

NORWICH CITY COUNCIL

Report for Resolution

Report To Regulatory Sub-Committee, 31 July 2012
Report of Head of Citywide Services

Subject Highways Act 1980: Application for licence to
place tables and chairs on the highway –
Bell Hotel 5 Orford Hill Norwich NR1 3QB

ITEM

4

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 Bell Hotel 5 Orford Hill Norwich NR1 3QB.

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

Michael Stephenson

Phone No 01603 213002

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 ten chairs on the highway at Bell Hotel 5 Orford Hill Norwich NR1 3QB has been received from JD Wetherspoon PLC. A location plan and accompanying photographs are attached at appendix B to the report.
5. The applicant has provided a proposed operating schedule for the pavement cafe which is attached at appendix C.
6. The requested days and times of use are Monday to Sunday between 08:00 hrs and 23:00 hrs.

Consultation

7. 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 Norwich Access Group has also been notified of the application.
8. 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

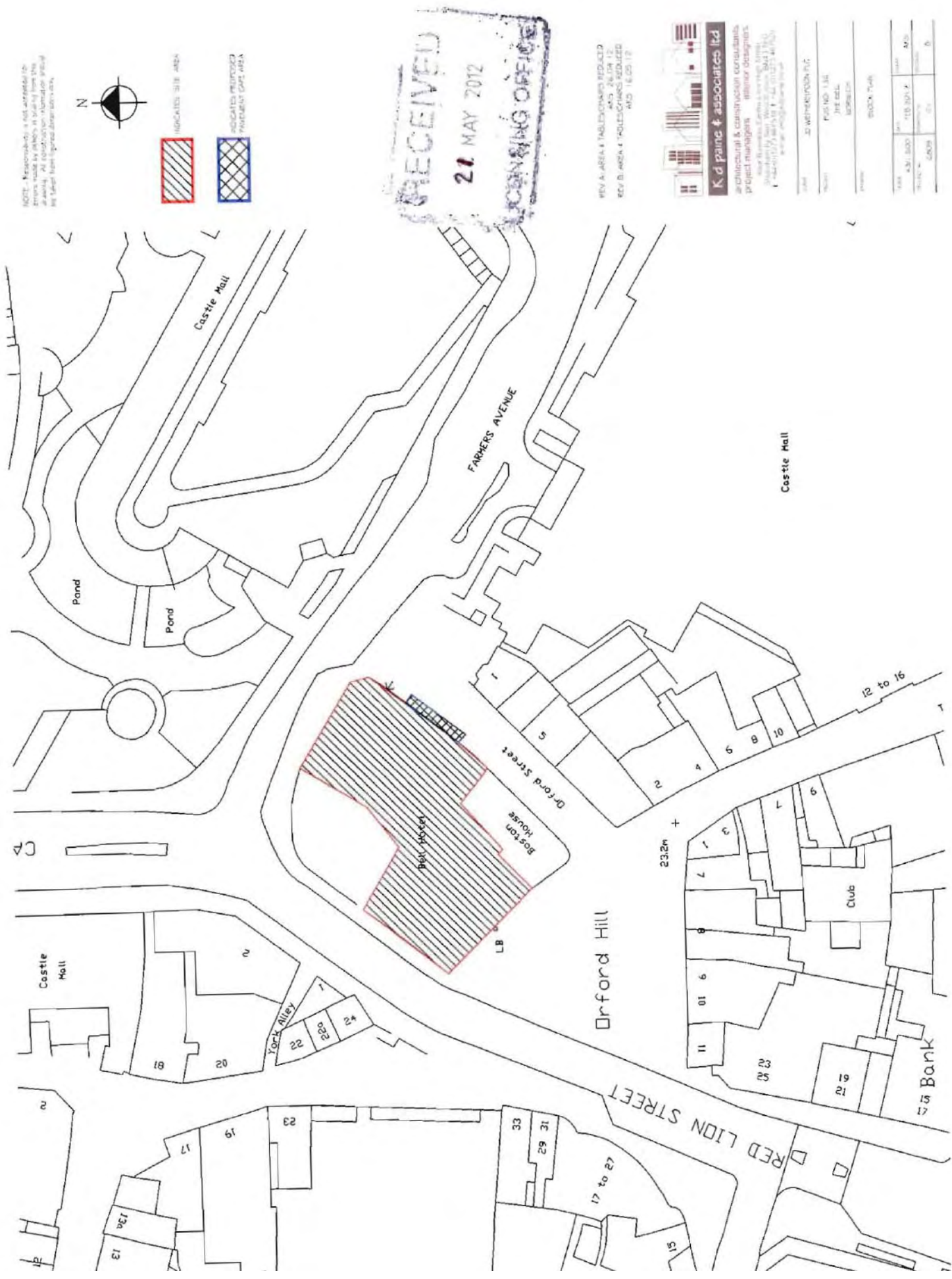
8. One representation has been received from a local businesses objecting to the application and this is attached at Appendix D to the report.
9. One representation has been received from a local resident objecting to the application and this is attached at Appendix E to the report.
9. A representation has been received from Norfolk constabulary who after discussions with the applicant have no objections to the application providing the termination hour each day is 21:00 hrs. A copy of the constabulary's letter is attached at appendix F.
10. The council's traffic planners have not raised any issues with the application.

Tables and chairs licence – standard conditions

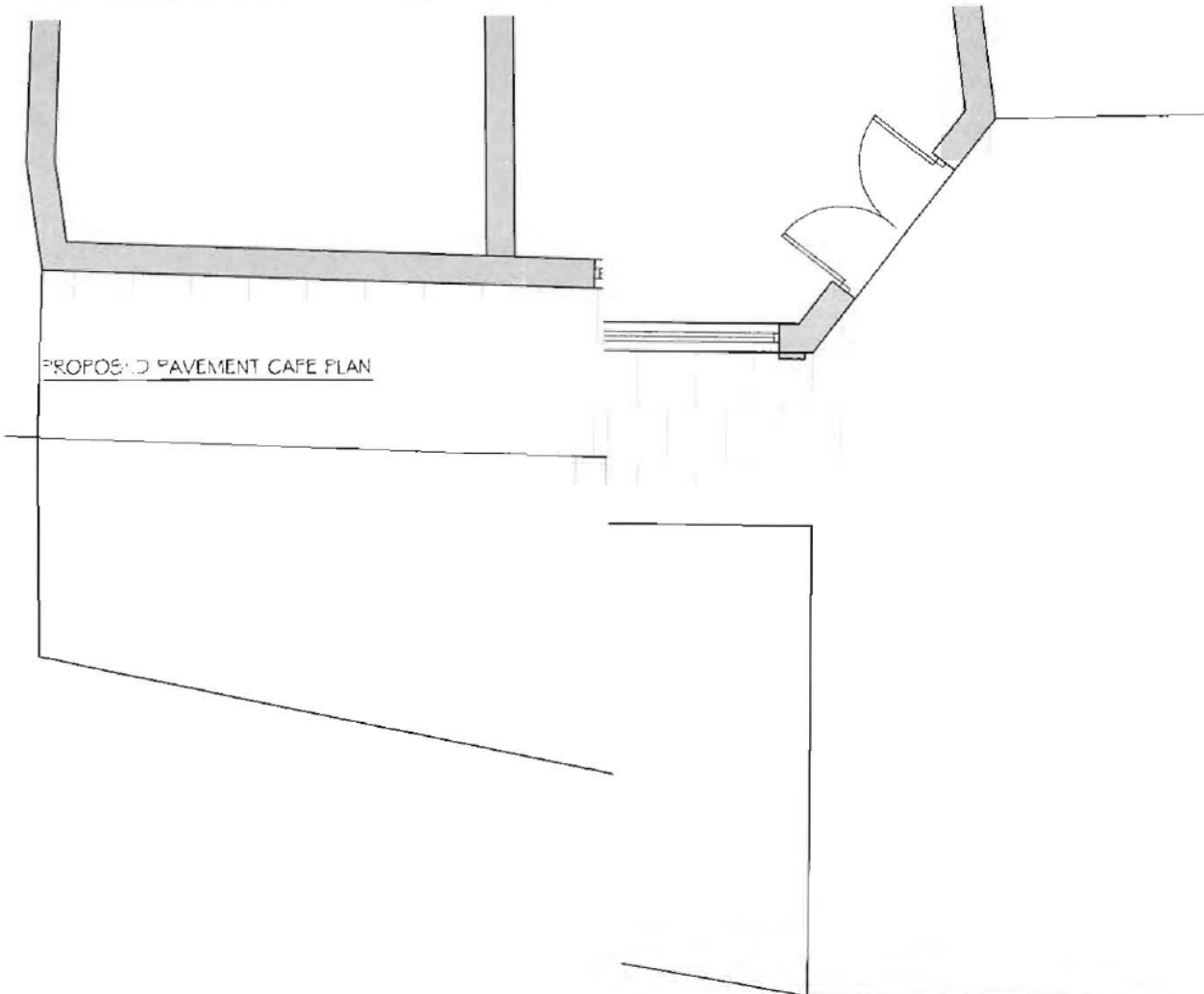
- 1 The council's reasonable expenses in connection with the granting of this permission shall have been paid and the annual fee starting with the date of this permission shall have been paid before the permission is first exercised.
- 2 The licensee shall indemnify the council against any claim whatsoever,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



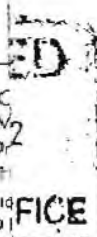
NOTE - Responsibility is not accepted for errors made by others in scaling from the drawing. All construction information should be taken from figured dimensions only.



Bacchus Table
 Ref: W837T
 H760mm x W700mm x D700mm
 Supplier: Warnings Furniture
 Tel: 01953 499 949



Pero C
 Ref: W2
 H860
 Seat H
 Supplier:
 Tel: 01



REV A: AREA 4 TABLES/CHAIRS REDUCED
 A/S: 26.04.12
 REV B: AREA 4 TABLES/CHAIRS REDUCED
 A/S: 16.05.12



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 project managers interior designers

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 Stonham By Sea, West Sussex, BN13 5EG
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 e mail: info@kdpaine.co.uk

CLIENT	JD WETHERSPON PLC		
PROJECT	FLS NO: 136 THE 5011 NORWICH		
PROJECT	PROPOSED PAVEMENT CAFE PLAN FURNITURE DETAILS		
DATE	DATE	SCALE	AKS
A21/10	FEB 2012		AKS
PROJECT NO.	ISSUE NO.	FIGURE	B
6605	02		



28.06.2012 12:35

PAVEMENT CAFÉ PROPOSED OPERATING SCHEDULE

1. Monday to Sunday use between 8am and 11pm.
2. Temporary barriers to be in situ at all times the external seating area is in use.
3. At least one member of staff will supervise the outside area at all times that it is in use.
4. CCTV cameras will operate in the outside area, and footage from these cameras will be retained for 30 days and will be made available to the Police upon request.
5. Emergency routes from adjacent buildings and our own will not be obstructed by the pavement café.
6. All food and drink to be consumed in the pavement café must be purchased at the bar.
7. All meals will be delivered to the table by a member of staff. Tables will be promptly cleared once meals have been consumed.
8. All empty vessels will be regularly cleared away from the outside area by a member of staff.
9. Children under the age 16 must always be accompanied by an adult who will be required to maintain supervision of them.
10. All furniture will be removed from the outside area when not in use.
11. The outside area will be kept clean and litter free. It will be regularly cleaned; including sweeping and washing of floors and furniture as required.
12. The playing of amplified music will not be permitted within the pavement café.

Fuller, Maxine

From:
Sent: 17 June 2012 18:22
To: Licensing
Subject: Application for licence to place tables and chairs on the highway(highway act 1980)

Dear sir/madam,

I recently received information for JD weatherspoon Plc For licence to place table and chairs at the bell hotel using part the highway alongside Orford street.

I strongly oppose this application as I have recently opened my hairdressing salon on Farmers avenue which would be right next to where the the Bell Hotel has applied for extra seating.

This could strongly effect my business. My reasons being the following:

- My clients could be intimidated by the customers sitting outside especially if the are drunk and boisterous.
- I don't feel The bell has got sufficient staff to control any problems that my occur off the premises and could lead to me having broken windows(which has happened in the past in the area from people leaving the Bell).
- I have already experienced problems with people drunk and having a cigarette at the back of the Bell which disturbs my clients.
- The Bell Hotel already causes huge disruption on Orford Street with constant lorries unloading. Where these lorries unload is in the exact place where they are applying for extra outside seating.
- the Bell has already got outside seating at the front of the building I don't see why they feel the need to add extra seating to encourage drunks onto the streets?

To add to my reasons above I don't see why anyone would want to encourage any more outside drinking.I frequently see police being called to the Bell Hotel to help with drunk and disorderly people. Do we need anymore drunks on the streets of Norwich???

I hope my reasons will be seriously considered.

Yours faithfully,

Emily Glasspoole

Example
1 Farmers Avenue
Norwich
NR1 3JX
01603 611711

Sent from my iPad

Appendix E

Fuller, Maxine

From: [REDACTED]
Sent: 11 June 2012 21:44
To: Licensing
Subject: 12/00915/TABCHA - Bell Hotel Tables and Chairs License

Dear Ian Streeter

Thank you for your letter regarding the application by J D Weatherspoon for a tables and chairs license for the rear of the Bell Hotel - I am the current main tenant of Flat1, 1 Farmers Avenue, which is directly opposite the rear entrance of the Bell Hotel, and so as your letter points out the addition of the tables and chairs in that area would definitely affect me.

I have discussed the proposal with some of my (business) neighbours including the Example Hair dressers who I live above and we have some mutual concerns about the application - mainly revolving around the increased likeliness for public nuisance and anti-social behaviour and also access to Orford Street for resident parking. Recently there have been many examples of this including arrests and fights right outside the premises with the police being involved, and alcohol abuse was clearly a likely factor. I would be concerned that the addition of the extra tables and chairs at the back of the Bell Hotel would cause an increase in these issues and am left wondering why the management wouldn't first seek to make better use of the beer garden which is already set up at the front of the building, which clearly has some space for development.

I'm aware that it is likely that the personal opinion of one resident will not affect the license application, however if my concerns could be taken into account and the establishment keep the (public) area monitored with bouncer at peak evening times I would highly appreciate it and believe that the patrons of the pub would also be overall better off.

I would be happy to discuss this issue further with you if required

Best Regards
Martin Parmiter



NORFOLK
CONSTABULARY

Our Priority is You

Mr Ian Streeter
Licensing Manager
Norwich City Council
City Hall
St Peter Street
City Hall
NR2 1ET

26.06.2012

Date: 26th June 2012

Dear Sir

The Licensing Team

Bethel Street Police Station
Norwich
Norfolk
NR2 1NN

Tel: 01603 276020

Fax: 01603 276025

Email: licensingteam@norfolk.pnn.police.uk

www.norfolk.police.uk

Non-Emergency Tel: 0845 456 4567

Application for tables and Chairs Licence – Bell Hotel, 5 Orford Hill

I can confirm that we have received a copy of the table and chairs application for Bell Hotel, 5 Orford Hill Norwich and originally made representation to this following concerns on how the area would be managed and timings of the tables and chairs usage.

Following discussions with the management of the premises, I am satisfied that the use of these tables and chairs will be for meals and coffees only. No glasses will be allowed to be taken off the premises and into this area and if any alcohol is requested to be consumed here, this will be decanted into plastic first.

I have been informed that there will be at least hourly checks carried out by designated members of staff to ensure that the area is monitored and cleared.

It has also been agreed that the finish time for the tables and chairs will be 2100 hrs instead of 2300 hrs as this is more reasonable considering the intention is to be for food.

Providing that the finish time is at 2100 hrs, the Police will have no objections to this.

Hopefully you will receive written confirmation by the applicant of this agreement and the tables and chairs licence can be granted.

Yours faithfully,

Michelle Bartram
Licensing Officer