

<b>Report to</b>	Regulatory sub-committee 14 July 2014	<b>Item</b>
<b>Report of</b>	Head of citywide services	<b>4</b>
<b>Subject</b>	Highways Act 1980: application for licence to place tables and chairs on the highway - The Maddermarket Kitchen 20 St John Maddermarket Norwich NR2 1DN	

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### **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 Maddermarket Kitchen 20 St John Maddermarket Norwich NR2 1DN.

### **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**

Ian Streeter

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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 11 tables and 30 chairs on the highway in respect of The Maddermarket Kitchen 20 St John Maddermarket Norwich NR2 1DN has been received from Steward Duffield of 20 St John Maddermarket. A covering letter, location plan and accompanying photographs are attached at appendix B to the report.
5. The requested times and days of use are from 09:00 to 23:00, Monday - Saturday.

## **Licensed area**

6. Members will note from the appended location plan that part of the proposed licensed area encroaches onto the frontage of a property adjoining the application premises. In accordance with the Highways Act 1980 written consent has been obtained from the affected frontage owner confirming that they have no objection to the proposed application.

## **Consultation**

7. In accordance with The Act, occupiers of nearby premises have been consulted and appropriate notices have been placed on the street and in Chatterbox. The City Centre Residents Forum and the Norwich Access Group have also been notified of the application.
8. Details of the application have also been forwarded to the Norfolk Constabulary, Norfolk Fire Service and the City Council's Planning, Transportation and Landscape, Health and Safety and Pollution Control sections for comment.

## **Comments / objections / support**

9. Representations have been received from three local businesses, the Norfolk Constabulary's traffic management officer and the Norwich Access Group, copies of which are attached at appendix C to the report.