



NORWICH
City Council

Regulatory sub committee

Date: **Monday, 08 July 2019**

Time: **10:15**

Venue: **Mancroft room, City Hall, St Peters Street, Norwich, NR2 1NH**

Pre-meeting:

There will be a briefing for members of the committee at 10:00

Committee members:

Councillors:

Stutely (chair)
Brociek-Coulton
Huntley
Oliver
Schmierer

For further information please contact:

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Information for members of the public

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For information about attending or speaking at meetings, please contact the committee officer above or refer to the council's website



If you would like this agenda in an alternative format, such as a larger or smaller font, audio or Braille, or in a different language, please contact the committee officer above.

Agenda

1 Apologies

To receive apologies for absence.

2 Declarations of interest

(Please note that it is the responsibility of individual members to declare an interest prior to the item if they arrive late for the meeting)

3 Highways Act 1980 - application for licence to place tables and chairs on the highway - The Last Wine Bar, 70 -76 St Georges Street, NR3 1AB (not before 10:15) 21 - 42

Purpose - To ask members to consider an application to place tables and chairs on the highway.

4 Highways Act 1980 - application for licence to place tables and chairs on the highway - The Café Club, 41 King Street, NR1 1PH (not before 10:45) 43 - 68

Purpose - To ask members to consider an application to place tables and chairs on the highway.

5 Highways Act 1980 - application for licence to place tables and chairs on the highway - Haggie Restaurant, 13 St Benedicts Street, NR2 4PE (not before 11:15) 69 - 100

Purpose - To ask members to consider an application to place tables and chairs on the highway.

*6 Exclusion of the public

Consideration of exclusion of the public.

Exempt items:

(During consideration of these items the meeting is not likely to be open to the press and the public.)

To consider whether the press and public should be excluded from the meeting during consideration of an agenda item on the grounds that it involves the likely disclosure of exempt information as specified in Part 1 of Schedule 12 A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act.

In each case, members are asked to decide whether, in all circumstances, the public interest in maintaining the exemption (and discussing the matter in private) outweighs the public interest in disclosing the information.

***7 Application for grant private hire drivers licence –
application ref 19 01234 PHDRIV (not before 14:00)**

- This report is not for publication because it would disclose information relating to any individual as in para 1 of Schedule 12A to the Local Government Act 1972.
- This report is not for publication because it would disclose information relating to the financial or business affairs of any particular person (including the authority holding that information) as in para 3 of Schedule 12A to the Local Government Act 1972.

***8 Application for grant private hire drivers licence -
application ref 19 00513 PHDRIV (not before 14:00)**

- This report is not for publication because it would disclose information relating to any individual as in para 1 of Schedule 12A to the Local Government Act 1972.
- This report is not for publication because it would disclose information relating to the financial or business affairs of any particular person (including the authority holding that information) as in para 3 of Schedule 12A to the Local Government Act 1972.

Date of publication: **Friday, 28 June 2019**



NORWICH
City Council

HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES

**Consideration of criminal conduct, improper
behaviour and complaints relating to existing
licence holders and new applicants**

Taxi and PHV Licensing Criminal Convictions' Policy

1. Introduction

The public are entitled to have the utmost confidence in drivers of taxis and private hire vehicles: therefore, the Council must ensure that only fit and proper persons obtain drivers' and operator licences.

The purpose of this policy is to provide guidance on the criteria taken into account by the Licensing Authority when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage and/or private hire driver or operator licence.

The overriding aim of the Licensing Authority is to protect the safety of the public.

The Licensing Authority is concerned to ensure:

- That a person is a fit and proper person
- That the person does not pose a threat to the public
- That the public are safeguarded from dishonest persons
- The safeguarding of children, young people and vulnerable adults.

In this scheme "safeguarding " means the protection of children or vulnerable adults from harm to their health, safety, well-being or development and "safeguarding concern" means grounds to believe that the individual applicant or driver may not be a fit and proper person because grant , retention or renewal of a licence may risk such harm occurring. Vulnerable adult has the meaning as in section 59 of the Safeguarding Vulnerable Groups Act 2006.

This policy provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:

- Applicants for drivers' licences
- Existing licensed drivers whose licences are being reviewed
- Councillors
- Licensing officers
- Legal officers
- Magistrates hearing appeals against local authority decisions

For renewal applications and current licence holders the policy will not be applied retrospectively.

However, the Policy will be applied to renewal and current licence holders if any additional convictions, cautions or complaints are incurred or brought to the attention of the Council that along with the historical information would call into question a person's suitability to hold a licence.

Where licensing officers have delegated powers to grant licences, they will utilise these guidelines when making a decision to grant a licence. Whilst officers will have regard to the guidelines contained in the policy, **each case will be considered on**

its individual merits and where the circumstances demand, the officer may pass the matter to the Councils Regulatory Sub-Committee.

All licences are issued with a set of Conditions which the licence holder must comply with. By-laws are also in place in relation to Hackney Carriage Drivers and proprietors. Copies are attached to every licence and are available on request. A repeated breach of licensed driver and or licensed vehicle conditions and or by-laws may also lead to a person having his hackney carriage/private hire driver licence suspended or revoked.

2. General policy

There may be occasions where it is appropriate to depart from the guidelines, for example where the offence is a one-off occasion or there are exceptional mitigating circumstances or alternatively where there are many or continuous offences or complaints which may show a pattern of offending and unfitness.

A person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to:

- Remain free of conviction for an appropriate period; AND show adequate evidence that he or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence). Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

Where an applicant has been convicted of a criminal offence, the Licensing Authority cannot review the merits of the conviction [Nottingham City Council v. Mohammed Farooq (1998)].

It is the responsibility of the applicant/licence holder to satisfy the Licensing Authority that they are a 'fit and proper person' to hold a licence. The applicant/licence holder must ensure that all convictions, cautions, warnings, reprimands, fixed penalties, arrests and summonses are disclosed to the Council.

3. Appeals

Any applicant refused a driver's licence on the grounds that the Licensing Authority is not satisfied he is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 14 days of the notice of refusal.

4. Powers

Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the Licensing Authority to suspend, revoke or refuse to renew a licence if the application/licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause. The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the Licensing Authority to take into account all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver's licence, whether spent or not. Therefore the Licensing Authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.

In this policy the term "disqualification" refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.

5. Consideration of disclosed criminal history

Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the Licensing Authority is required to ensure that an applicant for the grant or renewal of a hackney carriage and/or a private hire vehicle drivers' licence and/or private hire vehicle operator's licence is a **'fit and proper'** person to hold such a licence.

However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the Licensing Authority will look into:

- How relevant the offence(s) are to the licence being applied for
- How serious the offence(s) were
- When the offence(s) were committed
- The date of conviction
- Circumstances of the individual concerned
- Sentence imposed by the court
- The applicant's age at the time of conviction
- Whether they form part of a pattern of offending
- Any other character check considered reasonable (e.g. personal references)
- Any other factors that might be relevant

Existing holders of drivers' licenses are required to notify the Licensing Authority in writing **within seven days** of receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions).

Applicants can discuss further what effect a caution/conviction may have on any application by contacting a licensing officer in confidence for advice.

The Licensing Authority conducts enhanced disclosures from the Disclosure & Barring Service (DBS) formerly the Criminal Records Bureau (CRB) of any applicant for a drivers' licence.

Applicants applying for the grant or a renewal of a drivers' licence will be required to obtain an enhanced disclosure at their expense.

The licensing authority encourages applicants and licence holders to register for the DBS's update service and to nominate the licensing authority to receive updates.

Registration lasts for 1 year and costs £13 per year. The Licensing Authority is also entitled to use other records and information including any complaints history that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Licensing Authority or other Licensing Authorities, and information disclosed by the police under the Home Office scheme for reporting offences committed by notifiable occupations.

DBS disclosures will not include details of any foreign convictions or cautions unless they have been recorded on the UK National Computer. Any applicant who has resided outside the UK for any period longer than 3 months within the preceding 10 years, or since the age of eighteen, whichever is the lesser, will be required to produce a "Certificate of Good Conduct" from the relevant countries which details any cautions or convictions arising against the applicant while resident in that country. It shall be the applicant's responsibility to obtain this documentary evidence and to bear the costs of such. The requirement is in addition to the DBS disclosure.

Where an applicant is unable to obtain the above, a discussion will take place with the licensing manager to ascertain what alternative evidence should be provided. This may include character references from appropriate individuals or other bodies as to the applicant's conduct whilst resident in the other country.

If character references are supplied the referee must have known the person applying for at least 5 years if they are a friend, neighbour or colleague. If the referee is a professional, i.e. teacher, solicitor etc then they must have known the person for at least 2 years.

The referee cannot be closely related to the applicant, in a relationship with or live at the same address as the person applying.

Non-conviction information

If an applicant has, on one or more occasions, been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application. Such offences would include but is not limited to serious violent offences, offences involving child sexual exploitation and sex offences.

The Licensing Authority considers cases to the civil burden of proof i.e. a “balance of probabilities” and is able to make a decision on the alleged offences regardless of whether a criminal conviction followed the offence.

In assessing the action to take, the safety of the travelling public must be the paramount concern.

It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused. The following lists are **not exhaustive** and any offences not covered by this Policy will not prevent the Licensing Authority from taking into account those offences. The seriousness of the offence and sentence imposed will be considered in making a determination of the application.

6. Sex and indecency offences

As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. Those with convictions for the more serious sexual offences will normally be refused.

- Rape
- Assault by penetration
- Offences involving children, young persons or vulnerable adults
- Sexual Assault
- Indecent assault
- Abuse of position of trust
- Familial child sex offences
- Female circumcision
- Female genital mutilation
- Possession of indecent photographs, child pornography etc.
- Any offence involving child sexual exploitation and/or sexual exploitation of vulnerable adults
- Trafficking for sexual exploitation
- Preparatory offences
- Any sexual or indecency offence committed in the course of taxi or private hire work
- Exploitation of prostitution
- Indecent exposure
- Soliciting (kerb crawling)
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

Unless there are truly exceptional circumstances the Licensing Authority will not grant a licence to any applicant who is currently on the Sex Offenders Register.

7. Offences against Children

No period is thought appropriate to have elapsed and an application will normally be refused where the applicant has a conviction for an offence such as:

- Sexual activity with a child
- Causing or inciting a child to engage in sexual activity
- Causing a child to watch a sexual act
- Sexual activity in the presence of a child
- Arranging or facilitating child prostitution or pornography
- Arranging or facilitating commission of a child sexual offence
- Meeting a child following sexual grooming etc.
- Possession of indecent photographs of children
- Grooming of children for sexual exploitation
- Trafficking of children for sexual exploitation
- Supplying or offering to supply Class A drugs to a child
- Voyeurism

A licence will not normally be granted where the applicant has a conviction for an offence of, or for a similar offence(s) which replace the offences below, and the conviction is less than 10 years prior to the date of application:

- Neglect of a child
- Child cruelty
- Abandonment of a child
- Drunk in charge of a child
- Under the influence of drugs in charge of a child
- Exposing a child to risk

8. Serious offences involving violence

Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions for offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life.

In other cases anyone of a violent disposition will normally be refused to be licensed until at least 3 years free of such conviction. However, given the range of the offences that involve violence, consideration must be given to the nature of the conviction.

Unless there are truly exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:

- Murder
- Manslaughter
- Infanticide
- Child destruction
- Manslaughter or culpable homicide while driving
- Terrorism offences
- Kidnapping or abduction
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A licence will not normally be granted where the applicant has a conviction for an offence of, or for a similar offence(s) which replace the offences below, and the conviction is less than 10 years prior to the date of application:

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm which is racially aggravated
- Grievous bodily harm with intent (s18 Offences Against the Person Act 1861)Grievous bodily harm (s20 Offences Against the Person Act 1861)
- Robbery (armed or otherwise)
- Possession or distribution of prohibited weapon or firearm
- Riot
- Common assault with racially aggravated features
- Violent disorder
- Threats to kill
- Any hate motivated crime
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A licence will not normally be granted where the applicant has a conviction for one of the offences listed below or for an offence which replaces or is broadly equivalent to the offences listed below and the conviction is less than 5 years prior to the date of application:

- Racially-aggravated criminal damage
- Racially-aggravated offences
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A licence will not normally be granted where the applicant has a conviction for one of the offences listed below or for an offence which replaces or is broadly equivalent to the offences listed below and the conviction is less than 3 years prior to the date of application:

- Common assault
- Assault occasioning actual bodily harm
- Assaulting a Police Officer
- Affray
- S5 Public Order Act 1986 offence (harassment, alarm or distress)
- S4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Harassment
- Obstruction
- Criminal damage
- Resisting arrest
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A licence will not normally be granted if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.

In the event of a licence being granted, a strict warning both verbally and in writing should be administered. Possession of a weapon

If an applicant has been convicted of possession of a weapon or possession of a firearm or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public. Depending on the circumstances of the offence, an applicant should be free of conviction for 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), before a licence is granted.

10. Dishonesty

A licensed PHV or taxi driver is expected to be a trustworthy person. They deal with cash transactions and valuable property may be left in their vehicles. All drivers are required to deposit such property with either the Licensing Authority or the police within 24 hours. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in licensed drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare, etc.

Overseas visitors can be confused by our currency and may be vulnerable to an unscrupulous driver. For all these reasons, a serious view is taken of any conviction involving dishonesty.

In general, a minimum period of 5 years free of conviction or at least 5 years from completion of sentence (whichever is longer) should be required before granting a licence. The more serious the offence the longer the period free of conviction should be. Offences involving dishonesty include:

- theft
- burglary
- fraud
- benefit fraud
- handling or receiving stolen goods
- forgery
- conspiracy to defraud
- obtaining money or property by deception
- deception designed to obtain a pecuniary advantage
- other deception
- taking a vehicle without consent
- or any similar offences (including attempted or conspiracy to commit) offences which replace the above.
- perverting the course of justice

11. Drugs

A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered. A licence will not normally be granted where the applicant has a conviction for an offence related to the supply of or cultivation of drugs and has not been free of conviction for 10 years.

A licence will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for 5 years.

An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last 3-5 years may be granted a licence, but consideration should be given to the nature and quantity of the drugs.

If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the licence is granted. If the applicant was an addict then they would normally be required to show evidence of 5 years free from drug taking after detoxification treatment.

12. Driving offences involving the loss of life

A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.

A licence will not normally be granted where the applicant has a conviction for:

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death by driving while unlicensed, disqualified or uninsured
- Or any similar offences (including attempted or conspiracy to commit)

offences which replace the above

Before a licence is granted, an applicant should be free of conviction for 10 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he has a conviction for:

- Causing death by careless driving

13. Drink driving/driving under the influence of drugs

As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs. Provided that a period of 3 years has elapsed since conviction an isolated incident would not necessarily debar an applicant from proceeding with an application but he should be warned as to the significant risk to his licence status in the event of re-offending.

More than one conviction for these offences raises significant doubts as to the applicant's fitness to drive the public. At least 7 years, after the restoration of the driving licence following a second conviction for driving or being in charge of a vehicle whilst under the influence of drink or drugs should elapse before an application will be considered. If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be allowed to proceed.

14. General Traffic Offences

An isolated conviction for reckless driving or driving without due care and attention etc, should normally merit a warning as to future driving and advice on the standard expected of hackney carriage and PHV drivers. More than one conviction for this type of offence within the last 5 years should merit refusal and no further application should be considered until a period of 3 years free from convictions has elapsed.

Similarly, a first conviction during the period of a hackney carriage or PHV drivers licence will lead to a warning as to future conduct, and may lead to revocation of that licence for subsequent convictions. At least 3 years should elapse (after the restoration of the DVLA licence) before the individual is considered for a licence.

Insurance offences

A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided he/she has been free of conviction for 3 years; however

strict warning should be given as to future behaviour. More than one conviction for these offences would normally prevent a licence being granted or renewed.

At least three years should elapse (after the restoration of the DVLA driving licence), before a licence would normally be granted for a hackney carriage or private hire drivers licence. An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance is likely to have their operators' licence revoked immediately and prevented from holding a licence for three years.

Using a mobile phone whilst driving

Applicants should also be aware of the serious risk posed by driving whilst using a mobile phone. There is a substantial body of research (see for instance <http://www.rosipa.com/rospaweb/docs/advice-services/road-safety/drivers/mobile-phone-report.pdf>) which shows that drivers who use a mobile phone suffer physical and cognitive distraction which means they:

- are much less aware of what's happening on the road around them
- fail to see road signs
- fail to maintain proper lane position and steady speed
- are more likely to 'tailgate' the vehicle in front
- react more slowly, take longer to brake and longer to stop
- are more likely to enter unsafe gaps in traffic
- feel more stressed and frustrated.

There is evidence to show that drivers who use a mobile phone have slower reaction times than those who have consumed up to the legal alcohol limit. In light of this, and equally serious view should be taken of convictions for driving whilst using a mobile phone as for driving under the influence of drink or drugs.

A licence will not normally be granted if an applicant has more than one conviction for an offence of using a mobile phone whilst driving.

Minor convictions and penalty points

Convictions for minor traffic offences e.g. obstruction, waiting in a restricted street, speeding etc. may prevent a person from being granted or keeping a hackney carriage or private hire drivers licence if they have received more than 2 motoring convictions within the last 2 years.

The accumulation of 6 or more penalty points within the last 12 months will cast grave doubts on the suitability of the applicant/licensed driver, and could lead to the refusal of the application or suspension/revocation of a licence.

15. Outstanding charges or summonses

If the individual is the subject of an outstanding charge or summons their application may in some circumstances continue to be processed, but the application will need to be reviewed at the conclusion of proceedings.

Where information is received through the Notifiable Occupations Scheme on existing licence holders, consideration will be given to the information in accordance with this policy.

If the outstanding charge or summons involves a serious offence and the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused. Existing drivers may have their licence suspended or revoked.

A suspension or revocation of the licence of a driver normally takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes a statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.

This section includes applicants or licensees who may be subject to police bail having been arrested for an offence and who is currently under investigation.

16. Cautions

Admission of guilt is required before a caution can be issued. Every case will be considered on its own merits including the details and nature of the offence. If an applicant has received a caution for a traffic offence, given the nature of the offence and the profession of a taxi driver, the applicant may be given a warning as to his/her future conduct.

Cautions for more serious offences could lead to refusal of an application or the suspension or revocation of a licence.

17. Licensing offences

Certain offences under taxi legislation such as plying for hire, overcharging and refusing to carry disabled persons or assistance dogs would normally prevent a

licence being granted or renewed until a period of 3 years has passed since conviction.

18. Complaints

We can take action up to and including suspension and revocation of a drivers licence if a complaint is made which suggests a driver's fitness & propriety is undermined. This may be for a number of reasons including but not limited to the following:

- misconduct
- any behaviour, action or negligence impacting on customer safety
- driving standards
- physical or mental ill-health
- lack of the necessary knowledge of English language to be able to perform the role of a licensed driver safely.
- Mischarging
- Inappropriate or aggressive behaviour

The number and type of complaint(s) will be given consideration to and a driver's history will be examined to ascertain whether there have been previous complaints. Except in the most serious of cases, a driver will be given an opportunity to respond to the complaint before any action is taken.

19. Licenses issued by other Licensing Authorities

Applicants who hold a licence with one Licensing Authority should not automatically assume that their application will be granted by another. Each case will be decided on its own merits.

20. Suspensions / Revocations

A licence may be suspended or revoked by an Officer of the Council, of at least Head of Service level, with immediate effect, in the interest of public safety, in the following circumstances:

- a person is charged with a serious offence
- a person is under investigation for serious offences

- a person is deemed by a qualified general practitioner that the individual is unfit to drive taxi or private hire vehicles
- a person after experiencing a change in medical condition fails to provide proof of his/her fitness to drive taxi or private hire vehicles
- a person fails to provide proof of his/her fitness to drive taxi or private hire vehicles when reasonably required to do so, by an officer of the council
- a person fails to provide a valid photo card DVLA driving licence, when reasonably required to do so, by an officer of the council
- a person fails to provide a valid DBS application form when reasonably required to do so, by an officer of the council.

Where a licence is suspended under the above circumstances, the matter will be reported to the Regulatory Sub-Committee at the next available meeting.

A licence will be revoked by the Officer of the Council, who fulfils the duties of the Licensing Manager, with immediate effect in the interest of public safety in the following circumstances:

- a person's ordinary Road Traffic Act Driving licence is revoked or suspended
- a person is disqualified from driving for any period of time

21. Summary

To summarise, a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed. As the preceding paragraphs indicate, in most cases, an applicant would be expected to remain free from conviction for 3 to 10 years, according to circumstances, before an application can be considered.

However, there may be occasions when an application can be allowed before 3 years free from conviction have elapsed.

Any person who has committed an offence and has to wait before an application is positively considered is more likely to value their licence and act accordingly.

While it is possible that an applicant may have a number of convictions that, individually, do not meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

Before a decision is made to refuse or revoke a licence, with exception of the circumstances in para. 21 above, a meeting will be held in order to afford an applicant or existing driver an opportunity to put their case.

In the Council's view this statement and the guidelines that follow are compatible with the rights and freedoms under the European Convention on Human Rights. This policy will be continuously monitored and, if necessary, a review will be undertaken.

Report to	Regulatory sub-committee 8 July 2019	Item
Report of	Head of citywide services	3
Subject	Highways Act 1980: application for licence to place tables and chairs on the highway - The Last Wine Bar, 70 -76 St Georges Street, NR3 1AB	

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 Last Wine Bar, 70 – 76 St Georges Street, NR3 1AB.

Corporate priorities

The report helps to meet the corporate priorities great neighbourhoods, housing and environment and inclusive economy.

Financial implications

None.

Ward/s: Mancroft

Cabinet member: : Councillor Maguire – safe and sustainable city environment

Contact officers

Maxine Fuller – licensing assistant

01603 212761

Background documents

None

Report 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 The Last Wine Bar, 70 – 76 St Georges Street, NR3 1AB seeking to place 8 tables and 32 chairs on the highway between the hours of 08:00 and 22:00 Monday to Saturday.
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's Planning, Transportation and Landscape, Health and Safety and Pollution Control 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:
 - Royal National Institute of Blind People (RNIB)
 - Norwich Access Group
 - Please note the document referred to in this representation, guidance published by the department of transport entitled: Making transport accessible for passengers and pedestrians; a guide to best practice on improving access to public transport and creating a barrier-free pedestrian environment. Is available online [here](#).
 - Food & Safety Team – Norwich City Council
 - Norfolk Constabulary Licensing Team
 - Anne Duarte – Local business
 - Norfolk Fire & Rescue Service
 - Transport Planner – Norwich City Council

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 Citywide 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

LWB outside area

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

Vince

* Family name

Pearson

* E-mail

Main telephone number

Other telephone number

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

Include country code.

Are you:

☒ 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 you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

* Is your business registered in the UK with Companies House?

☒ Yes ☐ No

* Registration number

11859564

* Business name

THE LAST WINE BAR AND RESTAURANT LTD

* VAT number

GB

317122047

* Legal status

Private Limited Company

If your business is registered, use its registered name.

Put "none" if you are not registered for VAT.



Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

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

Continued from previous page...

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)

RESTAURANT

Section 4 of 9

OWNERSHIP OF THE PREMISES

* In what capacity do you occupy the premises?

☐ Freehold

☒ Leasehold

☐ Tenant

☐ Other

* Give details of the lease, tenancy or other arrangement

10 YEAR LEASE

Give Details Of The (Freehold) Owner Of The Premises

* Name of owner newell properties developments ltd

Owner's Address

* Building number or name dickens house

* Street guithavon street

District

* City or town witham

County or administrative area essex

* Postcode CM8 1BJ

* Country United Kingdom

Continued from previous page...

Contact Details

E-mail

* Main telephone number

Other telephone number

Further Details

* Has the owner given consent for this application?

☒

Yes

☐

No

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)

We propose to place tables and chairs outside of the restaurant. Plan attached which has been formulated after discussion with highways.

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

* Length

12.17 metres and 4 metres

* Width

1.87 metres and 1.93 metres

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

7.27 metres and 7.93 metres

OPENING TIMES

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

* Day or days

monday - saturday

* From

0800 hrs

* To

2200 hrs

Add another day

* 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

6 8

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

Continued from previous page...

see attached photo

Chairs

* Number

☒ 24 32

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

see attached photo

Litter Bins

Number

Parasols/Umbrellas

Number

Planters

Number

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

see attached photo

Space Heaters

Number

Lighting

Number

Barriers/Balustrades

Number

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?

All items will be stores at the back of the Last Wine Bar in a secure area which is known as the terrace.

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

Our staff will remove all furniture and planters to the storage area at the end of evening service and will ensure the area is cleaned and swept.

Continued from previous page...

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

* Insurance company

* Policy number

* Period of cover

* Amount of cover (£m)

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)

The pedestrian area in St George's already has outside tables and chairs at cafe pure. Our new offer will benefit all community members including the residents, businesses and the local school. The directors have written to local residents telling them of the plans and in particular that last orders for food and drink will be 8 pm outside to ensure noise levels are kept to a minimum beyond 10 pm.

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

* Capacity

* Date / /
dd mm yyyy

[Add another signatory](#)

Continued from previous page...

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

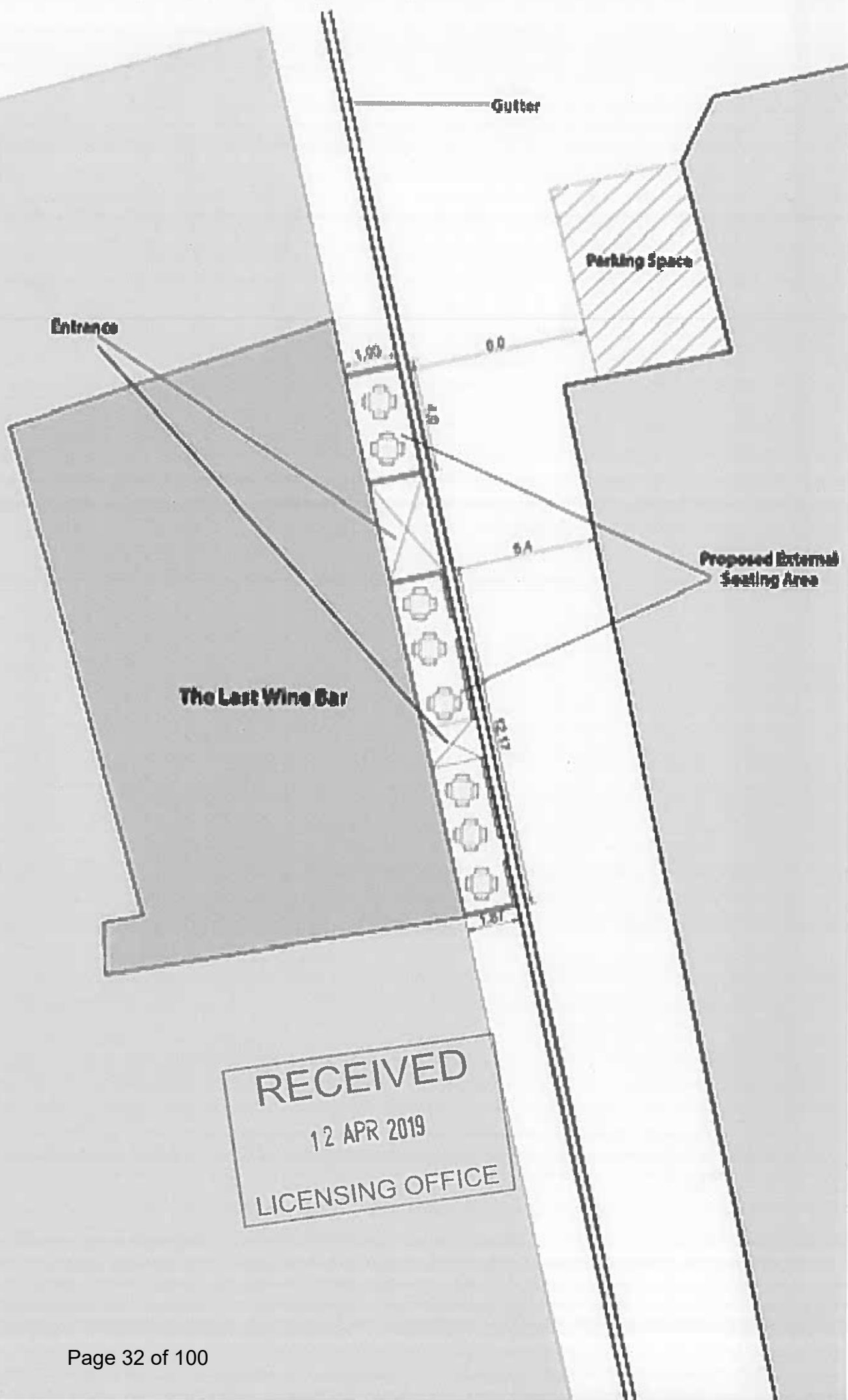
1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/ability-to-place-tables-and-chairs-in-the-road/norwich/apply-1> to upload this file and continue with your application.

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

OFFICE USE ONLY

Applicant reference number	<input type="text" value="LWB outside area"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

1 2 3 4 5 6 7 8 9 Next >



RECEIVED
12 APR 2019
LICENSING OFFICE

Fuller, Maxine

From: Vince Pearson [REDACTED]
Sent: 08 May 2019 12:13
To: Fuller, Maxine
Subject: Fwd: Last Photo

Hi Maxine

This is the photo that shows the pavement area covered by our drawing.

Thanks

Vince

Sent from my iPhone

Begin forwarded message:

From: Katie Loveday <[REDACTED]>
Date: 10 April 2019 at 09:50:59 BST
To: Vince Pearson <[REDACTED]>
Subject: Last Photo [REDACTED]





Fuller, Maxine

From: Michael Wordingham <
Sent: 03 June 2019 16:55
To: Fuller, Maxine
Cc: MARTIN SYMONS; Edward Bates
Subject: Table and Chairs Application
Attachments: inclusive-mobility-guidance.docx

Dear Maxine,

I am writing in response to the applications for cafe furniture from The Last Wine Bar. I am a member and trustee of the Norwich Access Group but I am afraid I have been away and couldn't get my contribution to Martin (copied in) in time before he had to write his response to you. I am also the Regional Campaigns Officer for Royal National Institute of Blind People and have spoken to Edward Bates from Norfolk and Norwich Association for the Blind (copied in) who i work extremely closely with, this can also be considered a joint response from NNAB and RNIB.

I am afraid we will have to object to all three applications:

The application for The Last Wine Bar is also extremely problematic for blind and partially sighted people. As St George's Street is a shared space scheme the tools that we use to navigate the area have been taken away. There are no kerbs to orientate ourselves and nothing, other than the building line, for guide dogs to follow. Putting cafe furniture in the proposes site will force blind and partially sighted people into the path

of cycles, delivery trucks and taxis. As things are we at least have a relatively safe zone along the building line. This will be taken away from us. In addition St George's is round the corner from the new RNIB offices on Colgate and part of a main route from the city centre to NNAB. There are likely to be quite a number of blind and partially sighted people trying to navigate this area.

Many Thanks

Michael

Michael Wordingham
Regional Campaigns Officer - East of England
RNIB (Royal National Institute of Blind People)
51 Colegate, Norwich NR3 1DD

w: <http://www.rnib.org.uk/campaigning-campaign-your-area-midlands/east-england>

--
Celebrating 150 years of creating change for blind and partially sighted people.
To help us continue removing the barriers that can stop people with sight loss thriving, visit
<https://www.rnib.org.uk> to donate.



DISCLAIMER:

The information contained in this email and any attachments is confidential and may be privileged. If you are not the intended recipient you should not use, disclose, distribute or copy any of the content of it or of any attachment; you are requested to notify the sender immediately of your receipt of the email and then to delete it and any attachments from your system.

RNIB endeavours to ensure that all emails and attachments are virus free. We cannot, however, guarantee nor accept any responsibility for the integrity of unsecure email.

We therefore recommend that you use up to date anti-virus software and scan all communications.

Please note that the statements and views expressed in this email and any attachments are those of the author and do not necessarily represent those of RNIB.

RNIB Registered Charity Number: 226227

Website: <https://www.rnib.org.uk>

Norwich Access Group's response to application for table and chairs.

The Last Wine Bar, St George's Street

We have concerns about the pavement board for the seating, as it would not be easily wheelchair accessible, and could be a trip hazard for people with restricted mobility or visual impairment. Otherwise, as it is a pedestrian zone the pavement seems wide enough to accommodate the tables and chairs in this location.

Martin Symons
Co Chair, Norwich Access Group
May 2019

Fuller, Maxine

From: FOOD & SAFETY
Sent: 14 May 2019 12:29
To: Fuller, Maxine
Subject: RE: Accepted applications - Licensing Act 2003

Hi Maxine,

I don't have any comments on the Last Wine Bar application.

Jaan Stanton
Environmental Health Officer (food and safety)
tel: 01603 212747
mob: 07985 450340



Be part of our [Business Merit scheme](#) and the [Norwich Pledge for Health](#)



Finalist in the 'Housing initiative' category for the LGC Awards 2019

From: Fuller, Maxine
Sent: 13 May 2019 14:31
To: 'trading.standards@norfolk.gov.uk'; Sadler, Ann-Marie; POLICE CONTACT - LICENSING (E-mail); 'carrowadmin@fire.norfolk.gov.uk'; Rodger, Jackie; PLANNING; ENVIRONMENTAL PROTECTION; FOOD & SAFETY
Subject: Accepted applications - Licensing Act 2003

Hi,

Licensing applications received to date.

<< File: Consultation Email Spreadsheet.xls >> << File: Last Wine Bar.pdf >> << File: Hagggle.pdf >>

Regards

Tony Shearman
Environmental protection officer - public protection
Norwich City Council

Fuller, Maxine

From: Bartram, Michelle <michelle.bartram@norfolk.pnn.police.uk>
Sent: 03 June 2019 11:12
To: LICENSING
Cc: Woods, Suzanne
Subject: Tables and Chairs - Last Wine Bar

Hello Licensing

I can confirm that Police have received a copy of the application for Last Wine Bar for table and chairs to be on the highway 0800-2200 Monday-Sunday.

There are no objections to this

Regards

Michelle Bartram
Licensing Officer

Licensing
Norfolk Constabulary
Bethel Street Police Station
Norwich, Norfolk, NR2 1NN

Tel: 01603-276020 Fax: 01603-276025

Follow us @nfklicensing



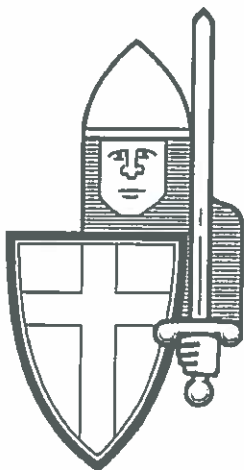
It takes 24 trees to produce 1 ton of office paper!

Think... is it really necessary to print this email?

This e-mail carries a disclaimer

Go here to view [Norfolk Constabulary](#)

[Disclaimer](#)



St George's Music Shop

17-19 St George's Street Norwich NR3 1AB
U.K.

Partners: Christopher J Duarte MMus BA (Hons)
Anne M Duarte BA (Hons) DipABRSM

Head of Citywide Services
Licensing Department
City Hall
Norwich NR2 1HN



20 May 2019

Re: The Last Wine Bar, St George's Street, Norwich NR3 1AB

To whom it may concern:

We are writing to support the Last Wine Bar in its application to have tables and chairs outside its premises between 8am and 10pm. St George's Street is intended to be predominantly pedestrianised but, in reality, it is busy with traffic most of every day. We believe that the arrival of tables and chairs at the Colegate entrance to the street will have a calming effect on the vehicles which have to pass down the street and may deter the ones which do not.

St George's Street will also benefit from the Last Wine Bar's proposal to become a *brasserie*, with significantly longer opening hours encouraging greater footfall. Café Pure closes mid-afternoon and the street ceases to have much appeal to the casual passerby. Yes, the Playhouse bar is open but, with their outside tables effectively hidden at the back, there is little sign of flourishing business.

We hope that the Last Wine Bar will be granted permission to make these important changes to its offering and keep St George's Street on the map for tourists and workers alike.

Yours faithfully,

Anne Duarte





Website: www.norfolkfireservice.gov.uk

Tony Shearman
Public Protection (licensing)
Citywide Services
City Hall
St Peters Street
NR2 1NH

Please ask for: Kerry Larcombe
Direct Dial: 0300 123 1418
Email: kerry.larcombe@fire.norfolk.gov.uk
My Ref: 00013050
Your Ref:

15 May 2019

Dear Sir

The Regulatory Reform (Fire Safety) Order 2005

Premises: The Last Wine Bar, 76 St Georges Street, Norwich, NR3 1AB

I acknowledge receipt of the application for the above premises.

The authority has no objection to the placement of the tables and chairs in this location.

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

Yours faithfully



K Larcombe
for Chief Fire Officer



Fuller, Maxine

From: Yates, Kieran
Sent: 20 May 2019 14:34
To: LICENSING
Subject: The Last Wine Bar

Licensing

No objection on highway grounds with regard the proposed tables and chairs by The Last Wine Bar

NB the plan is slightly inaccurate in that the licensed area would not be opposite the parking spaces. My main concern was with vehicles reversing out of the parking bay and hitting the licensed area.



Kieran Yates
Transport Planner
kieran.yates@norwich.gov.uk
01603 212471
0344 980 3333

Norwich City Council
Transportation
City Hall, Norwich, NR2 1NH

Report to	Regulatory sub-committee 8 July 2019	Item
Report of	Head of citywide services	4
Subject	Highways Act 1980: application for licence to place tables and chairs on the highway - The Café Club, 41 King Street NR1 1PH	

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 Café Club, 41 King Street, NR1 1PH.

Corporate priorities

The report helps to meet the corporate priorities great neighbourhoods, housing and environment and inclusive economy.

Financial implications

None.

Ward/s: Thorpe Hamlet

Cabinet member: : Councillor Maguire – Safe and sustainable city environment

Contact officers

Maxine Fuller – Licensing Assistant

01603 212761

Background documents

None

Report

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 The Café Club, 41 King Street, NR1 1PH seeking to place 4 tables and 8 chairs on the highway outside 41 King street and part of Rose Lane between the hours of 07:30 to 16:00 Monday to Wednesday, Friday and Saturday, and from 07:30 to 20:00 on Thursday.
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's Planning, Transportation and Landscape, Health and Safety and Pollution Control 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:
 - Cllr Ben Price
 - Michelle Bartram – Norfolk Constabulary
 - Food & Safety Team – Norwich City Council
 - Norfolk Fire & Rescue Service
 - Norwich Access Group
 - Please note the document referred to in this representation, guidance published by the department of transport entitled: Making transport accessible

for passengers and pedestrians; a guide to best practice on improving access to public transport and creating a barrier-free pedestrian environment. Is available online [here](#).

- Royal National Institute of Blind People (RNIB)

Tables and Chairs Licence – Standard Conditions

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- 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 Citywide 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

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System reference

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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

Rebecca

* Family name

Savage

* 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:

☒ 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 you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

* Is your business registered in the UK with Companies House?

☐ Yes ☒ No

* Is your business registered outside the UK?

☐ Yes ☒ No

* Business name

the cafe club

If your business is registered, use its registered name.

* VAT number

 none

Put "none" if you are not registered for VAT.

* Legal status

Sole Trader

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

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

Continued from previous page...

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	<input type="text"/>
* Main telephone number	<input type="text"/>
Other telephone number	<input type="text"/>

Further Details

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

cafe

Section 4 of 9

OWNERSHIP OF THE PREMISES

* In what capacity do you occupy the premises?

- ☐ Freehold
☒ Leasehold
☐ Tenant
☐ Other

* Give details of the lease, tenancy or other arrangement

5 year lease from March 2016

Give Details Of The (Freehold) Owner Of The Premises

* Name of owner

Owner's Address

* Building number or name	<input type="text"/>
* Street	<input type="text"/>
District	<input type="text"/>
* City or town	<input type="text"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text"/>
* Country	<input type="text" value="United Kingdom"/>

Continued from previous page...

Contact Details

E-mail	<input type="text"/>
* Main telephone number	<input type="text"/>
Other telephone number	<input type="text"/>

Further Details

* Has the owner given consent for this application? ☒ Yes ☐ No

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)

In front of the building on King Street and to the side of the building on Rose Lane

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

* Length	<input type="text" value="400cm"/>
* Width	<input type="text" value="90cm"/>
* Give the total width of the pavement or footway at this location	<input type="text" value="290cm"/>

OPENING TIMES

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

* Day or days	<input type="text" value="Monday - Saturday"/>
* From	<input type="text" value="7.30am"/>
* To	<input type="text" value="4pm"/>

Day or days	<input type="text" value="Thursday"/>
From	<input type="text" value="7.30"/>
To	<input type="text" value="8pm"/>

Remove this day

Add another day

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

Section 6 of 9

DETAILS OF FURNITURE

Continued from previous page...

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

4

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

60cm x 60cm steel and wood

Chairs

* Number

8

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

58cm x 45cm

Litter Bins

Number

0

Parasols/Umbrellas

Number

0

Planters

Number

4

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

Plant pots, each side of the cafe on either side of the tables and chairs

Space Heaters

Number

0

Lighting

Number

0

Barriers/Balustrades

Number

4

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

Canvas and steel barriers in front of the tables creating a barrier from the road

Other furniture or equipment

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

Continued from previous page...

Further Details

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

In the cafe in the room that leads to the basement

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

Outside cleaning will be added to our daily close schedule. All tables will have a mini bin that will be emptied, pavement will be swept and any dirt will be mopped

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

* Insurance company

NFU Mutual

* Policy number

080X7151817/N06

* Period of cover

1 year

* Amount of cover (£m)

5

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?"

Continued from previous page...

* Full name

* Capacity

* Date / /
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.

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

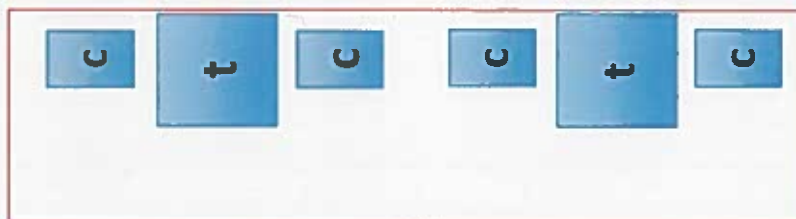
Error message

Is Digitally signed ☐

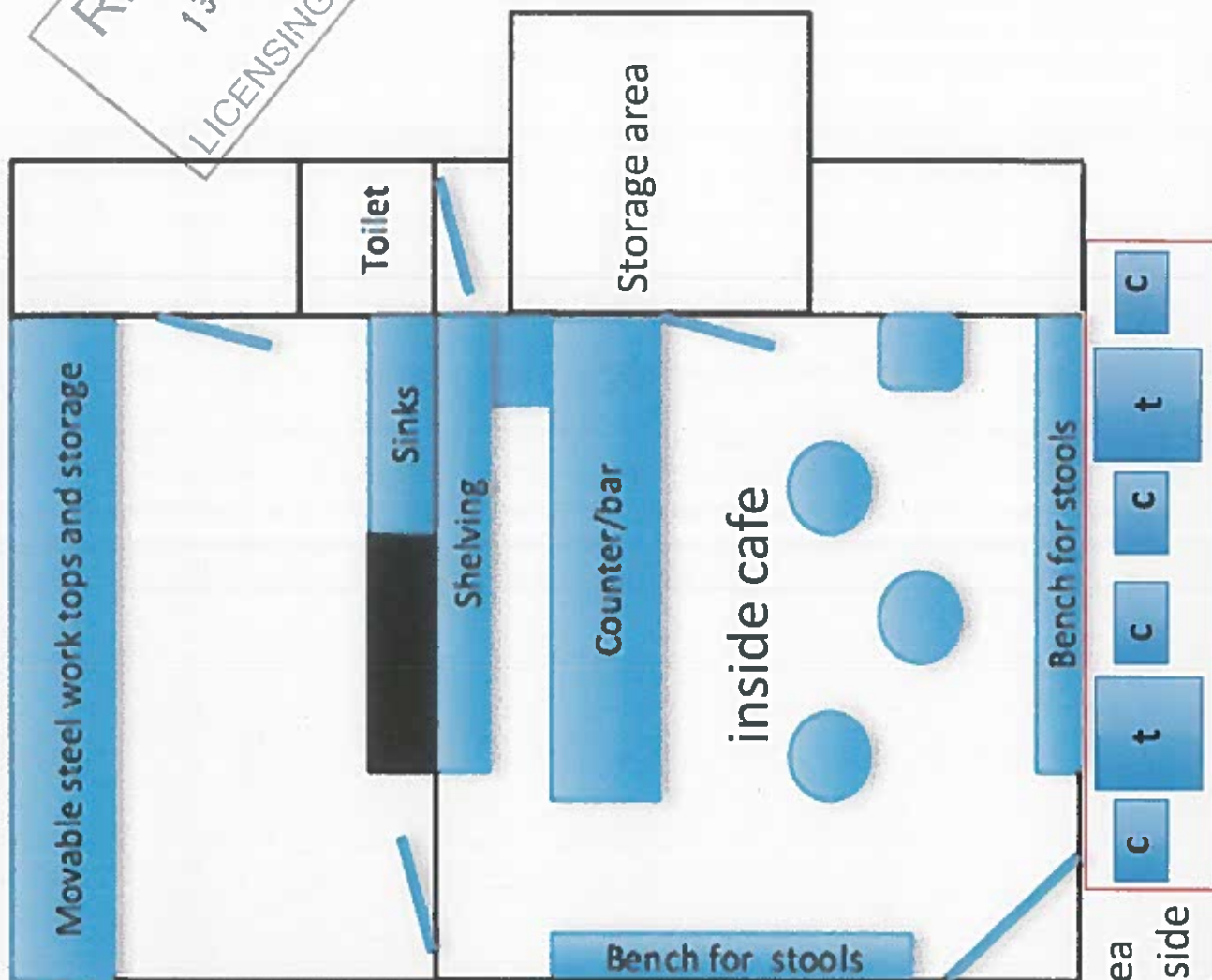
[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [Next >](#)

Proposed licensed area plan

Licensed
area Rose
Lane side
90cm x
465cm



t = table
c = chair



Licensed area
King Street side
60cm x 397cm

RECEIVED
13 MAY 2019
LICENSING OFFICE

Introduction

The café club is situated on the corner or Rose Lane and King Street

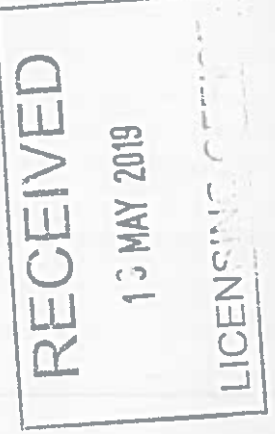
The property is approximately 500cm in length on the Rose Lane side and 422cm on the King Street side with windows both sides

I am proposing 2 tables and 4 chairs on each side of the cafe



Rose Lane side

King Street side



Rose Lane side

View looking towards the station on Rose Lane

The pavement is 290cm wide from the café to the kerb.

I estimate there is space for 2 tables, each with 2 chairs

The widest table will be no more than 60cm wide with canvas barriers separating the customers from pedestrians

Total width needed will be 90cm

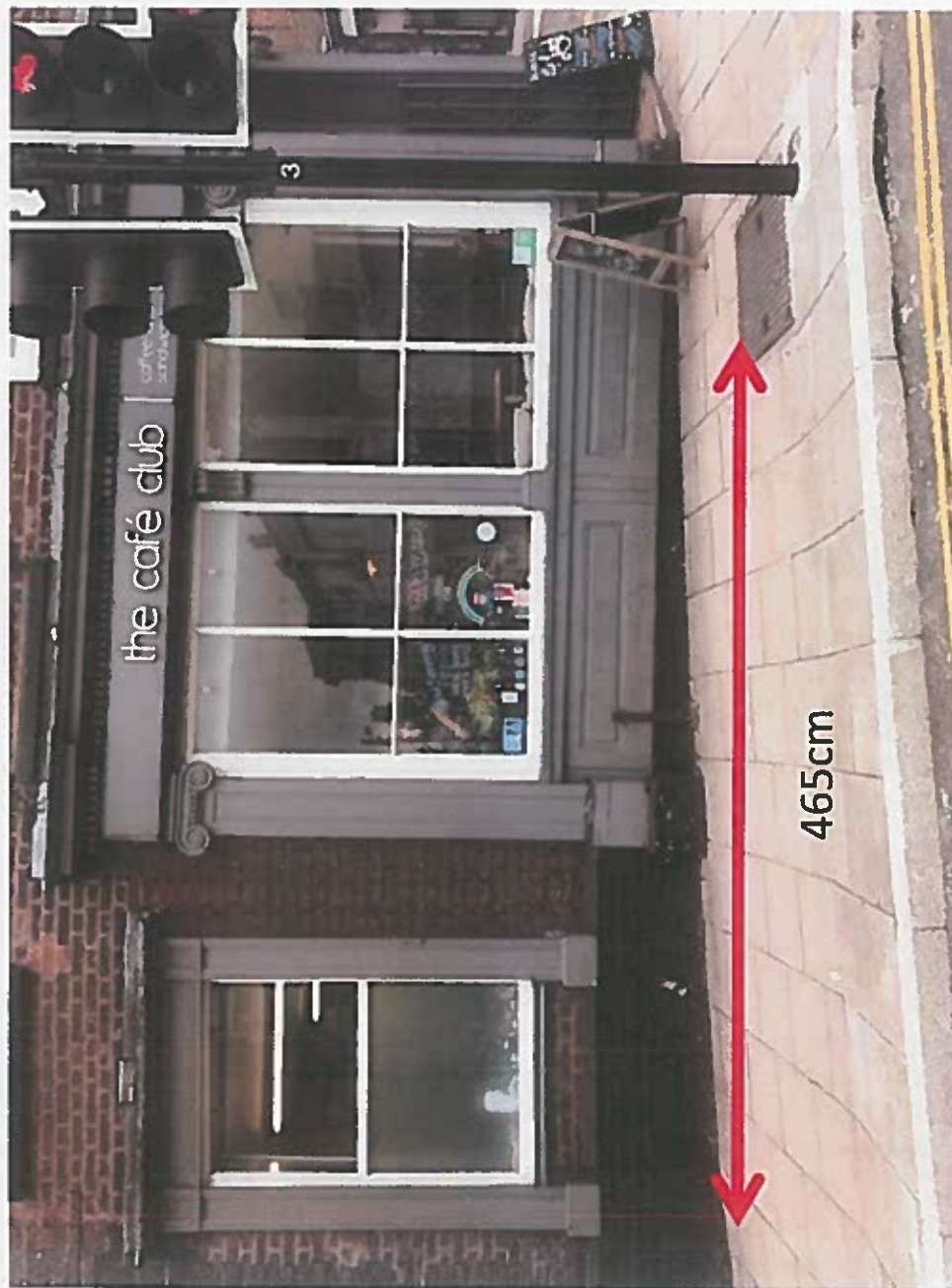
RECEIVED

13 MAY 2019

LICENSING OFFICE



Front view of Rose lane side of cafe



Length of the property on this side is 500cm
The kerb drops at the traffic light on the right corner and to the left end
The length of the pavement, avoiding traffic light and dropped kerbs is 465cm which is the length I propose for the tables and chairs

RECEIVED

13 MAY 2019

LICENSING



King Street side

View from Rose Lane and King Street Junction

The path is not as wide here (176cm) but there is no dip to the road and fewer pedestrians. Bikes now have more road space to use and it's clearly indicated on the road where the bike path is. I propose 2 tables each with 2 chairs in this area

The widest table will be no more than 60cm wide allowing more than 1 meter in pathway



Front view of King Street side of cafe

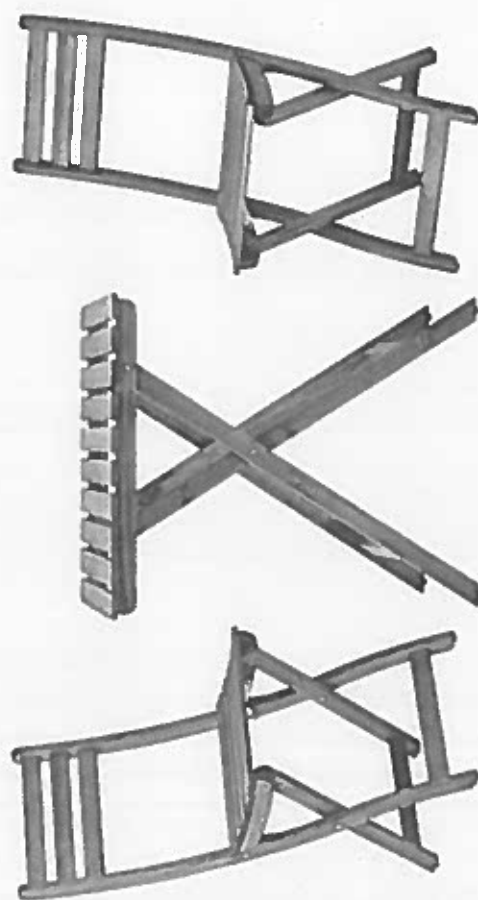


Length of the property on this side is 422cm
The kerb is dropped the length of the pavement,
There is a sign post to the right near the door so 397cm is the maximum length I propose for the tables and chairs



RECEIVED
13 MAY 2019
LICENSING OFFICE

Furniture specification



Tables and chairs will be light and foldable to make it easy to carry in and out of the property and to store

Made from acacia with acrylic stain

Size of table:
length 62 cm, width 60 cm, height 73 cm

Size of chair:
width 36 cm, depth 49 cm, seat width 36 cm, seat depth 30 cm, seat height 46 cm, height 87 cm



Fuller, Maxine

From: Cllr Price, Ben
Sent: 11 June 2019 13:45
To: LICENSING
Cc: Stephenson, Claire
Subject: The Cafe Club objection

Hello,

I am formally raising an objection to the application for tables and chairs outside The Café Club.

The King Street side is a very narrow pavement. This road is still accessed by cars and is also national cycle route 1. It would be impossible for a pram or a mobility scooter to remain on the pavement if a table and chairs are located on this side of the premises, forcing them on to the road, which is unacceptable and dangerous.

On the rose lane side, the pavement has been extended in to the road slightly. However, this is where the rose lane crossing is located, requiring pedestrians, including prams and mobility scooters to walk past this pinch point to continue along king street. Again, this puts too much pressure on space based upon pedestrian traffic flows and could result in conflict with road traffic.

Many Thanks

Cllr Price

Thank you for contacting me.

I do try to respond as quickly as possible, but in an emergency, please contact Norwich City Council on 0344 980 3333 or Police on 999.

To find out more about my work as a Thorpe Hamlet Councillor, please follow the below link:

<https://norwich.greenparty.org.uk/candidates/ben-price-thorpe-hamlet-candidate.html>

Fuller, Maxine

From: Bartram, Michelle <michelle.bartram@norfolk.pnn.police.uk>
Sent: 23 May 2019 11:44
To: LICENSING
Cc: Woods, Suzanne
Subject: Tables & Chairs - Cafe Club Norwich

Hello Licensing

I can confirm that Police have received a copy of the application for Café Club, King Street Norwich for Tables and Chairs.

There are no objections under crime and disorder however there are concerns about the accessibility of passer-by's due to the path being narrow and at a busy junction.

I have sent an email to Kieran Yates for their consideration and expertise.

Regards

Michelle Bartram

Licensing Officer

Licensing

Norfolk Constabulary

Bethel Street Police Station

Norwich, Norfolk, NR2 1NN

Tel: 01603-276020 Fax: 01603-276025

Follow us @nfklicensing



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

Fuller, Maxine

From: FOOD & SAFETY
Sent: 21 May 2019 16:55
To: LICENSING
Subject: EH19/7611 Tables and Chairs LKicence application The Cafe club, 41 King street

Dear Licensing

I have viewed the application and raise no objection to it being granted.

Kind regards

Sara Brandford
Environmental Health Officer
Food and Safety Team



Website: www.norfolkfireservice.gov.uk

Mr T Shearman
Public Protection (Licensing)
Norwich City Council
City Hall
St Peters Street
NR2 1NH

Please ask for: Kerry Larcombe
Direct Dial: 0300 1231418
Email: kerry.larcombe@fire.norfolk.gov.uk
My Ref: 00084381
Your Ref:

20 May 2019

Dear Sir

The Regulatory Reform (Fire Safety) Order 2005

Premises: The Cafe Club, 41 King Street, Norwich, NR1 1PH

I acknowledge receipt of the application for the above premises.

The authority has no objection to the placement of the tables and chairs in this location.

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

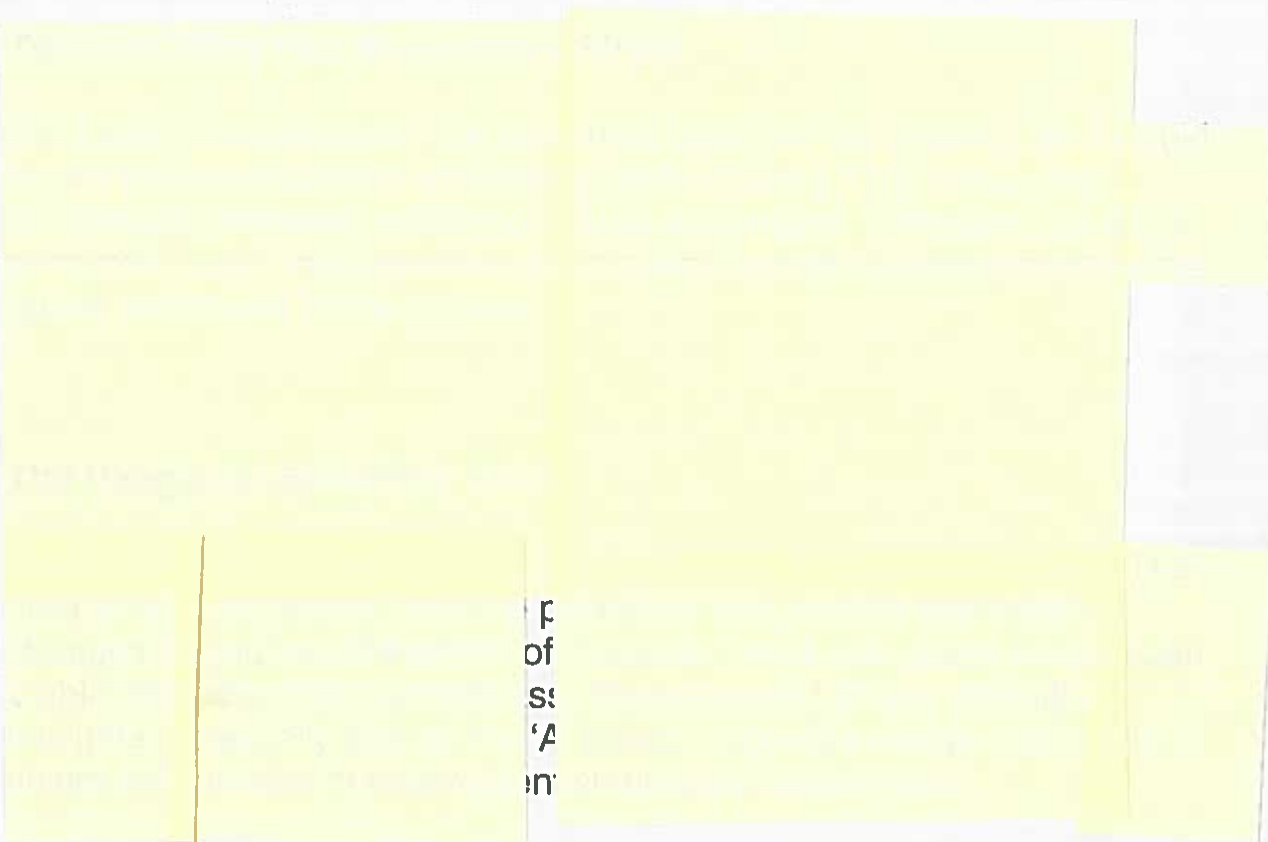
Yours faithfully



K Larcombe
for Chief Fire Officer



Norwich Access Group's response to application for table and chairs.



Café Club, Kings Street/Rose Lane

We also have concerns about Café Club. The table and chairs on Rose Lane will be pushing wheelchairs and pushchairs onto a manhole cover.

Secondly the pavement on King Street is not wide enough for tables and chairs. It would be pushing prams, pushchairs and wheelchairs into the road where there is not a drop curb. This is also right by the traffic lights which would be distracting for traffic

Martin Symons
Co Chair, Norwich Access Group
May 2019

Fuller, Maxine

From: Michael Wordingham
Sent: 03 June 2019 16:55
To: Fuller, Maxine
Cc: MARTIN SYMONS; Edward Bates
Subject: Table and Chairs Application
Attachments: inclusive-mobility-guidance.docx

Dear Maxine,

I am writing in response to the applications for cafe furniture from **d Cafe Club**. I am a member and trustee of the Norwich Access Group but I am afraid I have been away and couldn't get my contribution to Martin (copied in) in time before he had to write his response to you. I am also the Regional Campaigns Officer for Royal National Institute of Blind People and have spoken to Edward Bates from Norfolk and Norwich Association for the Blind (copied in) who i work extremely closely with, this can also be considered a joint response from NNAB and RNIB.

I am afraid we will have to object to all three applications:

Inclusive Mobility

3.1 Widths

A clear width of 2000mm allows two wheelchairs to pass one another comfortably. This should be regarded as the minimum under normal circumstances. Where this is not possible because of physical constraints 1500mm could be regarded as the minimum acceptable under most circumstances, giving sufficient space for a wheelchair user and a walker to pass one another. The absolute minimum, where there is an obstacle, should be 1000mm clear space.....

It is also recommended that there should be minimum widths of 3000mm at bus stops and 3500mm to 4500mm by shops though it is recognised that available space will not always be sufficient to achieve these dimensions."

This also applies to the application for **Cafe Club**, particularly the King Street section where things are further complicated by the flush kerbs. The combination of a narrow pavement (less than 1500mm) and the lack of kerbs would mean blind and partially sighted people risk being forced into the road without being aware of it. The Rose Lane section will leave 2000mm which is 1500mm below the minimum width recommended for a pavement by a shop.

Report to	Regulatory sub-committee 8 July 2019	Item
Report of	Head of citywide services	5
Subject	Highways Act 1980: application for licence to place tables and chairs on the highway - Haggie Restaurant, 13 St Benedicts Street, NR2 4PE	

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 Haggie Restaurant, 13 St Benedicts Street, NR2 4PE

Corporate priorities

The report helps to meet the corporate priorities great neighbourhoods, housing and environment and inclusive economy.

Financial implications

None.

Ward/s: Mancroft

Cabinet member: : Councillor Maguire - Safe and sustainable city environment

Contact officers

Maxine Fuller – licensing assistant

01603 212761

Background documents

Report

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 Haggie Restaurant, 13 St Benedicts Street NR2 4PE seeking to place 3 tables and 6 chairs on the highway between the hours of 09:00 and 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's Planning, Transportation and Landscape, Health and Safety and Pollution Control 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:
 - Royal National Institute of Blind People (RNIB)
 - Helena Hudson - local resident
 - Susan Seddon – local resident
 - John Taylor – local resident

- Norwich Access Group
 - Please note the document referred to in this representation, guidance published by the department of transport entitled: Making transport accessible for passengers and pedestrians; a guide to best practice on improving access to public transport and creating a barrier-free pedestrian environment. Is available online [here](#).
- Food & Safety Team – Norwich City Council (they have withdrawn their objection)
- Transport Planner – Norwich City Council
- Environmental Protection Team – Norwich City Council
- Norfolk Constabulary Licensing Team
- Norfolk Fire & rescue Service
- Petition from local residents at Helgate Court

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 Citywide 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

Haggle tables & chairs outside

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

Deniz

* Family name

Turan

* E-mail

Main telephone number

Other telephone number

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

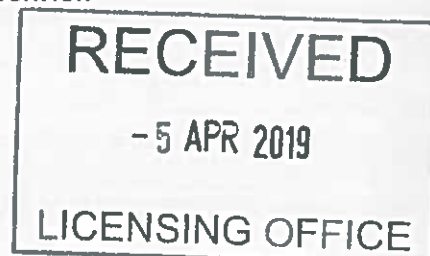
Include country code.

Are you:

☐ 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 you are applying so you can be employed, or for some other personal reason, such as following a hobby.



Continued from previous page...

Your Address

Address official correspondence should be sent to.

* Building number or name	13
* Street	St Benedicts Street
District	
* City or town	Norwich
County or administrative area	Norfolk
* Postcode	NR2 4PE
* Country	United Kingdom

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	Haggle Restaurant
-------------------------------------	-------------------

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	13
* Street	St Benedicts Street
District	
* City or town	Norwich
County or administrative area	Norfolk
* Postcode	NR2 4PE
* Country	United Kingdom

Continued from previous page...

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)

Middle Eastern themed restaurant

Section 4 of 9

OWNERSHIP OF THE PREMISES

* In what capacity do you occupy the premises?

☐ Freehold

☐ Leasehold

☒ Tenant

☐ Other

* Give details of the lease, tenancy or other arrangement

15 year lease which began in 2015

Give Details Of The (Freehold) Owner Of The Premises

* Name of owner

Leona Levine

Owner's Address

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Continued from previous page...

Contact Details

E-mail	<input type="text"/>
* Main telephone number	<input type="text"/>
Other telephone number	<input type="text"/>

Further Details

- * Has the owner given consent for this application? ☒ Yes ☐ No

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)

The pavement area immediately in front of the restaurant windows on St Benedicts Street - please refer to the attached document.

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

* Length	<input type="text" value="4.5"/>
* Width	<input type="text" value="1.0"/>
* Give the total width of the pavement or footway at this location	<input type="text" value="2.228"/>

OPENING TIMES

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

* Day or days	<input type="text" value="Monday to Sunday inclusive"/>
* From	<input type="text" value="09:00hrs"/>
* To	<input type="text" value="23:00hrs"/>

- * 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	<input type="text" value="3"/>
----------	--------------------------------

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

Continued from previous page...

Circular topped tables with diameter 60-65cm similar to those in the images supporting the application. Metal, marble or ceramic top.

Chairs

* Number

6

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

Narrow bentwood chairs similar to those in the images supporting the application.

Litter Bins

Number

0

Parasols/Umbrellas

Number

0

Planters

Number

0

Space Heaters

Number

0

Lighting

Number

0

Barriers/Balustrades

Number

3

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

The barriers would be between 1m and 1.2m in length minimising use of space on the pavement while allowing sufficient room for customers to move freely into and out of their seating. The metal posts making up the structure of the barrier will have screening material between them (as shown) of cloth or plastic material. This will be a dark subtle colour, ideally with the restaurant logo embossed on the surface.

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?

In the internal storage area within the restaurant building

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

It is not anticipated that all 6 outside seats will be occupied up to closing as customers will not be drinking alcohol outside.

Continued from previous page...

The tables and chairs can be carried individually inside between 22:00 and 23:00hrs as they become free and at a convenient time so as not to interfere with customers dining inside on the ground floor

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

* Insurance company

NFU Mutual

* Policy number

080X6541790/N06

* Period of cover

08/09/18 to 08/09/19

* Amount of cover (£m)

5

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)

Haggle already has a full length retractable canopy/awning fitted to the outside of the front of the restaurant. This offers cover from the rain for all pedestrians using the pavement area outside. This is shown in the images provided in support of the application.

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

Deniz Baykal Turan

* Capacity

Owner

* Date

05 / 04 / 2019
dd mm yyyy

Add another signatory

Continued from previous page...

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

1. Save this form to your computer by clicking **file/save as...**

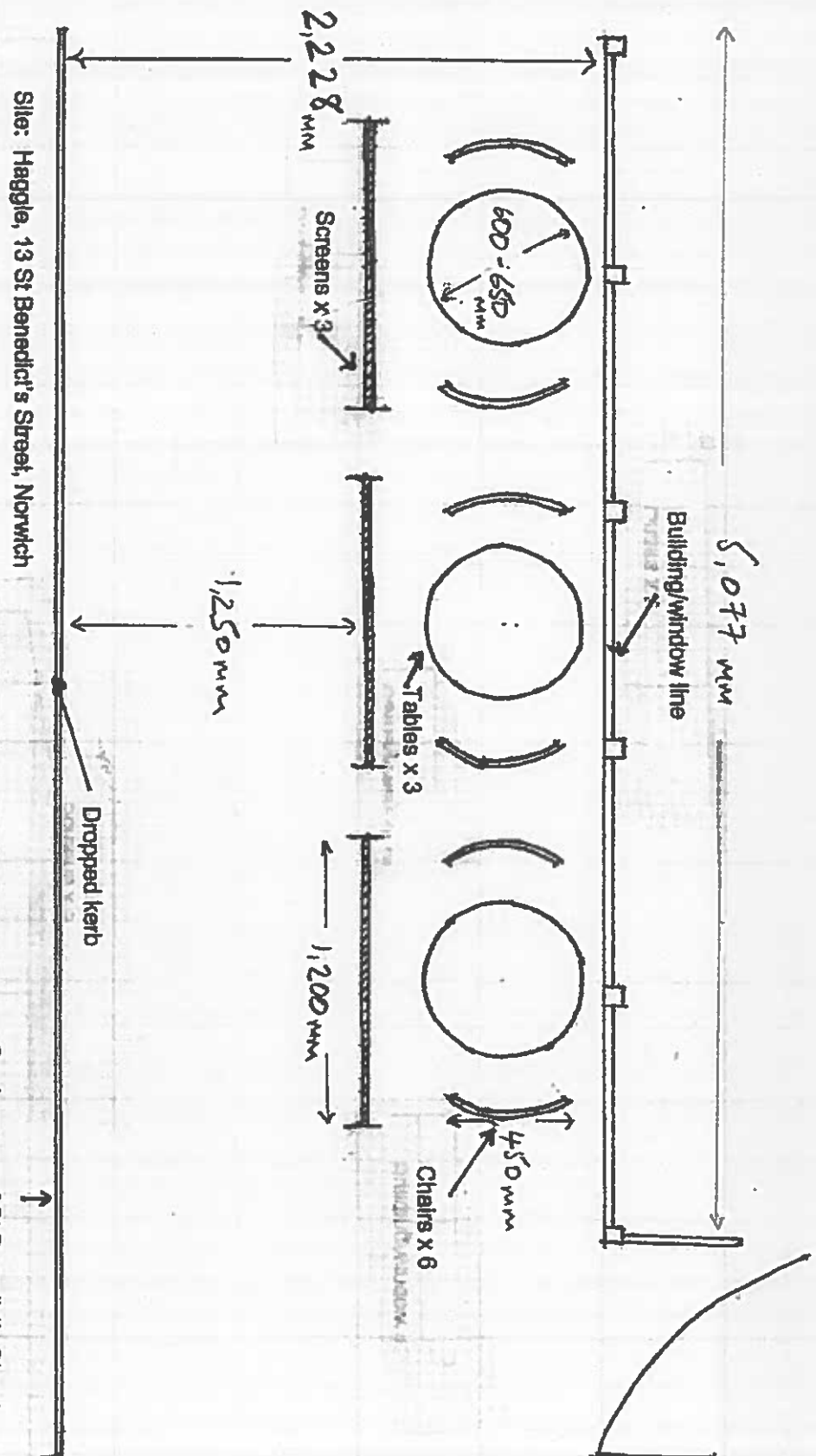
2. Go back to <https://www.gov.uk/apply-for-a-licence/ability-to-place-tables-and-chairs-in-the-road/norwich/apply-1> to upload this file and continue with your application.

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

OFFICE USE ONLY

Applicant reference number	<input type="text" value="Haggle tables & chairs outside"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

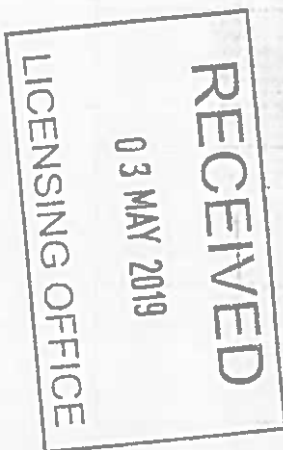
1 2 3 4 5 6 7 8 9 Next >



Scale: 1:25

Plan for tables & chairs on the pavement

Date: 10/4/2019

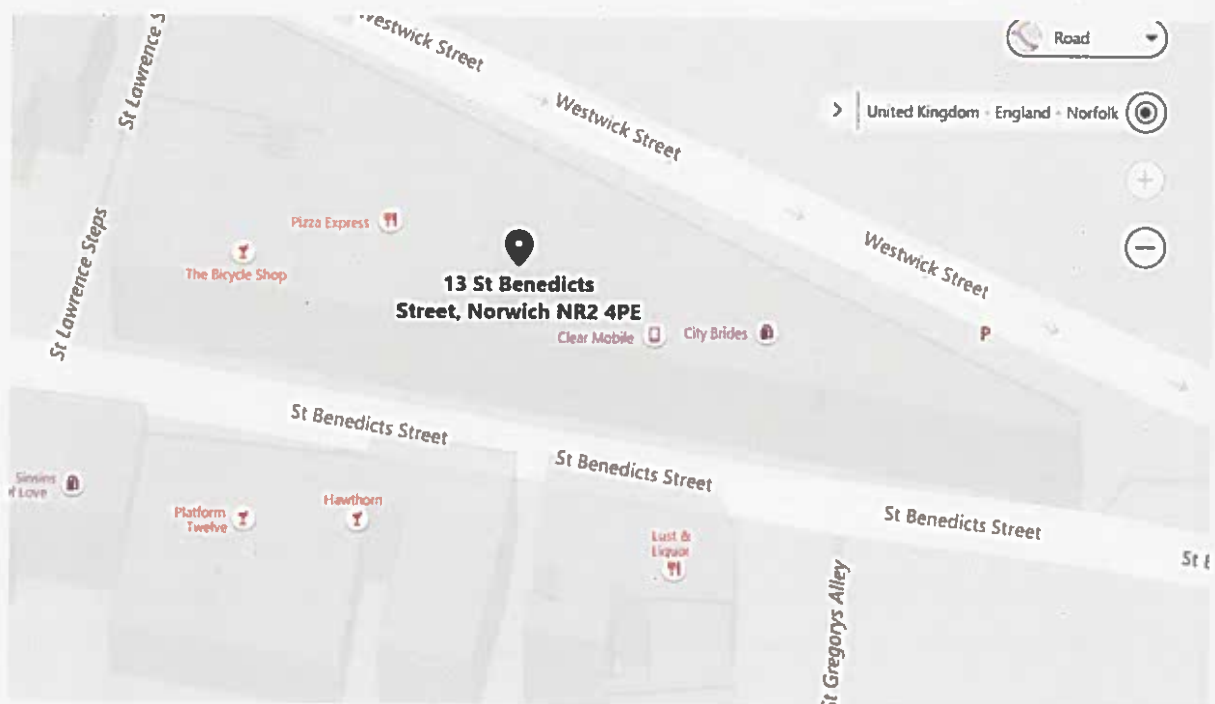


Haggle, 13 St Benedicts Street, Norwich, NR2 4PE

Images in support of the application for a permit to place tables and chairs on the pavement



Aerial view of the Restaurant location



Street plan showing the location



Photo showing the pavement area (with the awning/canopy) facing west along St Benedicts Street



Exact measurement of the width of the pavement



Confirmation of the width of the pavement



Style and size of tables and chairs to be placed outside



Mock-up of how the finished placement would look

Fuller, Maxine

From: Michael Wordingham
Sent: 03 June 2019 16:55
To: Fuller, Maxine
Cc: MARTIN SYMONS; Edward Bates
Subject: Table and Chairs Application
Attachments: inclusive-mobility-guidance.docx

Dear Maxine,

I am writing in response to the applications for cafe furniture from Haggie,

I am a member and trustee of the Norwich Access Group but I am afraid I have been away and couldn't get my contribution to Martin (copied in) in time before he had to write his response to you. I am also the Regional Campaigns Officer for Royal National Institute of Blind People and have spoken to Edward Bates from Norfolk and Norwich Association for the Blind (copied in) who i work extremely closely with, this can also be considered a joint response from NNAB and RNIB.

I am afraid we will have to object to all three applications:

The tables and chairs outside Haggie would mean that the pavement would not be compliant with the guidance set out in Section 3.1 of 'Inclusive Mobility' (attached) as it will leave a width of 1250mm. 2250mm less than the recommended minimum width for a pavement outside a shop.

Inclusive Mobility

3.1 Widths

A clear width of 2000mm allows two wheelchairs to pass one another comfortably. This should be regarded as the minimum under normal circumstances. Where this is not possible because of physical constraints 1500mm could be regarded as the minimum acceptable under most circumstances, giving sufficient space for a wheelchair user and a walker to pass one another. The absolute minimum, where there is an obstacle, should be 1000mm clear space.....

It is also recommended that there should be minimum widths of 3000mm at bus stops and 3500mm to 4500mm by shops though it is recognised that available space will not always be sufficient to achieve these dimensions."

Fuller, Maxine

From: Helena Hudson <
Sent: 06 June 2019 15:44
To: LICENSING
Subject: Attn: Head of Citywide Services, Licensing Department

Dear Sir/Madam,

I write to register my opposition to the application from Haggie Restaurant, 13 St Benedicts Street, for permission to place tables and chairs on the pavement outside the restaurant.

I regularly (almost daily) travel from my home in Orchard Street, Norwich, to and from the city centre using my mobility scooter, as do many others, as well as people using other wheelchairs or parents with baby buggies.

This footpath is already barely wide enough for two such vehicle to pass and, when people are walking, or even just standing around (often smoking outside the restaurants) space is even more restricted.

It becomes more restricted when vehicles are parked on the road.

There are already other obstacles in St Benedicts Street - recycling bins, parking meters and several bicycles chained together - often spreading well across the path - outside The Bicycle Shop restaurant. We do not need more!

I consider that chairs and tables outside Haggie, probably together with some sort of barrier to separate them from passers-by, would make it almost impossible for anyone with limited mobility.

I ask you to reject this application.

Thank you.

Helena Hudson
57 St Barnabas Court,
Norwich, NR2 4PY

31 Westwick Street
Norwich
NR2 4TT



May 31 2019

Dear Sir,

I write to register my strong objections to the proposal for tables and chairs to be placed on the pavement outside "Haggle", St Benedict's Street.

The pavement is too narrow to permit pedestrians to pass tables and chairs safely without having to step into the road. Anyone on a mobility scooter or pushing a pram or buggy would be completely blocked.

It is vital that the pavement on the north side of the street is unobstructed because the pavement on the south side is so narrow that two pedestrians cannot easily pass one another. It is not suitable for mobility scooters or prams and buggies, so the north side is their only access along the street.

I trust that permission will be denied in the interests of safety and accessibility.

Yours faithfully,

A yellow rectangular box redacting the signature of Susan Seddon.

Susan Seddon

Fuller, Maxine

From: noreply_xforms@norwich.gov.uk
Sent: 28 May 2019 08:46
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	John Taylor
Postal address	13 Mancroft Walk, Norwich, NR2 4QZ
Email address	
Contact telephone number	
Address of the premises you wish to support or object to	Haggle, St Bendicts Street, 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	
To prevent public nuisance	The pavement outside Haggle is wide enough for pedestrians to pass in single file. I believe if tables were placed, this would encourage people to walk on to the road, plus restrict those with pushchairs, or using wheelchairs and mobility scooters
To protect children from harm	
Please suggest any conditions which would alleviate your concerns	
Full name:	Alan John Taylor
Date:	28/05/2019

Norwich Access Group's response to application for table and chairs.

The Haggie, St Benedicts Street

Members have concerns about The Haggie on St Benedicts Street. The area is very congested, and the pavement has camber and width changes throughout the length of the road. There are places where even 2 able bodied people cannot pass. The pavement is very difficult to navigate, especially with all the 'A' boards. Adding external tables and chairs would make one pavement completely inaccessible.

Martin Symons
Co Chair, Norwich Access Group
May 2019

Fuller, Maxine

From: FOOD & SAFETY
Sent: 14 May 2019 12:29
To: Fuller, Maxine
Subject: RE: Accepted applications - Licensing Act 2003

Hi Maxine,

. However the Haggie tables and chairs application appears problematic. If granted it would set a precedent which, if other restaurants and cafes on the street were to follow, would end up severely restricting the passing space for children's buggies and wheelchairs etc. I have asked Kieran Yates for his comments.

Best wishes

Jaan Stanton
Environmental Health Officer (food and safety)
tel: 01603 212747
mob: [REDACTED]



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Finalist in the 'Housing initiative' category for the LGC Awards 2019

From: Fuller, Maxine
Sent: 13 May 2019 14:31
To: 'trading.standards@norfolk.gov.uk'; Sadler, Ann-Marie; POLICE CONTACT - LICENSING (E-mail); 'carrowadmin@fire.norfolk.gov.uk'; Rodger, Jackie; PLANNING; ENVIRONMENTAL PROTECTION; FOOD & SAFETY
Subject: Accepted applications - Licensing Act 2003

Hi,

Licensing applications received to date.

<< File: Consultation Email Spreadsheet.xls >> << File: Last Wine Bar.pdf >> << File: Haggie.pdf >>

Regards

Tony Shearman
Environmental protection officer - public protection
Norwich City Council

Fuller, Maxine

From: Stanton, Jaan
Sent: 21 May 2019 10:57
To: Yates, Kieran
Cc: Gooding, Christopher; Shearman, Anthony; Fuller, Maxine; Gregg, Kyle
Subject: RE: Table and Chairs licence application - Haggie St. Benedicts

Thank you Kieran. I'm happy to withdraw any objection on the basis of your comments.

Best wishes

Jaan Stanton
Environmental Health Officer (food and safety)
tel: 01603 212747



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Finalist in the 'Housing initiative' category for the LGC Awards 2019

Fuller, Maxine

From: Yates, Kieran
Sent: 20 May 2019 14:29
To: LICENSING
Subject: Haggles: tables and chairs

Licensing


No objection on highway grounds in principle.

The proposed width of 1.25m is acceptable for short distances of footway to enable people to pass by.

If there is complaint of localised congestion It may be advisable for the applicant to place the barriers touching the tables and chairs to allow more space for pedestrians.

Tables and chairs in the city centre can enliven city centre streets and support local businesses.

regards


Kieran Yates
Transport Planner
kieran.yates@norwich.gov.uk
01603 212471
0344 980 3333

Norwich City Council
Transportation
City Hall, Norwich, NR2 1NH



Finalist in the 'Housing initiative' category for the LGC Awards 2019

Fuller, Maxine

From: Miles, Alick
Sent: 22 May 2019 14:05
To: LICENSING
Subject: Table and Chairs Application- Haggie EH19/7326

Dear Licensing,

I have reviewed the information submitted by the applicant and since the proposal is for a maximum of six chairs, there should not be an issue in regards to noise disturbance.

Therefore, the Environmental Protection team accept this application.

Yours sincerely

Alick Miles
Environmental protection officer
Tel:
Email: alickmiles@norwich.gov.uk

Fuller, Maxine

From: Bartram, Michelle <michelle.bartram@norfolk.pnn.police.uk>
Sent: 04 June 2019 16:47
To: LICENSING
Cc: Woods, Suzanne
Subject: Haggie Tables and chairs

Hello Licensing

I can confirm that Police have received a copy of the application for tables and chairs for Haggie, St Benedict's Norwich.

There are no objections to this

Regards

Michelle Bartram
Licensing Officer

Licensing
Norfolk Constabulary
Bethel Street Police Station
Norwich, Norfolk, NR2 1NN

Tel: 01603-276020 Fax: 01603-276025

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It takes 24 trees to produce 1 ton of office paper!

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[Disclaimer](#)

Organisational Development

24 MAY 2019

Post Room

Website: www.norfolkfireservice.gov.uk

Tony Shearman
Licensing
Norwich City Council
City Hall
St Peters Street
NR2 1NH

Please ask for: Kerry Larcombe
Direct Dial: 0300 123 1418
Email: kerry.larcombe@fire.norfolk.gov.uk
My Ref: 00013482
Your Ref:

15 May 2019

Dear Sir,

The Regulatory Reform (Fire Safety) Order 2005

Premises: Haggie, 13 St Benedicts Street, Norwich, NR2 4PE

I acknowledge receipt of the application for the above premises.

The authority has no objection to the placement of the tables and chairs in this location.

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

Yours faithfully



Kerry Larcombe
for Chief Fire Officer



CORPORATE RESOURCES
- 6 JUN 2019
POST ROOM

Helgate Court
35 Westwick Street
Norwich
NR2 4TT

June 3 2019

Dear Sir,

We, the undersigned, write to register our strong objections to the proposal for tables and chairs to be placed on the pavement outside "Haggle", St Benedict's Street.

The pavement is too narrow to permit pedestrians to pass tables and chairs safely without having to step into the road. Anyone on a mobility scooter or pushing a pram or buggy would be completely blocked.

It is vital that the pavement on the north side of the street is unobstructed because the pavement on the south side is so narrow that two pedestrians cannot easily pass one another. It is not suitable for mobility scooters or prams and buggies, so the north side is their only access along the street.

We trust that permission will be denied in the interests of safety and accessibility.

Yours faithfully,

NAME

FLAT #

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NAME

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