

## **Regulatory sub committee**

Date: **Monday, 12 June 2017**

Time: **14:00**

Venue: **Mancroft room, City Hall, St Peters Street, Norwich, NR2 1NH**

### **Pre-meeting:**

There will be a briefing for members of the committee at 13:45

### **Committee members:**

Councillors:

Button (chair)  
Bradford  
Brociek-Coulton  
Jones (B)  
Jones (T)

### **For further information please contact:**

Committee officer: Lucy Palmer  
t: (01603) 212416  
e: [lucypalmer@norwich.gov.uk](mailto:lucypalmer@norwich.gov.uk)

Democratic services  
City Hall  
Norwich  
NR2 1NH

[www.norwich.gov.uk](http://www.norwich.gov.uk)

### **Information for members of the public**

Members of the public and the media have the right to attend meetings of full council, the cabinet and committees except where confidential information or exempt information is likely to be disclosed, and the meeting is therefore held in private.

For information about attending or speaking at meetings, please contact the committee officer above or refer to the council's website



If you would like this agenda in an alternative format, such as a larger or smaller font, audio or Braille, or in a different language, please contact the committee officer above.

## **Agenda**

### **1 Apologies**

To receive apologies for absence

### **2 Declarations of interest**

(Please note that it is the responsibility of individual members to declare an interest prior to the item if they arrive late for the meeting)

### **3 Application for Licence to Place Tables and Chairs on the Highway - Bella Italia, 3 Red Lion Street, Norwich, NR1 3QF 5 - 40**

**Purpose** - To ask members to consider an application for tables and chairs on the highway.

### **4 Application for Licence to Place Tables and Chairs on the Highway - Warings Lifestyle, 20 Westlegate, Norwich, NR1 3LR 41 - 62**

**Purpose** - To ask members to consider an application for tables and chairs on the highway.

### **5 Exclusion of the public**

**Purpose** - Consideration of exclusion of the public.

#### **Exempt items:**

(During consideration of these items the meeting is not likely to be open to the press and the public.)

To consider whether the press and public should be excluded from the meeting during consideration of an agenda item on the grounds that it involves the likely disclosure of exempt information as specified in Part 1 of Schedule 12 A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act.

In each case, members are asked to decide whether, in all circumstances, the public interest in maintaining the exemption (and discussing the matter in private) outweighs the public interest in disclosing the information.

**6\* Complaint against Norwich City Council Hackney carriage driver**

- This report is not for publication because it would disclose information relating to any individual as in para 1 of Schedule 12A to the Local Government Act 1972.

Date of publication: **Friday, 02 June 2017**



<b>Report to</b>	Regulatory sub-committee 12 June 2017	<b>Item</b>
<b>Report of</b>	Head of citywide services	<b>3</b>
<b>Subject</b>	Highways Act 1980: Application for Licence to Place Tables and Chairs on the Highway - Bella Italia, 3 Red Lion Street, Norwich, NR1 3QF	

## **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 Bella Italia 3 Red Lion Street Norwich NR1 3QF.

## **Corporate and service priorities**

The report helps to meet the corporate priority of a safe and clean city and the service plan priority of protecting the interests of the public through the administration of the licensing function. 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.

## **Financial implications**

None.

**Ward/s:** Mancroft

**Cabinet member:** : Councillor Maguire – safe city environment

## **Contact officers**

Ian Streeter, licensing manager

01603 212761

## **Background documents**

None.

# **Report**

## **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 as appendix A to 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 submitted in respect of Bella Italia 3 Red Lion Street Norwich NR1 3QF originally sought to place 6 tables and 12 chairs on the highway between the hours of 08:00 and 22:00 Monday to Sunday. A copy of that application and accompanying photographs are attached at appendix B to the report.
5. Following consultation with the council's transport planning team (attached at appendix C to the report), the applicant's legal representative subsequently amended the application as follows:
  - reduction of tables from 6 to 4;
  - reduction in chairs from 12 to 8;
  - new barriers comprising of "L" shaped barriers at either end and two times 800mm sections along the frontage;
  - revised layout drawing (copy attached at appendix D) showing the reduction in the numbers of tables and chairs and a new barrier arrangement
  - removal of Sundays from the application altogether;
  - on Mondays to Saturdays the hours sought have been amended to:
    - 08:00 – 17:00 between 1 October and 30 April; and
    - 08:00 – 21:00 between 1 May and 30 September.

## **Consultation**

6. In accordance with The Act, occupiers of nearby premises have been consulted and appropriate notices have been placed on the street. Notification of the application has

also been given to Chatterbox (the talking newspaper for the visually impaired) and the Norwich Access Group.

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. Representations have been received in respect of the original application from the following and are attached at appendix E to the report:

- two local businesses;
- two local residents;
- the Norfolk Fire Service;
- the Norfolk Constabulary's licensing and traffic management teams;
- and the Norwich Access Group.





## 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 Citywide 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.

Norwich  
Application for a permit to place tables and chairs on  
the pavement or road  
Highways Act 1980, Section 115B /115E

For help contact  
licensingapplications@norwich.gov.uk  
Telephone: 0344 980 3333

\*required information

## Section 1 of 9

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference  This is the unique reference for this application generated by the system.

Your reference  You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☒ Yes ☐ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

## Applicant Details

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- ☒ Applying as a business or organisation, including as a sole trader  
☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

## Applicant Business

\*Is the applicant's business registered in the UK with Companies House?

☒ Yes ☐ No

If the applicant's business is registered, use its registered name.

\*VAT number

Put "none" if the applicant is not registered for VAT.

\*Applicant's position in the business

operating company

Home country

United Kingdom

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

163 Eversholt Street

London NW1 1BU

District

London

County or administrative area

Greater London

United Kingdom

Agent Details

Berwin Leighton Paisner LLP (Jeremy Bark)

Adelaide House, London Bridge, London

jeremy.bark@blplaw.com

Main telephone number

0203 400 2122

Include country code.

Other telephone number

0203 400 2155

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☒ An agent that is a business or organisation, including a sole trader

☐ A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

\*Is your business registered in the UK with Companies House?

☐ Yes

☒ No

\*Is your business registered outside the UK?

☐ Yes

☒ No

If your business is registered, use its registered name.

Put "none" if you are not registered for VAT.

\*VAT number

GB

974983256

Home country	<input type="text" value="United Kingdom"/>	The country where the headquarters of your business is located.
Agent Business Address	<input type="text" value="Adelaide House, London Bridge"/> <input type="text" value="London EC4R 9HA"/>	If you have one, this should be your official address - that is an address required of you by law for receiving communications.
District	<input type="text" value="London"/> <input type="text"/>	
County or administrative area	<input type="text" value="Greater London"/> <input type="text"/> <input type="text" value="United Kingdom"/>	

Section 2 of 9

TYPE OF APPLICATION

Type of application : ☒ New ☐ Renewal

Section 3 of 9

PREMISES FOR WHICH PERMISSION IS REQUIRED

\*Name of premises/  
trading name

Premises Address

Is the address the same as (or similar to) the address given in section one?

☐ Yes ☒ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

District

County or administrative area

### Contact Details

Are the contact details the same as (or similar to) those given in section one?

☐ Yes

☒ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

jeremy.barkl@blplaw.com

0203 400 2122

Other telephone number

### Further Details

\*Type of business (e.g. pub, restaurant, café)

Cafe/restaurant/bar

### Section 4 of 9

#### OWNERSHIP OF THE PREMISES

\*In what capacity do you occupy the premises?

☐ Freehold

☒ Leasehold

☐ Tenant

☐ Other

\*Give details of the lease, tenancy or other arrangement

Lease dated 24/12/09 for a term of 20 years

#### Give Details Of The (Freehold) Owner Of The Premises

York Estate Limited

Owner's Address

c/o Mortimer House, 40 Chatsworth Parade

Queensway, Petts Wood, Kent BR5 1DE

District

Kent

County or administrative area

Kent

United Kingdom

### Contact Details

E-mail

Other telephone number

### Further Details

\*Has the owner given consent for this application? ☐ Yes ☒ No

### Section 5 of 9

#### OCCUPATION OF THE PAVEMENT / FOOTWAY

\*Describe the area where you wish to place tables and chairs (a detailed plan must be attached with your application)

the pavement area immediately outside the frontage of the premises (please see area clearly marked on the plan attached to this application)

Give the dimensions of the area you wish to occupy in metres

10.5m by 1.19 m tapering to 1.089m

\*Give the total width of the pavement or footway at this location

5.081 at the narrowest point and 5.82m at the widest point

### OPENING TIMES

State the days and times you propose to place tables and chairs on the pavement

Monday to Sundays from 8am to 10pm

Add another day

\*Do you plan to place tables and chairs on the pavement all year round? ☒ Yes ☐ No

### Section 6 of 9

#### DETAILS OF FURNITURE

Provide details of all the furniture and other equipment you propose to place on the pavement. Check for local guidance notes and conditions - your responses may have to provide very specific information and you may be required to attach drawings or photographs with your application

#### Tables

6

\*Description (e.g. dimensions, type, material, colour supplier/technical details, as appropriate)

see attached specifications

see attached specifications

## Chairs

12

\*Description (e.g. dimensions, type, material, colour supplier/technical details, as appropriate)

see attached specifications

## Litter Bins

Number

## Parasols/Umbrellas

Number

## Planters

Number

## Space Heaters

Number

## Lighting

Number

## Barriers/Balustrades

Number

## Other furniture or equipment

Description (e.g. dimensions, type, material, colour supplier/technical details, as appropriate)

## Further Details

\*Where will these items be stored when not in use?

Internally

\*Arrangements for clearing and cleaning the pavement at the end of the day

The premises already have cleaners for the interior of the premises and will extend the arrangements to the exterior and supplement those arrangements as may be required.

## Section 7 of 9

### PUBLIC LIABILITY INSURANCE

You must have a suitable level of public liability insurance to cover this activity – check local requirements.

\*Do you have public liability insurance?

☒ Yes

☐ No



Provide details of the policy

see attached document

**Section 8 of 9**

**ADDITIONAL DETAILS**

Provide any additional information which is required or relevant to your application (check for local guidance notes and conditions which may provide details of specific requirements in your area)

We have liaised with the council in advance of making the application and the premises are established at this location and therefore understand the location and surrounding area and how to manage the outside spaces. The remaining available pedestrian access width would seem to be appropriate for the area and the application also appropriate for the area and the nature of the premises.

In addition, the consent of the applicant's landlord is not required but the landlord has been informed and has made no adverse comments.

**Section 9 of 9**

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

This formality requires a fixed fee of £601

**ATTACHMENTS**

**AUTHORITY POSTAL ADDRESS**

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

**DECLARATION**

- I am aware of the provisions of The Highways Act 1980. The details contained in the application form and any attached documentation are correct to the best of my knowledge and belief.



Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

	<input type="text"/>
Date (dd/mm/yyyy)	<input type="text" value="14/10/2016"/>
<input type="button" value="Add another signatory"/>	
<p>Once you're finished you need to do the following:</p> <ol style="list-style-type: none"><li>1. Save this form to your computer by clicking file/save as...</li><li>2. Go back to <a href="https://www.gov.uk/apply-for-a-licence/ability-to-place-tables-and-chairs-in-the-road/norwich/apply-1">https://www.gov.uk/apply-for-a-licence/ability-to-place-tables-and-chairs-in-the-road/norwich/apply-1</a> to upload this file and continue with your application.</li></ol> <p>Don't forget to make sure you have all your supporting documentation to hand.</p>	



















30mm Slatted Iroko Top tables in various sizes on Black Self levelling cruciform base 720mm high.

700dia

900dia

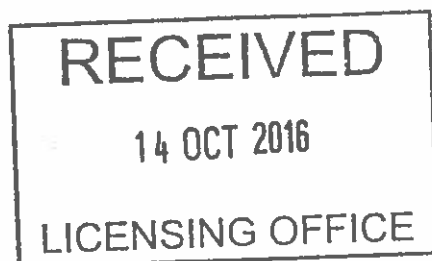
600 x 650mm

700 x 600mm

750 x 750mm

800 x 800mm

850 x 850mm



Tolix Chairs as shown Metal frame painted various RAL colours

3000 Red, 5020 blue, 6002 green, 6024 light green or Raw Gun Metal Grey

850mm overall height, 450mm wide, 525mm depth, 440mm seat height

With Tie on seat pads





**Streeter, Ian**

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**From:** Parnaby, Ed  
**Sent:** 21 December 2016 10:50  
**To:** 'Jeremy Bark'  
**Cc:** Streeter, Ian  
**Subject:** RE: Cafe Rouge, Red Lion Street, Norwich - Tables and Chairs

Hi Jeremy,

In view of the changes outlined below I support this application for seating at Bella Italia.

I believe the change to the timings that have been made will avoid issues with peak passenger queues from the nearby stop for University buses 25, 26 and 26A. At normal peak pedestrian levels there is sufficient width to accommodate the amended seating arrangement and allow safe use of the footway and crossing movements. On a day-to-day level, it would be preferable if any A-board was placed as close as is reasonably possible to the seating barriers and contacts the building, this is subject to any other specific requirements of our A-board policy for businesses. Looking at the positives as well as the concerns; this seating area has the potential to compliment the message that this area of the city is largely for people to enjoy spending time.

Operating this for 12 months will enable us to review if this is functioning as hoped for all users of the footway.

Kind regards,

Ed Parnaby  
 Transport Planner  
[EdParnaby@norwich.gov.uk](mailto:EdParnaby@norwich.gov.uk)  
 01603 212446  
 0344 980 3333

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

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**From:** Jeremy Bark [<mailto:Jeremy.Bark@blplaw.com>]  
**Sent:** 20 December 2016 17:34  
**To:** Streeter, Ian; Parnaby, Ed  
**Subject:** Cafe Rouge, Red Lion Street, Norwich - Tables and Chairs

Ian/Ed

Further to our recent emails and conversations (and once again many thanks to you both for your time), I wish to formally amend the application for tables and chairs in light of those discussions.

The application is to be amended as follows:

- New proposed layout drawing (copy attached) showing a reduction in the numbers of tables and chairs and a new barrier arrangement (which I understand you are both content with);
- Reduction of tables from 6 to 4;
- Reduction in chairs from 12 to 8;
- New barriers comprising of "L" shaped barriers at either end and two times 800mm sections along the frontage;
- Amend the times and days of operation, in light of the meeting with Ed, in the following way;
  - remove Sundays altogether;
  - on Mondays to Saturdays amend the hours as follows:

- o during the months of October to April (running from 1 October to 30 April) the hours of operation to be from 8am to 5pm; and
- o during the months of May to September (running from 1 May to 30 September) the hours of operation to be from 8am to 9pm.

I understand that Ed look at this and then confirm that he is content that the issues of concern have been addressed and that his objection is removed. Once that has been confirmed, I will write a letter/email to Ian which can be sent to the other objectors advising of the amendments and my client's willingness to meet with and/or discuss the application in person if that would be something the objectors wished to do.

Kind regards

**Jeremy Bark | Berwin Leighton Paisner LLP**  
Associate Director

**Direct Dial:** +44 (0)20 3400 2122  
**Main:** +44 (0)20 3400 1000  
**Mobile:** +44 (0)7738 037365  
**Email:** [Jeremy.Bark@blplaw.com](mailto:Jeremy.Bark@blplaw.com)  
**Web:** [www.blplaw.com](http://www.blplaw.com)

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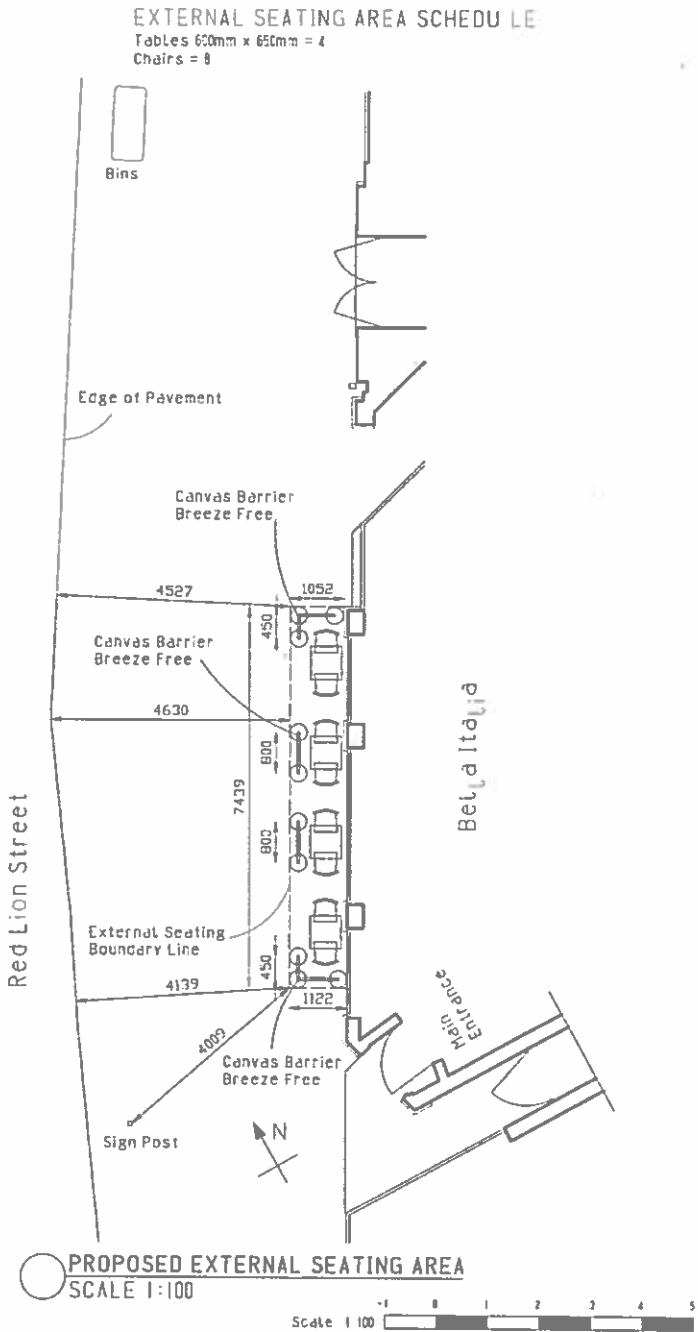
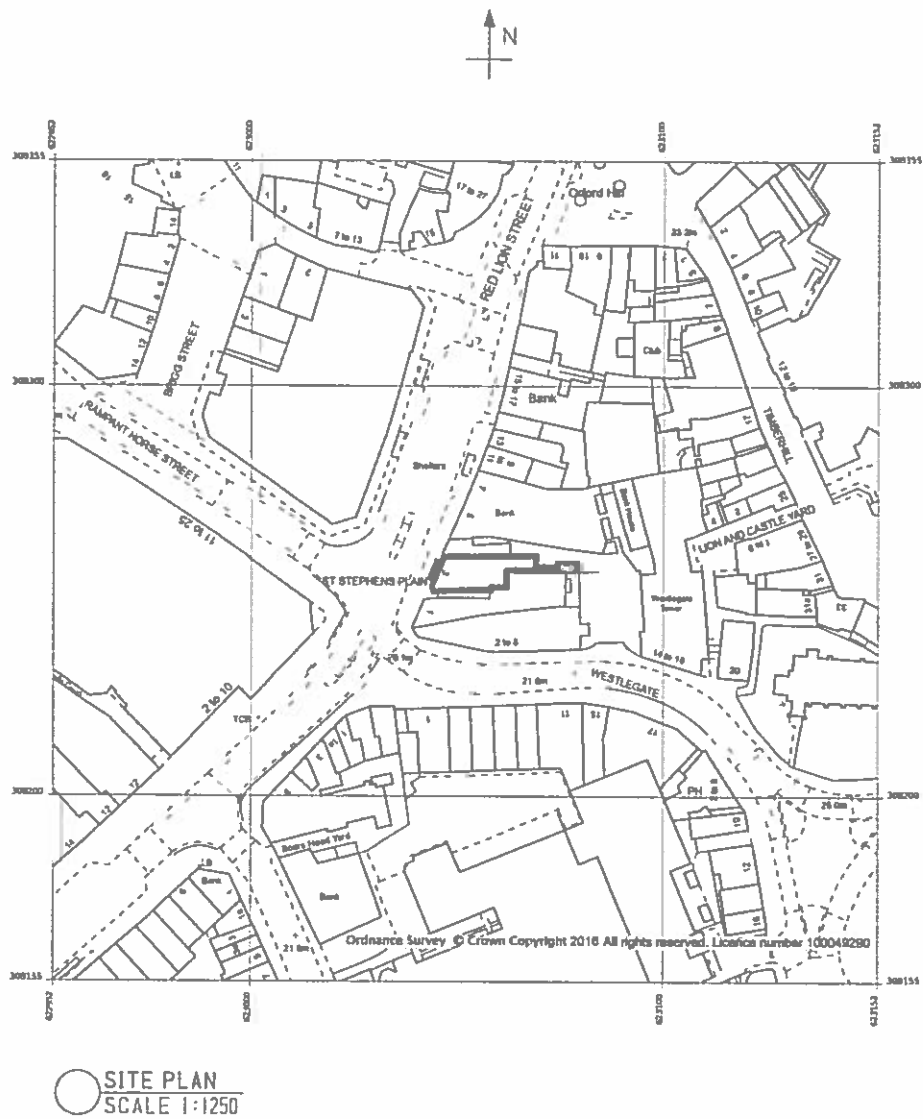
## **Berwin Leighton Paisner LLP**

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 DX 92 London/Chancery Lane  
 t: +44 (0)20 3400 1000 f: +44 (0)20 3400 1111 w: [www.blplaw.com](http://www.blplaw.com)

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Appendix D





**Siddalls**

**7 St Stephens Street  
Norwich  
NR1 3QJ**

9<sup>th</sup> November 2016

Ian Streeter  
Licensing Manager  
Legal & Democratic Services  
City Hall  
St Peters Street  
Norwich  
NR2 1NH



Dear Sir

***Your Reference: 16/02258/TABCHA***

I am writing to express concern at the application to site tables and chairs outside Bella Italia on Red Lion Street.

We go to Barclays Bank on a daily basis and often have to negotiate long queues for buses and people using the cash machines. The placing of tables and chairs in this area as well will create a further obstacle for pedestrians, particularly those who are visually handicapped. There are also cycles being ridden on the pavement as well.

Yours faithfully,

Joan Brooker (Mrs)  
Manager



**Fuller, Maxine**

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**From:** [REDACTED]  
**Sent:** 01 November 2016 10:11  
**To:** LICENSING  
**Subject:** Your ref: 16/02258/TABCHA - Bella Pasta Application for Tables & Chairs outside on highway Red Lion St

Dear Mr Streeter

We refer to your letter of 26<sup>th</sup> October 2016 regarding this application.

We feel this is an absurd suggestion that will only add further congestion to what is already a very busy walk way. As it is customers and employees complain about the fight to get through numbers of people queuing at the bus stop outside Barclays Bank, queues which sometimes finish up around the corner going up Westlegate, not to mention negotiating their way around all the advertising boards that are put out.

Yours sincerely

D Davidson

On behalf of  
P Bushnell,  
Director  
John Olivers

**Bennett, Rachel**

---

**From:** [REDACTED]  
**Sent:** 01 November 2016 09:06  
**To:** LICENSING  
**Subject:** Fwd: Ref 16/02258/TABCHA (- BELLA ITALIA)

Sent from my BlackBerry® PlayBook™

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**From:** [REDACTED]  
**To:** ""  
**Sent:** November 1, 2016 8:55 AM  
**Subject:** Ref 16/02258/TABCHA

Dear Sir

It would seem to be the trend to turn the City streets into cafe areas, but I do ask that you spare a thought for wheelchairs, mobility equipment and pushchairs used by many.

We already have to negotiate the A frame advertising signs which push pedestrians into the roads, many of which are cobbled and bumpy or made uneven by lorries.

This particular application is also on a busy road with large buses passing. It is already difficult to cross the road at this point if there is a queue for the bus or bank.

The number of eating places is also not helping the nations obesity crisis.

My objection however is on the grounds of safety and impeding pedestrians.

Yours sincerely

Gillian Ward

Local resident

**Fuller, Maxine**

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**From:** [REDACTED]  
**Sent:** 18 November 2016 13:57  
**To:** LICENSING  
**Subject:** licence Application - 16/02258/TABCHA  
**Attachments:** image1-2.JPG; image2.JPG

Dear Mr Streeter

We received your letters informing us of the application by Casual Dining Services Limited to allow outside tables for the premises of Bella Italia

We have several concerns. There is no similar facility along this part of the city centre. I understand that an application by the Five Guys restaurant was turned down because of concerns about sufficient walking areas, however no other restaurant or shop has outside seating directly on the highway area. Whilst it is a commercial area, it is also residential and the additional noise generated will transmit during the evening which I believe is not fair.

The second concern is that the transport planners decided to erect a bus stop facility outside of our building around 18 months ago. The facility has already reduced free-flow walking capacity on this side of the street, despite the widening of the pavement area.

The reason is very clear to see - I have attached photographs showing very large queues which often extend to and beyond Bella Italia and this will now become blocked with the additional of a bartered off area. I also don't think its particularly helpful for customers to have so many people in close proximity when you are trying to eat a meal.

Thirdly the tables will inevitably be used by those wishing to smoke. Whilst we do not have restrictions on smoking in purpose allocated areas outside, this will encourage more smoking pollution in an area that has already been affected by the positioning of the bus stop. It is unfair to expect residents to deal with additional smoking pollution over and above that arising from pedestrians. Despite what might be claimed, it does travel it does permeate through windows.

Finally, and most obviously, the tables will be serving alcohol. Again, we suggest that this is extending the outside areas in which alcohol is consumed beyond currently designated areas (such as Timber Hill) and creates a precedent for this area. It may or may not be the licensing/planners intention to encourage more evening entrainment areas in this part of the city - we would like to know if this is the case. However it will make attempts to restrict drinking in public spaces more difficult if others see alcohol readily drunk outside in public at an iconic junction of the city. Given the problems already experienced elsewhere, is it right to extend this risk into this area as well.

We don't wish to curtail business opportunities, but as it stands we don't believe this application should be granted without further consultation and consideration about the potential impacts

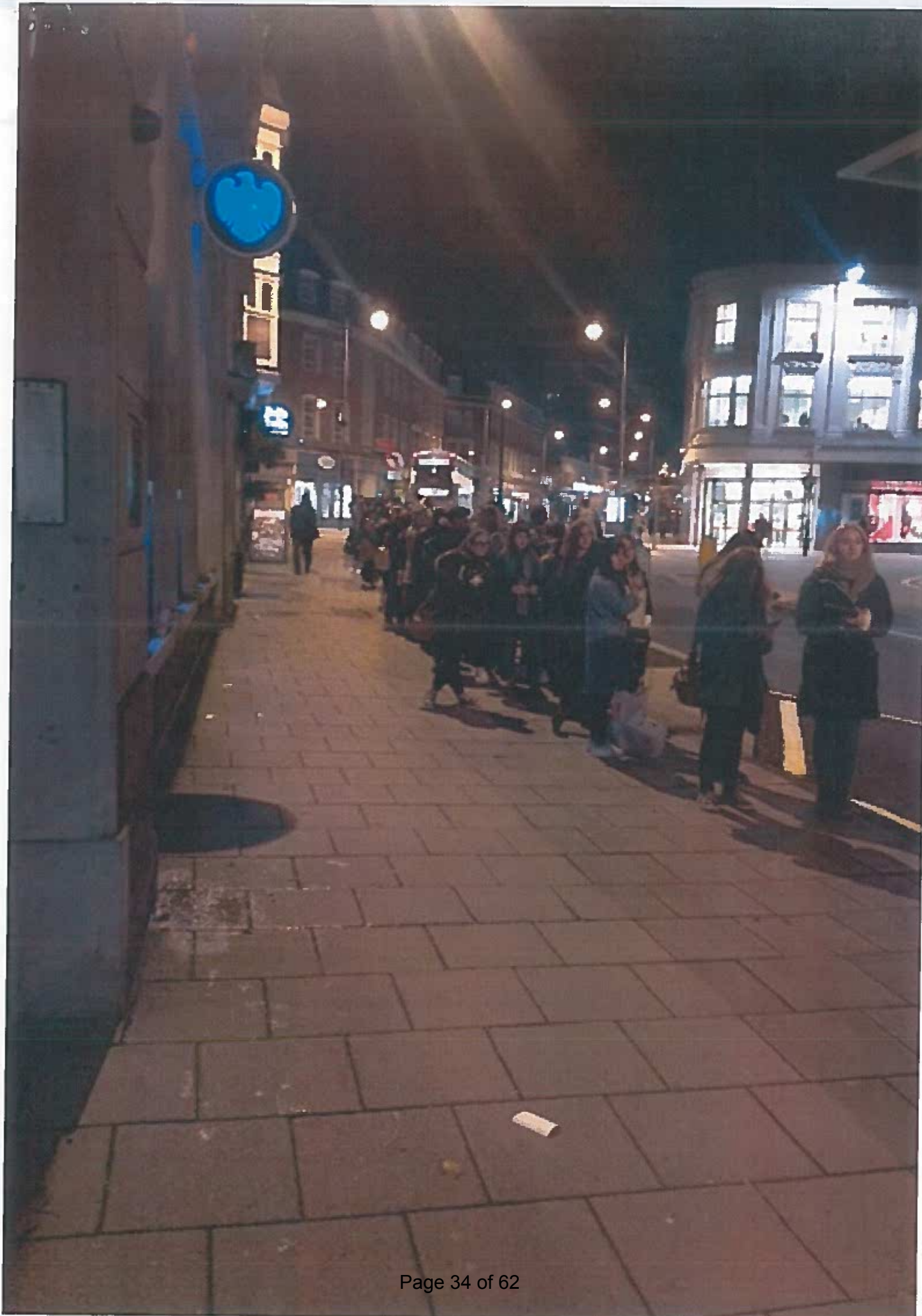
Graham Sowter

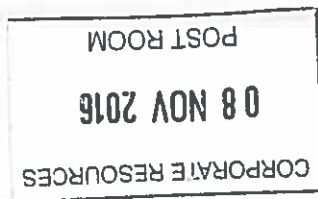
On behalf of first, second and third floor flats, 9 Red Lion Street.











**NORFOLK FIRE & RESCUE SERVICE**  
Group Manager Central  
Diamond Jubilee Fire & Rescue Station Carrow  
63 Bracondale  
NORWICH, NR1 2EE  
Tel: 0300 1231248

Website: [www.norfolkfireservice.gov.uk](http://www.norfolkfireservice.gov.uk)

FAO Ian Streeter  
Legal and Democratic Services  
Norwich City Council  
City Hall  
St Peters Street  
Norwich  
NR2 1NH

Please ask for: Sarah Palmer  
Direct Dial: 0300 1231254  
Email: [sarah.palmer@fire.norfolk.gov.uk](mailto:sarah.palmer@fire.norfolk.gov.uk)  
My Ref: 00012048  
Your Ref:



03 November 2016

Dear Sir

**The Regulatory Reform (Fire Safety) Order 2005**  
**Premises: Bella Italia, 3 Red Lion Street, Norwich, NR1 3QF**

Norfolk Fire and Rescue Service has no objections to chairs and tables being placed on the pathway outside Bella Italia, 3 Red Lion Street, Norwich. However, they must not obstruct any fire exits doors or routes or hydrants that maybe required in the event of a fire or alarm activation.

Should you require any further information please do not hesitate to contact me.

Yours faithfully

Sarah Palmer  
for Chief Officer



**NORFOLK**  
CONSTABULARY

*Our Priority is You*

Norfolk Constabulary

C/O Bethel Street Police Station  
Bethel Street,  
Norwich  
NR2 1NN

Mr Ian Streeter  
Licensing Manager  
Norwich City Council  
St Peters Street  
Norwich  
NR2 1NN

Date: 11<sup>th</sup> November  
2016  
Your Ref: BI1  
Our Ref: MLB

Tel: 0845 456 4567  
Fax:  
Email: [licensingteam@norfolk.pnn.police.uk](mailto:licensingteam@norfolk.pnn.police.uk)  
[www.norfolk.police.uk](http://www.norfolk.police.uk)  
Non-Emergency Tel: 0845 456 4567

Dear Mr Streeter,

**Re: Application for tables and chairs licence – Bella Italia, Red Lion Street**

Police have received a copy of the application for a tables and chairs licence for Bella Italia, Red Lion Street Norwich.

This application is requesting 6 tables and 12 chairs from 08.00 until 2200 Monday to Sunday.

Although the Police have no objections specifically linked to crime and disorder, there are concerns due to this area attracting a high level of footfall; this could potentially be an obstruction for passer-by's.

The placing of tables and chairs within this area could cause it to be congested. Therefore consideration should be given as to whether this location is appropriate and whether pushchairs and wheelchair users can pass with ease.

I hope that the relevant departments within the City Council will carefully consider the suitability of this licence.

Yours Sincerely

Michelle Bartram  
Licensing Regulation Team

Organisational Development

31 OCT 2016

Post Room



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**Mr Ian Street  
Licensing Manager  
Public Protection (Licensing)  
Citywide Services  
City Hall  
St Peters Street  
Norwich  
NR2 1NH**

Roads Policing  
OCC Wymondham  
Wymondham  
Norfolk NR18 0WW

Tel: 01953 424825  
Fax: 01953 424178

[www.norfolk.police.uk](http://www.norfolk.police.uk)  
[lawda@norfolk.pnn.police.uk](mailto:lawda@norfolk.pnn.police.uk)  
Non-Emergency Tel: 101

**Date: 28<sup>th</sup> October 2016**

**Our Ref: DL/01/10/2016**

**Your Ref:**

**Dear Mr Streeter**

**Re: Application for a tables and Chairs Licence,  
Bella Italia, 3 Red Lion Street, Norwich**

Thank you for your letter dated 25<sup>th</sup> October 2016, which I received today the 28<sup>th</sup> October, and which referred to the above application for a Licence to place 6 x tables and 12 x Chairs outside the above premises on Red Lion Street, between 08.00hrs and 22.00hrs Monday to Sunday.

I can confirm that Norfolk Constabulary have no objections to this application, providing there is no obstruction to pedestrian movement pass this area, and no trip hazard to members of the public who may be partially sighted. Minimum width allowance for pedestrian movement should also take into account other street furniture.

If in the meantime, I can be of any further assistance, please do not hesitate to contact me.

Yours sincerely

**Mr. David Law  
Traffic management Officer**

We will answer letters within 10 working days, where information is available.  
Where this is not possible, an explanation will be given for any delay.



INVESTOR IN PEOPLE

**Bennett, Rachel**

---

**From:** Doris <doris.pashley1@ntlworld.com>  
**Sent:** 30 October 2016 11:46  
**To:** LICENSING  
**Cc:** georgesaunders@btinternet.com  
**Subject:** Bella Italia, 3 Red Lion Street, Norwich  
**Attachments:** image001.gif

The above premises is situated on a very busy paved walk through area in the City centre goods are delivered by transport before 9 a.m. for all nearby premises. The tables and chairs are on a wide paved area with a barrier surrounding them allowing any member pedestrians to pass by with ease.

I see no reason why these plans cannot be accepted

I hope this is all the information you require.

Kind regards,

Doris Pashley

NORWICH ACCESS







<b>Report to</b>	Regulatory sub-committee 12 June 2017	<b>Item</b>
<b>Report of</b>	Head of citywide services	<b>4</b>
<b>Subject</b>	Highways Act 1980: Application for Licence to Place Tables and Chairs on the Highway - Warings Lifestyle, 20 Westlegate, Norwich, NR1 3LR	

---

## **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 Warings Lifestyle 20 Westlegate Norwich NR1 3LR

## **Corporate and service priorities**

The report helps to meet the corporate priority of a safe and clean city and the service plan priority of protecting the interests of the public through the administration of the licensing function. 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.

## **Financial implications**

None.

**Ward/s:** Mancroft

**Cabinet member:** Councillor Maguire – safe city environment

## **Contact officers**

Ian Streeter, licensing manager

01603 212761

## **Background documents**

None

# **Report**

## **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 as appendix A to 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 has been submitted in respect of Warings Lifestyle 20 Westlegate Norwich NR1 3LR seeking to place 3 tables and 8 chairs on the highway between the hours of 07:30 and 18:30 Monday to Friday; 09:00 and 17:30 Saturday; and 10:00 and 16:00 Sunday.
5. A copy of the application, accompanying photographs and location plans are attached at appendix B to the report.

## **Consultation**

6. In accordance with The Act, occupiers of nearby premises have been consulted and appropriate notices have been placed on the street. Notification of the application has also been given to Chatterbox (the talking newspaper for the visually impaired) and the Norwich Access Group.
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. Representations have been received in respect of the application from the following and are attached at appendix C to the report:
  - three local residents;
  - the Norfolk Fire Service;
  - the Norfolk Constabulary's licensing and traffic management teams; and
  - the council's highways/transportation team.

## 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 Citywide 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.



NORWICH  
City Council



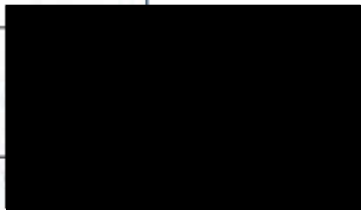
APPLICATION FOR LICENCE TO PLACE  
TABLES AND CHAIRS ON THE HIGHWAY

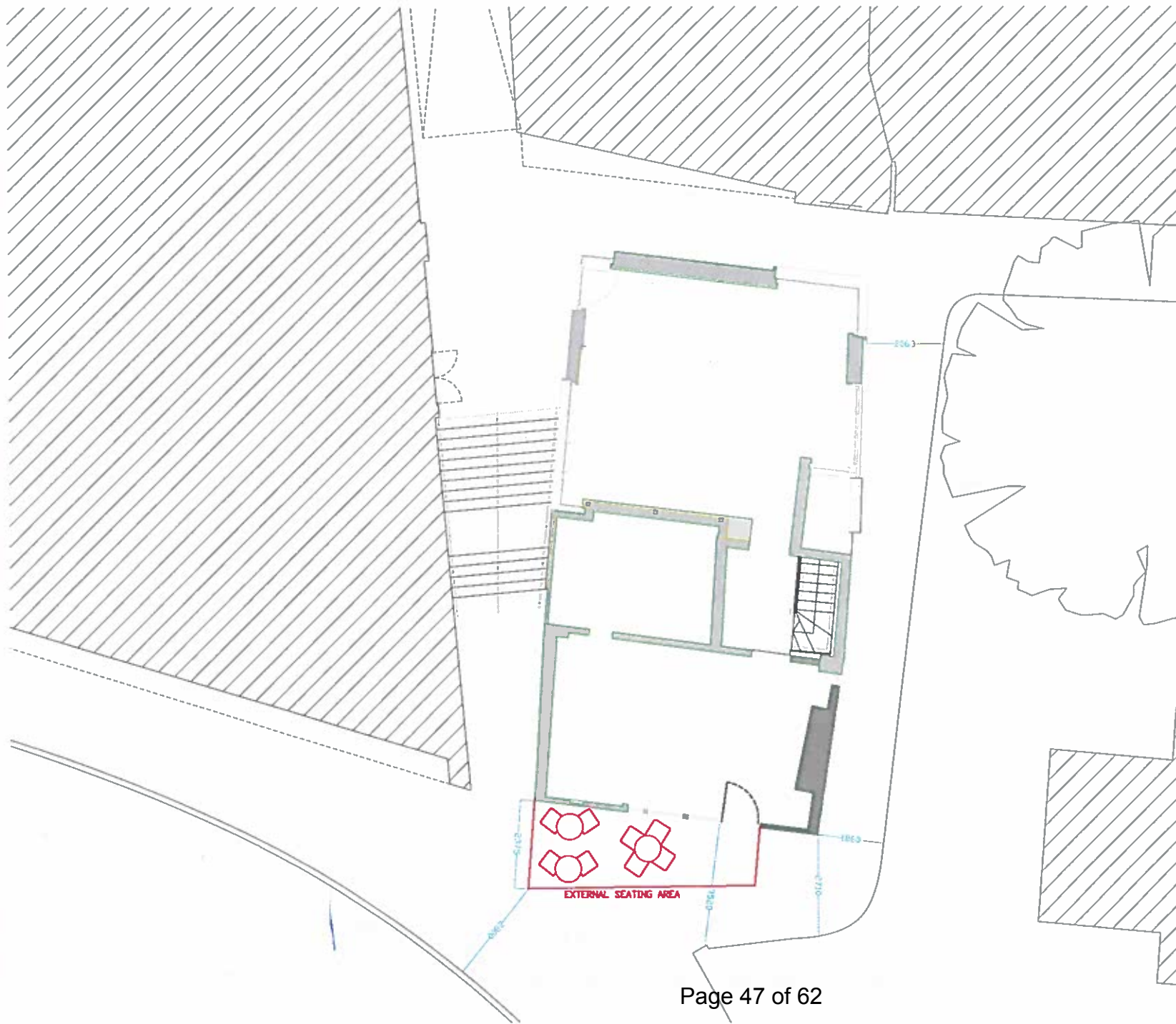
Part One

<b>Name and Address of Premised to be Licensed</b>	WARINGS LIFESTORE 20 WESTEGATE NORWICH  Post Code NR1 3LR GRAHAM WARING <del>WARINGS FURNITURE</del>		
<b>Name of Applicant</b>	WARINGS FURNITURE THE FURNITURE STATION LARLING NORFOLK  Post Code NR16 2RA		
	<b>Tel. No.</b>		
	<b>Email</b>		
	<b>Address (if different from above)</b>		
<b>Name and Home Address of Licensee</b>	GRAHAM WARING <del>WARINGS FURNITURE</del> SHARDESTON HOUSE SHARDESTON NORFOLK  Post Code NR14 8DG		
	<b>Tel. No.</b>		
	<b>Email</b>		

## Part Two

Please provide a plan showing the exact location and dimensions of the area to be licensed and where furniture to be placed within area.

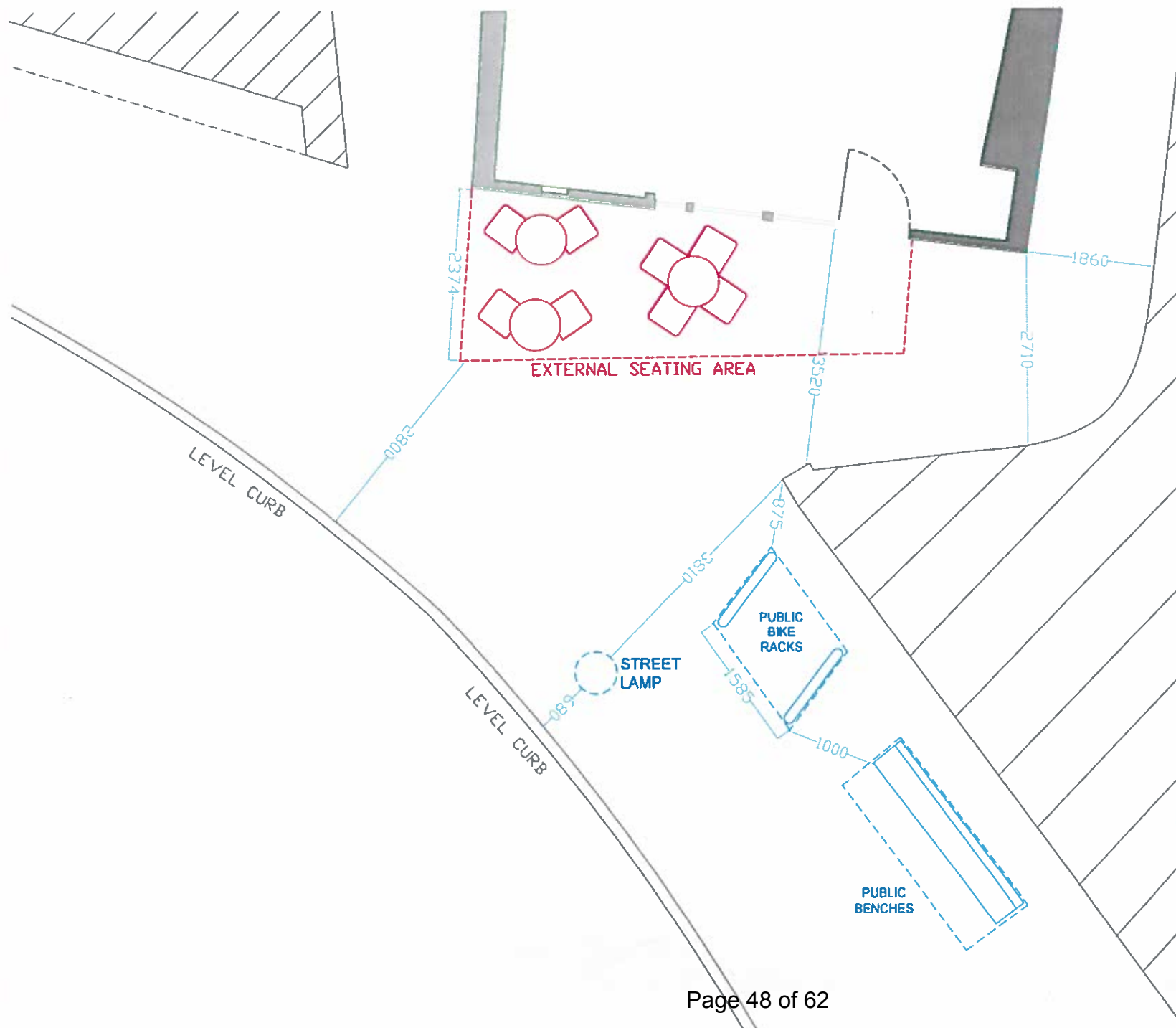
No of Chairs	8
No of Tables	3
Times/Dates Required	MONDAY - FRIDAY 0730 - 1830 SATURDAY - 0900 - 1730 SUNDAY - 1000 - 1600
Description of Street Furniture & Barriers (please enclose photo/drawing/brochure) Any other furniture (e.g. umbrellas etc)	INCLUDED IN PLANS ATTACHED.
Purpose of Tables and Chairs	OUTSIDE SEATING FOR CAFE
Signed	 Date 20.03.2017.
<p>Please include a copy of your public liability insurance showing a minimum limit of indemnity of £5,000,000 and a completed copy of the Norwich City Council's Public/Employer's Insurance Questionnaire.</p>	
<p>Please return this form and attachments to:</p> <p>Licensing Officer Licensing Department City Hall NORWICH NR2 1NH</p> <p>Telephone: (01603) 212761 Email: <a href="mailto:licensing@norwich.gov.uk">licensing@norwich.gov.uk</a></p>	



RECEIVED  
23 MAR 2017  
LICENSING OFFICE

DO NOT SCALE FROM THIS DRAWING - Figure dimensions only to be used for setting out.  
Any dimensional discrepancy found on site is to be brought to the attention of Warings if any part of the drawing is in doubt.

<b>WARINGS</b> waringsfurniture.com	<b>PROJECT</b> Warings 20 Westgate Norwich CATEROORY MISC	drawing no. 4
	date 21/11/2016	
The Furniture Station Vision Road Loddon Norfolk NR11 3BA T: 01603 499940 F: 01603 499939 E: sales@waringsfurniture.com	<b>DRAWING NUMBER</b> 134-99-10-1	drawn SW checked JX scale 1:50 @ A1



# NOTES

- STREET FURNITURE AS NOTED
- NO TREES PRESENT NEAR PREMISES
- LEVEL CURB ONLY TO FRONT OF STORE
- NO PELICAN CROSSING PRESENT
- NO CYCLE LANES PRESENT
- NO PARKING BAYS PRESENT
- NO PRIVATE FORECOURTS PRESENT
- NO CELLAR HATCHES PRESENT

**RECEIVED**  
 23 MAR 2017  
 LICENSING OFFICE

DON NOT SCALE FROM THIS DRAWING. Figure dimensions only to be used for setting out. Any dimensional discrepancies found on site are to be brought to the attention of the client immediately by the CLIENT only.

<b>WARINGS</b> waringslondon.com	PROJECT <b>Warings 20 Westgate Norwich</b>	Drawing No. <b>4</b>
	CATEGORY <b>MISC</b>	Date <b>14/02/2017</b>
The Furniture Station Western Plaza London SE1 1YB	DRAWING NUMBER <b>134-99-10-1</b>	Drawn <b>SW</b> Checked <b>XX</b> Scale <b>1:100@A1</b>
T 01953 488940 F 01953 488930 E info@waringslondon.com		

















## Anji

### W4048AC

Height: 840mm

Width: 5410mm

Depth: 590mm

Seat Height: 450mm

Wicker effect exterior armchair with bamboo look aluminium frame. Featuring exterior grade tie on matching cushions.

Please call our sales team on 01953 49 99 49 if you would like to discuss this or any other product within our range.



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**BRITAIN**

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## Lamin

### W4514T

Height: 730mm

Width: 700mm

Depth: 0mm

Seat Height: 0mm

Round folding table, fibre glass reinforced legs with painted aluminium upright. Available in White, Anthracite & Mink(shown)

Suitable for interior or exterior applications. Please call a member of our sales team on 01953 49 99 49 to find out more.



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**Fuller, Maxine**

---

**From:**  
**Sent:** 11 April 2017 11:15  
**To:** LICENSING  
**Subject:** Waring Cafe

Your ref: 17/00446/TABCHA

Dear Mr Streeter

First of all can I thank you for sending notification letters for this application to all apartments.

As a cyclist who frequently cycles up / down the alleyway east of Warings Cafe I find it difficult to see how these tables and chairs would not impede access to the alleyway. The rubbish bins and crates etc stored in the alleyway already restrict passage plus the flowers and A-board out the front makes entering / leaving the alleyway restricted.

Yours sincerely  
Dr John Williams  
Apartment 11 Westlegate Tower

**Bennett, Rachel**

---

**From:**  
**Sent:** 10 April 2017 17:45  
**To:** LICENSING  
**Subject:** Reference 17/00446/TABCHA

Dear Ian

With reference to Graham Waring's application for a licence to place tables and chairs outside Warings Lifestore at 20 Westlegate, we have been in to City Hall to look at the plans.

We are generally in favour of outdoor cafe culture and this fits in well with the newly pedestrianised character of Westlegate.

We have 2 reservations however:

1. The space in front of Warings is limited. The area in which they propose putting tables is already full of "outdoor merchandise". Where is this going to be placed once the tables are out? There is also some "outdoor merchandise" by the back door to the shop on the passage above the steps from Westlegate to Lion & Castle Yard; this is already encroaching unacceptably on the public highway and should not be allowed to get any bigger.

3. The side alley that goes between the Churchyard and round the back of Warings premises is essential for the disabled and for people with pushchairs and bikes who cannot use the steps up from Westlegate; access to this alley from both Westlegate and Lion & Castle Yard should always be kept clear.

Yours sincerely

Jane & Nick Backhouse  
Apartment 9 Westlegate Tower)



**Fuller, Maxine**

---

**From:**  
**Sent:** 09 April 2017 10:56  
**To:** LICENSING  
**Subject:** 17/00446/TABCHA Waring

Dear Ian Streeter

As residents next to this cafe we object to this application on the grounds that Warings cannot control its current rubbish storage and collections. Their bins are constantly overflowing and obstructing the public right of way to the side of their building.

People at outside tables will smoke and drop cigarette ends and other litter as do their staff around residents entrances.

Ref: EH/Robert Dowe

AGM Westlegate Resident Association

Yours sincerely  
Gillian and Ward  
1a Westlegate Tower

Sent from my iPhone

**NORFOLK FIRE & RESCUE SERVICE**  
Group Manager Central  
Diamond Jubilee Fire & Rescue Station Carrow  
63 Bracondale  
NORWICH, NR1 2EE  
Tel: 0300 1231248  
Website: [www.norfolkfireservice.gov.uk](http://www.norfolkfireservice.gov.uk)

Mr I Streeter  
Licensing Manager  
Public Protection (Licensing)  
Citywide Services  
Norwich City Council  
City Hall, St Peters Street  
Norwich  
NR2 1NH

Please ask for: Mr Allison  
Direct Dial: 0300 1231261  
Email: [tim.allison@fire.norfolk.gov.uk](mailto:tim.allison@fire.norfolk.gov.uk)  
My Ref: 00012798  
Your Ref: -

19 April 2017

Dear Sir

**The Regulatory Reform (Fire Safety) Order 2005**  
**With reference to – Application for Tables & Chairs Licence**  
**Premises: Warings Furniture Ltd, 20 Westlegate, Norwich, NR1 3LR**

I acknowledge receipt of the application for the above premises.

This authority has no objection to the placement of the tables and chairs in this location.

Should you require any further assistance please do not hesitate to contact me on the number shown above.

Yours faithfully

  
Mr Allison  
For Chief Officer

RECEIVED ON  
25 APR 2017  
SCANNING ROOM

**Bennett, Rachel**

---

**From:** Bartram, Michelle <bartramm@norfolk.pnn.police.uk>  
**Sent:** 21 April 2017 11:08  
**To:** LICENSING  
**Cc:** Woods, Suzanne  
**Subject:** Warings - Table & Chairs Licence

Hello Licensing

I can confirm that Police have received a copy of the table and chairs licence outside Warings 20 Westlegate Norwich

There are no objections to this

Regards

---

**Michelle Bartram**

Licensing Officer

**Licensing**

Norfolk Constabulary  
Bethel Street Police Station  
Norwich, Norfolk, NR2 1NN

Tel: 01603-276020 Fax: 01603-276025

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19 APR 2017

POST ROOM



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**Mr Ian Streeter  
Licensing Manager  
Public Protection (Licensing)  
Citywide Services  
City Hall  
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Norwich  
NR2 1NH**

Roads Policing  
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Wymondham  
Norfolk NR18 0WW

Tel: 01953 424825  
Fax: 01953 424178

[www.norfolk.police.uk](http://www.norfolk.police.uk)  
[lawda@norfolk.pnn.police.uk](mailto:lawda@norfolk.pnn.police.uk)  
Non-Emergency Tel: 101



**Date: 18<sup>th</sup> April 2017**

**Our Ref: DL/01/04/2017**

**Your Ref:**

**Dear Mr Streeter**

**Re: Application for a Licence, to Place tables and Chairs outside  
Warings Lifestore, 20 Westlegate, Norwich**

Thank you for your letter dated 5<sup>th</sup> April 2017, which I received on the 18<sup>th</sup> April, and which referred to the above application for a Licence to place 3 x Tables and 8 x Chairs outside the above premises on westlegate, between the Hours of 07.30 to 18.30hrs Monday to Friday, 09.00 to 17.30hrs on Saturdays and 10.00 to 16.00hrs on Sundays.

I can confirm that Norfolk Constabulary have no objections to this application, providing there is no obstruction to pedestrian movement pass this area, and no trip hazard to members of the public who may be partially sighted. Minimum width allowance for pedestrian movement should also take into account other street furniture.

If in the meantime, I can be of any further assistance, please do not hesitate to contact me.

Yours sincerely

**Mr. David Law  
Traffic management Officer**

We will answer letters within 10 working days, where information is available  
Where this is not possible, an explanation will be given for any delay.



INVESTOR IN PEOPLE



## **Fuller, Maxine**

---

**From:** Yates, Kieran  
**Sent:** 11 April 2017 13:33  
**To:** Fuller, Maxine  
**Subject:** 20 Westlegate - tables and chairs

Maxine

I have consulted Bruce Bentley who has been leading on redesign of Westlegate.

Tables and chairs in this location would be acceptable in highway/transportation terms.

And would add to the emerging vitality of the public realm here.

regards

  
**Kieran Yates**  
**Transport Planner**  
[kieran.yates@norwich.gov.uk](mailto:kieran.yates@norwich.gov.uk)  
01603 212471  
0344 980 3333

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

*Finalist in the Council of the Year category – LGC Awards 2016*

