

Report to	Regulatory sub-committee 8 July 2019	Item
Report of	Head of citywide services	5
Subject	Highways Act 1980: application for licence to place tables and chairs on the highway - Haggie Restaurant, 13 St Benedicts Street, NR2 4PE	

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 Haggie Restaurant, 13 St Benedicts Street, NR2 4PE

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 Macguire - Safe city environment

Contact officers

Maxine Fuller – Licensing Assistant

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Background documents

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 Huggle Restaurant, 13 St Benedicts Street NR2 4PE seeking to place 3 tables and 6 chairs on the highway between the hours of 09:00 and 23:00 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:
 - Royal National Institute of Blind People (RNIB)
 - Helena Hudson - local resident
 - Susan Seddon – local resident
 - John Taylor – local resident

- 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](#).
- Food & Safety Team – Norwich City Council (they have withdrawn their objection)
- Transport Planner – Norwich City Council
- Environmental Protection Team – Norwich City Council
- Norfolk Constabulary Licensing Team
- Norfolk Fire & rescue Service
- Petition from local residents at Helgate Court