

Report to	Regulatory sub-committee 14 July 2014	Item
Report of	Head of citywide services	3
Subject	Highways Act 1980: application for licence to place tables and chairs on the highway - The Champion PH 101 Chapelfield Road Norwich	

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 Champion PH 101 Chapelfield Road Norwich NR2 1SE.

Corporate and service priorities

The report helps to meet the corporate priority of a safe and clean city and the service plan priority of protecting the interests of the public through the administration of the licensing function. The provision of outdoor refreshment facilities can enhance the character and vitality of an area and contribute to Norwich as a vibrant city of culture.

Financial implications

None.

Ward/s: All wards

Cabinet member: Councillor Harris – portfolio holder customer services

Contact officers

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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 at Appendix A of the report.
3. The Act gives councils a wide discretion to determine such applications and to impose conditions. Each case must be considered on its own merits with due weight being given to relevant considerations only. Existing policies or guidelines should not be applied so rigidly that an exercise of discretion in each individual case is precluded. Accordingly, the adopted standard conditions could be added to or amended depending on the circumstances of each individual application.

The application

4. An application to place 7 tables and 22 chairs on the highway at The Champion PH 101 Chapelfield Road Norwich NR2 1SE has been received from George Bateman & Son Ltd. A location plan and accompanying photographs are attached at appendix B to the report.
5. The requested times and days of use are from 10:00 to 23:00 every day.

Previous permission

6. A previous licence permitting the siting of 7 tables and 22 chairs between the hours of 10:00 and 23:00 in the same position at these premises was granted in 2008 but this permission has lapsed, thus necessitating this application.
7. In addition to the standard licence conditions at appendix A to the report, the previous permission had two additional conditions attached, namely:
 - Signage will be displayed at the exit of the premises to the outside area reminding patrons to have regard to noise levels and local residents when using the tables and chairs.
 - The area subject to this licence will be monitored by at least one camera as part of the premises CCTV system.

Consultation

8. In accordance with The Act, occupiers of nearby premises have been consulted and appropriate notices have been placed on the street and in Chatterbox. The City Centre Residents Forum and the Norwich Access Group have also been notified of the application.

9. 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

10. Representations and a petition have been received objecting to the application and a letter supporting the proposal has also been submitted. Copies of these documents are attached at appendix C to the report.
11. There have been no objections to the proposal from the Norwich Access Group or the responsible authorities listed in paragraph 7 of the report.