

Report to	Regulatory sub-committee 10 June 2019	Item
Report of	Public Protection Manager	3
Subject	Highways Act 1980: application for licence to place tables and chairs on the highway - Gardeners Arms, 2-8 Timberhill, Norwich NR1 3LB	

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 Gardeners Arms, 2-8 Timberhill, Norwich, NR1 3LB.

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 and sustainable city environment

Contact officers

Tony Shearman
Environmental protection, licensing and markets 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 the Gardeners Arms, 2-8 Timberhill, Norwich NR1 3LB seeking to place 10 tables and 30 chairs on the highway between the hours of 08:00 and 21:00 Monday to Sunday during the months March to October only.
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, 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:
 - Kieran Yates – Transport Planner for Norwich City Council
 - Lara Hall – Principle Landscape Architect for Norwich City Council
 - Michelle Bartram – Norfolk Constabulary (applicant has agreed to the conditions suggested by the Police)
 - Jack Askew – Norfolk Constabulary, Force Traffic Management Officer
 - Norfolk Fire & Rescue Service
 - P. King, Practice Manager for Moss and Leakey, a local business
 - Mr Brad Baxter of Bermuda Bob's Rumshack, a local business

9. This matter was first considered by the sub-committee on the 13 May 2019, the minutes of that meeting are attached as Appendix E. The item was deferred to allow the applicant to submit further information relating to the management and maintenance of the area and also of the furniture to be used. The applicant has submitted an operating schedule which is attached at Appendix D.

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.



**The Gardeners Arms Free House,
& Murderers Café Bar.**



**The Gardeners Arms Public House.
2-8, Timber Hill .
Norwich.
Norfolk.
NR1 3LB.**

Telephone 01603-621447

Fax 01603-812475

E-mail enquires@:themurderers.co.uk

Web Site. www.themurderers.co.uk

**Proprietors. Mr I.D. Brown, Mrs J.A. Brown
& Mr P.A. Cutter**

**Date:-
2nd March 2019**

T&C's Application

To Whom It May Concern,

My name is Philip Cutter, and I am the licensee, of the Gardeners Arms/Murderers Pub on Timberhill, in Norwich.

We have successfully held a table and chairs licence for over 20 years, and have witnessed first hand over the past few years, the improvements made to the open area, made by Norwich City Council, to the area near Red Lion street. Regrettably, since these improvements were made, it remains largely unused, and in our opinion, under-utilised. In the summer months, the area is frequently used by groups of 'street drinkers' and the few people who brave to use the benches are, all too often approached by beggars.

We have worked closely with the local city centre sergeant, planning and highways, and believe that this unique opportunity (I believe it is the first of its type in Norwich) will make this new venture a gateway to promote TimberHill, and the diverse businesses we have.

Whilst I appreciate, it may appear that this space is being 'lost' to the wider general public, largely during the summer months, it is often un-used. Our proposal, keeps access to all of the benches and cycle racks, and will add vibrancy to the area.

Our plan certainly is not to make this an 'extension to the bar' and will be designated for dining patrons. We extended our food operation in October 2018, and now offer a full menu until 9.00pm on a daily basis. We are hoping eventually to make this a reservation space only, staffed on a permanent basis by at least 2 members of staff offering table service.

My commitment is to ensure a minimum impact to surrounding businesses, and to keep the area clean and tidy. Many traders have approached me, and told me what 'a fantastic idea this is!' I agree! However, I am acutely aware that there may be some concerns about this, from SOME local traders. It benefits my business, or long standing reputation, to make this area uncontrolled, or a nuisance to the wider general public. If this, 'experiment' does not work, I will have no hesitation to withdraw from using the licence (if granted).

I have considered many aspects of the operation of this area, and can see few negatives of our intended use—but am conscious that until we encounter teething issues, these are unlikely to be resolved until after they arise, and this regards, we can only re-act, to such problems

Kind regards, Philip Cutter MBII



NORWICH
City Council

RECEIVED

- 6 FEB 2019

LICENSING OFFICE

APPLICATION FOR LICENCE TO PLACE
TABLES AND CHAIRS ON THE HIGHWAY

Part One

Name and Address of Premises to be Licensed	THE GARDENERS ARMS (MURDERERS) 2/8, TIMBERHILL NORWICH Post Code NR1 3CB.		
Name of Applicant	MR PHILIP COTTER [Redacted] Post Code [Redacted]		
Norwich City Council - 5 FEB 2019 Cheque No. 467.00 Amount VAT 012588 Amount No VAT Account Holder: Garden Arms	Tel. No.	[Redacted]	
	Email	[Redacted]	
	Address (if different from above)	[Redacted]	
			M
Name and Home Address of Licensee	AS PER NAME OF APPLICANT. Post Code Tel. No. Email		

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

30 (THIRTY)

No of Tables

10 (TEN)

Times/Dates Required

DAILY FROM MARCH - OCTOBER
FROM 0800 - 2100

Description of Street Furniture & Barriers
(please enclose photo/drawing/brochure)
Any other furniture (e.g. umbrellas etc)

RUSTIC WOODEN POSTS & ROPE

Purpose of Tables and Chairs

ADDITIONAL SEATING FOR DINING -
OVERFLOW SEATING - WILL NOT BE
USED AS AN EXTENSION OF BAR, BUT
AS A RESTAURANT / CAFE BAR

Signed

Date

24/1/2019

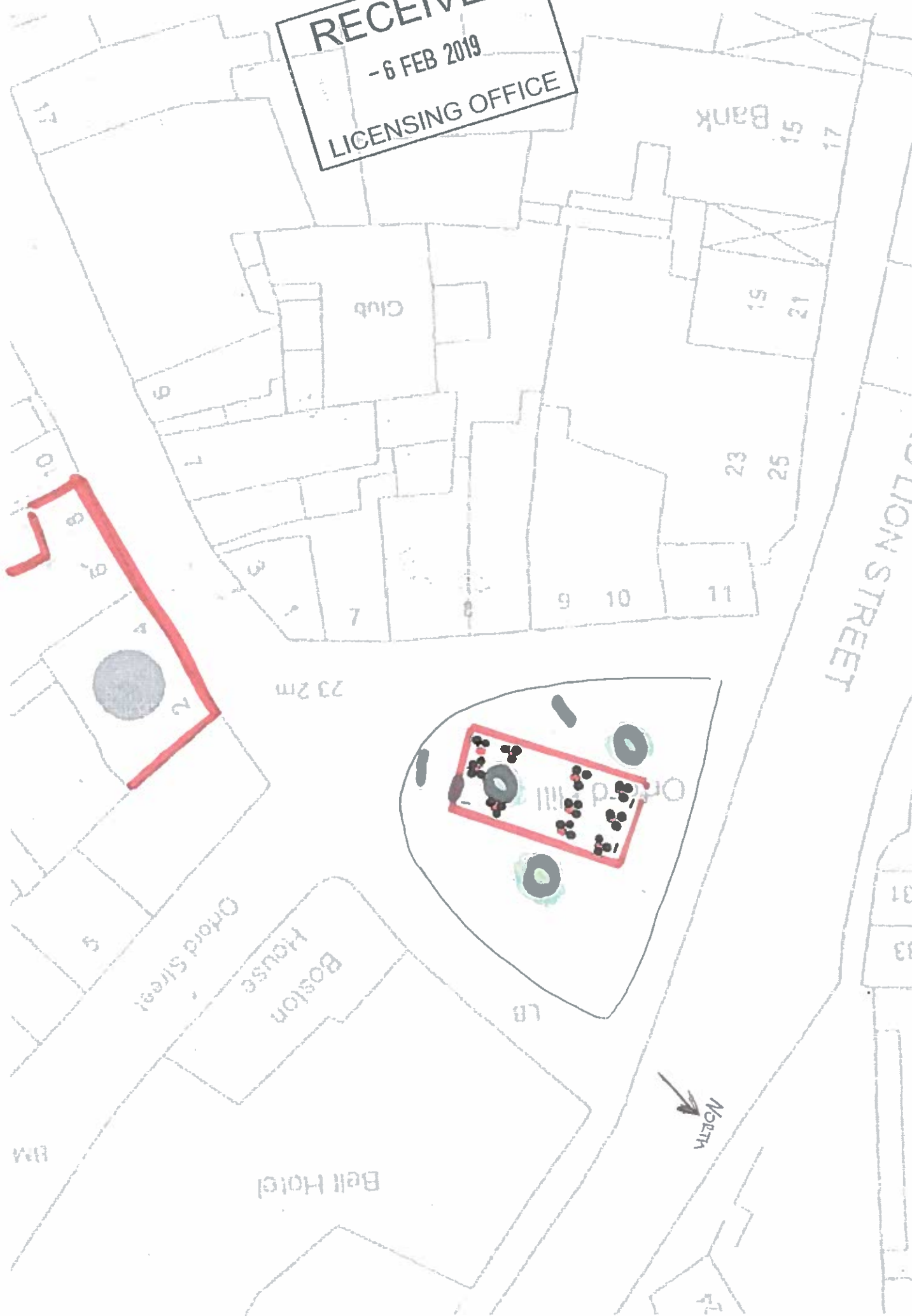
Please include a copy of your public liability insurance showing a minimum limit of indemnity of £5,000,000 and a completed copy of the Norwich City Council's Public/Employer's Insurance Questionnaire.

Please return this form and attachments to:

Licensing Officer
Licensing Department
City Hall
NORWICH
NR2 1NH

Telephone: (01603) 212761
Email: licensing@norwich.gov.uk

RECEIVED
- 6 FEB 2019
LICENSING OFFICE



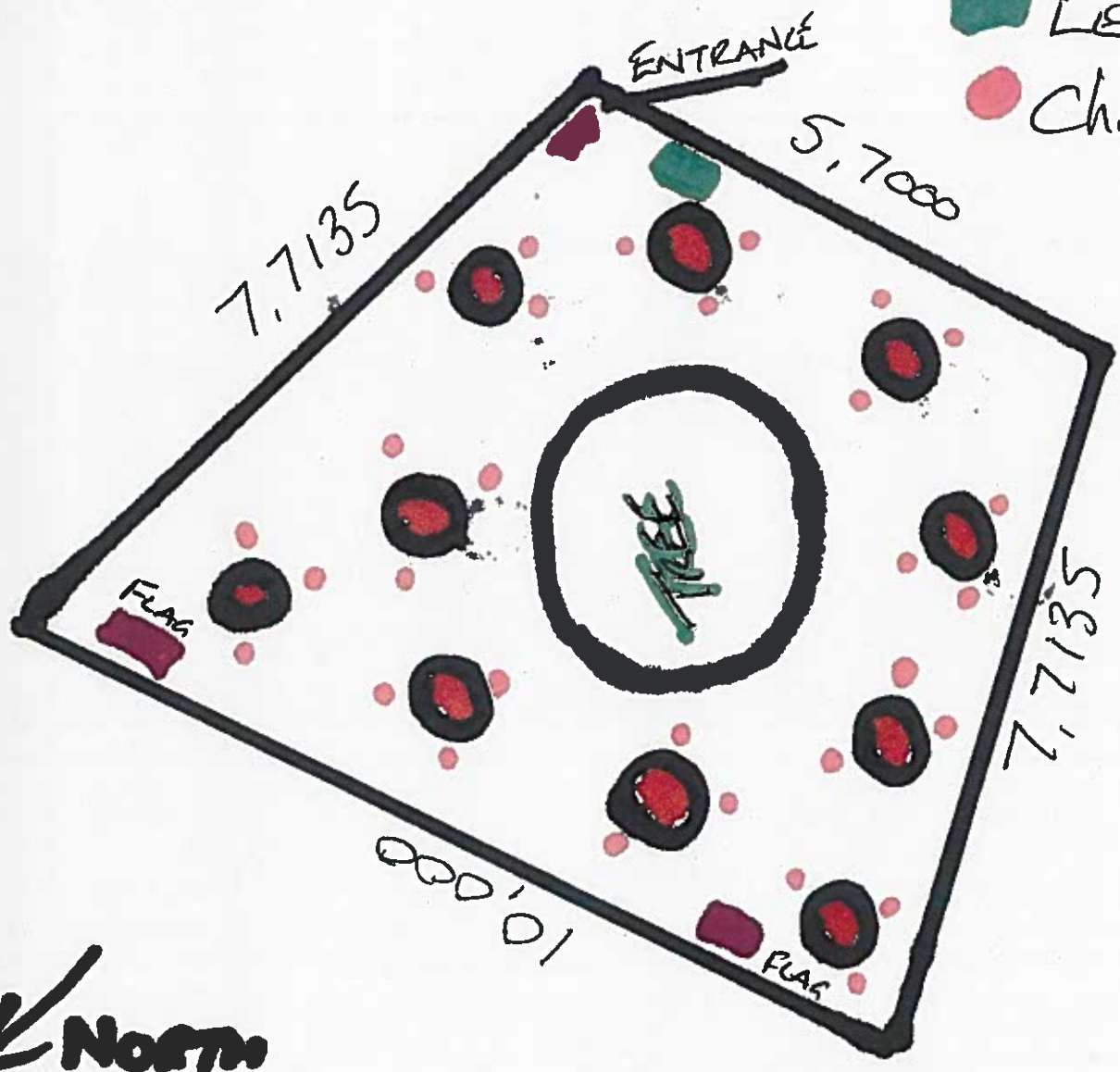
↑
MUSEUM

RECEIVED
13 FEB 2019
LICENSING OFFICE

TABLE XII

— ROPED OFF
PERIMETER

- FLAG
- LECTURN
- Chairs x 30



RECEIVED

- 6 FEB 2019

ENGINEERING OFFICE



RECEIVED

- 6 FEB 2019



RECEIVED

- 6 FEB 2019

LICENSING OFFICE



Red Lion St
Harroch, England
Google, Inc.
© Street View - Sep 2016



Image capture: Sep 2016 © 2018 Google United Kingdom Terms Report a problem







BRANDED
WITH
'The Murderers'



340cm





LECTURN



NORFOLK
CONSTABULARY

Our Priority is You

Licensing Officer
Norwich City Council
St Peters Street
Norwich
NR2 1NN

Date 4th March 2019

Dear Sir/Madam



The Licensing Team

Bethel Street Police Station
Norwich
Norfolk
NR2 1NN

Tel: 01603 276020

Fax: 01603 276025

Email: licensingteam@norfolk.pnn.police.uk

www.norfolk.police.uk

Non-Emergency Tel: 0845 456 4567

Police have received a copy of the application to permit tables and chairs on the highway at the bottom of Timberhill, Norwich from 8am until 2100 hrs from March-October.

The applicant, Philip Cutter is the DPS/Manager of the Gardeners Arms/Murderers Public House on Timberhill and currently manages tables and chairs immediately located outside this premises.

This application is unique to other tables and chairs applications due to the site being located away from the pub and within an area located which has adopted a PSPO (Public Space Protection Order) which restricts alcohol consumption.

I have met with Mr Cutter and discussed the application in detail. I have been informed that the plan is for this area to be used for predominately dining with alcohol consumption being ancillary with hours applied for in line with the times offered on the dining menu of the pub.

Police believe that this area needs close supervision by staff to ensure behaviour of customers are managed at all times. I have been reassured that it is their intention to have 2 dedicated members of staff to manage this area when it is in use. It would be unfair to stipulate this specific number of staff as a licence condition however by restricting the licence to table service, this will ensure that there is a continued staff presence.

To prevent numerous patrons leaving the pub with drinks within a PSPO area to walk to the seating area, the area will be predominately table service so staff will be bringing food and drink on trays with regular glass collections by staff.

The issue of Norwich City Home match games was discussed and I have been reassured that there is no plan for the tables and chairs to be used on these days however should this happen, restrictions should be put on the licence that the table and chairs are not in use during the match time and 2 hours before and after the game.

In order to minimise the risk of crime and disorder as a result of the tables and chairs, I request that the following conditions are added to the licence:

- Substantial Table meals will be served at all times when the licence is in use.
- The area will be used for table service only and there will be signage on display informing patrons of this.

- **Customers are not to use this area unless seated.**
- **The table and chairs will not be in use on Lord Mayor's Procession day and during any Norwich City Football Home match and for two hours prior and after the game.**

I would like to add these conditions to be added to the standard restrictions on the tables and chairs licence. With these added, there will be no Police objections.

Yours faithfully,

Michelle Bartram
Licensing Officer

Mr. Tony Shearman,
Public Protection (Licensing),
Citywide Services,
Norwich City Council
St. Peters St,
Norwich.
NR2 1NH



Roads and Armed Policing Team,
OCC Wymondham
Room 2.1.2a,
Falconers Chase,
WYMONDHAM,
Norfolk.
NR18 0WW

Tel: 01953 424825

Fax: 01953 424898

Email: TMONorfolk@norfolk.pnn.police.uk

Date: 19th February 2019

Reference: JA/19.02.2019/The Gardeners Arms.

www.norfolk.police.uk
Non-Emergency Tel: 101

Dear Mr. Shearman,

Re: Application for a Tables and Chairs Licence – The Gardeners Arms (The Murderers)

Thank you for your letter dated 6th Feb 2019, which referred to the above application for a licence to place 10 x tables and 30 x chairs in the vicinity of The Gardeners Arms (The Murderers), 2-8 Timberhill, Norwich, between 08:00hrs and 21:00hrs Monday to Sunday from March to October. I note these tables and chairs will be in a seating area off Red Lion St. Norwich.

Having paid a site visit to the area, I can confirm that Norfolk Constabulary has no objections to this application. This is providing there is no obstruction to pedestrian movement to pass this area, and no trip hazard to members of the public who may be blind or partially sighted.

Minimum width allowances for pedestrian movement should also take into account other street furniture, wheelchair and motorised scooter users.

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

Yours sincerely



Mr. Jack Askew,
Norfolk Constabulary,
Force Traffic Management Officer.





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

Mr T Shearman
Public Protection (Licensing)
Citywide Services
Norwich City Council
City Hall
St Peters Street
Norwich NR2 1NH

Please ask for: Kerry Larcombe
Direct Dial: 0300 123 1418
Email: kerry.larcombe@fire.norfolk.gov.uk
My Ref: 00012178
Your Ref:

14 February 2019

Dear Sir

The Regulatory Reform (Fire Safety) Order 2005

Premises: Gardeners Arms & Murderers Café, 2-8 Timberhill, Norwich, NR1 3LB

I acknowledge receipt of the application for the above premises.

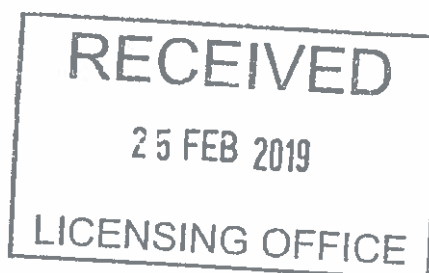
The authority has no objection to the placement of the tables and chairs in this location.

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

Yours faithfully



Kerry Larcombe
Fire Safety Advisor



Fuller, Maxine

From: Yates, Kieran
Sent: 18 February 2019 11:32
To: Fuller, Maxine
Subject: FW: The Gardeners Arms (Murderers) application
Attachments: Orford hill Murderer's street licence overlay.pdf

Maxine

The applicant has resubmitted their plan using the dimensions that myself and Lara provided, see attached plan .

The inset map below shows the proposed extent of the tables and chairs area on Orford Hill in relation to other features.

Orford Hill is public highway, but its purpose is primarily for pedestrians as vehicles are confined to the roadway adjacent to shop frontages.

I have no objection on highway grounds.

There is ample space for pedestrians to navigate the area around the enclosed area, and tables and chairs in this location will help to enliven the area.

There are planting opportunities in beds and tree rings in the area that would benefit from adoption by local businesses such as this licensed premises we would be happy to discuss.

We understand that events have occurred on Orford Hill in the recent past, but that more events are taking place at All Saints Green since the public realm was improved.



regards

Kieran

Kieran Yates
Transport Planner
kieran.yates@norwich.gov.uk
01603 212471
0344 980 3333

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



Finalist in the 'Housing initiative' category for the LGC Awards 2019

From: Yates, Kieran
Sent: 11 February 2019 17:05
To: 'Philip Cutter'
Subject: The Gardeners Arms (Murderers) application

Hi Phil

Based on our meeting on site we have put together the attached plan which shows the dimensions as measured along with an arrangement of 10 tables with a 600mm dia which is fairly standard.

This allows for through movement across the space and ensures that the three existing benches, cycle stands and two trees closest to the road are kept clear.

If you can get the barriers with a subtle branding from a sponsor to help you fund it, that would be welcome too rather than the rope barrier that can be a hazard to visually impaired pedestrians.

Best

Lara


Lara Hall CMLI
Principal Landscape Architect
Norwich City Council
Design, Conservation and Landscape
City Hall
Norwich
NR2 1NH

Tel: 01603 212189

*email: larahall@norwich.gov.uk

Normal Office days Monday, Tuesday, Wednesday, Term time only.

regards



Kieran Yates
Transport Planner
kieran.yates@norwich.gov.uk
01603 212471
0344 980 3333

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



Finalist in the 'Housing initiative' category for the LGC Awards 2019



Orford

10.0000

1.4000

7.7135

5.7000

To Adrian Akester,

With reference to the Gardeners Arms t&cs application: Moss & Leakey object in the strongest possible terms and on the grounds of the proven historical nuisance and damage to its business interest. Please advise when we might attend a formal licence hearing to support our objection in person."

Signed for and on behalf of the Directors

P. King, Norwich Practice Manager



Partners Dr. N. Sasitharan & D. Foskett

Head Office

1 Timberhill
Norwich
NR1 3JZ

Tel 01603 661001
Fax 01603 661008
david@mossandleakey.wanadoo.co.uk

Also at 16 Norfolk Street
Kings Lynn PE30 1AN
Tel 01553 765270

29 Market Place
Dereham NR19 2AP
Tel 01362 699798

15 High Street
Hunstanton PE36 5AB
Tel 01485 535800

Brad Baxter
7 St Edmunds Wharf
Norwich
NR3 1GU

This letter offers my FULL support of the Murderers pub application for Norwich City Councils approval of a tables and chairs license. I believe this would without a doubt be beneficial not only for the business but to the city and its citizens as well.

Obviously with online shopping increasing at a steady rate and Amazon taking over the world the decline and closure of many retail shops cities are going to need to look at how to keep attracting footfall on the high street to keep a city "bustling". Independent bars that offers more than just alcohol to the consumer (be it football on T.V. or some beers and burgers in the sun) should be given the opportunity to offer just that. The Murders is in no doubt a busy popular place and what would be better than to enjoy their outdoor patio?! Walking around London you see that every square inch of the city is utilised by bars and restaurants, Norwich will one day be no different.

It should also be noted how many more staff they would need to employ. Having been granted a license for a rooftop bar last summer at Gonzo's I needed to employ an extra 7 full time staff which led us to open another location which further benefited the economy adding another 9 full time employees.

The effect an outdoor seating area for a bar/ restaurant is EXTREMELY beneficial to not only to the business but the local economy as a whole. As a neighbour I feel this outdoor area will bring more footfall to the LEISURE area of Timber Hill where people come to be entertained and enjoy themselves.

Obviously the application falls directly in line with the Norwich 2040 vision and I believe the application should be approved.

Thanks for your consideration,

Brad Baxter

Gonzo's Tea Room and Bermuda Bob's Rumshack

Table and Chairs Operating Schedule

Food service begins at 10 am with breakfast.

This furniture will be exclusively used for diners who, will be expected to order meals from our extensive menu. Our food operation was extended in October 2018, in order to serve food from 1000 through to 2100 daily in order to establish whether this licence application was likely to be required, and/or cost effective to operate.

From the front door of the main bar, to the entrance of the proposed new licence is around 30 metres, and can be reached at a brisk pace in under 15 seconds

This application would allow the furniture to be placed out to begin at 0800, which allows us 2 hours to set out the furniture, as well as to prepare the pub for service.

A trolley will be purchased to allow us to take more items to this area with equipment, furniture and barriers etc. This will all be stowed behind the pub along with the furniture we currently have.

Last orders for food will be placed at 1900. This adequately allows diners to complete their meals, and for the two staff to return the furniture to behind the back of the premises by 2100. Our current table and chairs licence allow that furniture to remain in situ until 2300.

Patrons will be told on arrival at the only entry point of this area, (the lectern) that this area is exclusively allocated to customers dining ONLY = This will be re-enforced with signage. Patrons who require bar drinks will be re-directed towards the main building and advised that there are no restrictions on the furniture at the front of the premises. In the unlikely event that patrons are seated, order drinks, but decide against a meal, (but refuse to move), they will be refused further service. However, I anticipate that, more space will be made available with diners likely to want to use this new space to dine, as opposed to sitting outside the front of the main building to dine – Subsequently, there will be more seating outside the front of the pub for casual drinkers. In my 32 years' experience, a reasonable explanation has always been sufficient to resolve any issues such as this – Incidents of disorder are EXTREMELY rare from my premises, as such the need for SIA door supervisors simply are not necessary – and would not make the operation of this area cost effective. I/WE have a commitment to all of our trading neighbours, as well as the wider general public. If this area becomes disruptive and unmanageable, I will cease the operation of my own volition.

Customers, leaving the confined area outside the front of the pub, looking to be seated for dining will be allowed if there is sufficient seating available – however, we expect that due to its popularity, seating for dining will be allocated through booking a table in advance ONLY. In the event of bad weather, we are likely to encounter cancellations, or customers relocating inside the main building– As the area is exclusive for diners only, casual drinkers will not be allowed access to this area.

Diners will be seated by staff allocated to this area, with all service provided by the staff from the table. If no tables are available, customers will be invited to book a

table, to dine inside the premises, or to use the tables outside the front of the main building.

Diners using the new licence, will therefore have very little, if any necessity to move from the enclosure. No alcohol will be consumed outside of this area, with the exception of customers who have completed their meals, and are returning to either the main bar, or tables outside the main building – in this instance, a member of staff will escort these patrons directly to their intended destination. Customers wishing to leave the area, (e.g. to use the lavatory, take a mobile telephone call etc) will not be allowed to take alcohol with them.

We will allow smoking within the enclosure – however, this will be monitored – we believe that the surrounding seating is used frequently by smokers, and therefore likely to have smoke from tobacco products travelling across the area – This will also prevent smokers from ‘wandering’ around the surrounding area – and alleviate the potential of any perceived nuisance from local traders. Our current furniture licence is available to smokers, without complaint from diners – In the event that a complaint is made, it may be suggested that diners return inside the main building (which is air conditioned) Signage will be placed on tables to indicate that the tables are available to smokers.

Due to the nature of this licence, it is expected to operate only on days where the weather is unlikely to disrupt diners, and local traders. Good weather is essential for the operation. Because of this, a close, and detailed examination of the weather conditions will be looked at on a daily basis. In the event that the wind gusts are expected to exceed 25 mph, the furniture will not be used. If wind conditions increase unexpectedly, and barriers are moved due to this, a decision will be made to either – (a) Remove all furniture or (b) roll up the barriers until the wind subsides.

In the event that long term rain, or intermittent rain throughout the day is forecast, the furniture licence is highly likely not to be used – In the event that we use the furniture, and it begins to rain unexpectedly, it is clearly very unlikely that imminent substantial rain will not be ‘unexpected’ with staff inviting diners to visit inside our premises prior to being seated. If patrons are outside and it begins to rain, staff will immediately relocate these patrons inside the main building.

Patrons using the proposed new furniture licence will be permitted around 2 hours per visit – Allocating tables by bookings only will enable this to be much easier to implement. Patrons should be able to order, dine, and complete their drinks, before either moving on, or be invited to continue their visit with us either inside or outside the main building – Clearly patrons should be allowed some (slight) flexibility on any timing, however, we appreciate that 2 hours should generally be an adequate period for such a visit – Again, diners who have completed their meals, and require to extend their visit, will be invited to return to the main building to make further purchases.

Pigeons do gravitate towards the proposed area; however, this is generally exacerbated by the public feeding them – Without this food source, pigeons are not

frequently visible within the area. Clearly it is essential that any dropped food is swept up frequently



Research has found these 'Stop Bird Pro' 8cm x 6cm x 7cm in size, battery operated, and fully waterproof – is inaudible to humans, and other animals, but emits a modulated high frequency, between 5 metres – 10 metres, which acts on the nervous system of pigeons to repel them. They claim to be 100% effective, and despite being distressing to pigeons, they do them no harm. Two of these will cover the entire area we propose to use.

https://pigeon-deterrent.co.uk/?gclid=CjwKCAjwq-TmBRBdEiwAaO1en1li3QflEG-ShgOfBKHXPeobrJtbyCzVmT0bHc8jCCqdmIw-PA4IDxoC7gMQAvD_BwE&fbclid=IwAR3XRHhh-sZuIF8JNWr2LLeYV1TDAVs-yac9aZaGosHOcKrGBfjE0dpjZFQ#avis

This will be monitored, and should pigeons continue to be a problem, netting or parasols will be considered, and applied for as an addition to this area.

At present the area is not generally kept clean, or tidy. All too frequently, refuse sack are left for collection, often for days at a time. Our commitment would be to keep the area as clean and presentable as possible. Initial plans would be to entirely jet wash and clean the area and maintain this to a high standard.

We propose to have two dedicated members of staff looking after these tables. This will be supported by a further FIVE staff inside the main building. A hands-free intercom system would be implemented to maintain contact between the two areas. During comfort breaks, staff would be 'tagged out' from the main bar, in order to maintain staffing levels outside – In the event that this venture becomes busier, we hope that further staff will be required – However, there may be very brief periods of time (conceivably a couple of minutes) where the area is staffed by just one member of staff – At such times when meals are being delivered, and additional staff may be required to bring them out - This area will NEVER be left unmanned.

Orders will be taken from the table side. Our computerised till system has the capability to have a new integrated system added where an ipad, iphone or tablet can take orders, and can be sent via WiFi of 4G/5G to our till, and onto our kitchen printer. When orders are completed, they can be delivered by the staff inside the

building to customers outside. Drinks can be delivered in the same way. Credit card payments can also be taken from this area, which means that all transactions can be carried out again at the table side. – Initially, we intend to serve all beverages in glasses, however, if this proves to be problematic it will be fully monitored and will be changed to plastic glasses. A net will also be added to the barrier closest to Red Lion Street. If anything rolls down towards the street, this will halt its progress.

This area has a continuous gradient of between 4 and 5, which is around the same as the gradient the furniture to the front of the pub – The furniture we use for or current licence has served us well and have proven to be adequately stable. Tables can be purchased which legs can be adjusted. The stability of these tables is clearly the most important aspect – Nobody likes a wobbly table! Each table will be numbered and positioned individually to eliminate movement. The adjustable legs



**Minutes****Regulatory Subcommittee****10:00 to 16:15****13 May 2019**

Present: Councillors Stutely (chair), Ackroyd, Brociek-Coulton

Apologies: Councillor Thomas (Va)

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 - Gardeners Arms, 2-8 Timberhill, Norwich, NR1 3LB.

Phil Cutter, the landlord of the Gardeners Arms attended for this item.

The environmental protection, licensing and markets manager presented the report. The application was to place 10 tables and 30 chairs in an area adjacent to the Gardeners Arms on Timberhill, between the hours of 08:00 and 21:00 from March to October. The police had provided a representation detailing a number of suggested conditions to which the applicant agreed.

The applicant, Phil Cutter, landlord of the Gardeners Arms addressed the committee, he had been the landlord for 32 years and highlighted that the Gardeners Arms had an existing tables and chairs licence in place since September 1995. The area in the application was redeveloped by the city council 5 years ago but was underused, it was the location of street drinking and this precluded others from wanting to use the space. The intention was to use the area as an extension of the business's food operation. Local traders he had spoken with were positive about the application.

In response to member questions Mr Cutter said the application did not include umbrellas and that the impact of birds in the area would be monitored. The lectern in the plans would be used to mark an entrance point to the seating area; there would be two dedicated staff for the seating area which would allow one member of staff to bring out food. A bookings system would operate for tables. All food and drink would be served to those seated. The intention was to implement an electronic ordering system if the application was successful.

David Foskett, managing director of Moss and Leahey opticians, asked why no operational plan detailing how the area would work had been included with the application. He had no confidence the area would be adequately staffed.

Mr Cutter said the intention was to serve substantial meals to those in the seating area. Mr Foskett asked how this would be managed, what if friends joined those seated, what stage were meals considered to be finished, would people stay and drink after their meals at the table.

Mr Foskett asserted that there were a number of issues with the operation of the current tables and chairs area that the business already operated.

(The meeting was suspended for ten minutes to allow the committee to take legal advice.)

The environmental protection, licensing and markets manager said that no complaints had been brought to his attention within the last four to five years in reference to the Gardeners Arms current tables and chairs licence. Before that period there had been complaints and these had been dealt with by offering advice to the licensee on the placement of barriers surrounding the area. The committee asked the police licensing officer if she was aware of any complaints in relation to the current licence. She confirmed that there were no complaints this year, there had been one complaint on the day of the Lord Mayor's celebration last year and the licensee had been offered advice in response to this complaint. There had been issues previously but nothing in the last couple of years.

Mr Cutter said in 2012/13 the current licence for tables and chairs was granted, he approached Mr Foskett and asked him if he experienced any issues to contact him directly. Mr Foskett said that they felt their complaints were not listened to and had admitted defeat.

(The committee adjourned for ten minutes to allow order to resume.)

In response to the committee's question Mr Cutter said people turning up at the licence area with a drink in hand wanting to sit down would be directed back to the pub or the current tables and chairs area directly outside the pub. When they finished their meal and were finishing a bottle of wine they would be allowed to remain at the table but not to buy further drinks. In terms of responding to people standing around outside the permitted area, they would be asked to move back up to the pub or the other tables and chairs area. Most people were very reasonable when asked to move on but if any problems they would call the police for assistance. Security staff were employed on the day of big events such as the world cup but the new application did not seek to have tables and chairs out on these days. If people overspill from the current tables and chairs area they were asked to come back into the barriered licenced area.

Mr Foskett stated that the current licenced tables and chairs area was not well managed. They experienced lots of mess outside the business which they attributed to people drinking in the licenced area.

In response to members questions regarding managing those leaving the area to smoke, Mr Cutter said there was adequate seating in the area with three benches and two trees with brick surrounds. The application was for an area of seating on a slope and sturdy furniture would be used to combat any problems with this as it would be cut to sit on the slope adequately. Food would be served until 21:00 with the last food order taken at 19:00.

The police licensing officer said that this application represented a first for Norwich, it was accepted that it would need to be managed closely. The application came from a business operating successfully for number of years which had not received any recent complaints. Concerns relating to crime and disorder could be addressed in the conditions.

Mr Foskett said 16 years ago, he opened his business on Timberhill as a flagship store. Since the smoking ban, smokers had moved out on to the street causing problems with mess, damage to the front of the business, dirty glass, drinks on windowsills, broken glass and this had deterred people from walking along Timberhill. They considered nothing got done when they complained and therefore admitted defeated and stopped complaining.

Mr Foskett raised an earlier tables and chairs application for another business from 2008. The chair took advice from the legal advisor to the committee that it was not relevant to the application being heard in that it was a different application, relating to a different location and did not constitute a precedent for the committee to consider.

He asked Mr Foskett to summarise the points he wished to highlight from the application and these were agreed as:

- Erosion of highway space
- Highway obstruction
- Noise nuisance

Mr Foskett presented his concerns to the committee, he was surprised the application included no environmental report as there was a pigeon and rat problem in the area. He considered that the business and operation plan for the area should have been presented with the application to provide clarity. He was not certain how many staff would be in place and how tables and chairs would work on sloping ground. People would travel between the two tables and chairs areas with glasses in their hands and this would be intimidating and deter people from using Timberhill.

Mr Cutter acknowledged that this had never been done before and said there might be initial problems but these would be worked through with the police and licensing officers.

RESOLVED, unanimously to defer consideration of the application to 10 June 10:15 and ask the applicant to provide a more detailed operational plan to include:

- (1) The conditions suggested by Norfolk Constabulary;
- (2) Maintenance of the area and where the lectern would sit;
- (3) Reference to a guaranteed number of staff;
- (4) How the area would work in practical terms;
 - a) Including how parties with some eating and some not would be managed, what happened when customers tried to enter the area with drinks, and what happened once a meal had finished.

- b) Details of the furniture to be used and lectern, including how health and safety issues of being on a slope would be resolved;
- c) Details of finish time, set up and where the furniture would go when it was packed away

***3. EXCLUSION OF THE PUBLIC**

RESOLVED to exclude the public from the meeting during consideration of items *4 to *7 below on the grounds contained in paragraphs 1 and 3 of Part 1 of Schedule 12(A) of the Local Government Act 1972, as amended.

***4. Suspension or revocation of Norwich City Council private hire drivers licence number No. 16/01887/HACKD - (Paragraphs 1 and 3)**

The applicant attended with his legal representative and requested an adjournment of the item to a later date. The applicant's legal representative requested more time in order to conduct enquires on his client's behalf.

RESOLVED, unanimously, to adjourn the suspension or revocation of Norwich City Council private hire drivers licence number no. 16/01887/hackd to the next meeting of regulatory subcommittee.

***5. Application for renewal of a hackney carriage drivers licence – application ref: 19/00123 HACKD (Paragraphs 1 and 3)**

The applicant attended and requested an adjournment of the item to a later date. The applicant requested more time in order to seek legal advice.

RESOLVED, unanimously, to adjourn application for renewal of a hackney carriage drivers licence – application ref: 19/00123 hackd to the next meeting of the regulatory subcommittee.

***6. Application for grant private hire drivers licence – application ref: 19/00241 PHDRIV (Paragraphs 1 and 3)**

(The applicant and the environmental protection, licensing and markets manager were admitted to the meeting. The applicant produced his DVLA licence for inspection by the committee. A copy of the report was provided to the applicant at the meeting.)

The applicant explained the circumstances of the allegation against him and confirmed he had no outstanding charges or offences to answer to. He understood he was able to seek legal representation and have a representative attend with him.

(The applicant and the environmental protection, licensing and markets manager left the meeting at this point.)

The subcommittee considered the circumstances surrounding the allegation against the applicant, the committee had reviewed the evidence and did not speculate on information they did not have and considered the applicant passed the fit and proper person test.

RESOLVED, unanimously, to grant private hire drivers licence – application ref: 19/00241 PHDRIV until August 2019.

(The applicant and the environmental protection, licensing and markets manager were admitted to the meeting. The legal advisor informed the applicant of the subcommittee's decision and listed the reasons for this decision as minuted above. The legal advisor advised the applicant that he would receive written notification of the subcommittee's decision. The applicant and the environmental protection, licensing and markets manager then left the meeting.)

***7. Application for grant private hire drivers licence – application ref: 18/01776 PHDRIV (Paragraphs 1 and 3)**

(The applicant and the environmental protection, licensing and markets manager were admitted to the meeting. The applicant produced his DVLA licence for inspection by the committee. A copy of the report was provided to the applicant at the meeting.)

The environmental protection, licensing and markets manager presented the report.

The applicant explained the circumstances of the convictions against him and confirmed he had no outstanding charges or offences to answer to. He understood he was able to seek legal representation and have a representative attend with him.

(The applicant and the environmental protection, licensing and markets manager left the meeting at this point.)

The subcommittee considered the circumstances surrounding the convictions against the applicant and considered the actions were now outside the current character of the applicant, and was a single occurrence over an eight year period which was unlikely to be repeated.

RESOLVED, unanimously, to grant private hire drivers licence – application ref: 18/01776 PHDRIV.

(The applicant and the environmental protection, licensing and markets manager were admitted to the meeting. The legal advisor informed the applicant of the subcommittee's decision and listed the reasons for this decision as minuted above. The legal advisor advised the applicant that he would receive written notification of the subcommittee's decision. The applicant and the environmental protection, licensing and markets manager then left the meeting.)

CHAIR