

NORWICH CITY COUNCIL

Report for Resolution

Report To Regulatory Sub-Committee
 16 May 2011

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Report of Head of Citywide Services

Subject Highways Act 1980: Application for licence to
 place tables and chairs on the highway –
 Paolo's Restaurant 1 St Giles Street Norwich NR2 1JJ

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 Paolo's Restaurant 1 St Giles Street Norwich NR2 1JJ.

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 six tables and twelve chairs on the highway has been received from Mr Dritan Duraj in respect of Paolo's Restaurant 1 St Giles Street Norwich NR2 1JJ. 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 Sunday between 10.00 a.m. and midnight.

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. Comments have been received from the responsible authorities and letters objecting to the application have been received from local residents. These are attached at Appendix C to the report.

Tables and Chairs Licence – Standard Conditions

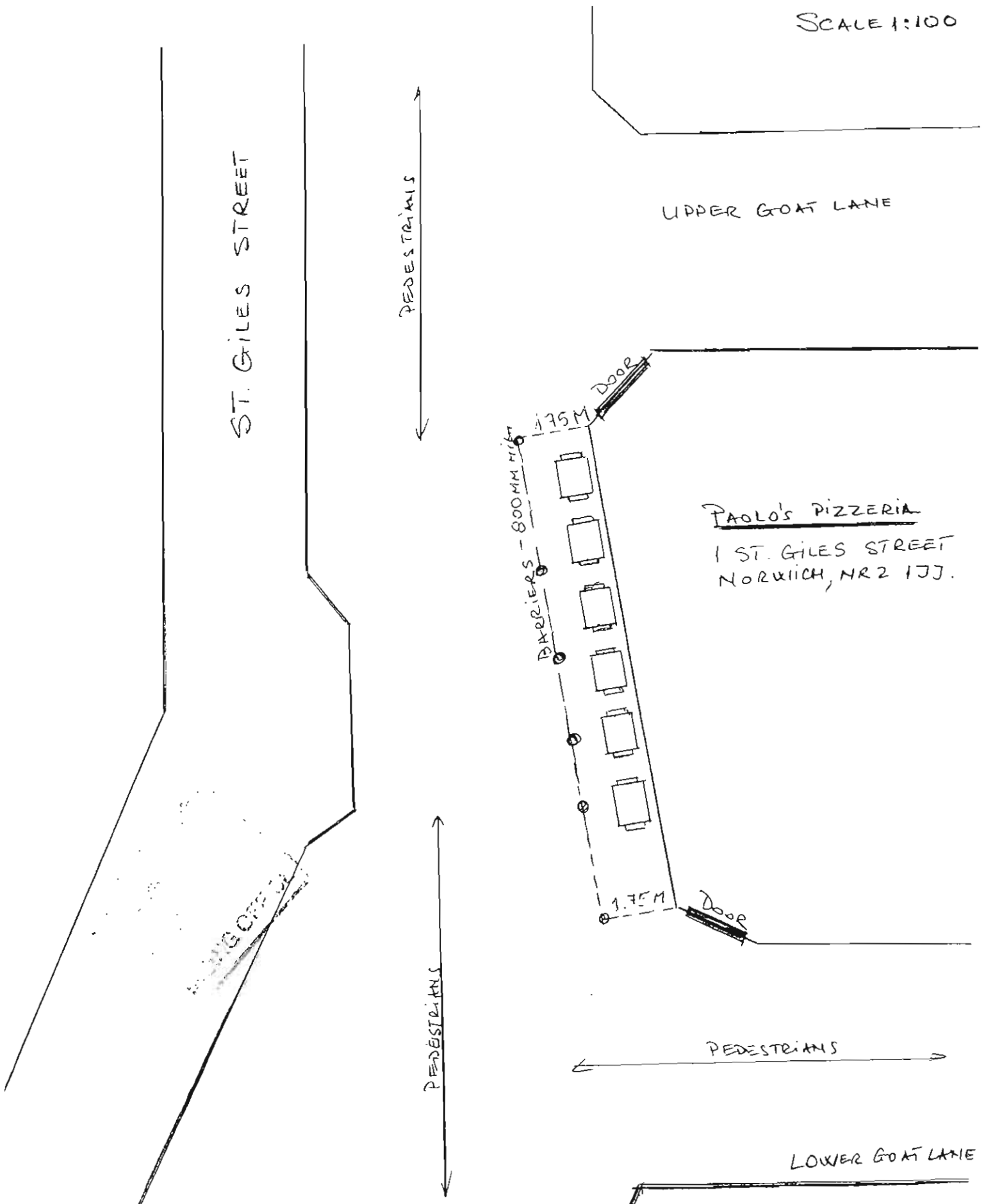
- 1 The Council's reasonable expenses in connection with the granting of this permission shall have been paid and the annual fee starting with the date of this permission shall have been paid before the permission is first exercised.
- 2 The Licensee shall indemnify the Council against any claim whatsoever, 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

PROPOSED PLAN FOR TABLES, CHAIRS AND BARRIERS AT
PAOLO'S PIZZERIA – 1 ST GILES STREET, NORWICH.

SCALE 1:100









Fuller, Maxine

From: Yates, Kieran
Sent: 10 March 2011 10:55
To: Fuller, Maxine
Subject: Paolo's restaurant: tables and chairs

C

Maxine

I have no objections on transportation grounds in relation to the proposed location of tables and chairs for Paolo's Restaurant as the pavement is sufficiently wide to accommodate them and pedestrian traffic.

However the hours of operation till midnight 7 days a week are very late, there may be apartments in the vicinity who would be concerned by late operation.

But in principle it would be a welcome addition to the street scene.

regards

Kieran

Kieran Yates
Transport Planner
kieran.yates@norwich.gov.uk
01603 212471

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

Fuller, Maxine

From: Page, Colin [PageC@norfolk.pnn.police.uk]
Sent: 15 March 2011 07:29
To: Licensing
Subject: Paola's Restaurant, 1, St. Giles Street, Norwich

Dear Mr. Streeter,

I refer to your letter dated 9th March 2011 and have to inform you that the Police have no objections to the application.

Regards

Colin Page

Colin Page,
Traffic Management Officer,
Norfolk Police,
Bethel Street,
Norwich,
NR2 1NN.
Tel.no. 01603 276662
Fax.no. 01603 276645



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](#)

Fuller, Maxine

From: Brown, Mark
Sent: 29 March 2011 16:13
To: Fuller, Maxine
Subject: Tables and Chairs Licence - Paolo's Restaurant 1 St Giles, Norwich

Maxine,

Tables and Chairs Licence - Paolo's Restaurant 1 St Giles, Norwich

I can confirm that we have no comments to make in relation to the above.

Regards

Mark

Mark Brown
Senior Planning Officer
Planning Services
Norwich City Council
City Hall
Norwich
NR2 1NH

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e. markbrown@norwich.gov.uk
w. www.norwich.gov.uk

Fuller, Maxine

From: Doris ,
Sent: 30 March 2011 16:30
To: Licensing
Subject: Paolo's Restaurant/Pizzeria, 1 St Giles St., Norwich

I have looked at the premises it is on a wide pavement with a walkway of Lower Goat Lane at one side. I think there is room for the 6 tables and 12 chairs to be in front of this building they are having a barrier surrounding them allowing plenty of room for pedestrians, they do have menu boards up against the building wall they will stay in the same place.

I hope this is all you require for now.

DORIS PASHLEY NORWICH ACCESS

CENTRAL NORWICH CITIZENS' FORUM

14th March 2011

Mr Ian Streeter
Licensing Manager
Legal and Democratic Services
Norwich City Council

via e-mail

Dear Mr Streeter

**Re: APPLICATION FOR TABLES AND CHAIRS LICENCE
PAOLO'S RESTAURANT/PIZZERIA, 1 ST GILES STREET NORWICH**

I acknowledge receipt of your invitation to comment upon the above application and welcome the opportunity to do so.

We can see no possible reason to object to the proposals to situate 6 tables and 12 chairs outside these premises between 10.00 and 00.00 Monday to Sunday where the pavement is amply wide enough to accommodate them without causing nuisance to either pedestrians or vehicles seeking access to other businesses on Guildhall Hill and we believe their addition would add to the visual streetscape of the area and make it most attractive. We, therefore, recommend approval.

Yours sincerely

Julian F Foster
CHAIRMAN

Fuller, Maxine

From: kaye howard-king

Sent: 24 March 2011 19:34

To: Licensing

Subject: FAO Mr.Ian Streeter RE: Application for licence to place tables and chairs on the highway (highways act 1980)

Dear Mr. Streeter, i'm writing to comment about the proposed application for tables & chairs outside of Paolo's Restaurant/Pizzeria at 1 St.Giles street, i read the Application letter left fo the public to read outside of the Restaurant, i'm so shocked to read this, i think that 6 tables & 12 chairs is far to many in the first place, it's going to spoil the look of this quiet shopping area, also going to be so much noise!!!! Also i think it would be distracting for the other surrounding businesses in the area also the times are going to be a big problem 10.00 until midnight is far to long!!! I hope you understand the reason for my comments. Kindest regards, Kaye Howard-King.



paolos pizzeria, planning

From:

To: licencing@norwich.gov.uk

Thursday, 24 March, 2011 17.12

date + time
Sent

Dear Mr Streeter,

I would like to comment on the application for licence to place tables and chairs on the highway of 1 st Giles street.

I am a business manager on lower goat lane, and have the following problems with the application,

I think that the amount of 6 tables and 12 chairs is far too many. Not only will this cause the street to look far too cluttered it is not in keeping with the surroundings there are no other restaurants on the street with such facilities.

The hours of trading for the chairs to be present is far too long. st Giles street and lower goat lane are quiet areas in the evenings and any restaurants that are open keep it inside. Clearly they are taking into consideration the fact that it is also a residential area. Having people eat pizza and drinking alcohol until 12 midnight in the street is not appropriate in this area. This kind of socialising is kept in controlled areas such as riverside complex. The noise pollution will be very high!

i hope you take these comments into consideration when processing Mr Durajs application

please let me know you received this email, as i have tried to call a few times with no response

thank you for your time.

Gemma King
Indigo tattoo studio