

| | | |
|------------------|--|-------------|
| Report to | Regulatory sub-committee 11 June 2018 | Item |
| Report of | Head of citywide services | 3 |
| Subject | Highways Act 1980: application for licence to place tables and chairs on the highway - Ivy Collection, 30 London Street & 13 Castle Meadow Norwich NR2 1LD | |

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 Ivy Collection, 30 London Street & 13 Castle Meadow Norwich NR2 1LD.

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

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 Ivy Collection, 30 London Street & 13 Castle Meadow Norwich NR2 1LD seeking to place 5 tables and 10 chairs on the highway between the hours of 08:00 and 00:30 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, occupiers of nearby premises have been consulted and 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:
 - One local resident
 - the Norfolk Constabulary Licensing Team (agreement has been made to amended the hours from 08:00 to 23:00 Monday to Sunday)

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
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

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?

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

☒ Yes

☐ No

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

☒ 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 the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

* Is the applicant's business registered in the UK with Companies House? ☒ Yes ☐ No

* Registration number

* Business name

If the applicant's business is registered, use its registered name.

* VAT number

Put "none" if the applicant is not registered for VAT.

* Legal status



Continued from previous page...

* Applicant's position in the business

Private Limited Company

Home country

United Kingdom

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

* Building number or name

26-28

* Street

Conway Street

District

* City or town

London

County or administrative area

* Postcode

W1T 6BQ

* Country

United Kingdom

Agent Details

* First name

Poppleston Allen

* Family name

Poppleston Allen

* E-mail

k.mcgowan@popall.co.uk

Main telephone number

020 3859 7757

Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☒ An agent that is a business or organisation, including a sole trader

A sole trader is a business owned by one person without any special legal structure.

☐ A private individual acting as an agent

Agent Business

* Is your business registered in the UK with Companies House?

☐ Yes

☒ No

* Is your business registered outside the UK?

☐ Yes

☒ No

* Business name

Poppleston Allen

If your business is registered, use its registered name.

* VAT number

GB

61072862

Put "none" if you are not registered for VAT.

* Legal status

Partnership

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Agent 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?

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.

☐ Yes ☒ No

* 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?

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.

☒ Yes

☐ No

E-mail

k.mcgowan@popall.co.uk

* Main telephone number

020 3859 7757

Other telephone number

Further Details

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

Licensed Premises

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

A 25 year full repairing and insuring lease.

Give Details Of The (Freehold) Owner Of The Premises

* Name of owner

Benacre Properties Company

Owner's Address

* Building number or name

The Estate and Farms Office

* Street

Hall Farm

District

Benacre

* City or town

Beccles

County or administrative area

Suffolk

* Postcode

NR34 7LJ

* Country

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)

Outside the premises on the public highway.

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

| | |
|--|-------------------------------------|
| * Length | <input type="text" value="9.655"/> |
| * Width | <input type="text" value="2"/> |
| * Give the total width of the pavement or footway at this location | <input type="text" value="10.720"/> |

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 to Sunday"/> |
| * From | <input type="text" value="08:00"/> |
| * To | <input type="text" value="00:30"/> |

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

Section 6 of 9

DETAILS OF FURNITURE

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 | <input type="text" value="5"/> |
| * Description (e.g. dimensions, type, material, colour supplier/technical details, as appropriate) | |

Continued from previous page...

Attached to the application.

Chairs

* Number

10

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

Attached to the application.

Litter Bins

Number

Parasols/Umbrellas

Number

Planters

Number

8

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

Attached to the application.

Space Heaters

Number

Lighting

Number

Barriers/Balustrades

Number

Other furniture or equipment

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

Further Details

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

The furniture will remain outside the premises but will be locked and therefore will be rendered unusable.

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

This will be carried out by staff of the premises.

Section 7 of 9

Continued from previous page...

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

Allianz Insurance

* Policy number

40/SZ/24101788/11

* Period of cover

30th April 2017 to 29th April 2018

* 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)

N/A

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 £601

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

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.

Continued from previous page...

☒ 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?"

* Full name

Poppelen Allen

* Capacity

Solicitors on behalf of Applicant

Date (dd/mm/yyyy)

20/04/2018

Add another signatory

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.

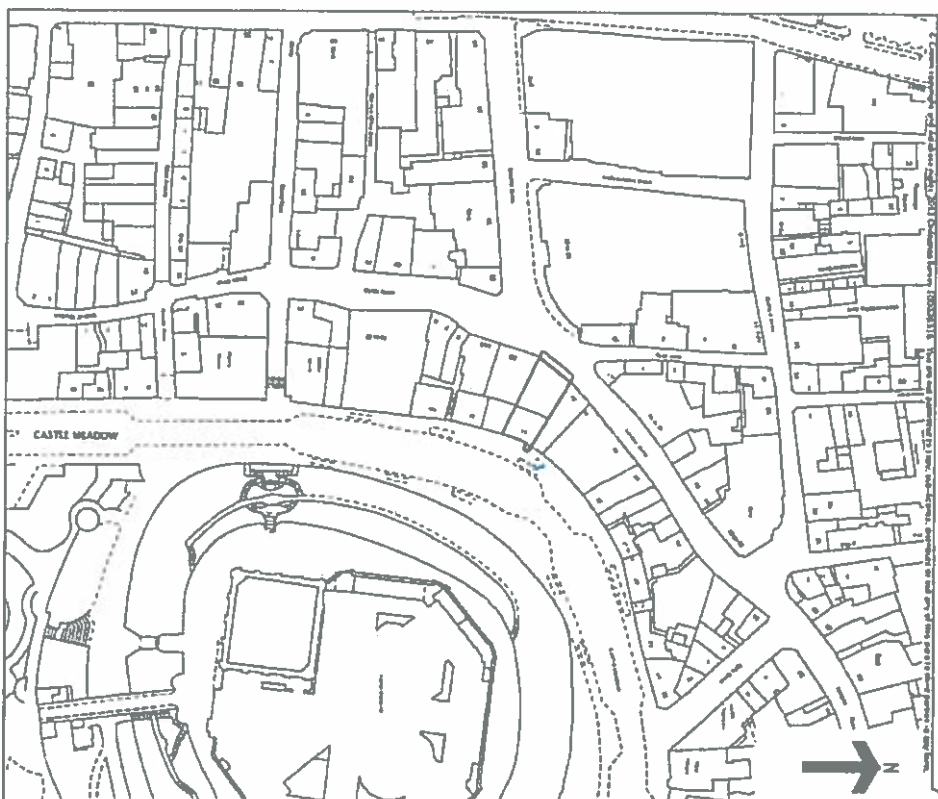
Don't forget to make sure you have all your supporting documentation to hand.

WE MAKE IT HAPPEN
Hamp & Holt Ltd

[illegible][illegible]

HM Land Registry Current title plan

Title number **NK420728**
Ordnance Survey map reference **TC2308NW**
Scale **1:1250**
Administrative area **Norfolk : Norwich**



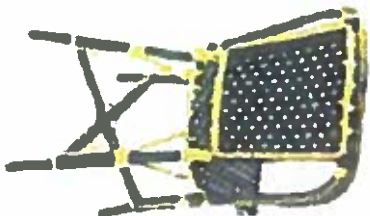
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RECEIVED
18 APR 2018
LICENSING OFFICE



TERRACE

RAUSON DRUCKER CHAIR
WEAVES - CLASSIQUE DAYBER C21
COLOUR - MARINE BLUE, IVORY, RED
REFERENCE - 3013
DIMS - 440mm WIDE X 750mm DEEP X 840mm HIGH

RECEIVED
18 APR 2018
LICENSING OFFICE



TERRACE

BESPOKE 4 TOP SQUARE TABLE
WHITE MARBLE TOP & JULET TABLE BASE
650mm X 650mm X 750mm HEIGHT TBC



TERRACE

BESPOKE 4 TOP SQUARE TABLE
WHITE MARBLE TOP & JULET TABLE BASE
600mm X 600mm X 750mm HEIGHT TBC

Fuller, Maxine

From: Norwich
Sent: 21 April 2018 12:01
To: LICENSING
Subject: RE: Application 18/00541/TABCHA

Importance: High

SHUROPODY

1 Swan Lane
 Norwich
 NR2 1HZ

To whom it may concern,

I am writing in regards to application 18/00541/TABCHA from Ivy Collection, 30 London Street, to place 5 sets of tables and chairs outside at the bottom of London Street, that could effectively effect my trade. First of all, I thank you for the letters stating the planned proposal as quite rightly it does have the potential to effect my business and all in the surrounding area of Swan Lane. I regret to inform that I strongly oppose this idea for numerous reasons.

The first being, as part of the public highways and how busy our lanes are, I think it has potential to be a very dangerous idea. Having worked in Swan Lane for over 4 years, I see daily the footfall and number of pedestrians that pass us, not forgetting automated vehicles including disability vehicles, and the Bicycles, Skateboards, Scooters that come past : most often very fast and not showing any consideration for other members of the public: let alone business users. Having Waiters and customers manouvering around tables and chairs outside in a packed area already, I think has the potential to be very hazardous.

I cannot stress how much rubbish and waste we already encounter from some of the surrounding Food outlets: mainly late night Bars and establishments. Not so much general waste but more anti-social behaviour caused by intoxication. I personally have removed Urine, Faeces, Drug Paraphanelia and more commonly Vomit, from outside my store and it is almost daily. This is not my concern from this establishment as I am sure it is an up market venue, of course I am not familiar with the chain but it does not present itself as a late night Bar that would bring more anti-social behaviour to our lanes. My concern being more revenue and leaving businesses such as myself and the Jewellers surrounding, to clean up after revellers. There is a street cleaner most days, I have not encountered weekend shifts, but they only remove litter and items such as that, that can be placed into their carts and removed. The vomit, glasses or bottles, urine etc: that is left behind for us businesses that are unfortunate enough to have open shopfronts and doorways. As my building as I am sure most are around the lanes, is a listed building, I cannot put a hand rail up for health and safety let alone shutters or railings to stop anyone from accessing my shop after I close and causing such disturbances. This is a major inconvenience and one which I have co-ordinated with the local Police department, and still do keep up to date with.

Secondly after being a hazard to pedestrians, is the blatant lack of regard to businesses that are already in existence in London Street but mostly Swan Lane as that's where this seating area would effect most. Everyone occupying Swan Lane including Dipples the Jewellers, Fourth Avenue, Bullens the Jewellers,

Logans Café etc : all very high footfall stores that bring generous business to Norwich city centre and this end of town. As far as I can remember, all occupants of Swan Lane were allowed to advertise their businesses with A Frames, 1 outside of their store but more importantly 1 at the end of Swan Lane in the main square, near the seating area as well. We were told in 2017 to remove these immediately as they were a hazard to people with either visual impairments or disability vehicles. After years of advertising and this being a crucial part of our footfall and sales, this was particularly disheartening. Of course I understand that persons with visual impairments may not be able to see such boards, but all of our shops never positioned them in such a way that they would be a hazard to anyone.

This regulation by yourselves, came almost immediately (within days) of a member of the public coming into my store and several others, shouting and being abusive that we were causing a hazard to others: which wasn't the case. We have since been penalised and forced to remove our advertising boards and only having one outside attached to our shop fronts. At which point, there are no directions or sign posts, no advertising and no maps to point any consumers down our lane and help those that use our services, to locate us. As businesses that pay such high rent and tax and licenses and fees, and generate a huge amount of trade annually to the city centre, it wouldn't be entirely inappropriate to ask for sign posts (much like street signs) that include all of our business names that you cannot see directly from the highway.

I think it is unreasonable to enforce a regulation to existing businesses, and now enforce a new one entirely for such items that could still potentially be a hazard for pedestrians and even more so with tables and chairs and customers exiting tables: pushchairs or wheelchairs perhaps too. I welcome any new business and wish them the best of luck with trade in our community, but I think this is most unfair to us existing as well as it being very hazardous. I know at the end of 2017 into 2018, the council wanted to enforce a regulation that would mean all Bicycles and Scooters wouldn't be ride between certain peak hours of the day for safety and would be pushed through town to avoid incidents, but I can 100% ensure that that hasn't happened even once. Some of the Bikes and Scooters that pass our stores are so fast and could easily cause serious injury to others, let alone motorised Scooters.

It does irridicate one aspect of the area which is positive and that is the noise pollution caused by street performers and the inconvenience they sometimes cause by making very loud, brash "music". My Podiatry services offer private health care sessions, it is a high standard we try to maintain much like Jewellers that surround my store, all of which promote very exclusive products and attract a certain clientel. I hope the council and commity take my counter argument seriously as it does pose as inconvenient to the hundreds of passers by that use the walkways daily. I would hate any incidents to occur as the paths are too narrow or even staff at the restaurant to be knocked over etc. If you have further comments or questions please do not hesitate to contact myself on the lines below.

Kindest Regards

Chantelle Olley
Practice Manager
Shuropody Norwich

Fuller, Maxine

From: Bartram, Michelle <bartramm@norfolk.pnn.police.uk>
Sent: 14 May 2018 16:40
To: LICENSING
Cc: Woods, Suzanne
Subject: FW: Ivy Tables and chairs

Hello Licensing

Please see an email from Ivy, London Street agreeing for their tables and chairs application to be amended to 2300 hrs.

With this amendment, there are no Police objections

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



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From: Kerry McGowan [mailto:K.McGowan@popall.co.uk]
Sent: 14 May 2018 16:19
To: Bartram, Michelle
Cc: Lisa Inzani
Subject: RE: Ivy Tables and chairs

Dear Michelle,

Further to our conversation on Friday I can confirm that we are agreeable to amend the hours of our pavement licence application to 08:00 hours to 23:00 hours Monday to Sunday.

Please can you confirm that this is agreed so I can inform Licensing.

Kind Regards

Kerry

Kerry McGowan | Paralegal

Poppleston Allen

E: K.McGowan@popall.co.uk | T: 0203 859 7757 | W: <https://imsva91-clp.trendmicro.com:443/wis/clicktime/v1/query?url=www.popall.co.uk&umid=D575A6A6-6C2C-4D05-9E61-15878FFE9B74&auth=76a36a0301cf7179612a4414203a61368905a968-a1dd4651594a13328189631c564c21c1b08ff011>

London Office: The Stanley Building, 7 Pancras Square, London, N1C 4AG

Announcement

You can now learn
common licensing
free training video

From: Bartram, Michelle [mailto:bartramm@norfolk.pnn.police.uk]

Sent: 08 May 2018 12:41

To: Kerry McGowan

Subject: Ivy Tables and chairs

Hello Kerry

Hope you are well, I hope I am contacting the correct person.

Police have been notified of an application for Tables and Chairs licence for the Ivy Collection on London Street.

I note that this is until 00.30 daily, I wanted to find out if this was usual timings for the company as it appears very late and no other premises in the area has seating that late.

I have concerns that the timings could cause the restaurant staff problems with intoxicated passer-by's and homeless using them late at night and wondered if they would consider reducing the time to 2130 hrs (or 2200hrs daily)

I will wait to hear back from you

Regards

Michelle Bartram

Licensing Officer

Licensing

Norfolk Constabulary

Bethel Street Police Station

Norwich, Norfolk, NR2 1NN

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