

**Report to** Regulatory sub-committee  
8 July 2019

**Item**

**Report of** Head of citywide services

**4**

**Subject** Highways Act 1980: application for licence to place tables and chairs on the highway - The Café Club, 41 King Street NR1 1PH

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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 Café Club, 41 King Street, NR1 1PH.

### **Corporate and service priorities**

The report helps to meet the corporate priorities great neighbourhoods, housing and environment and inclusive economy 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:** Thorpe Hamlet

**Cabinet member:** : Councillor Maguire – Safe and sustainable city environment

### **Contact officers**

Maxine Fuller – Licensing Assistant

01603 212761

### **Background documents**

None

# 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 The Café Club, 41 King Street, NR1 1PH seeking to place 4 tables and 8 chairs on the highway outside 41 King street and part of Rose Lane between the hours of 07:30 to 16:00 Monday to Wednesday, Friday and Saturday, and from 07:30 to 20:00 on Thursday.
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:
  - Cllr Ben Price
  - Michelle Bartram – Norfolk Constabulary
  - Food & Safety Team – Norwich City Council
  - Norfolk Fire & Rescue Service
  - Norwich Access Group
    - Please note the document referred to in this representation, guidance published by the department of transport entitled: Making transport accessible

for passengers and pedestrians; a guide to best practice on improving access to public transport and creating a barrier-free pedestrian environment. Is available online [here](#).

- Royal National Institute of Blind People (RNIB)