

<b>Report to</b>	Regulatory sub-committee 13 August 2018	<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 - Cocina, Samson & Hercules House, 15 Tombland, Norwich NR3 1HF	

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### **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 Cocina, Samson & Hercules House, 15 Tombland, Norwich NR3 1HF.

### **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 safe city environment.

### **Financial implications**

None.

**Ward/s:** Thorpe Hamlet

**Cabinet member:** : Councillor Maguire - Safe city environment

### **Contact officers**

Tony Shearman, Environmental protection, licensing and markets manager 01603 212278

### **Background documents**

# 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. This application was first considered by this sub-committee on 9 July 2018, but due to confusion brought about by alterations to the application and concerns regarding inaccuracies in the plan it was deferred so that an updated report could be submitted.
5. An application has been submitted in respect of Cocina, Samson & Hercules House, 15 Tombland, Norwich NR3 1HF seeking to place 5 tables, 10 chairs and 1 parasol on the highway between the hours of 11:00 and 22:00 Monday to Sunday.
6. The amount of tables and chairs and the times given above are the amended details which have been altered from the original application by the applicant since submitting the original application, a copy of which, along with accompanying photographs and amended plan are attached at appendix B to the report.
7. At the last meeting a number of extra conditions or alterations to the standard tables and chairs licence conditions were discussed, and although the matter was not determined, they are reproduced here for consideration:
  - (a) Conditions 9 and 15 amended to include 1 parasol/umbrella.
  - (b) Additional condition 16 – there is to be a minimum of 1 metre distance between the area licensed and the bike racks
  - (c) Additional condition 17 – the parasol/umbrella shall not overhang any part of the public highway which is outside the s115 HA 1980 licence.
  - (d) Additional condition 18 – the area shown as to be licensed on the plan shall be reduced in accordance with condition 16. (This could possibly now be unnecessary as a new plan has been provided).
  - (e) Additional condition 19 – there will be a minimum of 1.5 metre distance left between the area licensed and the edge of the lay by. (This could possibly now be unnecessary as a new plan has been provided).

## **Consultation**

8. In accordance with The Act, occupiers of nearby premises have been consulted with appropriate notices being placed on the street in the vicinity. Notification of the application has also been given to Chatterbox (the talking newspaper for the visually impaired) and the Norwich Access Group.
9. 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**

10. One representation has been received in respect of the application from a local business.
11. Norwich City Council's Food and Safety Team initially recommended refusal of the application on the grounds of health and safety, however they have reviewed the amended application and altered their recommendation to one of approval.
12. Copies of the documents referred to in 10. and 11. Above can be found at appendix C.



Tables and Chairs Licence – Standard Conditions

- 1 The Council's reasonable expenses in connection with the granting of this permission shall have been paid and the annual fee starting with the date of this permission shall have been paid before the permission is first exercised.
- 2 The Licensee shall indemnify the Council against any claim whatsoever, in respect of injury, damage or loss arising out of the grant of this permission other than injury, damage or loss which is attributable to the negligence of the Council.
- 3 The objects or structures shall be placed only on the licensed area and on no other part of the public highway.
- 4 The objects or structures shall be used only for the purposes stated above and only in connection with the premises.
- 5 The objects or structures shall be removed from the public highway forthwith upon the direction of a Police Constable in uniform or a Traffic Warden.
- 6 The objects or structures shall be removed from the public highway forthwith to enable the passage of any emergency service vehicles or any vehicle engaged on the repair or maintenance of the public highway or apparatus within the public highway or any other vehicle authorised by the Council to proceed on the public highway.
- 7 Permission for the tables and chairs is granted from **(time of day/month of year)** to **(time of day/month of year)** (subject to earlier termination under clause 13).
- 8 No amplified music or live music shall take place on the licensed area.
- 9 The tables and chairs, the subject of this Licence, shall be removed from the licensed area each day outside of the licence period.
- 10 The Licensee shall ensure that the licensed area is mainly enclosed by a barrier that is in keeping with the visual appearance of the area, not less than 800mm high and with no more than 150mm between the base rail and the ground, or other design as previously agreed in writing by the Council. Neither the barrier nor other furniture should carry strident advertising that goes beyond the purpose of discreetly identifying that the pavement cafe is associated with a particular business.
- 11 The Licensee undertakes to ensure that the licensed area is closely monitored and kept clean and tidy at all times.

- 12 No alteration to the highway surface shall be permitted to be carried out by the Licensee in implementing this Licence
- 13 The Council may, by service of a notice in writing on the Licensee or owner of the premises, withdraw the Licence forthwith:-
  - (a) in an emergency or in the event that the Council considers the exercise of the Licence causes a substantial and unreasonable obstruction of the right of the public to pass or re-pass on the public highway,
  - (b) if any condition of this permission is broken,
  - (c) if the Council considers it to be necessary in connection with the exercise of any of its functions or the functions of any statutory undertaker or public utility,
  - (d) for any other reasonable cause.
- 14 The Licensee shall inform the Council's Head of Legal and Democratic Services in writing of any change in the owner or occupier of the premises within one month of that change.
- 15 This permission is for tables and chairs and barriers only. No other items, for example space heaters, are permitted by this licence.



**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](mailto: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**

\* First name

\* Family name

\* E-mail

Main telephone number

Other telephone number



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

Include country code.

Are you:

☒ 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 you are applying so you can be employed, or for some other personal reason, such as following a hobby.

**Applicant Business**

\* Is your business registered in the UK with Companies House? ☒ Yes ☐ No

\* Registration number

\* Business name

\* VAT number

\* Legal status

If your business is registered, use its registered name.

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

*Continued from previous page...*

\* Your position in the business

Home country

The country where the headquarters of your business is located.

**Registered Address**

Address registered with Companies House.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**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.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

Continued from previous page...

### 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

\* Main telephone number

Other telephone number

### Further Details

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

Restaurant

## 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

10 year lease from September 4th 2017

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

\* Name of owner

Citygate Developments 2011 Ltd

### Owner's Address

\* Building number or name

16

\* Street

Queen Street

District

\* City or town

Norwich

County or administrative area

\* Postcode

NR2 4SG

\* Country

United Kingdom

Continued from previous page...

### Contact Details

E-mail

\* Main telephone number

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)

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

\* Length

12

\* Width

1.7 aggregate

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

4 metres aggregate

### OPENING TIMES

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

\* Day or days

Monday - Sunday

\* From

11.00 am

\* To

12.00 pm

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

\* Number

8

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

Continued from previous page...

This attractive steel patterned bistro table comes finished in black. The robust construction and weather resistance makes this table ideal for use on patios, terraces and other outdoor areas. It is easy to clean, sturdy and robust.

#### Chairs

\* Number

24

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

A simple and practical set of side chairs with black polypropylene bodies and aluminium legs, suitable for use in restaurants and cafés. Suitable for indoor and outdoor use

#### Litter Bins

Number

0

#### Parasols/Umbrellas

Number

2

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

Provide shade and protection for customers with this attractive, practical, black parasol, which is great for patios, beer gardens and general outdoor use. Easy to open and close. A heavy weighted base is provided to help stabilise. This parasol has a double pulley system, and is 2.73m high, with a diameter of 2.5m.

#### Planters

Number

0

#### Space Heaters

Number

0

#### Lighting

Number

0

#### Barriers/Balustrades

Number

11

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

#### Adfresco Cafe Barriers

Unique patented design

Highest quality materials and components

Quick and easy to assemble — simple pictorial instructions and Allen keys provided

Incredibly user, pedestrian and environmentally friendly

Fully compliant with Local Authority and Disability Discrimination Act (DDA) requirements

Designed and specified for performance and longevity

Polished 3-series stainless steel throughout for excellent outdoor performance and high chip/scratch resistance

Overall height less than 1000mm — complies with all local authority design requirements

Upper cross rails with easy 'clip-in' attachment — intuitive quick-release operation

Rigid lower cross rails ensure audible 'tap' and resistance for the visually impaired (fully DDA compliant)

14.4kg stanchions with 360mm diameter bases for optimum stability. Durable rubber base edges prevent damage to base and floor surfaces and allow 'rolling' rather than lifting

Unique 'smooth glide' sliding ring: (1) helps to 'spill' wind gusts, improving stability (2) aids banner/cross rail installation and removal (3) keeps banner flat and (4) eliminates rattling and pole damage associated with metal variants if preferred

All components are fully recyclable and designed for easy end of life breakdown

Continued from previous page...

### 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?

In the cellar of our building which has a separate access from the pavement

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

The pavement will be swept clean at the beginning and end of each day by our own staff and all litter removed and disposed of safely in our commercial waste bins

## 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

\* Insurance company

\* Policy number

\* Period of cover

renewed annually

\* Amount of cover (£m)

5

## 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)

This building is extremely well known in Norwich and has served through the ages as a ballroom, night club, restaurant and bar  
We use only tastefully designed canvas barriers. We are a national chain of 30 restaurants and as such have the resource and support of our own designer and in house teams. we are more than happy to meet with the appropriate manager from Norwich City Council at Samson & Hercules to discuss any concerns

## 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

### DECLARATION

Continued from previous page...

\* 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?"

\* Full name

\* Capacity

\* Date  /  /   
dd mm yyyy

[Add another signatory](#)

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/ability-to-place-tables-and-chairs-in-the-road/norwich/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

#### OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

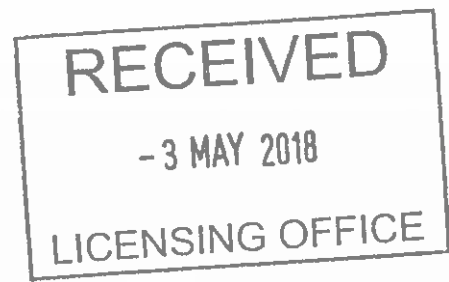
Date and time submitted

Approval deadline

Error message

Is Digitally signed ☐

< Previous 1 2 3 4 5 6 7 8 9 Next >



Square black Bolero parasol with concrete base & pulley 2.5 mts

£75.50 plus £32.25 for base



Square black steel Bolero table 700 mm

£47.90



Round black steel Bolero table 600 mm

£37.10



Black Bolero stacking armchair aluminium/plastic

£90.95 pack of 4

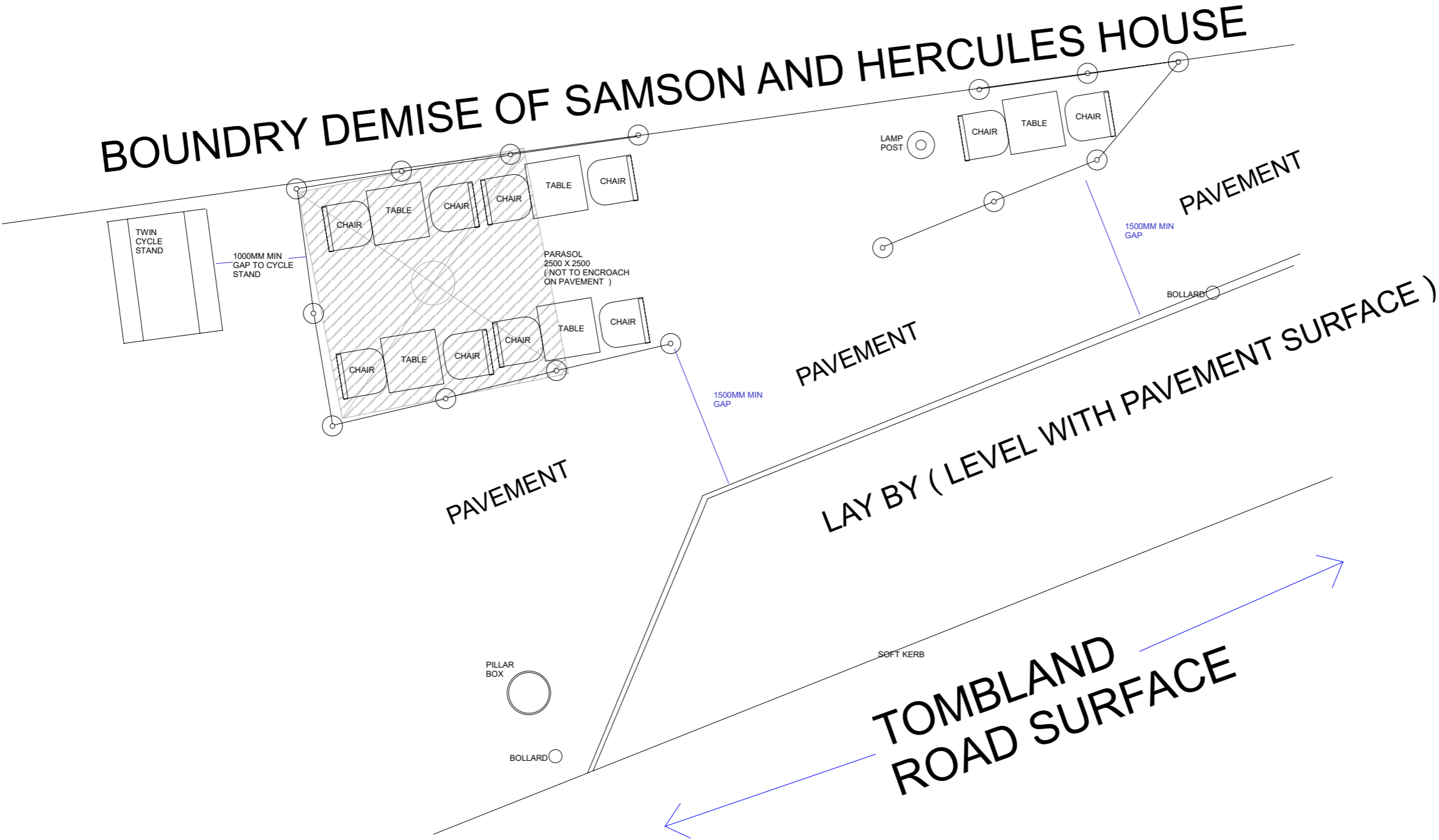


Black Bolero stacking side chair aluminium/plastic

£104.50 pack of 4



Proposed outside seating area



**SCALE**  
1-50 @ A3

**DWG OF**  
OUTSIDE SEATING AREA

**DWG NO.**  
EMC/TLS/9/1

**DATE**  
26-7-18

**LOCATION**  
Cocina Tomblands Norwich





TATLERS  
Wine · Cigars · Liquor  
Seafood · Steak · Fish

COCKTAILS

Cocina

Cocina

Cocina





TATLERS

Wine - Spirits - Liqueurs  
Gin & Tonic - Beer - Cider

Cocina  
Mediterranean & Italian

Cocina  
Mediterranean & Italian

COCKTAILS  
2 for 1











**Bennett, Rachel**

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**From:** Operations Maids Head <[REDACTED]>  
**Sent:** 23 May 2018 15:14  
**To:** LICENSING  
**Subject:** Table license application

Dear Sir/Madam,

Your reference 18/00646/TABCHA

We received a letter from you regarding the above application for Mr Paul Stagg to place 8 tables and 24 chairs outside Cocina, Samson & Hercules House, 15 Tombland between the hours of 11:00 and 00:00 (midnight) Monday to Sunday.

We strongly object to this application as it will create a large amount of noise for hotel guests trying to sleep at that time. We have no issue with a license up to 18:00, the same time we ourselves have a pavement license until, but anything after that will cause disruption to hotel guests. Since our own license was granted on that basis I believe that the same circumstances apply to this application.

Regards  
Andrew

Andrew Shorthose

Operations Manager [REDACTED]



Telephone 01603 209955  
Maids Head Hotel, Tombland, Norwich, Norfolk NR3 1LB





**Fuller, Maxine**

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**From:** Brandford, Sara  
**Sent:** 02 July 2018 16:33  
**To:** Fuller, Maxine  
**Cc:** Gooding, Christopher; 'paul@elmexicana.co.uk'; Stanton, Jaan  
**Subject:** EH18/7281 Tables and Chairs Licence Application at Cocina, 15 Tombland, Norwich

Dear Maxine

Chris asked me to deal with this in Jaan's absence.

I viewed the initial application, and Jaan's comments regarding recommendation for refusal of the application.

I have not visited the site, but have read the amended application from Mr Stagg. I have also spoken with him. As far as I can ascertain, the amended application addresses the issues of concern raised by Jaan. Seating is no closer than 1.5 metres to a curb edge, and the bicycle stand is more easily accessed.

Therefore I am happy that the refusal be replaced by a recommendation for approval.

Should you have any queries please do not hesitate to contact me.

Yours sincerely

Sara Brandford  
Environmental Health Officer  
Tel: 01603 212747  
Email: [sarabrandford@norwich.gov.uk](mailto:sarabrandford@norwich.gov.uk)

## Fuller, Maxine

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**From:** Stanton, Jaan  
**Sent:** 29 May 2018 18:27  
**To:** Fuller, Maxine  
**Subject:** Samson and Hercules House - Cocina Table and Chairs Licence Application

Dear Maxine,

I've had a look at the above application. As can be seen from the attached photograph there is already an area for tables and chairs outside the premises which sits on a small apron of paving which I assume is within the curtilage of the premises. Currently the barrier enclosing the area for tables and chairs sits on this curb and affords adequate edge protection.

The application seeks to extend the area beyond the present apron and onto the pavement. Note the apron is not shown on the plans submitted with the application but extends from the top edge of the hatched area towards a point just above the furthest table on the right hand side.

The proposal raises two concerns:

The new area encloses a bicycle stand on three sides and renders it unusable on all but the remaining side. Providing sufficient room to access the bicycle stand from all sides (while maneuvering a bicycle) will require the area set aside for tables and chairs to be substantially reduced.

The new area proposed for tables and chairs will encompass the curb mentioned above within its boundary. Surrounding this curb with tables and chairs will inevitably pose a risk to patrons whose chairs may slip off the curb causing them to tip backwards. It will also pose a tripping hazard as tables and chairs will obscure its presence. The edge protection afforded by the presence of the current barrier will have been lost.

I would therefore recommend that the application be rejected in its present form. Any new application should clearly show the location of the apron and the bicycle stand.

Jaan Stanton  
Environmental Health Officer    Tel: 21 2747