NORWICH
City Council

Minutes

Regulatory Subcommittee

10:00 to 11:05 **14 September 2020**

Present: Councillors Stutely (chair), Brociek-Coulton, Giles, McCartney-Gray and Youssef

1. Declarations of Interest

There were no declarations of interest.

2. Highways Act 1980: application for licence to place tables and chairs on the highway – Louis Marchesi, 17 Tombland, Norwich, NR3 1AB

The chair welcomed the applicant and introduced the members of the committee and officers. The licensing team leader presented the report. The chair asked the legal advisor to the committee to explain a legal point with the application. The legal advisor explained that if the applicant wanted to place tables and chairs on the highway adjacent to the frontage of the Samson and Hercules then permission would have to be given by the residents of the building. A letter of objection had been received from the managing agent of the building on behalf of some of the residents making it clear that they had not given their permission, therefore the council could not authorise a licence under s115E Highways Act 1980 adjacent to the frontage of Samson and Hercules. The applicant confirmed that she wished to amend her application and the area she now sought to licence did not include the frontage of the Samson and Hercules building.

In response to a member question the applicant said that the following measures were in operation in response to Covid. There was sign on the doorway greeting customers and requesting they sign in for the track and trace system. The number of tables within the pub had been reduced to comply with social distancing. Customers were only able to approach the bar to order and to pay; at all other times they were to remain seated. The business had considered the use of a one way system but there no other suitable exit points which could be monitored and as such were using one access both as the entrance and exit.

Members discussed the amended area to be licensed with the applicant, it was noted the number of tables and chairs which might be granted might not be possible to be placed outside currently due to restrictions caused by social distancing. The applicant then confirmed that she was amending the application further and now sought a licence only for the area of highway adjacent to that part of the frontage of the Louis Marchesi, 17 Tombland from the doorway of the establishment to the

boundary with the Samson and Hercules. To contain a maximum of one bin, three planters, four tables and eight chairs within it barriers at a width of 1.5m.

Members discussed if this left enough room for a wheelchair to safely pass and the licensing team leader confirmed that it met the minimum requirements. Members noted that there was no response ad been received from Norfolk County Council the Highways authority and questioned if this meant they had consented to the application.

(Members of the subcommittee resolved to exclude the public from the meeting during their deliberation and consideration of the matters raised in relation to this application and to seek advice from the subcommittee's legal advisor. The applicant, licensing team leader, and members of the public left the meeting at this point.)

RESOLVED, unanimously, to approve the grant of a licence to place tables and chairs on the highway under s115E of the Highways Act 1980, in respect of The Louis Marchesi, 17 Tombland, NR3 1AB having considered all matters raised by the applicant, statutory consultees and members of the public, subject to the standard conditions for tables and chairs licences, amended as follows:

The area licensed by committee is the area of public highway with a width of 1.5 metres and a length between the doorway of the Louis Marchesi, 17 Tombland, and the boundary between no 17 Tombland and the Samson and Hercules. The licensed area to include permission for barriers and a maximum of one bin, three planters, four tables and eight chairs.

There was an additional condition imposed, namely that "This licence will end immediately upon notice being received by the Norwich City Council that the Highways Authority do not consent to this licence".

(The applicant, licensing team leader, applicant and members of the public were readmitted to the meeting. The chair advised the applicant of the subcommittee's decision.)

CHAIR