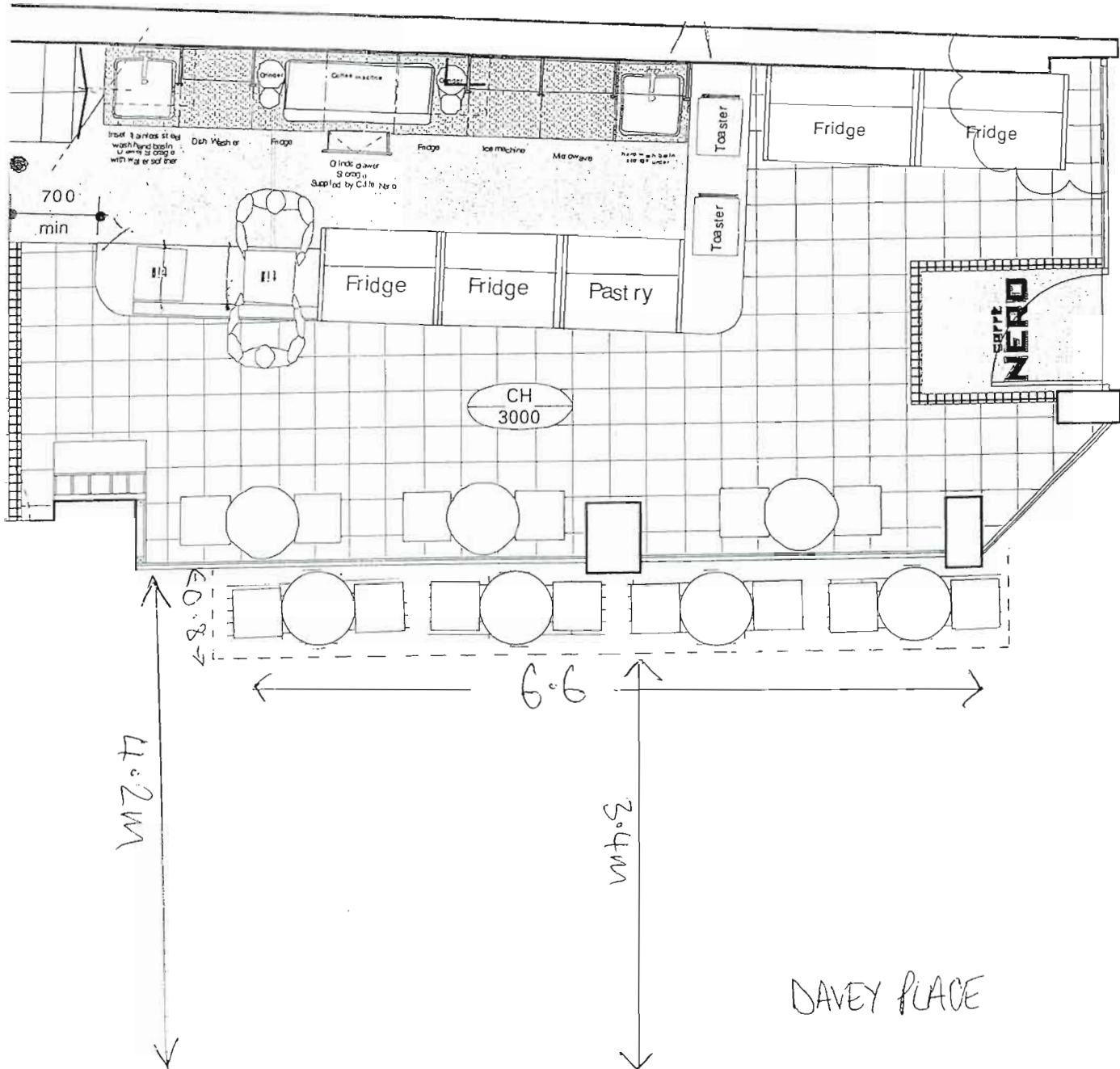
- 1 The Council's reasonable expenses in connection with the granting of this permission shall have been paid and the annual fee starting with the date of this permission shall have been paid before the permission is first exercised.
- 2 The Licensee shall indemnify the Council against any claim whatsoever, 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.



 <p>Application to place tables and chairs on the highway: Caffe Nero 20 Gentlemans Walk</p> <p>Scale 1:609</p>	<p>NOTES</p>
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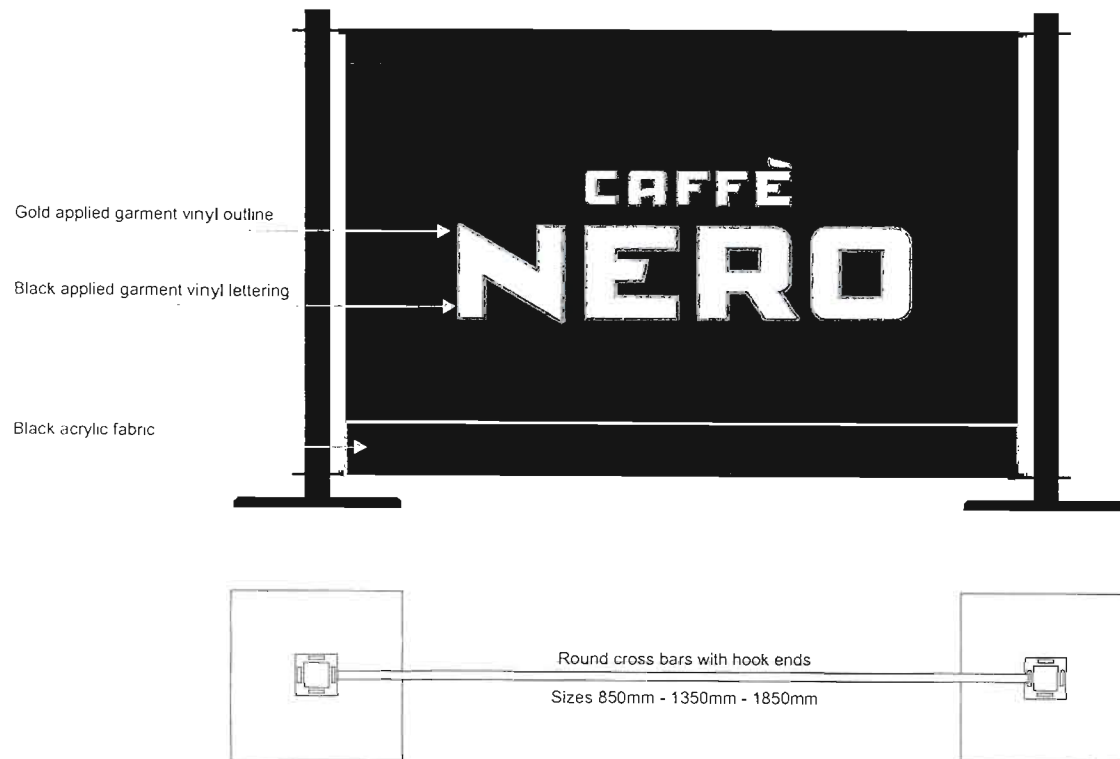
Proposed outside seating layout
 Norwich – Gentleman's Walk
 Floor Plan Scale 1:50



DAVEY PLACE

BANNER (OPTIONAL)

Description:
Outdoor fabric seating banner with applied vinyl lettering and black powder coated metal posts. Various sizes



CHAIR

Description:
560 X 560mm footprint outdoor aluminium & faux rattan weave chair in black



TABLE

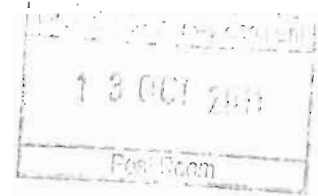
Description:
600mm brass ringed black laminate table top with French antique style base



APPENDIX

C

RECEIVED
13 OCT 2011
THE CITY BOOKSHOP
JOY & DAVID CLARKE
BOOKSELLERS
LICENSING OFFICE
10 & 10a DAVEY PLACE
NORWICH NR2 1PQ



Licensing
Legal and Democratic Services
City Hall
Norwich NR2 1NH

12th October 2011

Your Ref: 11/01930/TABCHA

Dear Sirs

RE APPLICATION FOR PLACING TABLES & CHAIRS IN DAVEY PLACE

Further to your letter re this application from Café Nero via Lucy Hartigan, I feel as a shop owner in Davey Place I have to object and draw your attention as follows:

The position where tables and chairs are intended happens to be opposite or near to fixed seating and bicycle racks in Davey Place. I have noticed that bicycles attached to the posts frequently extend to nearly the centre of this street hence restricting pedestrian flow.

I own a busy bookshop in this street and I receive daily palletted deliveries of books from national suppliers. These are generally delivered via large lorries from national carriers. Access to Davey Place is difficult. Entry has to be at one end and exit at the other. It is not possible to turn around and very dangerous to reverse. My point is that the placing of tables etc at this restricted width part of the street will either cause danger to the public and/or prevent daily deliveries to my, and other, shops in the street.

Yours faithfully

David Clarke

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