

Report for Resolution

5

Report To Regulatory Committee

20 October 2009

Report of Head of Legal, Regulatory & Democratic Services

Subject Highways Act 1980: Application for licence to
place tables and chairs on the highway –
The Steam Packet 39 Crown Road Norwich

Purpose

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

Recommendations

1. That Members consider the objections and recommendations received in respect of the application to place tables and chairs on the highway directly in front of The Steam Packet 39 Crown Road Norwich.
2. If members are minded to agree the recommendations of the council's highways section at paragraph 10 of the report then the application, as applied for, should be refused.

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 four 800mm x 800mm round tables and twenty chairs and five 600mm x 600mm tall tables on the highway has been received from Steam Leisure Ltd. The application seeks to place the tables and chairs at the front of the Steam Packet PH Crown Road. 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 everyday between 09:00 & 23:00.

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.

Objections / Recommendations

8. Objections have been received from local residents and recommendations have been received from the police and the council's highways section and transport planners. These are attached at Appendix C to the report.

9. The local residents objections relate to issues surrounding:

- The number of tables and chairs applied for is too great
- Litter and general detritus
- Use of tables and chairs by non-patrons
- Enforcement of conditions e.g. removal of tables and chairs
- Location of area close to main road – possibility of drinkers spilling onto roadway
- Area proposed on steep slope – possibility of glasses / bottles rolling off tables
- Increase in noise and disturbance from users of outside area

10. The council's highways section have recommended that clear access of 1.2 metres should be maintained across the entire footway in front of the Steam Packet PH. This follows best practice advice from the Department for Transport which is attached at Appendix D to the report. If this recommendation is agreed then it would not be possible to approve the application as applied for.

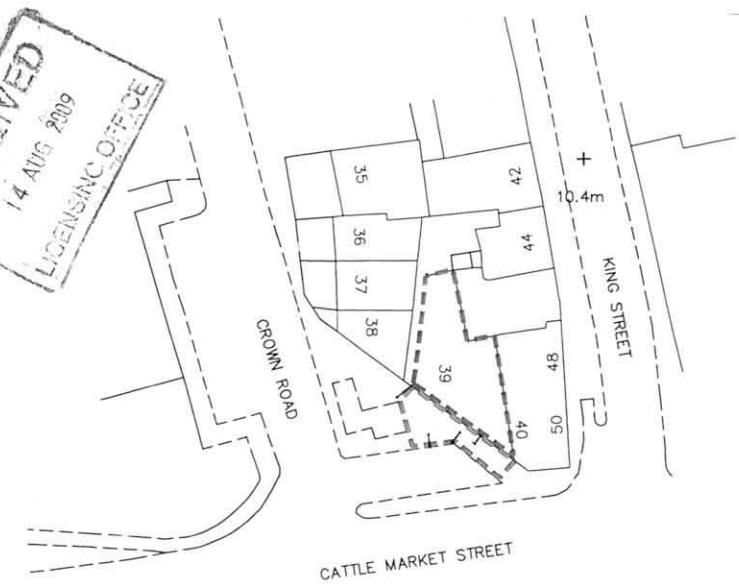
11. The police have requested that the tables and chairs be removed from the highway outside the proposed hours of 09:00 and 23:00. The council's current standard conditions require tables and chairs to be removed from the licensed area each day outside of the licence period.

12. The council's transport planners have recommended that barriers are placed at either end of the area used for tables and chairs to clearly define them for visually impaired pedestrians.

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.



Key:

- Steam Packet Pub
- Area on public highway for tables and chairs
- 800mm dia. tables with chairs.
- 600mm dia. casual standing tables
- perimeter barrier

REV	DATE	DESCRIPTION	DRAWN	CHECKED BY
1	22/09/09	Location Plan For Table and Chairs	John Chalu	

For Approval

John Chalu
Steam Packet Pub

3882

103 A

22/09/09 1:100 & 1:500

bsw

APPENDIX B



Antonia
ARMCHAIR BLUE



Newark H/S
HIGHSTOOL



Antonia
ARMCHAIR GREEN



Antonia
ARMCHAIR GREY



Helios
BRUSHED STAINLESS STEEL
5.5kg



Recommended
top size
800mm max
(round or square)



Juliana
PLUS



Recommended
top size
700 max
(round or square)



Maria
3 LEG

710

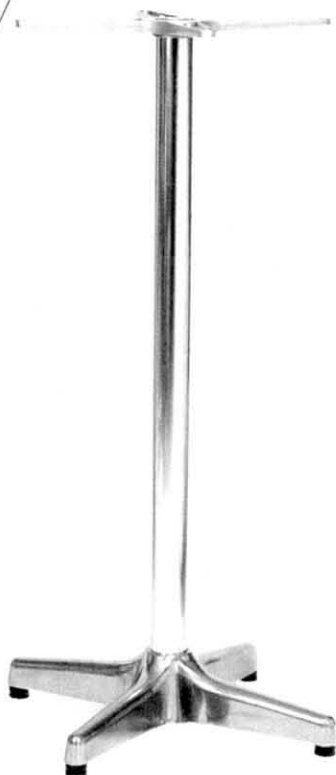
Recommended
top size
600
(round)



Maria
4 LEG

710

Recommended
top sizes
600 to 700
(round or square)



Maria Poseur
4 LEG

1100

Recommended
top size
600
(round)



Maria
TWIN PEDESTAL
rectangular top

710

Recommended
top size
1200 x 700





APPENDIX

Fuller, Maxine

From: Justine Conway [justconway@hotmail.com]
Sent: 26 August 2009 14:08
To: Licensing
Subject: Steam Packet application

C

Crown House
35-36 Crown Road
Norwich
NR1 3DT
August 19th 2009

Your ref. 09/01384/TABCHA

Dear Mr Streeter

I am writing in response to the application for 4 seating tables, 5 casual standing tables and 20 seats in front of the Steam Packet public house.

Firstly I would like to say that it is good to see a city pub reopening and that I wish Mr Harrison every success in his new venture.

However, I would like to draw your attention to the following points.

1. I think that the number of tables and chairs applied for is too great for the available space. Having observed similar arrangements in other drinking establishments in the city centre, it is clear that there is no way of controlling either the number of people congregating around these tables - nor the exceptionally loud noise they can produce after a few drinks.

I have talked to a number of city centre residents and businesses who have found that this a real problem and would remind you that Crown Road is a RESIDENTIAL street.

Are there restrictions in place to prevent doors and windows being opened in order for drinkers outside to hear music being played inside?

As this is also a corner and a throughfare it could cause an obstruction and there could be security issues around the passageway that leads directly to our backyard and the back doors of several residences. We have already suffered damage to our garden and seen people urinating there.

I am also wondering where these tables and chairs are to be kept when they are taken in at eleven o'clock as the space inside seems limited.

On balance I would suggest that 2 or 3 tables are adequate for the size of the establishment.

2. There is also the potential problem of litter from smokers and general detritus - crisp packets etc ending up in our gardens.

3. Another concern is that the tables and chairs will be used, not by patrons but by people waiting for taxis, taxi drivers and people eating takeaway food. This happened when there were tables outside last year and resulted in a lot of noise and commotion all through the night. I cannot stress too strongly how loud this can be and how far the sound carries at night.

4. Who will enforce the the eleven o'clock curfew for the removal of the chairs and tables?

I notice that the tables outside Cinema City are now just padlocked outside and not put away as they should be. I am not confident that this is a rule that will be regulated and adhered to as the Council seem unable to enforce their own existing restrictions on the ongoing parking problems on Crown Road despite clear road markings.

5. I am also very aware that this licence pertains to the premises and not the patron. Whilst Mr Harrison seems a thoroughly decent person who is keen to be a good neighbour - as are we - once this licence is in place we will be powerless to counter any future less scrupulous tenants/owners.

27/08/2009

6. Finally, to whom do we turn , especially between the hours of 11pm and 9am if the restrictions are not observed and we are disturbed ?

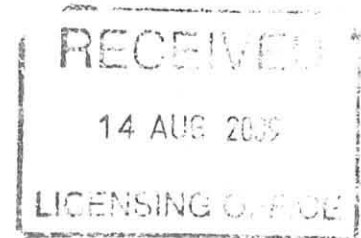
Justine Conway

Windows Live Messenger: Thanks for 10 great years-enjoy free winks and emoticons. [Get Them Now](#)

Organisational Development
14 AUG 2009
Post Room

Norwich City Council
Licensing Legal and Democratic Services
City Hall
St Peters Street
Norwich
NR2 1NH

11th August 2009



Dear Mr Streeter

**Re :Application for chairs and tables outside Steam Packet PH, Crown Road,
Norwich**

your ref 09/013484/TABCHA

As very near neighbours, we would like to make our views known about the proposed plans.

We strongly object to the number and siting of the chairs, tables and "standing tables"

Our reasons are :

The area in which the tables are planned is simply too small and would completely obstruct the footpath which passes immediately in front of the pub.

The area is too close to a busy main road, where if large numbers of outside drinkers congregate could cause them to spill out onto the roadway itself .

The area proposed is on a steep slope which would make the siting of tables problematic, with the possibility of glasses and bottles smashing onto the pavement or rolling into the road.

With the number of tables and "casual standing tables" proposed, it could mean up to 50 drinkers congregating into a very small area, with associated noise, disturbance and inevitable smoking litter/debris.

The south side of Crown Road is a residential street, and large numbers of outside drinkers inevitably will cause an increase in noise and disturbance to local residents.

Although a side issue, but in this case it is very appropriate to mention that to date the City Council have failed to address the almost constant abuse of the No Waiting /No Loading restrictions for vehicles in this area, which sees Loyal Taxi vehicles parked illegally throughout the day, evening and night immediately in this vicinity. Our fear is that that the chairs in this area will simply become a convenient waiting area for an illegal taxi rank, or worse that there is danger of injury or death from the constant movement of vehicles in this area with an increase in people outside the pub.

Whilst we have received verbal assurances from the new owners of the Steam Packet that they wish to attract a well-behaved clientele, for which we are grateful .They can of course never control the behaviour of each individual patron, nor can they predict what may happen in the future if any change of ownership occurs.

I feel that in this instance one or two tables with seating only for up to 6-8 people may be more appropriate for the area.

We certainly do not want Crown Road turned into an "Outdoor Vertical Drinking Establishment" which we strongly fear WILL happen if permission is granted for the "standing tables" at all, and an excessive number of ordinary tables.

Yours sincerely



Damian & Justine Conway
Crown House
35-36 Crown Road NR1 3DT

Cereal House
33/34 Crown Road
Norwich
Norfolk
NR1 3DT

I Streeter Esq. – Licensing Manager
Legal and Democratic Services
Norwich City Council
City Hall
St Peter's Street
Norwich NR2 1NH

22nd August 2009

Your Ref: 09/01384/TABCHA

Dear Mr Streeter

**APPLICATION FOR LICENCE TO PLACE TABLES AND CHAIRS ON THE
HIGHWAY - STEAM PACKET, CROWN ROAD, NORWICH**

As a nearby resident I would like the following comments taken into consideration when the above application is considered.

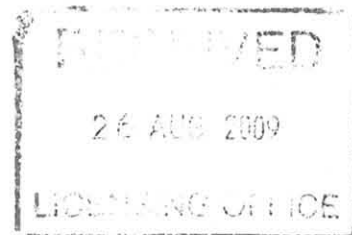
1. The number of tables/chairs/standing tables proposed is simply too large. The area immediately to the front of the Steam Packet would inevitably be blocked by this number, with potentially 30+ patrons. This is a public footway, on an awkward sloping site and positioning that number of tables/chairs etc – albeit barriered off – will create great problems for pedestrians.
2. I am also concerned that there will be an increase in the amount of litter in Crown Road due to smokers' debris and also the distinct possibility of the tables/chairs etc. being used by late night takeaway food customers and also those waiting for taxis, which could continue until the early hours. If the numbers of tables/chairs etc. were reduced perhaps they could be removed and stored away by 23.00 hours each night which would alleviate this problem.
3. It is reassuring to note that there will be no outside music and hopefully noise levels generally – inside and out – will be controlled by the applicants.

It is good news indeed that the Steam Packet is to re-open and the new owners have done a marvellous job of refurbishing the premises, but as this is a residential area I would ask that the above concerns are taken seriously and hopefully a compromise can be reached to suit both residents and the applicants.

Yours sincerely



MRS SUSAN UTTON



Fuller, Maxine

From: Mayer, Richard [mayerr@norfolk.pnn.police.uk]
Sent: 11 August 2009 16:19
To: Licensing
Subject: Application for Tables and Chairs Licence - The Steam Packet, 39 Crown Road, Norwich

Maxine,

Thanks for the notification received on 7th August 2009 concerning the application for tables and chairs on the highway at The Steam Packet, 39 Crown Road, Norwich.

From a crime and disorder perspective we would ask that the tables and chairs are removed from the highway outside the proposed hours of 09:00 to 23:00 everyday.

Richard Mayer

Richard Mayer

Licensing Officer
Partnerships Department

Norfolk Constabulary,

Bethel Street,

Norwich,

NR2 1NN

Tel: 01603 276015 Fax: 01603 276025

Email : mayerr@norfolk.pnn.police.uk

This e-mail carries a disclaimer

Go here to view [Norfolk Constabulary Disclaimer](#)

Fuller, Maxine

From: Yates, Kieran
Sent: 06 August 2009 11:24
To: Fuller, Maxine
Subject: steam packet ph tables and chairs

Maxine

No objections to the proposed tables and chairs at the Steam Packet

This is not a main thoroughfare and light pedestrian traffic for the nearby residences would easily be able to pass through

I would recommend that barriers are placed at either end of the tables and chairs to clearly define them for visually impaired pedestrians

regards

Kieran Yates BA (Hons), Dip TP
Transport Planner
kieran.yates@norwich.gov.uk
01603 213491

Norwich City Council
(Transportation)
c/o City Hall, Norwich, NR2 1NH

Streeter, Ian

From: Keyes, Lewis
Sent: 22 September 2009 17:49
To: Streeter, Ian
Subject: Footway obstructions

D

Ian

Please see the below extracts taken from the DFT website.

3.11 Other obstructions

Apart from roadwork's and scaffolding, there are many other sometimes temporary obstructions that can cause problems for disabled people, particularly those with visual impairments. A-frame advertisement boards placed outside shops, ladders, over-hanging tree branches, dustbins, vehicles and bicycles parked on pavements are all potential hazards.

Wherever feasible obstructions of this kind should be kept to a minimum and should not encroach on the clear space (horizontal and vertical) needed to provide safe passage for pedestrians. Any floor mounted signs and displays should only be within the shop curtilage. If temporary obstructions have to be placed on a pedestrian route ladders, for example, used when redecorating a shop front the minimum clear passageway given in Section 3.1 should be maintained and the obstructing equipment should be clearly marked with colour contrasting tape or similar. *Other temporary structures such as street market stalls and pavement café tables should be placed so as to leave clear pedestrian routes.* Consideration could be given to the approach used in the Netherlands in pedestrian areas, where two colours (or textures) are used to help people detect between where obstacles are allowed and the clear path through the development.

A clear width of **2000mm** allows two wheelchairs to pass one another comfortably. This should be regarded as the minimum under normal circumstances. Where this is not possible because of physical constraints **1500mm** could be regarded as the minimum acceptable under most circumstances, giving sufficient space for a wheelchair user and a walker to pass one another.

The maximum length of restricted width should be **6 metres**

Where scaffolding is erected on or over a footway, there must be adequate height clearance (**2100mm minimum**) and an absolute minimum footway width of **1200mm** in lightly populated areas, **1500mm** in busier areas.

Regards

Lewis Keyes
Highways Engineer (Maintenance)
Norwich City Council
City Hall
NR2 1NH

01603 213513

lewis.keyes@norwich.gov.uk