

Report to	Regulatory sub-committee 14 September 2020 AM	Item
Report of	Environmental Health and Public Protection Manager	3
Subject	Highways Act 1980: application for licence to place tables and chairs on the highway - Louis Marchesi, 17 Tombland, Norwich, NR3 1HF	

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 Louis Marchesi, 17 Tombland, Norwich NR3 1HF.

Corporate and service priorities

The report helps to meet the corporate priorities of inclusive economy and people living well.

Financial implications

None.

Ward/s: Thorpe Hamlet

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

Contact officers

Maxine Fuller – Public Protection Licensing Advisor 01603 989400

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 Louis Marchesi, 17 Tombland Norwich NR3 1HF seeking to place 15 tables and 60 chairs on the highway between the hours of 11:00 to 22:00 on Sunday, 17:00 to 22:00 on Monday and 12:00 to 22:00 Tuesday to Saturday (original application was for 19 tables and 76 chairs but was amended due to social distancing).
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:
 - Lanpro – representing the residents Mr N Stannage, Ms S Moss, Ms S Hyde, Ms E Bidwell and Mr P Wells of Samson & Hercules building.
 - Megan Reilly (Pigg Lane resident)
 - Natalie Beal
 - Jessica Hoskins

- Food & Safety Team – no objections
- Norfolk Constabulary Team – no objections
- Planning team – no objections
- Traffic management – no objections

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

Louis Marchesi

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

Lisa

* Family name

Atkins

* 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

Louis Marchesi

If your business is registered, use its registered name.

* VAT number

GB

335953871

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

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TYPE OF APPLICATION

Type of application : ☒ New ☐ Renewal

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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)

Pub

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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

Lease due to run for another 10 years

Give Details Of The (Freehold) Owner Of The Premises

* Name of owner

Wellington Pub Company

Owner's Address

* Building number or name

Millbank Tower

* Street

21 - 24 Millbank

District

Westminster

* City or town

London

County or administrative area

* Postcode

SW1 4QP

* 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

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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)

Outside the Louis Marchesi and moving up to outside the building that was the Samson and Hercules the current owners City Gate Developments have give their consent.

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

* Length

23 metres

* Width

2.5m going down to 1.5m

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

6 metres to 4.32metres

OPENING TIMES

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

* Day or days

Sunday

* From

11am

* To

10pm

Day or days

Monday

From

5pm

* To

10pm

Remove this day

Day or days

Tuesday

From

12pm

* To

10pm

Remove this day

Day or days

Wednesday

Continued from previous page...

From	<input type="text" value="12pm"/>
* To	<input type="text" value="10pm"/>
<input type="button" value="Remove this day"/>	

Day or days	<input type="text" value="Thursday"/>
From	<input type="text" value="12pm"/>
* To	<input type="text" value="10pm"/>
<input type="button" value="Remove this day"/>	

Day or days	<input type="text" value="Friday"/>
From	<input type="text" value="12pm"/>
* To	<input type="text" value="10pm"/>
<input type="button" value="Remove this day"/>	

Day or days	<input type="text" value="Saturday"/>
From	<input type="text" value="12pm"/>
* To	<input type="text" value="10pm"/>
<input type="button" value="Remove this day"/>	

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

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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

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

0.87m x 0.87m x 0.75 high - Metal Base , metal tops , silver

Chairs

* Number

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

0.46m x 0.46m x 0.9m Metal legs , seats and back - Stackable

Continued from previous page...

Litter Bins

Number

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

0.50m x 0.50m metal interior with wooden exterior

Parasols/Umbrellas

Number

Planters

Number

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

0.50 x 0.20 x 1m tall - Wooden Planters moveable with lockable wheels

Space Heaters

Number

Lighting

Number

Barriers/Balustrades

Number

Other furniture or equipment

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

11 x Barriers 7 x 2m , 2 x 1.5m , 2 x 1m - 1m high , 0.15m from the floor connected with posts 1m high with 0.38m Base

Further Details

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

In the garage at the Louis Marchesi

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

Staff will remove the tables chairs and planters and take to the garage, suitable trolley will be provided to move round

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?

Continued from previous page...

Provide details of the policy

* Insurance company	<input type="text" value="SMEInsurance"/>
* Policy number	<input type="text" value="REGDTW/HOT/1000575"/>
* Period of cover	<input type="text" value="02/06/2020 to 01/06/2021"/>
* Amount of cover (£m)	<input type="text" value="5"/>

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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)

Due to COVID 19 we would like to have the outside space so that we are able to start to trade as soon as possible with the social distancing in indoor areas we will not be to open for long without a large outdoor area. We mainly get our business from music events but we wont be able to afford these due to the social distancing so we need to look at other options

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	<input type="text" value="Lisa Atkins"/>										
* Capacity	<input type="text" value="Leaseholder"/>										
* Date	<table><tr><td><input type="text" value="11"/></td><td>/</td><td><input type="text" value="06"/></td><td>/</td><td><input type="text" value="2020"/></td></tr><tr><td>dd</td><td></td><td>mm</td><td></td><td>yyyy</td></tr></table>	<input type="text" value="11"/>	/	<input type="text" value="06"/>	/	<input type="text" value="2020"/>	dd		mm		yyyy
<input type="text" value="11"/>	/	<input type="text" value="06"/>	/	<input type="text" value="2020"/>							
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.







RECEIVED

11 JUN 2020

LICENSING OFFICE





Brettingham House, 98 Pottergate, Norwich NR2 1EO

Date: 7th July 2020

Head of Citywide Services
Licensing Department
Norwich City Council
City Hall
Norwich
NR2 1NN

NV 4503 5608 7GB



To whom it may concern,

Re: Application to Norwich City Council to use the pavement in front of flatted dwellings at Samson and Hercules on Tombland to serve alcoholic drinks linked to Louis Marchesi Public House

I refer to the current application under the Highways Act 1980 by the operators of the Louis Marchesi Public House to use part of the footway immediately in front of my clients' homes within the Samson and Hercules building for assembly and the serving of alcoholic drinks. My clients' Mr N. Stannage, Ms S. Moss, Ms S. Hyde, Ms E. Bidwell and Mr P Wells as residents all wish to object in the strongest possible terms to the current application.

My clients reside within flats formed through the lawful conversion of a listed building. All dwelling units within the building have limited window openings and the converted dwellings have low levels of natural ventilation and light. All rely on ventilation through window openings in the elevation of the building fronting onto the application area. My clients are deeply concerned that their living spaces will be contaminated through the planned open air drinking venue within 2m of the windows serving their dwellings.

My clients are concerned that the application proposals will have an unacceptable impacts on their residential amenities and mental health in an already difficult time. They do not wish to have their living spaces contaminated with secondary tobacco smoking, elevated background noise and the real risk of short distance Covid-19 disease transmission. The application proposals in the current form are completely unacceptable to my clients.

My clients all recognize the unusual circumstances that we are all living through but the application is site is simply the wrong location for this proposed use. It is important that the Licensing Department do not allow the publican's difficult situation to contaminate my clients' lives and living environments.

I trust that this representation is made on-time and that the potential for uncontrolled neighbor nuisance is recognized and the application is refused without further delay to protect my clients' mental health.

Yours faithfully,


Philip Atkinson

Fuller, Maxine

From: Megan Reilly <[REDACTED]>
Sent: 03 July 2020 13:25
To: LICENSING
Subject: Louis Marchesi Objection

WARNING! – This email originates from outside Norwich City Council.

Do not click on links or open attachments if you do not recognise the sender's email address or the message looks suspicious.

Good afternoon,

I wish to raise an objection for the planned seating outside the Louis Marchesi.

My reason being this is a residential area, with a number of elderly residents and people with mobility issues.

Blocking off a large portion of the street would make social distancing impossible as well as navigating the street.

Also, we already have a number of anti social issues with the Glass House, adding more seating and more people to the area will only add to this and create and encourage a 'pub crawl' atmosphere.

Many thanks,

Megan Reilly Pigg Lane resident.

Sent from my iPhone

Fuller, Maxine

From: Natalie Beal <[REDACTED]>
Sent: 25 June 2020 16:03
To: LICENSING
Subject: Louis Marchesi - street chairs and tables

WARNING! – This email originates from outside Norwich City Council.

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Hello

The plan on the application is very poor. It is difficult to see what the plan is.

I note there are going to be 19 tables and 76 chairs. That is a lot and will take up space. Note that outside the Sampson and Hercules there is a layby for delivery vehicles and it is not footway - there tends to be a vehicle parked there. So add chairs and you have an access issue for pedestrians, blind, those with push chairs or in wheelchairs.

You need to fully assess and show the impact on the width of the footway this proposal will have. Is the new width acceptable for such a busy route to and from the city and for all users? It does not seem so.

Natalie

Fuller, Maxine

From: Jessica Hoskins
Sent: 27 June 2020 16:21
To: LICENSING & MARKETS
Subject: Re: Ref 18/00397/TABCHA

WARNING! – This email originates from outside Norwich City Council.

Do not click on links or open attachments if you do not recognise the sender's email address or the message looks suspicious.

Dear Norwich Office,

Today we have seen a plan in place for Louis Marchesi to have a 76 chair seating plan outside their pub.

Please see attached emails regarding last time this got rejected.

When then had their four tablets and 6 chairs we found it very dangerous to get out onto the main road as the chairs and business boards were restricted the view into the road. The noise level also increased as there was a lot more people outside. It seems to get louder because it is such a little road.

Would you be able to send me the plans for the new proposed planned and let me know how I can say about my concerns.

Regards

Fuller, Maxine

From: LICENSING & MARKETS
Sent: 25 June 2020 12:14
To: Fuller, Maxine
Subject: FW: Tables and Chairs Licence application, Louis Marchesi

No objections from Food Team

Please could you print for the application paperwork? Ta

Rachel

From: Brandford, Sara <sarabrandford@norwich.gov.uk>
Sent: 25 June 2020 11:48
To: LICENSING <LICENSING@norwich.gov.uk>
Cc: HIGHWAYS <Highways@norwich.gov.uk>
Subject: Tables and Chairs Licence application, Louis Marchesi

Dear Licensing

I have no comment regarding this application.

However implementation should comply with current Covid 19 guidance regarding business opening, and any street restrictions regarding pedestrian movement.

Having dealt with a previous application outside the Samson and Hercules building I am aware of split levels there, so any siting of tables and chairs must be mindful of this from a Health and Safety point of view.

I am copying this email to Highways as I believe they are involved in pavements and pedestrian flow.

Kind regards

Sara Brandford
Environmental Health Officer
Food and Safety Team

From: FOOD & SAFETY <foodandsafetyteam@norwich.gov.uk>
Sent: 24 June 2020 16:57
To: Brandford, Sara <sarabrandford@norwich.gov.uk>
Subject: FW: Accepted applications - Licensing Act 2003

From: FOOD & SAFETY <foodandsafetyteam@norwich.gov.uk>
Sent: 24 June 2020 15:08

Fuller, Maxine

From: Licensing Team (Norfolk) <LicensingTeam@norfolk.pnn.police.uk>
Sent: 10 July 2020 15:11
To: Fuller, Maxine
Cc: Woods, Suzanne; Bentley, Tiffany
Subject: RE: Table and Chairs Application - Louis Marchesi, 17 Tombland Norwich

WARNING! – This email originates from outside Norwich City Council.

Do not click on links or open attachments if you do not recognise the sender's email address or the message looks suspicious.

Hello Maxine

I can confirm that Norfolk Police licensing team have received a copy of the application for the tables and chairs application for outside the Louis Marchesi until 2200 hrs.

In terms of crime and disorder, there are no objections to this.

However local officers have raised concerns questioning if there is sufficient room in order to accommodate passers-by and to comply with the current social distancing legislation. I hope that is something which will be carefully assessed before the licence is granted.

I am aware that Norfolk Police traffic management officer has also responded to ensure the same is addressed.

regards

Michelle Bartram

Licensing Officer

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

Tel: 01603-276020

From: Fuller, Maxine <MaxineFuller@norwich.gov.uk>
Sent: 29 June 2020 11:49
To: Licensing Team (Norfolk) <LicensingTeam@norfolk.pnn.police.uk>
Subject: Table and Chairs Application - Louis Marchesi, 17 Tombland Norwich

Dear Michelle,

Further to my letter dated 24 June 2020 enclosing the application details for the above licence, please find enclosed an amended plan and photographs of the area they wish to licence.

Fuller, Maxine

From: Parkin, David
Sent: 03 July 2020 10:48
To: Fuller, Maxine
Subject: FW: Table & Chairs Application - Louis Marchesi, 17 Tombland Norwich
Attachments: Plan.xlsx; Photos.pdf

Morning Maxine

No comment from planning

David

David Parkin
Area Development Manager (Inner)
Norwich City Council


david.parkin@norwich.gov.uk

Winner of the RIBA Stirling Prize for our Goldsmith Street housing development.

From: PLANNING <planning@norwich.gov.uk>
Sent: 03 July 2020 10:24
To: Parkin, David <DavidParkin@norwich.gov.uk>
Subject: FW: Table & Chairs Application - Louis Marchesi, 17 Tombland Norwich

From: Fuller, Maxine <MaxineFuller@norwich.gov.uk>
Sent: 29 June 2020 16:18
To: PLANNING <planning@norwich.gov.uk>
Subject: Table & Chairs Application - Louis Marchesi, 17 Tombland Norwich

Hi,

A hard copy is on its way to yourselves via the internal post but I thought I would email a copy through as well.

Attached is an amended plan as the application is now being reduced to 15 tables and 60 chairs. Please note they are applying to place table and chairs outside Louis Marchesi and outside the building next door known as Samson and Hercules. Photographs are also attached.

Regards

Maxine Fuller
Public Protection Licensing Advisor
Public Protection (Licensing) Area
Norwich City Council
(01603) 212761
Working hours: Monday to Thursday
maxine.fuller@norwich.gov.uk

Mr Tony Shearman
Licensing & Markets Manager
Environmental Protection (Licensing)
Citywide Services
City Hall
St Peters Street
Norwich
NR2 1NH

Norfolk Constabulary

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

3rd July 2020

My Ref: JA/03.07.20/Louis Marchesi

Your Ref:

Dear Mr Shearman

Re: Application for a Tables and Chairs Licence - Louis Marchesi

Thank you for your letter dated 29th June 2020, which referred to the above application for a Tables and Chairs Licence to place 15 x Tables and 60 x Chairs outside The Louis Marchesi Public House, 17 Tombland, Norwich between 11.00 hrs and 22.00 hrs on Sunday, 17.00 hrs – 22.00 hrs on Monday and 12.00 hrs – 22.00 hrs on Tuesday – Saturday.

I can confirm that Norfolk Constabulary Traffic Management have no objections to this application (subject to the below), 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 consider other street furniture present such as posts, post boxes etc.

In respect of the tables and chairs at the Waggon and Horses Lane end of the Louis Marchesi, a clear width of 1.2 meters should be provided, to allow a mobility scooter to pass without any hindrance. This is particularly relevant to the table and chairs closest to the Waggon and Horses Lane end of the premises so as not to cause an obstruction of the highway and free pedestrian movement.

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

Yours sincerely

Mr. Jack Askew,
Force Traffic Management Officer,
Norfolk Constabulary,
Roads and Armed Policing Team,
Room 2.1.2A,
Police OCC,
Falconers Chase,
WYMONDHAM,
Norfolk.
NR18 0WW
Tel: 01953 424825
Mob: 07917 068 925