

Report to	Regulatory sub-committee 18 September 2017	Item
Report of	Head of citywide services	3
Subject	Highways Act 1980: application for licence to place tables and chairs on the highway - Warings Lifestyle 20 Westlegate Norwich NR1 3LR	

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 Warings Lifestyle 20 Westlegate Norwich NR1 3LR.

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: Mancroft

Cabinet member: : Councillor Macguire - safe 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 Warings Lifestyle 20 Westlegate Norwich NR1 3LR seeking to place 3 tables and 8 chairs on the highway between the hours of 07:30 and 18:30 Monday to Friday; 09:00 and 17:30 Saturday; and 10:00 and 16:00 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, occupiers of nearby premises have been consulted and 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:
 - three local residents;
 - the Norfolk Fire Service;
 - the Norfolk Constabulary's licensing and traffic management teams; and
 - the council's highways/transportation team.

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.

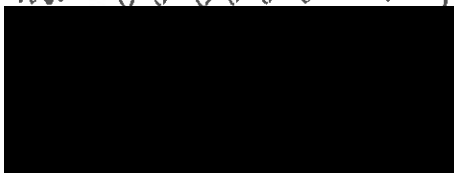

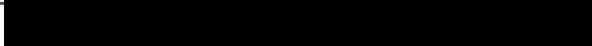


NORWICH
City Council




APPLICATION FOR LICENCE TO PLACE
TABLES AND CHAIRS ON THE HIGHWAY

Part One

Name and Address of Premised to be Licensed	WARINGS LIFESTORE 20 WESTEGATE NORWICH Post Code NR1 3LR GRAHAM WARING WARINGS FURNITURE		
Name of Applicant	WARINGS FURNITURE THE FURNITURE STATION LARLING NORFOLK Post Code NR16 2RA		
	Tel. No.	01953 499949	
	Email	directorspa@warings.com.	
	Address (if different from above)		
Name and Home Address of Licensee	GRAHAM WARING WARINGS FURNITURE  Post Code 		
	Tel. No.		
	Email	graham.waring@warings.com graham.waring	

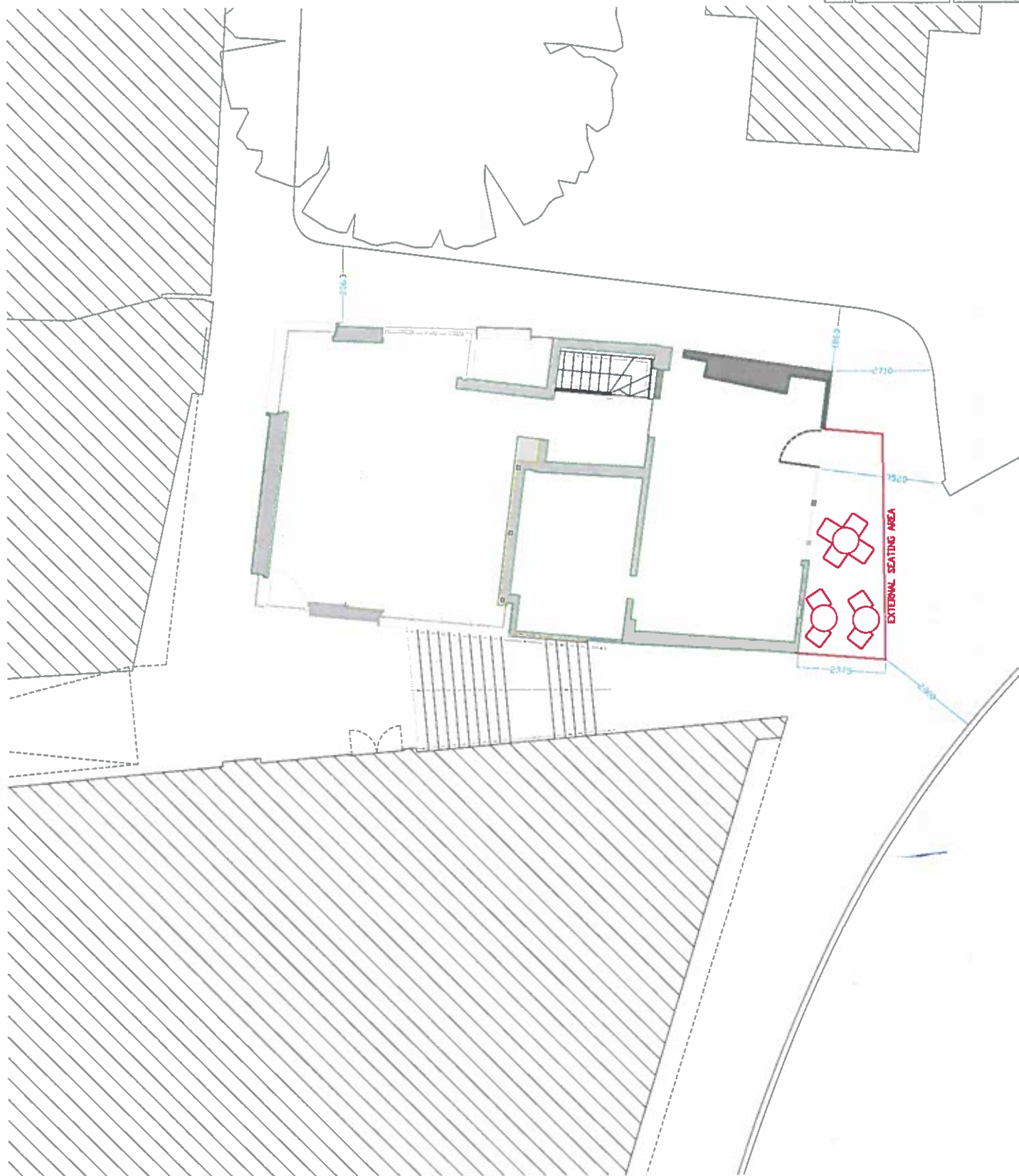
Part Two

Please provide a plan showing the exact location and dimensions of the area to be licensed and where furniture to be placed within area.

No of Chairs	8		
No of Tables	3		
Times/Dates Required	MONDAY - FRIDAY 0730 - 1830 SATURDAY - 0900 - 1730 SUNDAY - 1000 - 1600		
Description of Street Furniture & Barriers (please enclose photo/drawing/brochure) Any other furniture (e.g. umbrellas etc)	INCLUDED IN PLANS ATTACHED.		
Purpose of Tables and Chairs	OUTSIDE SEATING FOR CAFE		
Signed		Date	20.03.2017.
Please include a copy of your public liability insurance showing a minimum limit of indemnity of £5,000,000 and a completed copy of the Norwich City Council's Public/Employer's Insurance Questionnaire.			
Please return this form and attachments to: Licensing Officer Licensing Department City Hall NORWICH NR2 1NH Telephone: (01603) 212761 Email: licensing@norwich.gov.uk			

RECEIVED
23 MAR 2017
LICENSING OFFICE

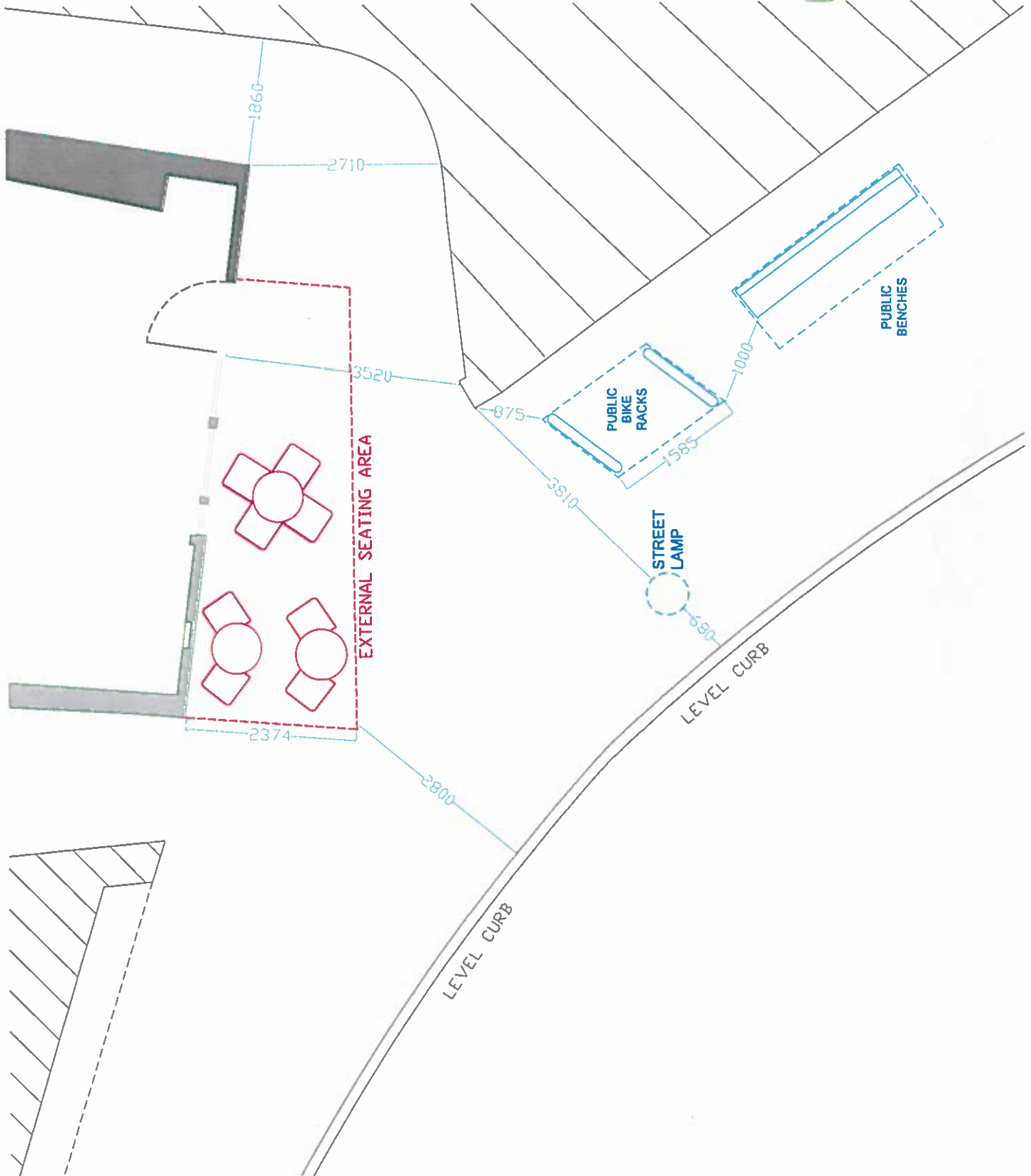
<small>DO NOT SCALE. Please Note: Dimensions - Internal Dimensions only to be used for seating. All dimensions are approximate. Dimensions should be used as a guide only. All dimensions are in millimetres.</small>		PROJECT Warrings 20 Westlegate Norwich CATEGORY MISC	Page 4
WARINGS <small>warrings@nra.co.uk</small>	DATE 23/11/2016	DATE 23/11/2016	DATE 23/11/2016
The Furniture Store Westlegate Norwich Unit 20 Unit 20	DATE 23/11/2016	DATE 23/11/2016	DATE 23/11/2016
Tel: 01603 488846 F: 01603 488819 E: info@warrings.co.uk	DATE 23/11/2016	DATE 23/11/2016	DATE 23/11/2016



NOTES

- STREET FURNITURE AS NOTED
- NO TREES PRESENT NEAR PREMISES
- LEVEL CURB ONLY TO FRONT OF STORE
- NO PELICAN CROSSING PRESENT
- NO CYCLE LANES PRESENT
- NO PARKING BAYS PRESENT
- NO PRIVATE FORECOURTS PRESENT
- NO CELLAR HATCHES PRESENT

RECEIVED
23 MAR 2017
LICENSING OFFICE



DO NOT SCALE FROM THIS DRAWING. All measurements are to be taken from the drawing and not from the site. Any dimensions are approximate and subject to change without notice.

PROJECT	WARINGS	WARINGS 20	Drawing No.	4
	Westgate Norwich	CATEGORY	14022017	
MISC		134-99-10-1	Drawn	SW
The Furniture Store		1000000000	1000000000	1000000000









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Anji

W4048AC

Height: 840mm

Width: 5410mm

Depth: 590mm

Seat Height: 450mm

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Lan'in

W4514T

Height: 730mm

Width: 700mm

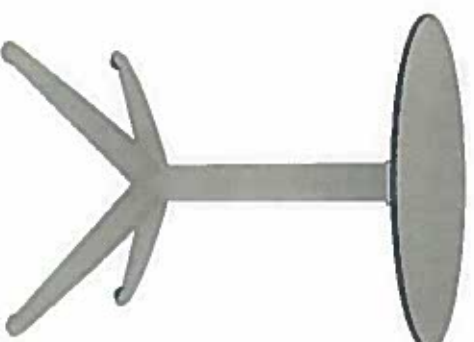
Depth: 0mm

Seat Height: 0mm

Round folding table, fibre glass reinforced legs with painted aluminium upright. Available in White, Anthracite & Wink(shown)

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Fuller, Maxine

From:
Sent: 11 April 2017 11:15
To: LICENSING
Subject: Waring Cafe

Your ref: 17/00446/TABCHA

Dear Mr Streeter

First of all can I thank you for sending notification letters for this application to all apartments.

As a cyclist who frequently cycles up / down the alleyway east of Warings Cafe I find it difficult to see how these tables and chairs would not impede access to the alleyway. The rubbish bins and crates etc stored in the alleyway already restrict passage plus the flowers and A-board out the front makes entering / leaving the alleyway restricted.

Yours sincerely
Dr John Williams
Apartment 11 Westlegate Tower

Bennett, Rachel

From:
Sent: 10 April 2017 17:45
To: LICENSING
Subject: Reference 17/00446/TABCHA

Dear Ian

With reference to Graham Waring's application for a licence to place tables and chairs outside Warings Lifestore at 20 Westlegate, we have been in to City Hall to look at the plans.

We are generally in favour of outdoor cafe culture and this fits in well with the newly pedestrianised character of Westlegate.

We have 2 reservations however:

1. The space in front of Warings is limited. The area in which they propose putting tables is already full of "outdoor merchandise". Where is this going to be placed once the tables are out? There is also some "outdoor merchandise" by the back door to the shop on the passage above the steps from Westlegate to Lion & Castle Yard; this is already encroaching unacceptably on the public highway and should not be allowed to get any bigger.

3. The side alley that goes between the Churchyard and round the back of Warings premises is essential for the disabled and for people with pushchairs and bikes who cannot use the steps up from Westlegate; access to this alley from both Westlegate and Lion & Castle Yard should always be kept clear.

Yours sincerely

Jane & Nick Backhouse
Apartment 9 Westlegate Tower)



Fuller, Maxine

From:
Sent: 09 April 2017 10:56
To: LICENSING
Subject: 17/00446/TABCHA Waring

Dear Ian Streeter

As residents next to this cafe we object to this application on the grounds that Warings cannot control its current rubbish storage and collections. Their bins are constantly overflowing and obstructing the public right of way to the side of their building.

People at outside tables will smoke and drop cigarette ends and other litter as do their staff around residents entrances.

Ref: EH/Robert Dowe

AGM Westlegate Resident Association

Yours sincerely
Gillian and Ward
1a Westlegate Tower

Sent from my iPhone

NORFOLK FIRE & RESCUE SERVICE
Group Manager Central
Diamond Jubilee Fire & Rescue Station Carrow
63 Bracondale
NORWICH, NR1 2EE
Tel: 0300 1231248
Website: www.norfolkfireservice.gov.uk

Mr I Streeter
Licensing Manager
Public Protection (Licensing)
Citywide Services
Norwich City Council
City Hall, St Peters Street
Norwich
NR2 1NH

Please ask for: Mr Allison
Direct Dial: 0300 1231261
Email: tim.allison@fire.norfolk.gov.uk
My Ref: 00012798
Your Ref: -

19 April 2017

Dear Sir

The Regulatory Reform (Fire Safety) Order 2005
With reference to – Application for Tables & Chairs Licence
Premises: Warings Furniture Ltd, 20 Westlegate, Norwich, NR1 3LR

I acknowledge receipt of the application for the above premises.

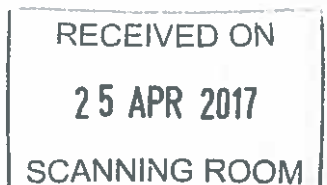
This authority has no objection to the placement of the tables and chairs in this location.

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

Yours faithfully



Mr Allison
For Chief Officer



Bennett, Rachel

From: Bartram, Michelle <bartramm@norfolk.pnn.police.uk>
Sent: 21 April 2017 11:08
To: LICENSING
Cc: Woods, Suzanne
Subject: Warings - Table & Chairs Licence

Hello Licensing

I can confirm that Police have received a copy of the table and chairs licence outside Warings 20 Westlegate 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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19 APR 2017

POST ROOM



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CONSTABULARY

Our Priority is You

**Mr Ian Streeter
Licensing Manager
Public Protection (Licensing)
Citywide Services
City Hall
St Peters Street
Norwich
NR2 1NH**

Roads Policing
OCC Wymondham
Wymondham
Norfolk NR18 0WW

Tel: 01953 424825
Fax: 01953 424178

www.norfolk.police.uk
lawda@norfolk.pnn.police.uk
Non-Emergency Tel: 101



Date: 18th April 2017

Our Ref: DL/01/04/2017

Your Ref:

Dear Mr Streeter

**Re: Application for a Licence, to Place tables and Chairs outside
Warings Lifestore, 20 Westlegate, Norwich**

Thank you for your letter dated 5th April 2017, which I received on the 18th April, and which referred to the above application for a Licence to place 3 x Tables and 8 x Chairs outside the above premises on westlegate, between the Hours of 07.30 to 18.30hrs Monday to Friday, 09.00 to 17.30hrs on Saturdays and 10.00 to 16.00hrs on Sundays.

I can confirm that Norfolk Constabulary have no objections to this application, providing there is no obstruction to pedestrian movement pass this area, and no trip hazard to members of the public who may be partially sighted. Minimum width allowance for pedestrian movement should also take into account other street furniture.

If in the meantime, I can be of any further assistance, please do not hesitate to contact me.

Yours sincerely

**Mr. David Law
Traffic management Officer**

Fuller, Maxine

From: Yates, Kieran
Sent: 11 April 2017 13:33
To: Fuller, Maxine
Subject: 20 Westlegate - tables and chairs

Maxine

I have consulted Bruce Bentley who has been leading on redesign of Westlegate.

Tables and chairs in this location would be acceptable in highway/transportation terms.

And would add to the emerging vitality of the public realm here.

regards



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

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

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