

Report to	Regulatory sub-committee 11 March 2019	Item
Report of	Head of citywide services	3
Subject	Highways Act 1980: application for licence to place tables and chairs on the highway - Mindoro, 1 Westlegate Norwich NR1 3LT	

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 Mindoro, 1 Westlegate, Norwich, NR1 3LT.

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: Mancroft

Cabinet member: Councillor Maguire - safe 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 Mindoro, 1 Westlegate Norwich NR1 3LT seeking to place 8 tables and 16 chairs on the highway between the hours of 09:00 and 20:00 Monday to Sunday.
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:
 - Kieran Yates – Transport Planner for Norwich City Council
 - Michelle Bartram – Norfolk Constabulary (applicant has agreed to their reduction in hours)
 - Jack Askew – Norfolk Constabulary, Force Traffic Management Officer
 - Norfolk Fire & Rescue Service
 - Mr Terry W O'Leary – Local Resident

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
City Council

Norwich City Council

24 JAN 2019

Cheque No: 041050

Amount VAT: 367.00

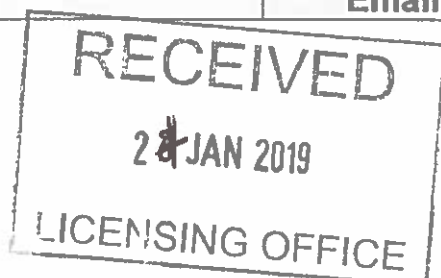
Amount No VAT:

Account Holder: MR CHAFFE


**APPLICATION FOR LICENCE TO PLACE
TABLES AND CHAIRS ON THE HIGHWAY**

Part One

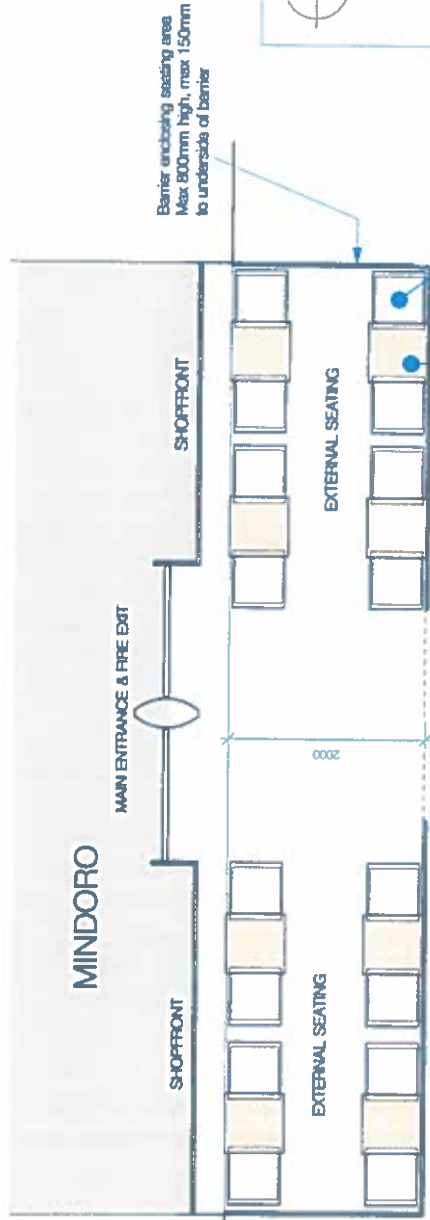
Name and Address of Premised to be Licensed	MINDORO 1, WESTLE GATE Post Code NR13LT	
Name of Applicant	SWEET OUTCOMES LTD Post Code	
	Tel. No.	
	Email	
	Address (if different from above)	
Name and Home Address of Licensee	COLIN CHAFFE Post Code	
	Tel. No.	
	Email	



Part Two

<p>Please provide a plan showing the exact location and dimensions of the area to be licensed and where furniture to be placed within area.</p>			
<p>No of Chairs</p>		<p>16</p>	
<p>No of Tables</p>		<p>8</p>	
<p>Times/Dates Required</p>		<p>9AM - 8PM DAILY ALL YEAR.</p>	
<p>Description of Street Furniture & Barriers (please enclose photo/drawing/brochure) Any other furniture (e.g. umbrellas etc)</p>		<p>TABLES TO BE SQUARE STACKABLE CHAIRS TO BE STACKABLE / FOLDABLE. BARRIERS TO BE CANVAS, METAL POSTS.</p>	
<p>Purpose of Tables and Chairs</p>		<p>CUSTOMER SERVICE</p>	
<p>Signed</p>			<p>Date</p> <p>23 JAN 2019</p>
<p>Please include a copy of your public liability insurance showing a minimum limit of indemnity of £5,000,000 and a completed copy of the Norwich City Council's Public/Employer's Insurance Questionnaire.</p>			
<p>Please return this form and attachments to:</p> <p>Licensing Officer Licensing Department City Hall NORWICH NR2 1NH</p> <p>Telephone: (01603) 212761 Email: licensing@norwich.gov.uk</p>			

RECEIVED
21 JAN 2019
LICENSING OFFICE



PLAN SHOWING OUTSIDE SEATING AREA

Scale 1:50 @ A3



VIEW OF OUTSIDE SEATING AREA



Revisions:

Project: Mindoro, 1 Westlegate, Norwich NP3 3LT	Drawing: PROPOSED OUTSIDE SEATING AREA		mcarthur tring architects llp 121 Bar Street Norwich Norfolk NR1 3EY tel 01603 788 750 mtr@mcathurtring.co.uk www.mcathurtring.co.uk
	Scale: 1:50 @ A3 & 1:250 @ A3 as noted	Org no: 2018/322 : OS/01	Date: april 18
Client: Sweet Outcomes Ltd			

NB - FOR PRINTING FROM PDF FILE THIS IS AN A3 DRAWING - SCALE MAY VARY

DO NOT SCALE FROM THIS DRAWING. ALL DIMENSIONS TO BE CHECKED ON SITE.
NOTES ARE DISCREPANCIES TO THE DRAWING. SCALE TO COMMENT.

Fuller, Maxine

From: Yates, Kieran
Sent: 01 February 2019 12:22
To: LICENSING
Subject: 1 Westlegate - tables and chairs

Dear Licensing

No objection on highway grounds with regard to the proposed tables and chairs adjacent to Mindoro café.

The pedestrianisation of Westlegate has enabled the entire width of the street to be used by shoppers on foot, and there is now ample space for the provision of tables and chairs adjacent to these premises to pass by.

The character of a street can be enhanced by outdoor seating and further contributes to the regeneration of Westlegate as a new part of the city centre to enjoy free of traffic.

regards

Ker
Kieran Yates
Transport Planner
kieran.yates@norwich.gov.uk
01603 212471
0344 980 3333

Norwich City Council
Transportation
City Hall, Norwich, NR2 1NH



Finalist in the 'Housing initiative' category for the LGC Awards 2019

Fuller, Maxine

From: Bartram, Michelle <michelle.bartram@norfolk.pnn.police.uk>
Sent: 11 February 2019 16:16
To: LICENSING
Cc: Woods, Suzanne
Subject: Mindoro, Tables and Chairs Licence

Hello Licensing

Police have received a copy of the application for tables or chairs for Mindoro from 9am to 8pm.

There are no objections to this

Regards

Michelle Bartram

Licensing Officer

Licensing

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

Tel: 01603-276020 Fax: 01603-276025

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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

Go here to view [Norfolk Constabulary](#)

Disclaimer



Mr. Tony Shearman,
Public Protection (Licensing),
Citywide Services,
Norwich City Council,
St. Peters St,
Norwich.
NR2 1NH

Roads and Armed Policing Team,
OCC Wymondham
Room 2.1.2a,
Falconers Chase,
WYMONDHAM,
Norfolk.
NR18 0WW

Tel: 01953 424825

Fax: 01953 424898

Email: TMONorfolk@norfolk.pnn.police.uk

Date: 19th February 2019

Reference: JA/19.02.2019/Mindoro.

www.norfolk.police.uk

Non-Emergency Tel: 101

Dear Mr. Shearman,

Re: Application for a Tables and Chairs Licence – Mindoro

Thank you for your letter dated 6th Feb 2019, which referred to the above application for a licence to place 8 x tables and 16 x chairs outside Mindoro, 1 Westlegate, Norwich, between 09:00hrs and 20:00hrs Monday to Sunday.

Having paid a site visit to the area, I can confirm that Norfolk Constabulary has no objections to this application. This is providing there is no obstruction to pedestrian movement to pass this area, and no trip hazard to members of the public who may be blind or partially sighted.

Minimum width allowances for pedestrian movement should also take into account other street furniture, wheelchair and motorised scooter users.

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

Yours sincerely

Mr. Jack Askew,
Norfolk Constabulary,
Force Traffic Management Officer.





Website: www.norfolkfireservice.gov.uk

Mr Tony Shearman
Licensing
Norwich City Council
City Hall
St Peters Street
Norwich
NR2 1NH

Please ask for: Kerry Larcombe
Direct Dial: 0300 123 1418
Email: kerry.larcombe@fire.norfolk.gov.uk
My Ref: 00085952
Your Ref:

05 February 2019

Dear Sir,

The Regulatory Reform (Fire Safety) Order 2005
Premises: Mindoro 1 Westlegate Norwich NR1 3LT

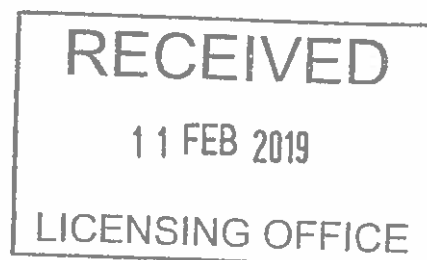
I acknowledge receipt of the application for the above premises.

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

Kerry Larcombe



Fuller, Maxine

From: noreply_xforms@norwich.gov.uk
Sent: 14 February 2019 16:59
To: LICENSING
Subject: Licensing - Representation Form

Norwich City Council

Licensing Authority

Licensing Act 2003

Statement of support or objection to an application for a premises licence

Your name/organisation name/name of body you represent	Mr Terry W O'Leary
Postal address	Apartment 7, Westlegate Tower 14 - 18, Westlegate, Norwich, NR1 3LJ
Email address	
Contact telephone number	
Address of the premises you wish to support or object to	Mindoro 1 Westlegate NR1 3LT

Your support or objection must relate to one of the four licensing objectives

Licensing objective	Please set out your support or objections below
To prevent crime and disorder	
Public safety	<p>The proposed application with supporting documentation to place tables and chairs indicate a seating area across the entire width of this shop two metres in depth, which will absorb 50% of the pedestrians walking area!</p> <p>Being partially sighted and using a white cane, I have to register my objection on the basis of public safety. I live on Westlegate and have to negotiate this area being one of the few routes which enables me to safely cross to the other side of St Stephen's street where there are traffic lights in place i.e. over Surrey Street first. The pavement area in front of Mindoro is quite narrow particularly in front of the trellised street furniture facing the right end of the shop front and this proposal will obviously create a bottleneck for pedestrians.</p> <p>However, if this proposal gets approval I suggest that the width of pavement to be covered should be restricted to 1 metre and the maximum number of tables and chairs reduced by 50% to avoid a public hazard, thereby still exceeding what has been granted to Warings also on Westlegate.</p>
To prevent public	

nuisance			
To protect children from harm			
Please suggest any conditions which would alleviate your concerns	see above please!		
Full name:	Terry W O'Leary	Date:	14/02/2019