



Regulatory Subcommittee

14:00 to 14:50

17 September 2018

Present: Councillors Malik (chair), Bradford, Brociek-Coulton and Fullman

Apologies: Councillor Henderson

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 - The Iron House, 1 St John Maddermarket Norwich NR2 1DN

(The applicant and his agent attended the meeting for this item.)

The licensing assistant presented the report and highlighted that extra papers had been provided by the council's highway department who were represented at the meeting. This included measurements of the highway around the restaurant and a newspaper article featuring the applicant.

The applicant addressed the committee and answered their questions in relation to the application. He said the application aimed to improve the dining experience for customers by offering al fresco seating. He said the area outside the restaurant where the tables and chairs would be situated was a mainly pedestrian area.

The applicant noted that other businesses in the area had tables and chairs outside and presented photos to the committee. (The licensing assistant clarified in response to a question from the legal advisor to the committee that the businesses referred to did not have relevant legal applications in place. The legal advisor requested a letter be sent to the businesses advising them of such.)

The applicant referred to the newspaper article provided by the transport planner and acknowledged the concerns raised in relation to the application. He confirmed that there had been past problems with lorries on Lobster Lane clipping the building in which the restaurant was located but that this had been resolved by bollards being placed at the edge of the structure. Discussion ensued regarding the nature of the area and its level of use by lorries.

The transporter planner addressed the meeting; he said he strongly objected to the application because it placed the public at risk. He said that there was a statutory duty to protect the public on the highway and applications for tables and chairs were discretionary. He said the dimensions of the streets were constrained and there were a number of competing priorities made on the space.

The transport planner said St John Maddermarket was an access only road, vehicles were permitted to travel in one direction but there was no restriction on access times. Footfall in the area was high and cycling happened in both directions. He stated that the risk was that a lorry could come past and push pedestrians into the margins of the road where the tables and chairs were proposed to go.

Discussion ensued regarding barriers in the restricted space. The applicant said that barriers could be used to “book end” the tables and chairs and therefore would not add to the space required. The applicant and his agent emphasised that they wanted to work with the council; they would consider amending the application, including numbers of tables and chairs, spaces and times of day.

Debate ensued regarding the dimensions of the space for the application and that the application listed different measurements than that provided by the council's highways department. The legal advisor to the committee asked if the applicant and his agent accepted the measurements in the plan provided by the council's highways department. After debate the measurements were accepted to be accurate by the applicant.

(The applicant, his agent and the licensing assistant left the meeting at this point.)

RESOLVED, unanimously, to refuse the application to place tables and chairs on the highway – The Iron House, 1 St John Maddermarket Norwich NR2 1DN due to the risk to highway safety after consideration of evidence including comments from the council's highways department.

(The applicant, his agent and the licensing assistant were readmitted to the meeting and the applicant informed of the resolution above.)

CHAIR