

NORWICH CITY COUNCIL

Report for Resolution

Report To Regulatory sub-committee
 20 June 2011

4

Report of Head of citywide services

Subject Highways Act 1980: Application for licence to
 place tables and chairs on the highway –
 The Walnut Tree Shades Old Post Office Court
 Norwich NR2 1NG

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 The Walnut Tree Shades Old Post Office Court Norwich NR2 1NG.

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 twelve chairs on the highway has been received from Claire Wilson in respect of The Walnut Tree Shades Old Post Office Court Norwich NR2 1NG. 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 Saturday between 10.00 am and 2.00 am the following morning and on Sundays between 12 noon and 12 midnight.

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. There have been three representations from local businesses objecting to the application and these are attached at Appendix C to the report. No representations have been received from the responsible authority consultees.

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.

The Walnut Tree Shades

Old Post Office Court
Norwich
NR2 1NG

Licensing
Legal and Democratic Services
City Hall
Norwich
NR2 1NH



Dear Mr Streeter

I wish to apply for a licence to place tables and chairs outside the Walnut Tree Shades.

I have enclosed the forms from myself and insurance broker, along with a letter from the insurance broker. Also photos of the outside area covered and a picture of how the Walnut Tree Shades will look after our redecoration.

There is a picture of the tables and chairs I shall be using.

I am keen to get this in place as soon as possible, as would like to have them out for when our redecoration is finished.

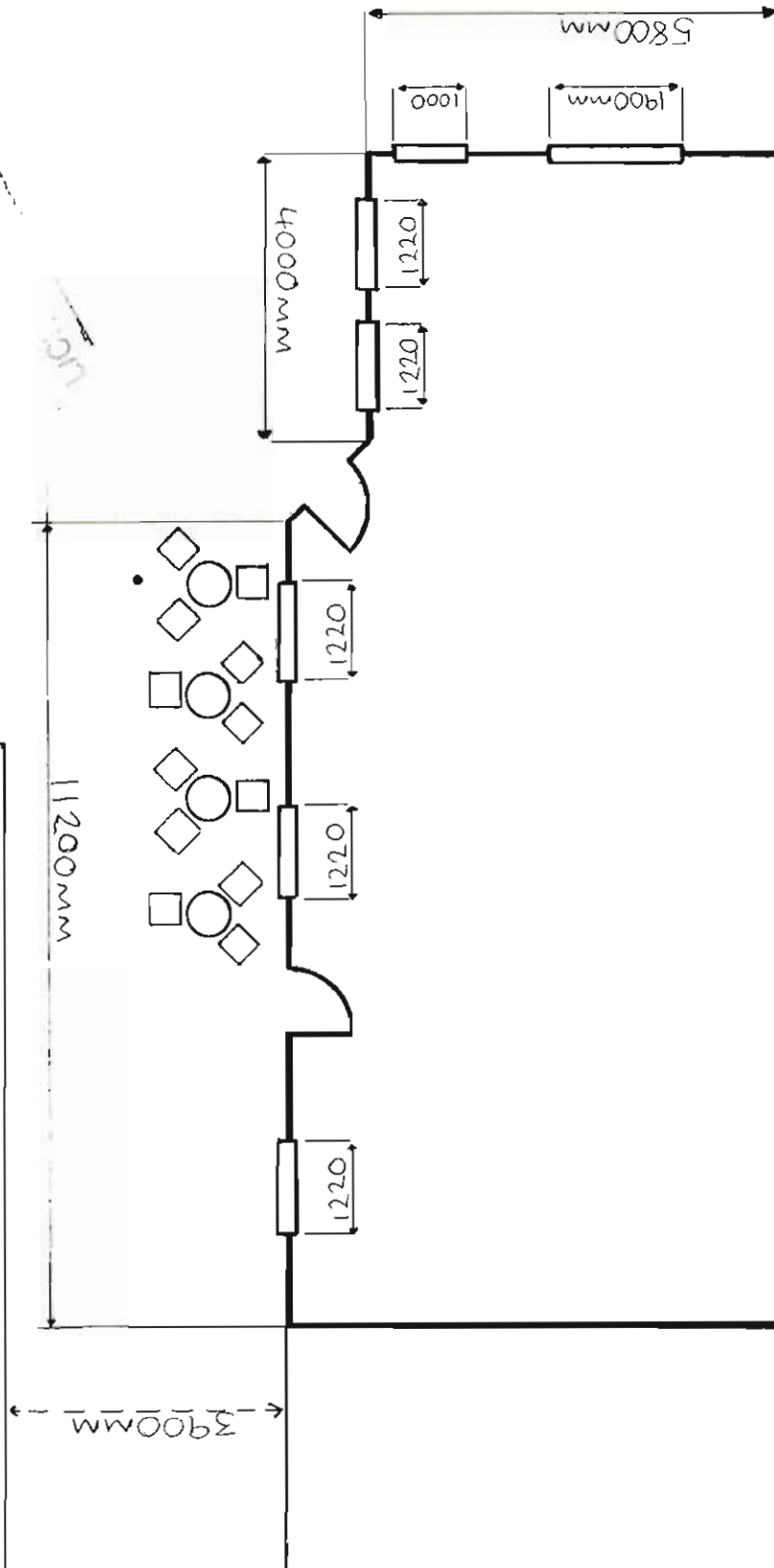
If there is anything I have missed or you need more information, please don't hesitate to contact me, my contact details are below.

Many Thanks

C L Wilson

ENCLOSURE

WALNUT TREE SHADES!
PLAN FOR OUTSIDE
TABLES & CHAIRS
SCALE: 1"=100'





*Walnut Tree
Shades*



*Walnut
Tree
Shades*

Stainless Steel Round Pedestal Tables

Sturdy, weather and rust-resistant tables with heavy duty bases ideal for café's, terraces and patios.

- Aluminium Alloy Base
- Stainless Steel Top
- 720mm High Table
- Suitable for Indoor and Outdoor use.
- Flat Pack for easy assembly.



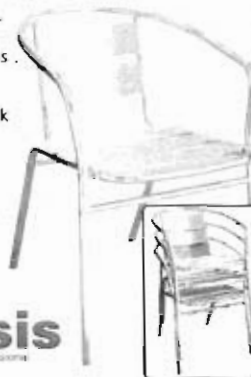
**FROM ONLY
£39**

| Code | Dimensions (h x ø) | Price | Inc. VAT |
|-------|--------------------|--------|----------|
| L2419 | 720 x 600 mm | £39.00 | £46.80 |
| L2420 | 720 x 800 mm | £59.00 | £70.80 |

Stacking Aluminium Chairs

Sturdy, weather and rust-resistant chairs ideal for café's, terraces and patios.

- Tubular Aluminium Frame
- Aluminium Seat & Back
- 450mm Seat Height
- Indoor / Outdoor Use
- Stackable for Easy Storage
- Sold as set of 4 Chairs
- Frame Size (mm): 25 ø x 1.8 thick



**ONLY
£79**

| Code | Dimensions (h x w x d) | Price | Inc. VAT |
|-------|------------------------|--------|----------|
| L2421 | 720 x 540 x 600 mm | £79.00 | £94.80 |



*Walnut
Tree Shades*

*Walnut Tree
Shades*

Norwich Gaming Centre

Incorporating Silver City Leisure Centre

RECEIVED

06 MAY 2011

LICENSING OFFICE

APPENDIX
C

Silver City House
Old Post Office Court
Norwich, NR2 1NA

Telephone Office -
Accounts Tel/Fax -



Norwich City Council
Licensing Legal & Democratic Services
City Hall
St Peters Sreet
Norwich NR2 1NH

1st May 2011

Ref: 11/00747/TABCHA

Dear Sirs

I would like to make a clear objection to the placement of tables and chairs on the public highway at Old Post Office Court, outside the Walnut Tree Shades on the following grounds:

- 4 tables and 12 chairs attract other standing customers , especially when large groups congregate at one table. The result has been, in the past, that the thoroughway is blocked sufficiently for passers by to have to weave their way through. Elderly and blind people en route to the bus stop have difficulty – particularly when the odd motor cycle is also present with a sitting driver.
- On certain occasions, football match day for example, the numbers swell and block my fire door exit.
- I keep a strictly no smoking business and the significant amount of smoking that takes place outside permeates my open doors and into my establishment., discomforting my customers. This is particularly unacceptable on hot days when I have no option but to have my doors open.

Yours faithfully

Albert Smith

Fuller, Maxine

From: Howe, Dawn
Sent: 10 May 2011 14:10
To: Licensing
Subject: reference 11/00747/TABCHA

Dear Mr I Streeter

Thank you for your letter dated 15th April 2011, regarding the application to have Tables and chairs outside The Walnut Tree Shades Public House.

We have had ongoing issues with the parking behind our premises since the current landlords of the above public house have moved in, which has included having to speak to the Police in regards to their illegal parking on our private car park, which is paid for by our company in the Lease that we hold over this property.

The Landlord of our properties has informed us that they have written to them to request that they do not park in our car park but it continues.

On this basis I feel that access to our parking would become even more restrictive by tables and chairs on the land that has to be driven over to get to our parking, in addition to trying to park around the numerous vehicles they have in our car park.

I feel strongly that this should not be allowed as would obstruct a public thoroughfare as well, and encourage more rubbish and glass to be strewn across the pavements and potential damage to our cars, as well as a Health and Safety issue to pedestrians

regards

Dawn Howe

Dawn Howe
Branch Manager
Norwich Branch
South East Field Sales

Northern Rock
Telephone : 01603 251111
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E-mail : info@northernrock.co.uk

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11/05/2011

Fuller, Maxine

From: Optical Revolution |
Sent: 20 April 2011 11:32
To: Licensing
Subject: FW: ref 11/00747/TABCHA

From: Optical Revolution | Norwich
Sent: Wednesday, 20 April 2011 11:32
To: 'licencing@norwich.gov.uk'
Subject: ref 11/00747/TABCHA

Good morning,
I have today received the letter regarding the walnut tree shades application to place tables and chairs outside there pub.
The only concern I have is, are they going to block the use of the car park directly out the back of Optical Revolution? This is a car park which ourselves, Boots, Northern Rock and Halfords all use.

Many thanks

Anna Abbs
Store Manager

20/04 2011