

Report to	Regulatory sub-committee 9 July 2018	Item
Report of	Head of citywide services	3
Subject	Highways Act 1980: application for licence to place tables and chairs on the highway - Cocina, Samson & Hercules House, 15 Tombland, Norwich NR3 1HF	

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 vibrant city of culture.

Financial implications

None.

Ward/s: Thorpe Hamlet

Cabinet member: : Councillor Maguire - Safe city environment

Contact officers

Tony Shearman, licensing 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. An application has been submitted in respect of Cocina, Samson & Hercules House, 15 Tombland, Norwich NR3 1HF seeking to place 5 tables and 14 chairs (original application was for 8 tables and 24 chairs) on the highway between the hours of 11:00 and 22:00 Monday to Sunday (original application was for the hours of 11:00 and 00:00).
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:
 - One local resident
 - One local business
 - the Norfolk Constabulary Licensing Team (agreement has been made to amend the closure hours to 22:00 Monday to Sunday)

- Traffic Management Officer Norfolk Constabulary
- Transport Planner Norwich City Council
- Environmental Health Officer Norwich City Council

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
 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

Not Currently In Use

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

Your reference

SAMSON & HERCULES

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

Paul

* Family name

Stagg

* E-mail

Main telephone number

Other telephone number

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

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

8628234

* Business name

Gannets Food Limited

If your business is registered, use its registered name.

* VAT number

- 261948675

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

* Legal status

Private Limited Company



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	ALLIANZ INSURANCE PLC
* Policy number	RX13520426
* Period of cover	24th August 2017 to 23rd August 2018 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 >



Proposed outside seating area

SCALE

1-100 @ A3

DWG OF

OUTSIDE SEATING AREA

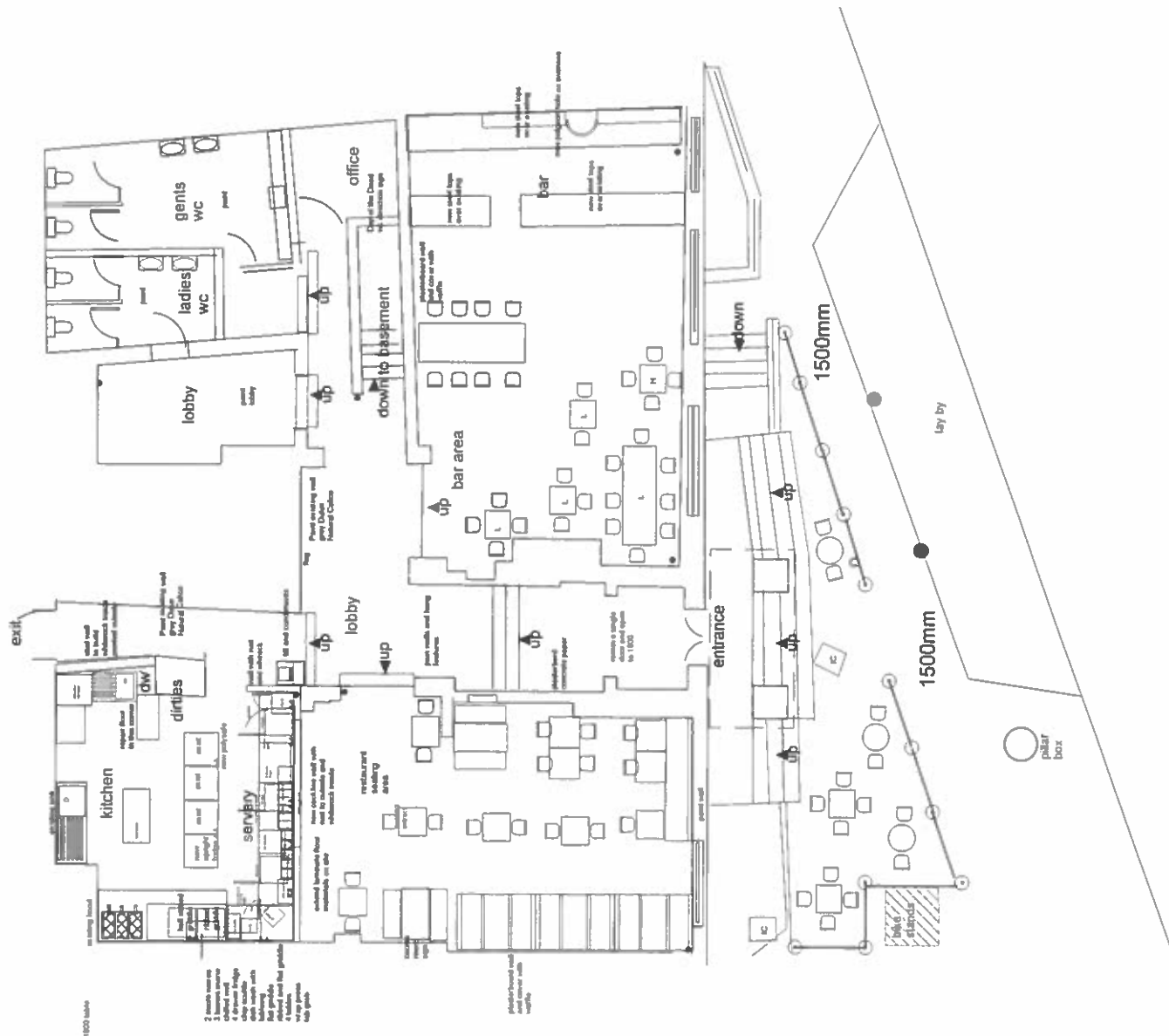
DWG NO.

DATE

7-6-18

LOCATION

Cocina Tomblands Norwich

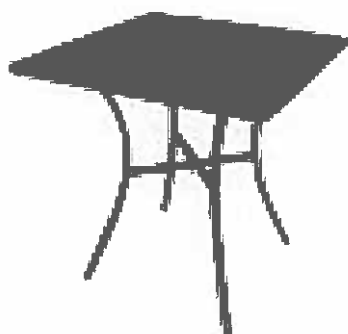


RECEIVED
- 8 JUN 2018
LICENSING OFFICE



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

Fuller, Maxine

From: CELIA SCOTT [mailto:celia.scott@cityoflondon.gov.uk]
Sent: 19 May 2018 18:21
To: LICENSING
Subject: 18/00646/TABCHA

Cocina, Samson & Hercules House

Thank you for consulting us. Both my husband and I share the opinion that tables and chairs should be permitted but definitely not until midnight every night. We do not see why Cocina should be allowed a licence until midnight when the Louis Marchesi, about whom you recently contacted us, have a licence until 10pm. This seems a much better option as the noise created would cease at an hour when many local residents might reasonably be expected to go to bed. Midnight would be too late and would potentially cause a nuisance.

I am happy that Sunday should be included in this licence but my husband disagrees particularly bearing in mind that Cocina is opposite the cathedral.

We would be grateful if you would acknowledge receipt of our comments.

Celia and Michael Scott
1 St. Simon's Court.

Sent from my iPad

Bennett, Rachel

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

From: Bartram, Michelle <bartramm@norfolk.pnn.police.uk>
Sent: 31 May 2018 12:17
To: LICENSING
Cc: Woods, Suzanne
Subject: Cocina Tombland Tables and Chairs

Hello Licensing

Police have received a copy of the application for Tables and Chairs for Cocina, Tombland.

I have contacted the applicant to consider reducing the hours of operation for these as there is the potential that they could be impacted by disorderly behaviour from patrons elsewhere.

The applicant is going to consider this however please accept my comments as highlighting concern to the finish time

Thanks

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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It takes 24 trees to produce 1 ton of office paper!

Think... is it really necessary to print this email?

This e-mail carries a disclaimer

Fuller, Maxine

From: Bartram, Michelle <bartramm@norfolk.pnn.police.uk>
Sent: 08 June 2018 14:55
To: Fuller, Maxine
Cc: [REDACTED]
Subject: FW: SAMSON & HERCULES HOUSE COCINA TABLES & CHAIRS APPLICATION
Attachments: outside seating revision 5.pdf

Maxine

I have received further information from the applicant of the tables and chairs application for El Mexicana.

As there is an amendment to the plan and the hours for the use of these, there are no outstanding Police representation to this

Please accept this email as an official withdrawal.

Many thanks

Paul

Many thanks for taking the time to email me and for your amendments, I no longer have concerns

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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From: [REDACTED]
Sent: 08 June 2018 14:49
To: Bartram, Michelle



NORFOLK
CONSTABULARY

Our Priority is You

**Mr Tony Shearman
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
lawda@norfolk.pnn.police.uk
Non-Emergency Tel: 101

Date: 10th May 2018

Our Ref: DL/01/05/2018

Your Ref:

Dear Mr Shearman

**Re: Application for a Licence, to Place Tables and Chairs on the Highway outside
Samson and Hercules House 15 Tombland, Norwich**

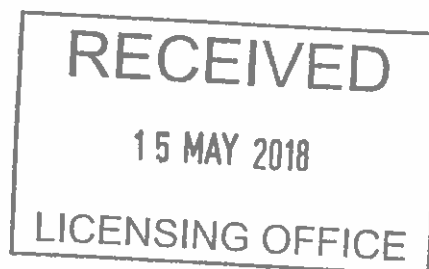
Thank you for your letter dated 8th May 2018, which I received today 10th May, and which referred to the above application for a Licence to place 8 x tables and 24 x Chairs outside the above premises.

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**



Fuller, Maxine

From: Yates, Kieran
Sent: 14 May 2018 10:16
To: Fuller, Maxine
Cc: Webster, Ben; Parkin, David
Subject: Cocina, Tombland; tables and chairs

Dear Maxine

Objection on highway grounds

I wish to withdraw my previous comments on the grounds that I have undertaken a site visit and have the following objections

The proposed extent of tables and chairs at Cocina would inhabit the majority of the pedestrian space on the adjacent footway.

This is unreasonable, and forces pedestrians to walk in the loading bay, that is used periodically.

The proposed tables and chairs would envelop the cycle parking, rendering them unusable.

My view is that the any further incursion of tables and chairs on this busy section of footway will be unacceptable.

Due to negative impact on pedestrian traffic.



Kieran

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

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

Fuller, Maxine

From: Yates, Kieran
Sent: 18 June 2018 12:17
To: Fuller, Maxine
Cc: [REDACTED]
Subject: RE: SAMSON & HERCULES HOUSE COCINA TABLES & CHAIRS APPLICATION

Maxine

NB part of the paved area of Tombland adjacent to the site is private land that doesn't require a table and chairs license.

Please ensure that bikes that use both sides of the stands; I don't want the barriers to touch the stands – we need space for four bikes there

1.5m for the footway can be cramped when there is heavy usage by pedestrians.

If this proves too narrow we will need to amend the extent of the license.

But, we can trial it for a year to see how it works; no objection with the above caveats.



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

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

From: [REDACTED]
Sent: 08 June 2018 14:46
To: Yates, Kieran
Subject: FW: SAMSON & HERCULES HOUSE COCINA TABLES & CHAIRS APPLICATION

Fuller, Maxine

From: TRANSPORT
Sent: 11 June 2018 10:41
To: [REDACTED]
Cc: Fuller, Maxine
Subject: FW: SAMSON & HERCULES HOUSE COCINA TABLES & CHAIRS APPLICATION
Attachments: outside seating revision 5.pdf

Hi Paul

Thanks for this.

Yes, I'm happy with this revision

Kind regards

Bruce

Bruce Bentley
Principal Transportation Planner
Norwich City Council

☎ - 01603 212445
✉ - brucebentley@norwich.gov.uk
🌐 - www.norwich.gov.uk

Norwich City Council

Finalist in the MJ Local Government Achievement Awards 2015 for 'Best Achieving Council'.

Gold award winner of 'Council of the Year' at the 2014 iESE Improvement and Efficiency Awards.

Winner of 'Most Improved Council' at the Local Government Chronicle Awards 2014.

 please don't print this e-mail unless you really need to.

From: [REDACTED]
Sent: 10 June 2018 16:51
To: TRANSPORT
Subject: RE: SAMSON & HERCULES HOUSE COCINA TABLES & CHAIRS APPLICATION

Hi Bruce

Please see a revised plan attached incorporating your requests

I have additionally asked our designer to check his scales and he confirms the 1500 mm clearance

Once you confirm that this is what you requested and are now happy to withdraw your representation I will ask Maxine to replace the current plan with this one

I look forward to hearing from you

Fuller, Maxine

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