

Report to	Regulatory sub-committee 18 November 2013	Item
Report of	Head of citywide services	3
Subject	Highways Act 1980: Application for licence to place tables and chairs on the highway – Pret A Manger 11 Haymarket Norwich NR2 1QD	

Purpose

To ask members to consider an application to place tables, chairs and parasols on the highway.

Recommendation

That members determine the application to place tables, chairs and parasols on the highway submitted in respect of Pret A Manger 11 Haymarket Norwich NR2 1QD.

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.

Financial implications

None.

Ward/s: All wards

Cabinet member: Councillor Stonard – Environment, development and transport

Contact officer

Ian Streeter, licensing manager

01603 213232

Background documents

None

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.
1. 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.
2. 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

3. An application to place thirteen tables, thirty nine chairs and four parasols on the highway at 11 Haymarket Norwich NR2 1QD has been received from Pret A Manger (Europe) Ltd. A location plan and accompanying photographs are attached at appendix B to the report.
4. The requested days and times of use are Monday to Saturday between 07:00 hrs and 19:00 hrs and Sundays between 08:00 and 18:00.

Consultation

5. 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 Norwich Access Group has also been notified of the application.
6. 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. Two representations have been received from local businesses objecting to the application and these are attached at appendix C to the report.
9. No representations objecting to the application have been received from the responsible authority consultees or the Norwich Access Group.

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 legal and democratic 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.

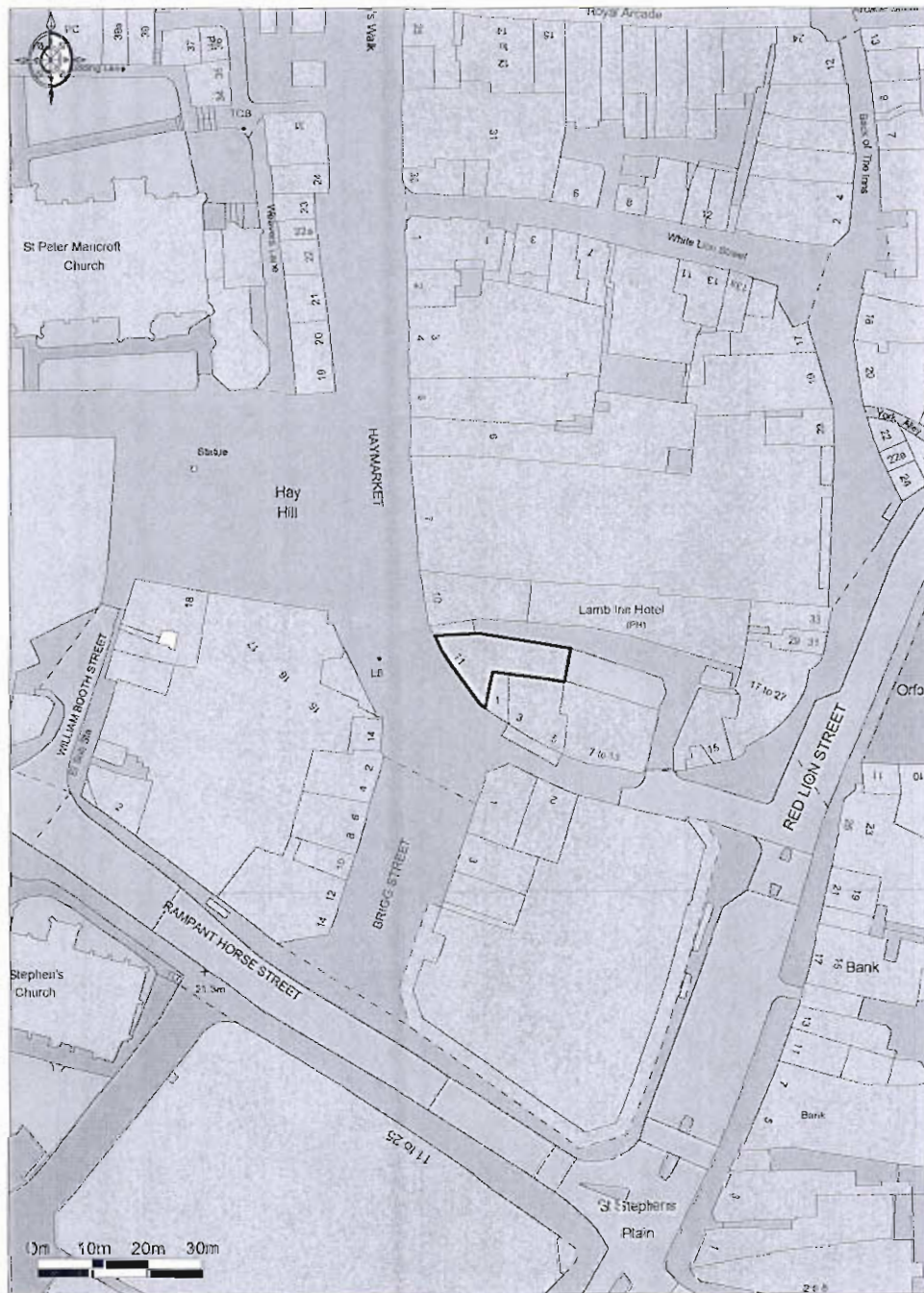
APPENDIX B

Pret: 11 Haymarket, Norwich

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23 SEP 2013

LICENSING OFFICE

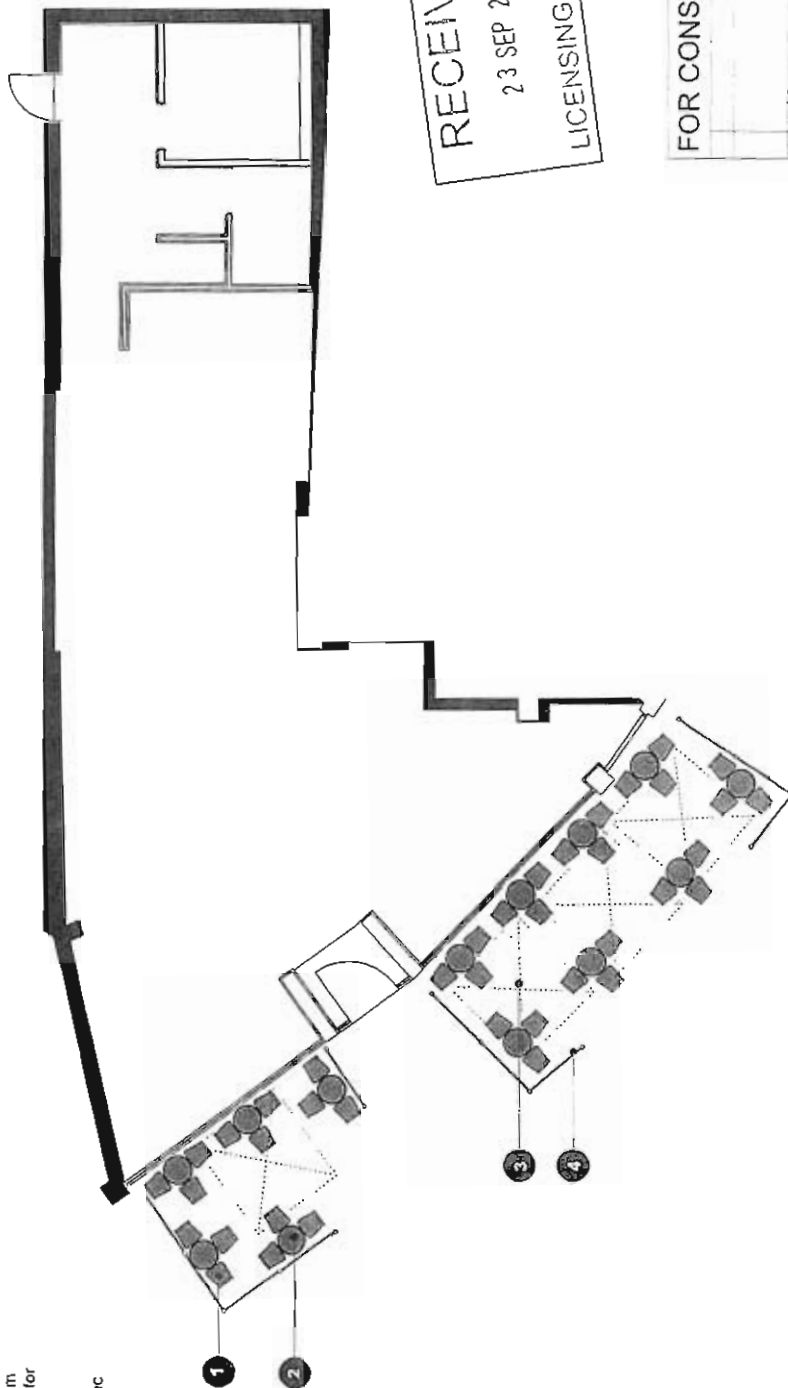


Promap

Ordnance Survey © Crown Copyright 2013. All rights reserved.
Landscape 1990/2010. Street Name 1:1000

EXTERNAL SEATS: 39NO COVERS

- 1 39no external chairs: 39no external chairs required in position shown.
- 2 13no external tables: 13no x 600mm diameter dark walnut table top with chrome edging supplied by Grosvenor Fabrications. Refer to additional spec detail for details.
- 3 Line of parasols above: 4no 2000mm x 2000mm exterior parasols. Refer to additional spec detail for details.
- 4 External seating barriers: 11no 1500mm x 970mm exterior parasols. Refer to additional spec detail for details.



RECEIVED
23 SEP 2013
LICENSING OFFICE

FOR CONSTRUCTION

★ PRET ★

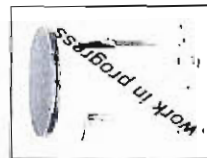
NORWICH

EXTERNAL SEATING PLAN

Scale	1:100
Date	01/06/07
Author	07-121/102
Check	
Drawn	
Project No	

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exterior tables



Additional information:

exterior parasols



Additional information:
Note: Enclosure is subject to size of parasol. Contact the client to refer to suitable for right dimensions and all other technical details. The enclosure is subject to size of parasol. Contact the client to refer to suitable for right dimensions and all other technical details.

Additional spec details:

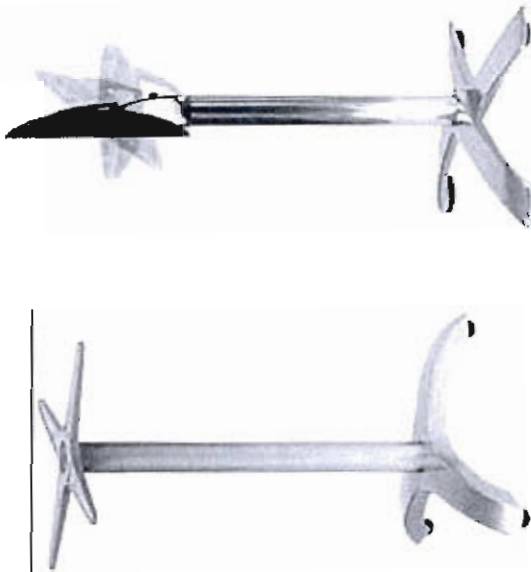
exterior seat barriers



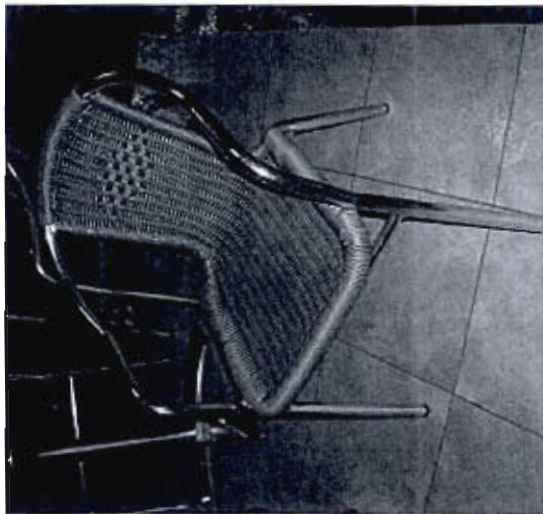
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Note: Enclosure is subject to size of parasol. Contact the client to refer to suitable for right dimensions and all other technical details. The enclosure is subject to size of parasol. Contact the client to refer to suitable for right dimensions and all other technical details.

PRET A MANGER

FURNITURE SCHEDULE



Stackable durable chrome table
600mm diameter



Aluminium beige weave chair
Depth 560mm
Width 540mm
Seat height 440mm

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Planning Potential
Planning Regeneration and Development
Palace House, 3 Cathedral St, London SE1 9DE
Tel: 0207 357 8000
Email: info@planningpotential.co.uk
www.planningpotential.co.uk

Title: Furniture Schedule

Date: 25.03.2008

Author: GB

Job: 07/476

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Shoe Zone

Shoe Zone Limited, Humberstone Road, Leicester, LE1 2LH.
shoezone.com

APPENDIX
C

Our Ref: LSH/PH/1719
Your Ref: 13/01967/TABCHA

22 October 2013

Licensing
Legal and Democratic Services
Norwich City Council
City Hall
St Peters Street
Norwich
NR2 1NH



Dear Sirs

Application for Licence to Place Tables and Chairs on the Highway by Pret A Manger, 11 Haymarket, Norwich
Shoe Zone, 2 Orford Place, Norwich

I refer to your letter of 9th October and write to object to the above application as outlined, in particular the hours of 07:00 to 19:00 Monday to Saturday and 08:00 to 18:00 on Sunday. Our deliveries to our store take place early in the morning, but by the time they are completed the tables and chairs have been placed outside and block the driver's exit from the property. As there is no other exit route for our driver to take he has to ask the Manager of Pret A Manager to remove the tables and chairs, and this frequently results in arguments.

We would therefore like to suggest that the hours be reduced to 08:00 to 19:00 Monday to Saturday and 08.00 to 18.00 on Sunday.

We would be grateful if you would take these comments into consideration, and look forward to hearing from you.

Yours faithfully

Lee S Hennell
General Counsel
Shoe Zone Limited

Fuller, Maxine

From: TheLambInn;
 Sent: 30 October 2013 09:04
 To: Licensing
 Subject: Pret-a-Manger outside seating area reference 13/01967/TABCHA

Dear Ian Streeter,

We as The Lamb Inn would like to make a formal complaint and would like to oppose the outside seating application for pret-a-manger. We sent in an email on the last application to put forward our reservations with regards to the outside area and said if the trend continues we would oppose the next application.

When we decided to change Henrys back into the Lamb Inn we spent around £6500 cleaning up our Haymarket entrance with plants, a beautiful painting on the wall of the history of Norwich and specifically the history of The Lamb Inn as well as making the entrance look respectable so that people would see a clean and welcoming entrance which now amounts to around 25% of our business.

The problem that we are having with Pret is that the outside area that they have generates loads of rubbish ie paper napkins, plastic take away containers, plastic knives and forks, take away coffee cups/lids and on and on..... We have been in discussions over and over again with Pret but it just seems to carry on and on and the attitude received from some of the management on the ground level is that its not their problem once the item is sold it is no longer their responsibility.

To be honest this rubbish is firstly costing me labour to clean up their mess and secondly it is creating a tip for my entrance which in turn effects my business. I have heard customers saying that they wont go in there look how dirty it is and they go somewhere else.

We are tired of banging our heads against a brick wall and having to go over to them time and time again to complain to them about their refuse on our premises.

We are therefore opposing the application to place tables and chairs on the walkway unless some form of waste management is enforced by the council and it is something that they have to abide by.

Its just not fair on us as a business after us cleaning up our venue and keeping it tidy that they actually tarnish our reputation with their rubbish.

We look forward to hearing from you in this matter.

Kind Regards.

The Lamb Inn Management.



TCG Management Services Limited – 6663931, TCG Pubs Limited – 6663910, TCG Taverns Limited – 6663925, TCG Bars Limited – 6663934, TCG Inns Limited – 6663938 all registered in England and Wales with a registered address at Regus House, Windmill Hill Business Park, Whitehill Way, Swindon, Wiltshire SN5 6QR.

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30/10/2013