

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	

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 priorities

The report helps to meet the corporate priorities great neighbourhoods, housing and environment and inclusive economy.

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)

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

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

Rebecca

* Family name

Savage

* 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

the cafe club

If your business is registered, use its registered name.

* VAT number

 none

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

Section 2 of 9

TYPE OF APPLICATION

Type of application : ☒ New ☐ Renewal

Section 3 of 9

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	<input type="text"/>
* Main telephone number	<input type="text"/>
Other telephone number	<input type="text"/>

Further Details

* Type of business (e.g. pub, restaurant, café)

cafe

Section 4 of 9

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

5 year lease from March 2016

Give Details Of The (Freehold) Owner Of The Premises

* Name of owner

Owner's Address

* Building number or name	<input type="text"/>
* Street	<input type="text"/>
District	<input type="text"/>
* City or town	<input type="text"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text"/>
* Country	<input type="text" value="United Kingdom"/>

Continued from previous page...

Contact Details

E-mail	<input type="text"/>
* Main telephone number	<input type="text"/>
Other telephone number	<input type="text"/>

Further Details

* Has the owner given consent for this application? ☒ Yes ☐ No

Section 5 of 9

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)

In front of the building on King Street and to the side of the building on Rose Lane

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

* Length	<input type="text" value="400cm"/>
* Width	<input type="text" value="90cm"/>
* Give the total width of the pavement or footway at this location	<input type="text" value="290cm"/>

OPENING TIMES

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

* Day or days	<input type="text" value="Monday - Saturday"/>
* From	<input type="text" value="7.30am"/>
* To	<input type="text" value="4pm"/>

Day or days	<input type="text" value="Thursday"/>
From	<input type="text" value="7.30"/>
To	<input type="text" value="8pm"/>
<input type="button" value="Remove this day"/>	

<input type="button" value="Add another day"/>	
--	--

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

Section 6 of 9

DETAILS OF FURNITURE

Continued from previous page...

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

4

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

60cm x 60cm steel and wood

Chairs

* Number

8

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

58cm x 45cm

Litter Bins

Number

0

Parasols/Umbrellas

Number

0

Planters

Number

4

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

Plant pots, each side of the cafe on either side of the tables and chairs

Space Heaters

Number

0

Lighting

Number

0

Barriers/Balustrades

Number

4

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

Canvas and steel barriers in front of the tables creating a barrier from the road

Other furniture or equipment

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

Continued from previous page...

Further Details

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

In the cafe in the room that leads to the basement

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

Outside cleaning will be added to our daily close schedule. All tables will have a mini bin that will be emptied, pavement will be swept and any dirt will be mopped

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?

☒ Yes

☐ No

Provide details of the policy

* Insurance company

NFU Mutual

* Policy number

080X7151817/N06

* Period of cover

1 year

* Amount of cover (£m)

5

Section 8 of 9

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)

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?"

Continued from previous page...

* Full name

* Capacity

* Date / /
dd mm yyyy

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.

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed ☐

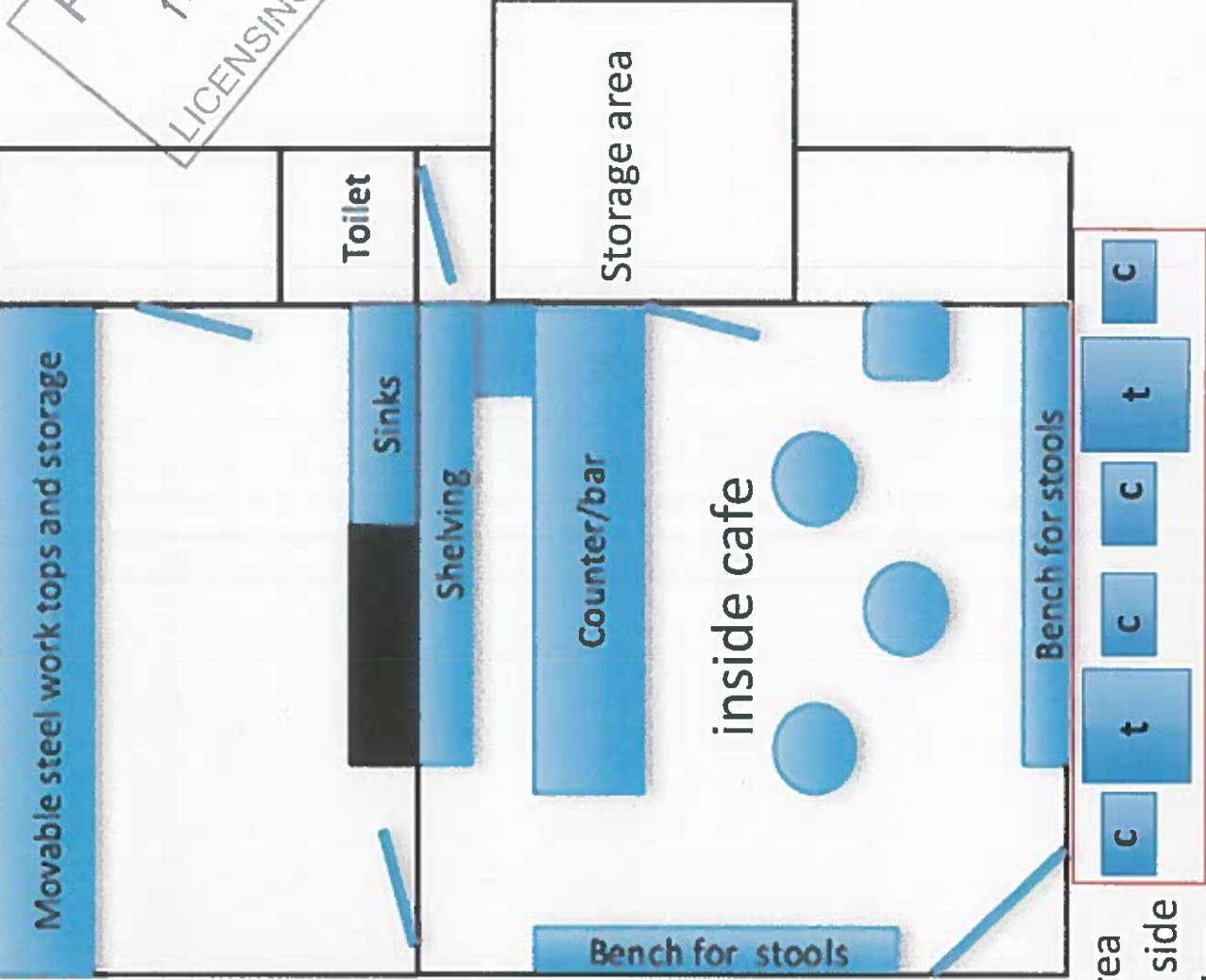
[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [Next >](#)

Proposed licensed area plan

Licensed
area Rose
Lane side
90cm x
465cm



t = table
c = chair



Licensed area
King Street side
60cm x 397cm

RECEIVED
13 MAY 2019
LICENSING OFFICE

Introduction

The café club is situated on the corner of Rose Lane and King Street

The property is approximately 500cm in length on the Rose Lane side and 422cm on the King Street side with windows both sides

I am proposing 2 tables and 4 chairs on each side of the cafe



Rose Lane side

King Street side

RECEIVED

13 MAY 2019

LICENSING OFFICE

Rose Lane side

View looking towards the station on Rose Lane

The pavement is 290cm wide from the café to the kerb.

I estimate there is space for 2 tables, each with 2 chairs

The widest table will be no more than 60cm wide with canvas barriers separating the customers from pedestrians

Total width needed will be 90cm

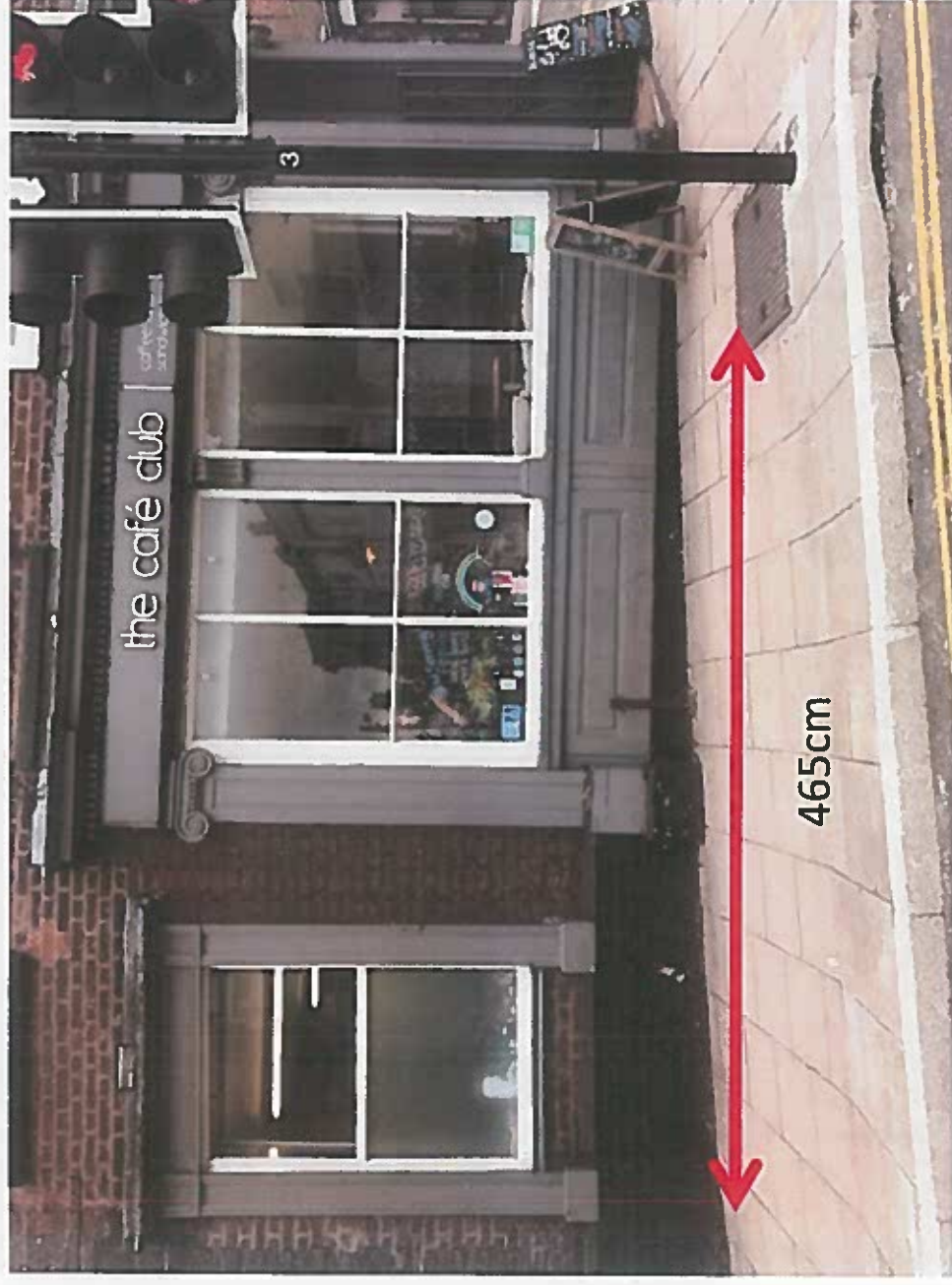
RECEIVED

13 MAY 2019

LICENSING OFFICE



Front view of Rose lane side of cafe



Length of the property on this side is 500cm
The kerb drops at the traffic light on the right corner and to the left end
The length of the pavement, avoiding traffic light and dropped kerbs is 465cm which is the length I propose for the tables and chairs

RECEIVED

13 MAY 2019

LICENSING

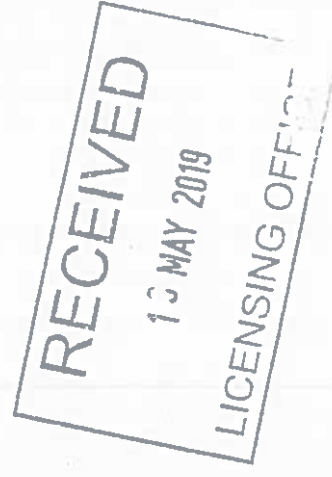


King Street side

View from Rose Lane and King Street Junction

The path is not as wide here (176cm) but there is no dip to the road and fewer pedestrians. Bikes now have more road space to use and it's clearly indicated on the road where the bike path is. I propose 2 tables each with 2 chairs in this area

The widest table will be no more than 60cm wide allowing more than 1 meter in pathway



Front view of King Street side of cafe

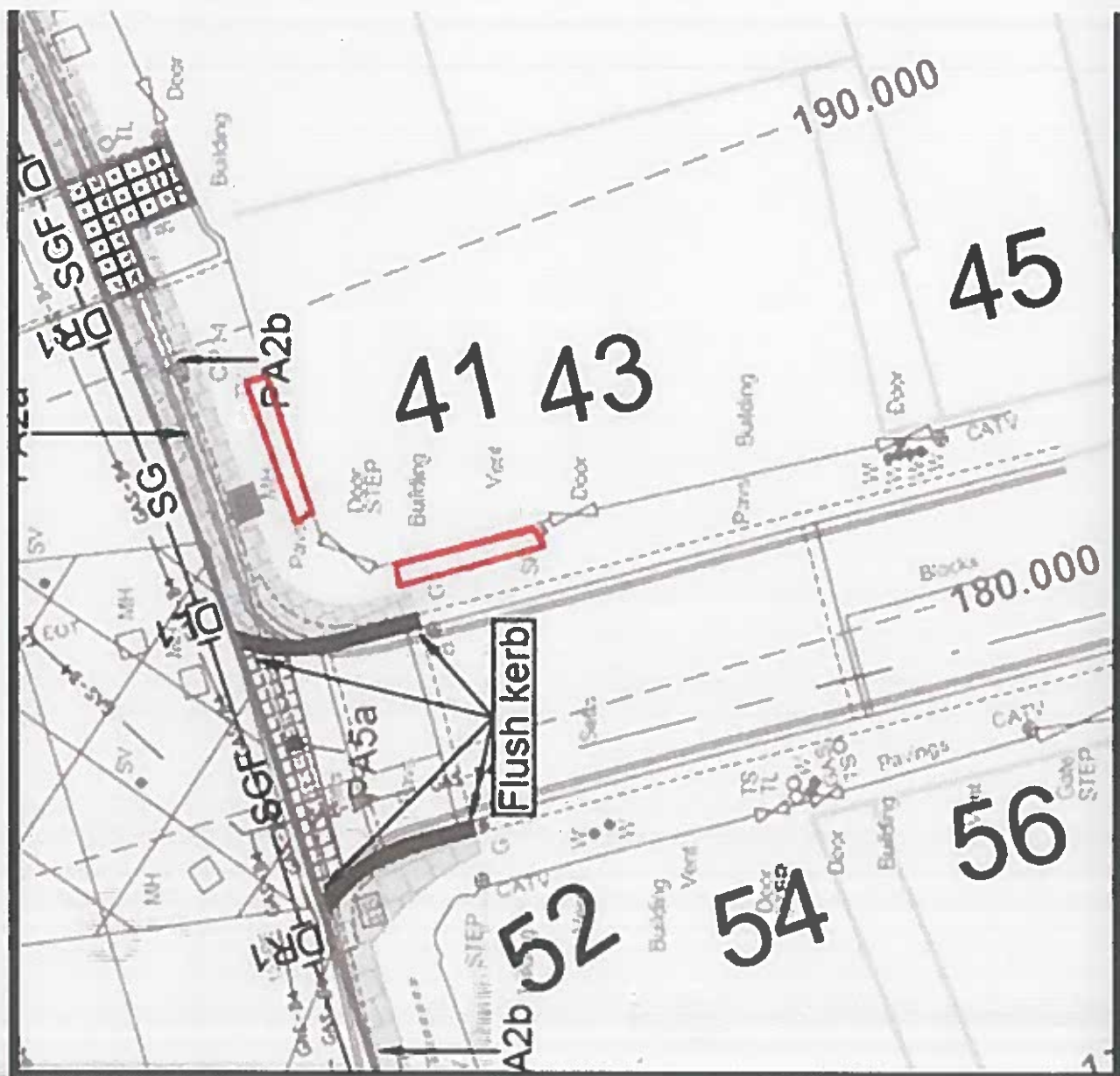
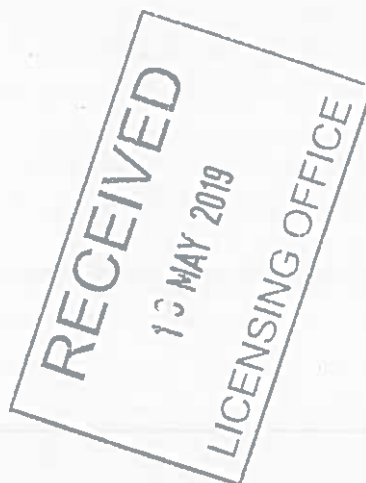


Length of the property on this side is 422cm
The kerb is dropped the length of the pavement,
There is a sign post to the right near the door so 397cm is the maximum length I propose for the tables and chairs

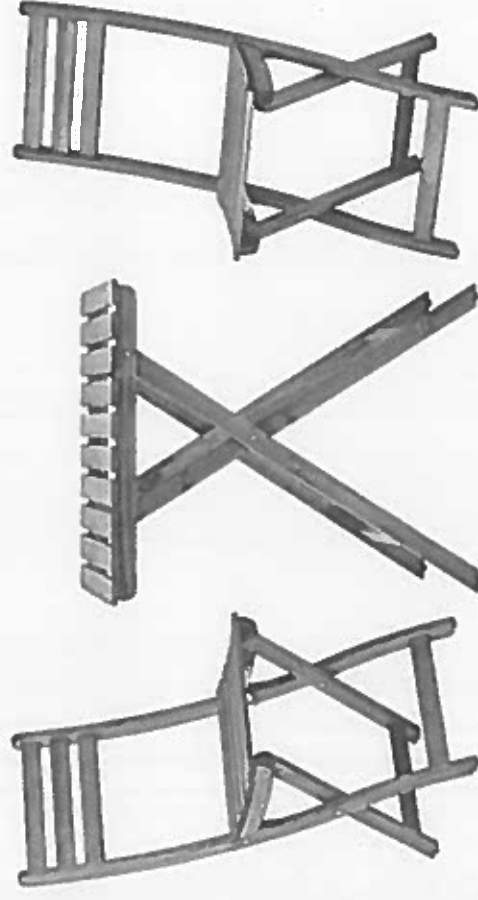


Location plan for the cafe club, 41 King Street

The red lines show the proposed area for tables and chairs on the Rose Lane side and King Street side of the property



Furniture specification



Tables and chairs will be light and foldable to make it easy to carry in and out of the property and to store

Made from acacia with acrylic stain

Size of table:
length 62 cm, width 60 cm, height 73 cm

Size of chair:
width 36 cm, depth 49 cm, seat width 36 cm, seat depth 30 cm, seat height 46 cm, height 87 cm

RECEIVED

13 MAY 2019

LICENSING OFFICE

Fuller, Maxine

From: Cllr Price, Ben
Sent: 11 June 2019 13:45
To: LICENSING
Cc: Stephenson, Claire
Subject: The Cafe Club objection

Hello,

I am formally raising an objection to the application for tables and chairs outside The Café Club.

The King Street side is a very narrow pavement. This road is still accessed by cars and is also national cycle route 1. It would be impossible for a pram or a mobility scooter to remain on the pavement if a table and chairs are located on this side of the premises, forcing them on to the road, which is unacceptable and dangerous.

On the rose lane side, the pavement has been extended in to the road slightly. However, this is where the rose lane crossing is located, requiring pedestrians, including prams and mobility scooters to walk past this pinch point to continue along king street. Again, this puts too much pressure on space based upon pedestrian traffic flows and could result in conflict with road traffic.

Many Thanks

Cllr Price

Thank you for contacting me.

I do try to respond as quickly as possible, but in an emergency, please contact Norwich City Council on 0344 980 3333 or Police on 999.

To find out more about my work as a Thorpe Hamlet Councillor, please follow the below link:

<https://norwich.greenparty.org.uk/candidates/ben-price-thorpe-hamlet-candidate.html>

Fuller, Maxine

From: Bartram, Michelle <michelle.bartram@norfolk.pnn.police.uk>
Sent: 23 May 2019 11:44
To: LICENSING
Cc: Woods, Suzanne
Subject: Tables & Chairs - Cafe Club Norwich

Hello Licensing

I can confirm that Police have received a copy of the application for Café Club, King Street Norwich for Tables and Chairs.

There are no objections under crime and disorder however there are concerns about the accessibility of passer-by's due to the path being narrow and at a busy junction.

I have sent an email to Kieran Yates for their consideration and expertise.

Regards

Michelle Bartram

Licensing Officer

Licensing

Norfolk Constabulary

Bethel Street Police Station

Norwich, Norfolk, NR2 1NN

Tel: 01603-276020 Fax: 01603-276025

Follow us @nfklicensing



It takes 24 trees to produce 1 ton of office paper!

Think... is it really necessary to print this email?

This e-mail carries a disclaimer

Fuller, Maxine

From: FOOD & SAFETY
Sent: 21 May 2019 16:55
To: LICENSING
Subject: EH19/7611 Tables and Chairs LKicence application The Cafe club, 41 King street

Dear Licensing

I have viewed the application and raise no objection to it being granted.

Kind regards

Sara Brandford
Environmental Health Officer
Food and Safety Team



Website: www.norfolkfireservice.gov.uk

Mr T Shearman
Public Protection (Licensing)
Norwich City Council
City Hall
St Peters Street
NR2 1NH

Please ask for: Kerry Larcombe
Direct Dial: 0300 1231418
Email: kerry.larcombe@fire.norfolk.gov.uk
My Ref: 00084381
Your Ref:

20 May 2019

Dear Sir

The Regulatory Reform (Fire Safety) Order 2005

Premises: The Cafe Club, 41 King Street, Norwich, NR1 1PH

I acknowledge receipt of the application for the above premises.

The 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



K Larcombe
for Chief Fire Officer



We also have concerns about Café Club. The table and chairs on Rose Lane will be pushing wheelchairs and pushchairs onto a manhole cover.

Martin Symons
Co Chair, Norwich Access Group
May 2019

Fuller, Maxine

From: Michael Wordingham
Sent: 03 June 2019 16:55
To: Fuller, Maxine
Cc: MARTIN SYMONS; Edward Bates
Subject: Table and Chairs Application
Attachments: inclusive-mobility-guidance.docx

Dear Maxine,

I am writing in response to the applications for cafe furniture from **d Cafe Club**. I am a member and trustee of the Norwich Access Group but I am afraid I have been away and couldn't get my contribution to Martin (copied in) in time before he had to write his response to you. I am also the Regional Campaigns Officer for Royal National Institute of Blind People and have spoken to Edward Bates from Norfolk and Norwich Association for the Blind (copied in) who i work extremely closely with, this can also be considered a joint response from NNAB and RNIB.

I am afraid we will have to object to all three applications:

Inclusive Mobility

3.1 Widths

A clear width of 2000mm allows two wheelchairs to pass one another comfortably. This should be regarded as the minimum under normal circumstances. Where this is not possible because of physical constraints 1500mm could be regarded as the minimum acceptable under most circumstances, giving sufficient space for a wheelchair user and a walker to pass one another. The absolute minimum, where there is an obstacle, should be 1000mm clear space.....

It is also recommended that there should be minimum widths of 3000mm at bus stops and 3500mm to 4500mm by shops though it is recognised that available space will not always be sufficient to achieve these dimensions."

This also applies to the application for **Cafe Club**, particularly the King Street section where things are further complicated by the flush kerbs. The combination of a narrow pavement (less than 1500mm) and the lack of kerbs would mean blind and partially sighted people risk being forced into the road without being aware of it. The Rose Lane section will leave 2000mm which is 1500mm below the minimum width recommended for a pavement by a shop.