NORWICH CITY COUNCIL

Report for Resolution

Report To	Regulatory sub-committee 21 May 2012	**4**
Report of	Head of citywide services	
Subject	Highways Act 1980: Application for licence to place tables and chairs on the highway – Ground 2 Guildhall Hill Norwich NR2 1JH	

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 Ground 2 Guildhall Hill Norwich NR2 1JH.

Financial Consequences

The financial consequences of this report are nil.

Corporate Objective/Service Plan Priority

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.

Contact Officers

Ian Streeter — Phone No 212439

Background Documents

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 at Appendix A of 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 to place two tables and four chairs on the highway at Ground 2 Guildhall Hill Norwich NR2 1JH has been received from Robert Astley. A location plan and accompanying photographs are attached at Appendix B to the report.

5. The requested days and times of use are Monday to Saturday between 09:00 and 16:00.

Consultation

6. 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 City Centre Residents Forum and the Norwich Access Group have also been notified of the application.

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. One representation has been received from a local businesses objecting to the application and this is attached at Appendix C to the report.

9. Representations have been received from the council's Design, Conservation and Landscape Manager and Highway Network Manager. Their comments are summarised below:

Design, Conservation and Landscape Manager: I support the principle of two tables and four chairs being placed outside the business. However, I object to the positioning of a 1.5m barrier next to the entrance to Labour in Vain Yard because it will obstruct people wanting to walk directly into the Yard from the east end of Guildhall Hill. I would like the application to be amended so that the barrier is placed immediately to the right of the doorway and a small gap would then need to be provided in the barrier to the front of the area to allow customers to access the tables and chairs.

Highway Network Manager: Following complaints and an accident, action is being considered in respect of A boards and other obstructions on Guildhall Hill. The accident involved a pedestrian who broke her ankle on a gully at 2 Guildhall Hill because she had to walk around the A boards shown in the applicants photograph. In the circumstances I recommend the application as proposed be refused.

APPENDIX A

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,

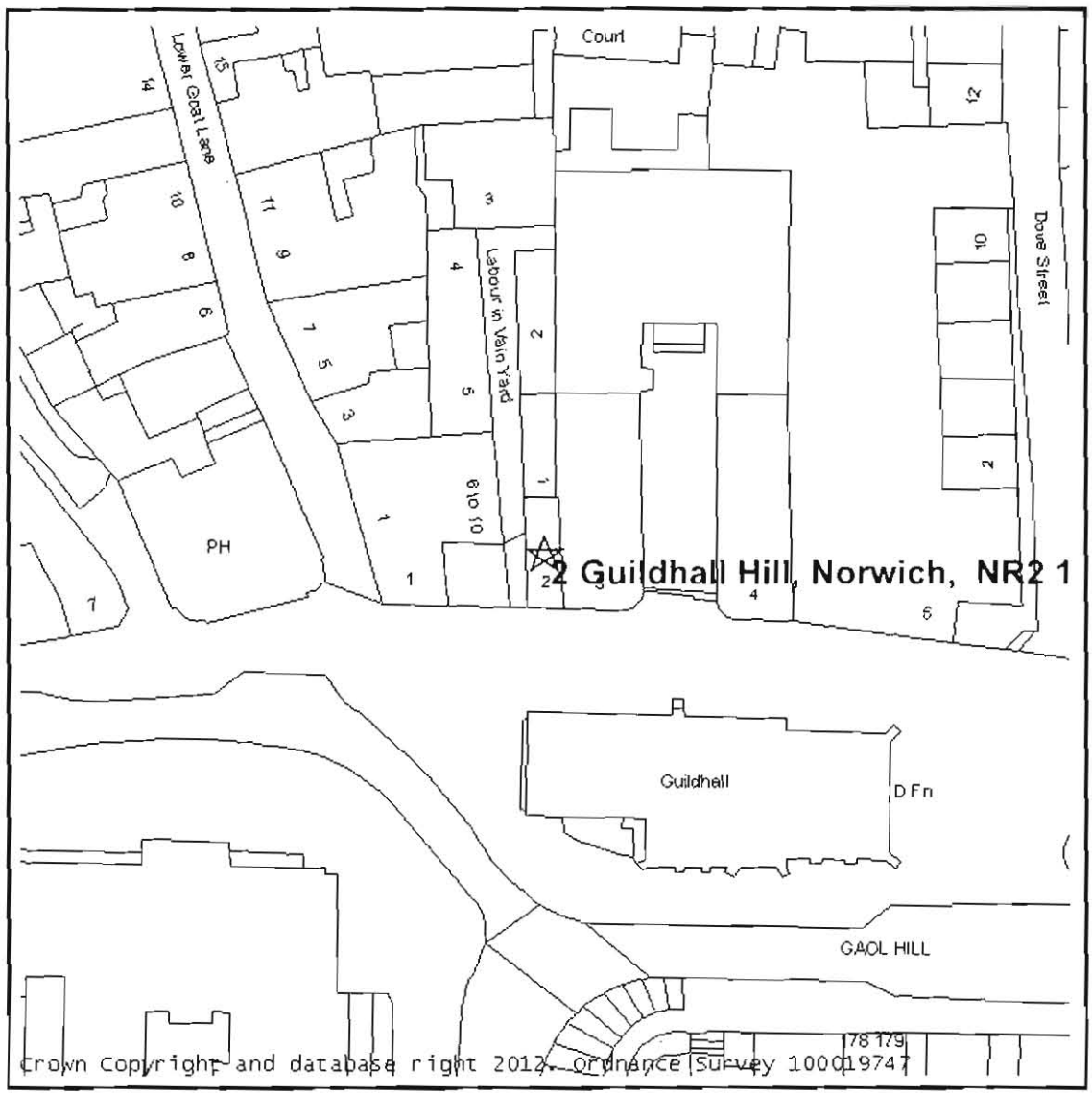
(c) if the Council considers it to be necessary in connection with the exercise of any of its functions or the functions of any statutory undertaker or public utility,

(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



NORWICH City Council

Highways Act 1980: application to place tables and chairs on the highway - Ground 2 Guildhall Hill Norwich NR2 1JH

Scale 1:609

NOTES

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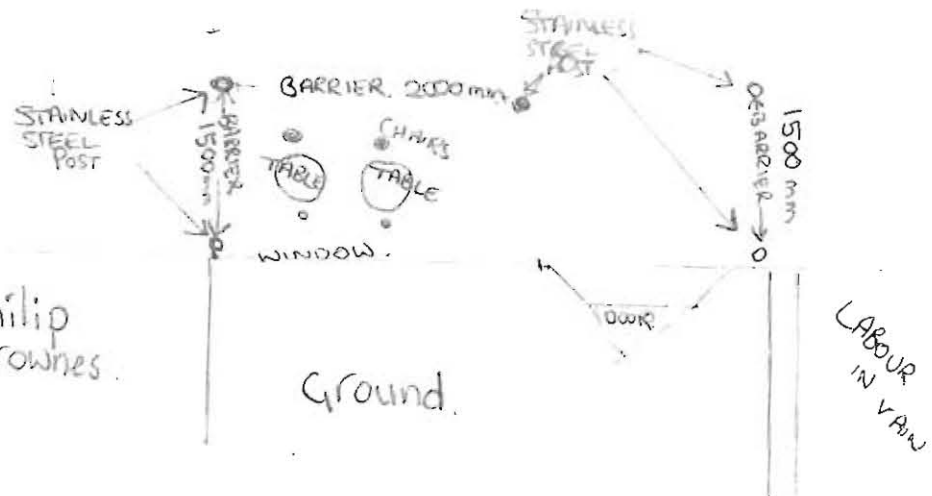
GUILDHALL.


STAINLESS STEEL POST
BARRIER. 2500 mm
1500 mm
CHAIRS
TABLE
TABLE
WINDOW.
STAINLESS STEEL POST
1500 mm
DOOR
Philip Brownes.
Ground.
LABOUR IN VAIN

grOuNd
grOuNd
OPEN

QUAD

APPENDIX C

Fuller, Maxine

From: Nigel Raffles
Sent: 12 April 2012 14:33
To: Licensing
Subject: ref;12/00682/tabcha

dear mr ian streeter,

i would like to formaly object to the preposed aplication for tables and chairs for the following reasons;
1.it would hinder access to labour in vain yard
2 it would shield promotional material from the busineses in labour in vain yard
3.it would hide the yard from shoppers
4.it would make the hill look untidy