

# NORWICH CITY COUNCIL

## Report for Resolution

5

**Report To** Regulatory Committee

21 July 2009

**Report of** Head of Legal & Democratic Services

**Subject** Application for licence to place  
tables and chairs on the highway –  
West Cornwall Pasty Company  
21 Haymarket / Weavers Lane Norwich

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### **Purpose**

To ask Members to determine an application to place tables and chairs on the highway.

### **Recommendations**

That Members determine the application to place tables and chairs on the highway submitted in respect of West Cornwall Pasty Company 21 Haymarket / Weavers Lane Norwich.

### **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 a total of 10 tables and 35 chairs on the highway has been received from the West Cornwall Pasty Company. The application seeks to place 7 tables and 23 chairs to the front of the premises at 21 Haymarket and to site 3 tables and 12 chairs to the rear of the premises in Weavers Lane. A location plan, details of the furniture and accompanying photographs are attached at Appendix B to the report.
5. The requested times and days of use are between 09:30 - 17:30 Monday to Saturday and 08:30 – 17:00 on Sundays.

## **Existing permission**

6. There is currently an existing permission in place which allows a maximum of 4 tables and 12 chairs to be placed outside 21 Haymarket, the front of the West Country Pasty Company.
7. The timings for the current permission are 09:00 – 17:30 Monday to Saturday.

## **Consultation**

8. 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.
9. Details of the application have also been forwarded to the Norfolk Constabulary, Norfolk Fire Service and the City Council's Planning, Transportation, Health and Safety and Pollution Control sections for comment.

10. Objections have been received from the Transportation & Landscape Department, the Norwich Access Group (only to the Weavers Lane part of the application) and a member of the public who is registered blind. These are attached at Appendix C of the report.

# APPENDIX A

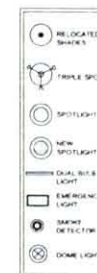
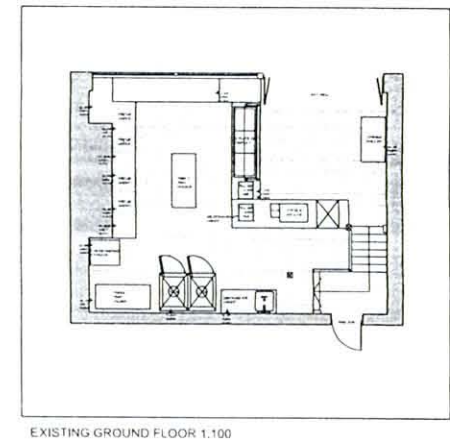
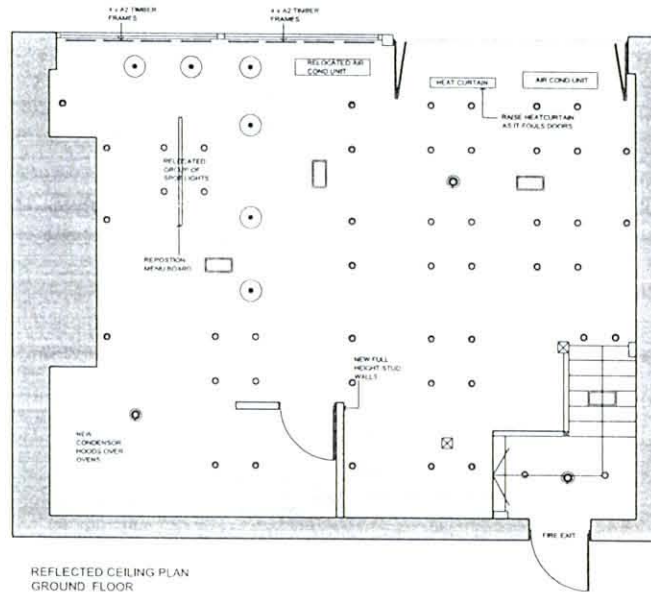
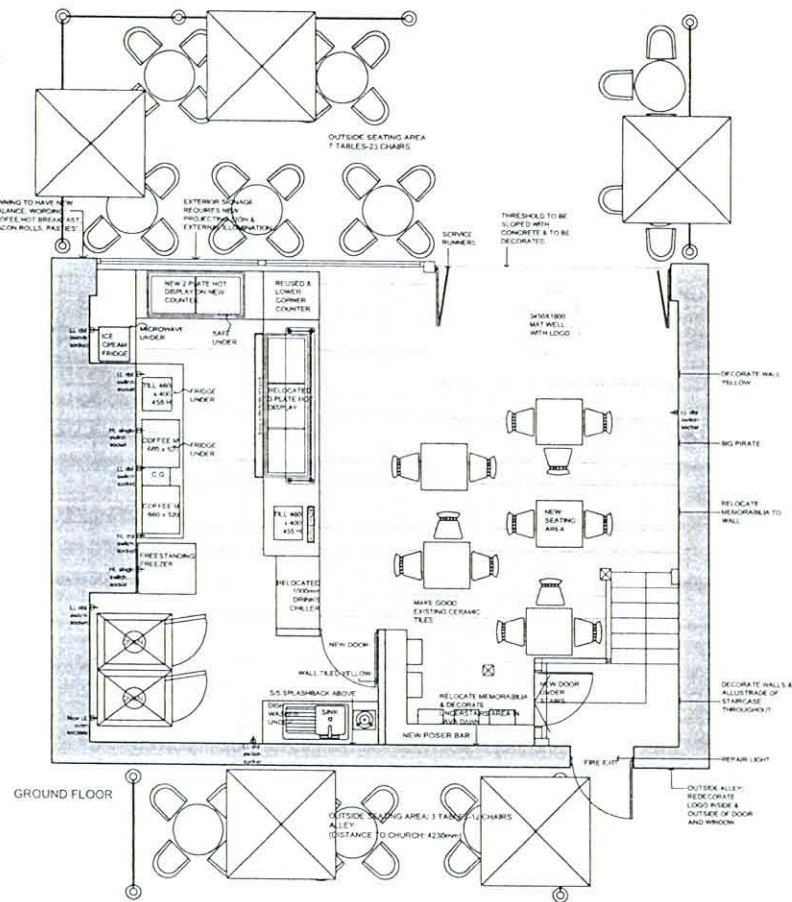
## Tables and Chairs Licence – Standard Conditions

- 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.

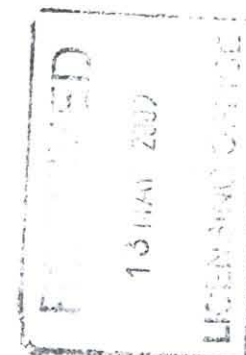
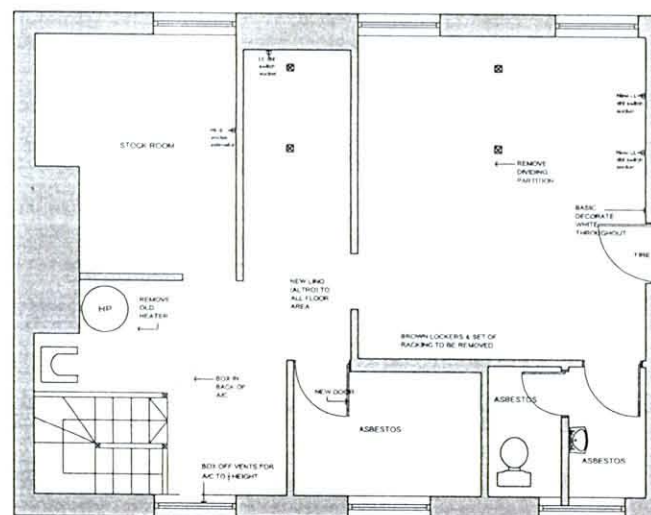
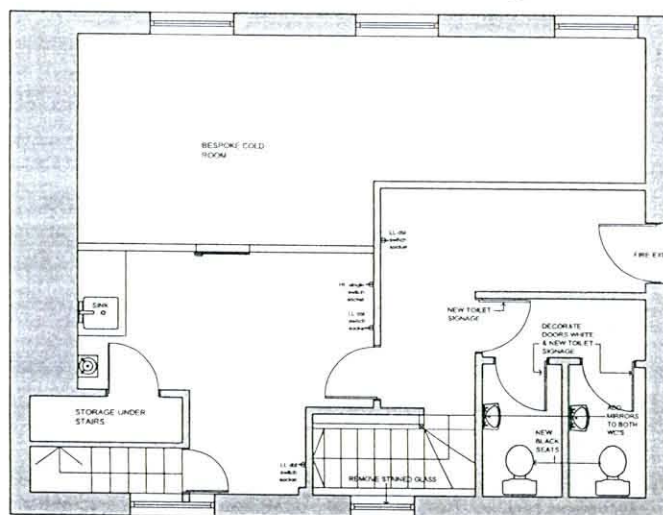
- 12 No alteration to the highway surface shall be permitted to be carried out by the Licensee in implementing this Licence
- 13 The Council may, by service of a notice in writing on the Licensee or owner of the premises, withdraw the Licence forthwith:-
  - (a) in an emergency or in the event that the 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



- BRAND STANDARDISATION TO INCLUDE:**
- ILLUMINATED FASCIA
  - HOT PLATE WINDOW DISPLAY
  - 1250mm CHILLER
  - CONDENSOR HOOD
  - DISHWASHER (SEATING ONLY)
  - EMP
  - MULTI KEY CARD LOCKS
  - OUTSIDE SEATING, BANNERS, PARASOL
  - HANGING
  - A2 WOODEN
  - A MARKETING FRAME
- 2 PREP-TABLES REQUIRED
  - REMOVE LARGE TRAY HOLDERS
  - REMOVE OLD HOOKS THROUGHOUT
  - CHILLER REQUIRES SHELF EDGE STRIPS
  - 2 HIGH CHAIRS REQUIRED
  - 2 BLACK BINS
  - RELOCATE FIRE EXTINGUISHERS
  - 4 TUB CHAIRS TO FIRST FLOOR
  - REMOVE S/S SHELVES TO READING



CLIENTS APPROVAL

CLIENT  
West Cornwall Pasty Co.

PROJECT  
Norwich

DESCRIPTION  
Proposed layout

THATP  
76 Garsington Road  
Tunbridge Wells  
Kent TN11 2JZ

T: 01892 619333  
F: 01892 619444  
E: enquiries@thatp.co.uk  
www.thatp.co.uk

DATE  
April 2009

SCALE  
1:50 @ A2

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AGE

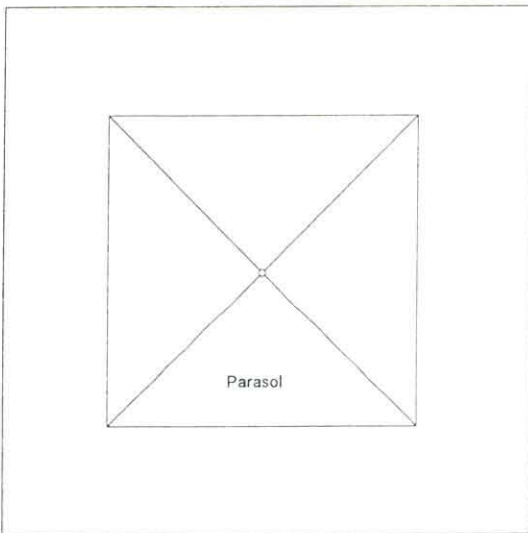
CHECKED BY  
WCPC/NORWICH/002/REV B

NOTES  
This drawing and information contained herein is the confidential property of Thatp and shall not be disclosed or used for any purpose without the written consent of the signatory of this company.



# WEST CORNWALL PASTY CO

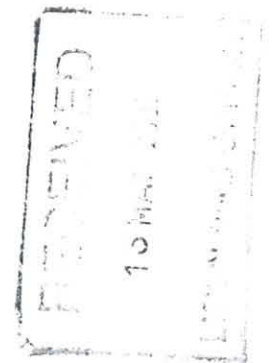
ITEM NAME	PARASOL
ITEM REFERENCE	5n



SPEC MODEL
SAVOY UMBRELLA L9060
MANUFACTURER
A & E LEISURE LTD. 0118 923 0300
DIMENSIONS
3000 mm square



NOTES
REQUIRES 30KG GRNITE BASE - L9049
SIMON SHARP - 07970 245 219 A & E LEISURE LTD. 9 CRADOCK ROAD, READING, RG2 0JT



CLIENT	West Cornwall Pasty Co.
PROJECT	DESIGN MANUAL
DESCRIPTION	Parasol
THMP	76 Calverley Road Truro, Cornwall TR4 7JL T: 01892 610333 F: 01892 610444 E: enquiries@thmp.co.uk www.thmp.co.uk
DATE	July 2008
SCALE	Not to scale
DRAWING BY	PKM
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# WEAVERS LANE





# WEAVERS LANE





# WEAVERS LANE





HAYMARKET

# WEST CORNWALL PASTY Co.

AWARD WINNING CORNISH PASTIES



WEST CORNWALL  
PASTY Co.

WEST CORNWALL  
PASTY Co.





# APPENDIX C



**NORWICH**  
City Council

## memorandum

To: Maxine Fuller  
From: Kieran Yates  
Date: 22<sup>nd</sup> May 09

Your ref: 21 Haymarket  
Our ref:  
cc:

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**Subject:** West Cornwall Pasty Company, 21 Haymarket, Norwich

### Proposal:

Tables and chairs placed on highway Monday to Saturday 9.30 – 17.30 and Sunday 8.30 – 17.00 on Haymarket (7 tables, 28 chairs) and Weavers Lane (3 tables, 12 chairs) .

### Comments

Haymarket forms part of the centre shopping area and is a very busy pedestrian and cycle route with access for loading at certain times of day. Weavers Lane forms a pedestrian access parallel Haymarket that forms a secondary but important link to the market area, it suffers from graffiti and could benefit from tables and chairs present. Both thoroughfares have these restrictions:

- No Vehicles 10am-5pm
- Loading Only At All Other Times

The effect of the access restrictions is intended to promote pedestrian priority

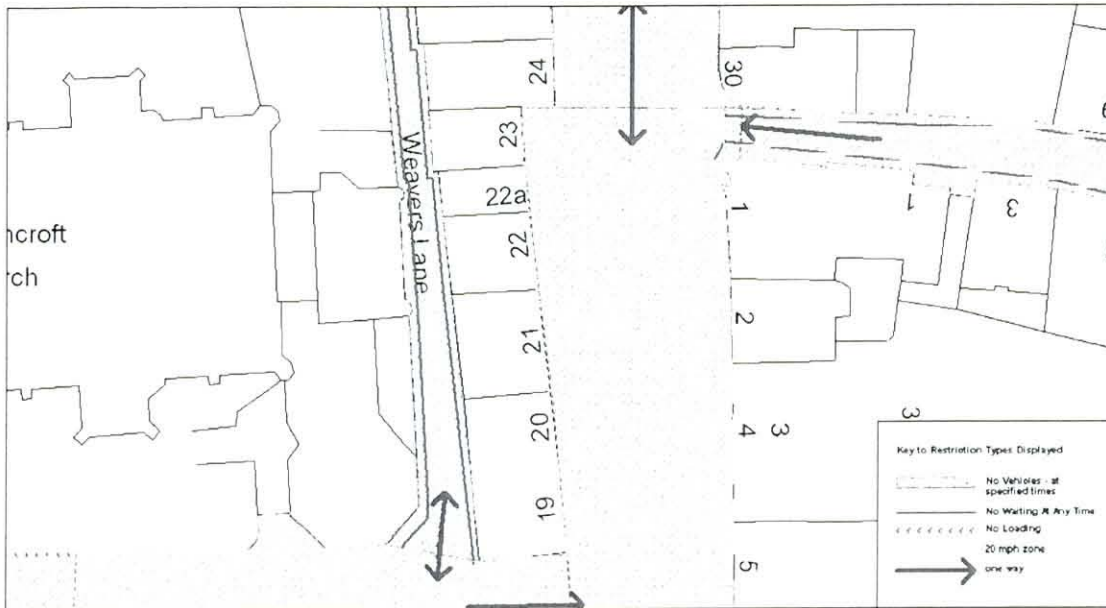
Starbucks coffee shop is adjacent and has tables and chairs outside the frontage only.

The proposals appear to be driven by the size of parasols that are 3 metres in diameter, the proposal for Haymarket is excessive and would introduce substantially onto the pedestrian thoroughfare, for Weavers Lane it would extend over the centre line of the thoroughfare. The proposals would reduce the capacity of both thoroughfares and would not work visually with the street paving as they would extend over the gutters which form a visual demarcation to the paving.

### Recommendations:

- Objection to proposals on grounds of detriment to pedestrians
- Recommend that the proposals are resubmitted to a single line of tables for both Haymarket and Weavers Lane and that the parasols are reduced in size to prevent overhanging the highway excessively.

K Yates  
Transportation



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DATE	22/05/2009
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## Fuller, Maxine

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**From:** Slater, Phil  
**Sent:** 16 June 2009 15:46  
**To:** Fuller, Maxine  
**Subject:** Table and Chairs Haymarket / Weavers Lane

Hi Maxine

Andy Ellis asked me to have a look at this application and give my comments. There are no dimensions on the plan so I can only make a judgement on how far it extends into the highway.

Weavers Lane - I think this is too narrow to have tables and chairs on. The parasol is 3m square and the lane is 4.1m wide, so there would only be about 1m width to get past it

Haymarket - Judging by the parasols, this looks like it will extend about 6.5m. Although Haymarket is wide, I would say this cuts down the space available for pedestrians and vehicles too much.

I hope this helps.

Regards  
Phil Slater  
Principal Technical Officer  
Development Directorate  
Ex 3426

**Fuller, Maxine**

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**From:** Margaret Cossey |  
**Sent:** 10 June 2009 10:38  
**To:** Licensing; George Saunders  
**Subject:** RE WEST CORNWALL PASTY CO.

For the attention of Ian Streeter  
Senior Licensing Officer

RE WEST CORNWALL PASTY CO, 21 Haymarket, Norwich

Norwich Access Group has NO OBJECTION to the additional space required, for further tables and chairs, at the FRONT of the premises.

However, Norwich Access Group OBJECTS to a licence being granted for tables and chairs, to be placed at the rear of the premises in Weavers Lane. This is a very busy lane used by pedestrians, cyclists and mothers with prams etc. It is also the favoured route for wheelchair users in order they can avoid the dreadful flagstones on The Walk. The further narrowing of this lane could be a Health and Safety issue.

Margaret Cossey  
NORWICH ACCESS GROUP



OBJECTOR: MR. TOOKE (REGISTERED BLIND)

RE: WEST CORNWALL PASTY CO

MR. TOOKE HAS STRONG OBJECTIONS TO THIS  
LICENCE, HE SAYS THERE ARE:

① THERE ARE TOO MANY HAZARDS ON THE PAVEMENT FOR  
BLIND PEOPLE WITH THEIR GUIDE DOGS AND STICKS.  
HE SAYS BLIND PEOPLE LIKE TO FOLLOW WHAT'S  
KNOWN AS THE "SHORELINE" (SHOP FRONTAGES) AND WHEN  
HAZARDS ARE IN THE WAY YOU CAN GET VERY  
DIS-ORIENTATED.

② THE PREMISES DO NOT KEEP THE AREA CLEANED UP  
ADEQUATELY ENOUGH. TOO MANY FOOD SCRAPS WHICH  
CAN BE TEMPTING FOR THE GUIDE DOGS, SO THIS  
CAUSES AN EVEN MORE EXTREME HAZARD.

③ HE STATES WALK WAYS ARE FOR PEDESTRIANS  
AND THAT THERE IS TOO MUCH STREET FURNITURE  
ABOUT.

MAXINE  
(LICENSING ASSISTANT)