

# Regulatory sub committee

Date: Monday, 14 July 2014

Time: 14:30

Venue: Mancroft room, City Hall, St Peters Street, Norwich,

NR2 1NH

#### For further information please contact:

Committee Members: Committee officer: Lucy Green

t: (01603) 212416

e: lucygreen@norwich.gov.uk

Councillor Button

Councillor Brociek-Coulton

Councillor Jones Councillor Stammers Councillor Woollard Democratic services

City Hall Norwich NR2 1NH

www.norwich.gov.uk

#### Information for members of the public

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#### **AGENDA**

## 1 Apologies

To receive apologies for absence

#### 2 Declaration of interest

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

- 3 Highways act The Champion PH 101 Chapelfield Road 3 20 Purpose to ask members to consider an application to place tables and chairs on the highway
- 4 Highways act Maddermarket Kitchen 220 St John
   Maddermarket
   Purpose to ask members to consider an application to place tables and chairs on the highway

## **Exempt items:**

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

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

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

Date of publication: Monday, 27 October 2014

Report to Regulatory sub-committee Item

14 July 2014

**Report of** Head of citywide services

Highways Act 1980: application for licence to place tables

Subject and chairs on the highway -

The Champion PH 101 Chapelfield Road Norwich

## **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 The Champion PH 101 Chapelfield Road Norwich NR2 1SE.

#### **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: All wards

Cabinet member: Councillor Harris – portfolio holder customer services

#### **Contact officers**

lan Streeter 01603 212761

#### **Background documents**

# Report

## **Background**

- 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 at Appendix A of 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 to place 7 tables and 22 chairs on the highway at The Champion PH 101 Chapelfield Road Norwich NR2 1SE has been received from George Bateman & Son Ltd. A location plan and accompanying photographs are attached at appendix B to the report.
- 5. The requested times and days of use are from 10:00 to 23:00 every day.

#### **Previous permission**

- 6. A previous licence permitting the siting of 7 tables and 22 chairs between the hours of 10:00 and 23:00 in the same position at these premises was granted in 2008 but this permission has lapsed, thus necessitating this application.
- 7. In addition to the standard licence conditions at appendix A to the report, the previous permission had two additional conditions attached, namely:
  - Signage will be displayed at the exit of the premises to the outside area reminding patrons to have regard to noise levels and local residents when using the tables and chairs.
  - The area subject to this licence will be monitored by at least one camera as part of the premises CCTV system.

#### Consultation

8. In accordance with The Act, occupiers of nearby premises have been consulted and appropriate notices have been placed on the street and in Chatterbox. The City Centre Residents Forum and the Norwich Access Group have also been notified of the application.

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.

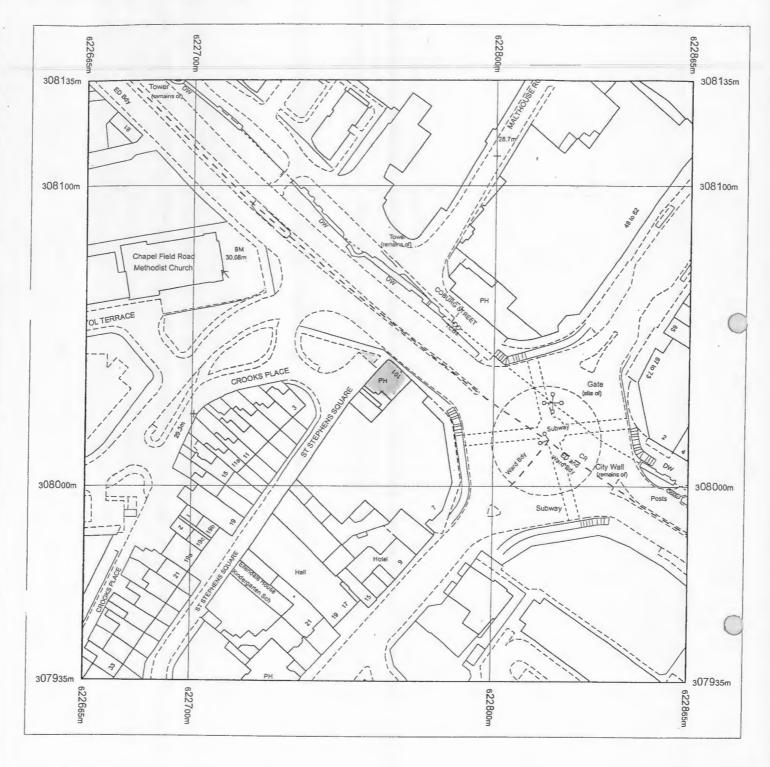
## Comments / objections / support

- 10. Representations and a petition have been received objecting to the application and a letter supporting the proposal has also been submitted. Copies of these documents are attached at appendix C to the report.
- 11. There have been no objections to the proposal from the Norwich Access Group or the responsible authorities listed in paragraph 7 of the report.

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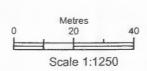
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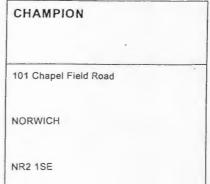
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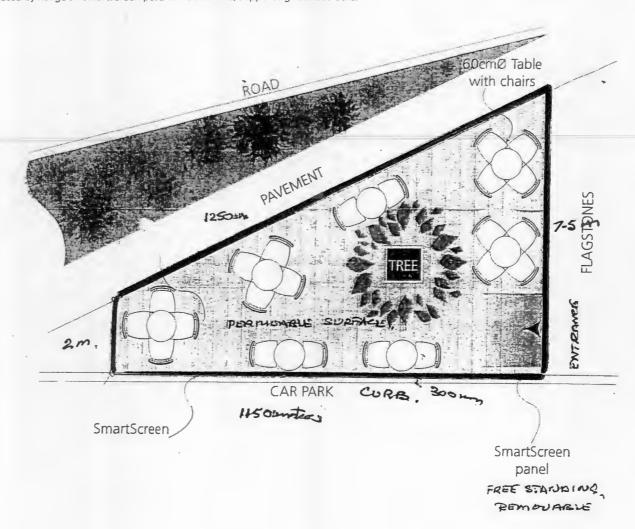


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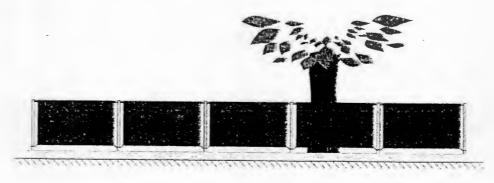
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#### FRONT ELEVATION OF PROPOSED SCHEME



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-1 MAY 2014

LICENSING OFFICE

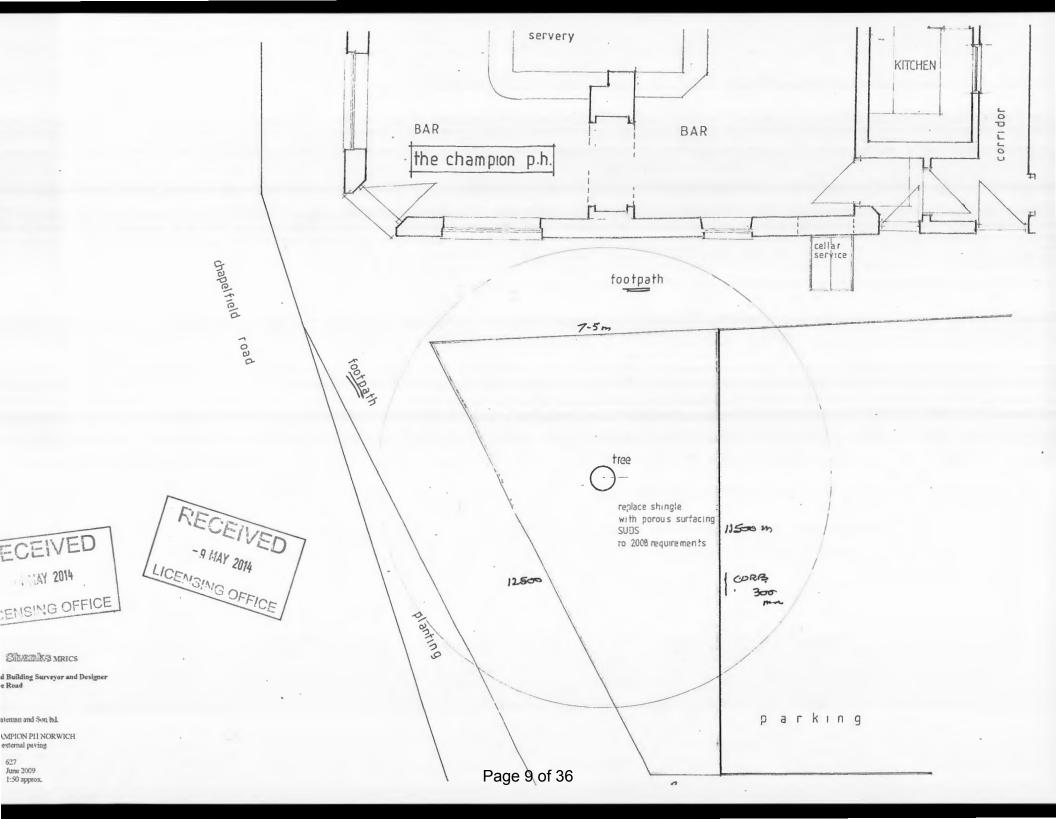


Tel. +44 (0)20 8877 3030 info@breezefree.com Fax: +44 (0)20 8870 6877 www.bre 2006 8



DRAWING 33691/1 REVISION: SCALE: 1:100@A3 APPROVED:

CLIENT. Champion Bateman Ar SITE. Norwich DATE. 10.12.08 DRAWN EH



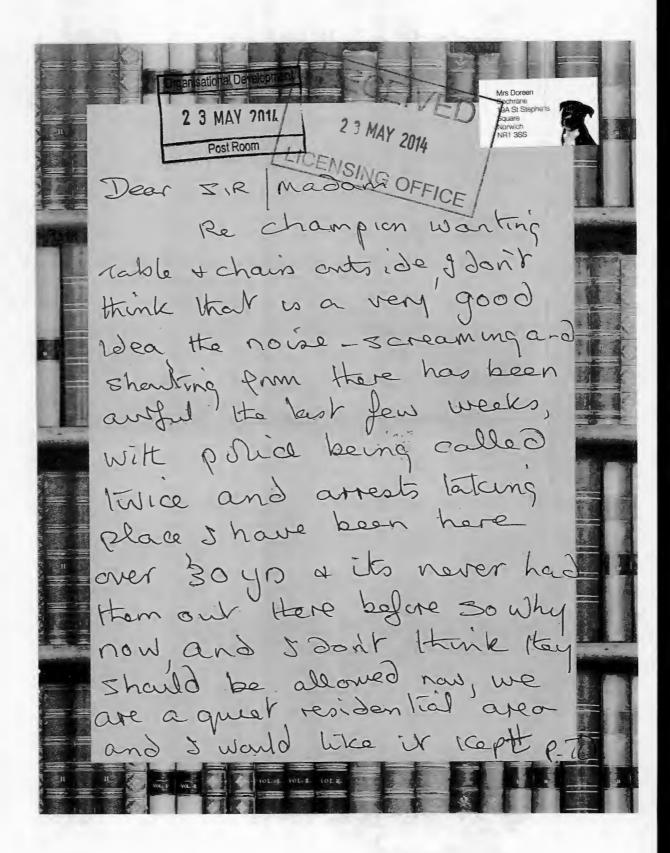




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# APPENDIX



this way, as to Homewatch co-ordinator" I have spoken to all neighbours & none of Hem Want this to happen, we want part pur back to grass & hopefully a nice flower garden all round so please consider our needs in your décision, I have I have terminal Ulnesses and don't want all this stress and an OAP, please give this a lot of thought your faithfully Mille I Cochiane



Flat 6 Needham Place St Stephens Square Norwich NR1 3SD

Tel:

The Licensing Manager Licensing, Legal and Democratic Services Norwich City Council City Hall St Peter's Street Norwich NR2 1NH

23<sup>rd</sup> May 2014

Dear Sir.

Your Ref: 14/00974/TABCHA

Re: Champion Public House, 101 Chapelfield Road, Norwich

We wish to oppose the Application for Chairs and Tables on the pavement outside the Champion Pub.

Our flat is next door to the Champion and since chairs and tables have been outside for around three years or so, a lot of noise has had to be endured: not only during the day, but worse at night. Chairs and tables being stacked(metal on metal)and dragged into the Pub, sometimes as late as 12.30 a.m. but never before11.15p.m.

Also, the metal stand with boarding with red panels, these have always been left outside overnight. The red panels become untethered and flap in the wind (noisy) and then the metal poles fall over – crash. Very disturbing in the middle of the night. This also attracts young people who stand or sit around outside, drinking and shouting at their friends passing by.

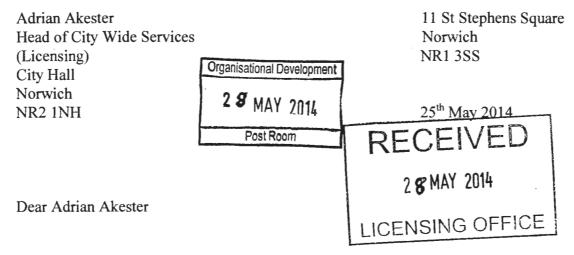
As you may know we recently had to call the Police when a fight broke out and those involved were taken to Police HQ. The language was indescribable-they had been drinking in the Champion Pub.

This is not what we want for our lovely street and square, the most friendly place we have ever lived.

Please help us to keep it that way.

Yours sincerely,

Mrs M Hansell



I would like to voice my concerns via this letter regarding the planning permission request for tables and chairs outside the Champion Public House on Chapel Field Road. In the past there have been tables and chairs there without consent and this has encouraged noisy and disturbing behaviour. In windy weather the litter and debris spreads to surrounding gardens and makes the area unkempt. This is an area where young children from Bignold school walk past and just a few doors away is the Co-op funeral parlour where the residents nearby are always respectful of the difficult visits being made there.

I should also like to draw your attention to the difficult parking position in St Stephens Square as this seems to be where some people choose to park without permits whilst drinking in The Champion especially when the weather is warm, this causes extreme problems for residents with permits who are already limited with spaces.

There has already been cause for police interaction due to loud and disturbing behaviour in the past,

so I would strongly recommend that this planning permission be turned down in able to keep the area for those who live and have businesses in close proximity to the Champion a fair chance to continue making this area a pleasant and safe environment for all who live, work and visit in our area.

Yours Sincerely

Kevin Moore

Organisational Development 2 8 MAY 2014

Post Room

Petition to: Jan Streeter Licencing

Petition Summary and Background:

Action Petitioned For:

The champion Public House re Application Per aura de Tables we don't want

Printed Name	Signature		Address		Comment	Date
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27 May 2014

Head of Citywide Services Licensing Dept. Norwich City Council City Hall Norwich NR2 1NH

Our Ref: SFT/

Dear Sir/Madam

Champion PH, Norwich Re:

Provision of 7 tables and 22 chairs

Highways Act 1980 Part VIIA





I write in support of the above application by the Champion PH to have tables and chairs outside. This is a splendid idea and has my wholehearted support. Given the very dire nature of the licensed trade every pub deserves our full support to ensure their survival. All pubs are experiencing a decline in both sales and profits and so every avenue to generate additional income must be explored. With 28 pubs closing every week in the UK I would not wish to see any more close in Norwich.

On the continent outside drinking is the norm, a facility enjoyed by millions including myself in Holland every summer. There is never any trouble and I have never seen any anti-social behaviour.

I urge you to grant the permission sought.

Yours sincerely

Stephen F Tucker MBII. FAVLP. MCMI. MICBA

Director

(

**Report to** Regulatory sub-committee

14 July 2014

**Report of** Head of citywide services

Highways Act 1980: application for licence to place tables

Item

and chairs on the highway -

Subject
The Maddermarket Kitchen 20 St John Maddermarket

Norwich NR2 1DN

**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 The Maddermarket Kitchen 20 St John Maddermarket Norwich NR2 1DN.

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: All wards

**Cabinet member:** Councillor Harris – portfolio holder customer services

**Contact officers** 

lan Streeter 01603 212761

**Background documents** 

# Report

## **Background**

- 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 at Appendix A of 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 to place 11 tables and 30 chairs on the highway in respect of The Maddermarket Kitchen 20 St John Maddermarket Norwich NR2 1DN has been received from Steward Duffield of 20 St John Maddermarket. A covering letter, location plan and accompanying photographs are attached at appendix B to the report.
- 5. The requested times and days of use are from 09:00 to 23:00, Monday Saturday.

#### Licensed area

6. Members will note from the appended location plan that part of the proposed licensed area encroaches onto the frontage of a property adjoining the application premises. In accordance with the Highways Act 1980 written consent has been obtained from the affected frontage owner confirming that they have no objection to the proposed application.

#### Consultation

- 7. In accordance with The Act, occupiers of nearby premises have been consulted and appropriate notices have been placed on the street and in Chatterbox. The City Centre Residents Forum and the Norwich Access Group have also been notified of the application.
- 8. 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

9. Representations have been received from three local businesses, the Norfolk Constabulary's traffic management officer and the Norwich Access Group, copies of which are attached at appendix C to the report.

APPENDIX B



The Maddermarket Kitchen
20 St John Maddermarket
Norwich
NR2 1DN

23rd April 2014

Dear Licensing Team,

This is a covering letter to our application for outdoor seating for our business. This will be vital in our business surviving and flourishing and we hope that the application will be successful. We have spoken to our neighbours Ali Bongo and they welcome and support seating in the area next to the bollards as it will bring energy and vitality to this area which has been affected in a detrimental way by the pedestrian entry to St Andrews Car Park leading most people coming into the city near St John Maddermarket to walk up Exchange Street.

There will be no obstruction of traffic flow. There is plenty of space for pedestrians and it is a pedestrian area. The footpath is wide enough for numerous pedestrians and wheelchair users as well as those with push chairs. As above, there is not massive footfall as the pedestrian exit to St Andrews leads people up past Jarrolds rather than along St John Maddermarket which has a negative impact on footfall in the area.

There will be no invasion of public space. This is not used as a gathering area but for walking through. There will still be a public bench and plenty of space for pedestrians and those unloading cars/vans as it is a wide area with little traffic. We hope it will also discourage anti social behaviour in the area as it will be more vibrant.

Nuisance and control - there will be no alcohol sold by the business permitted to be consumed in the outdoor areas. The business will be primarily a cafe/restaurant with food, soft drinks and coffee and the tables and chairs would be for customers eating and drinking coffee and soft drinks. This is in the city centre and is not primarily a residential area. If there are any substantial residential objections we will seek to limit the times. We actually live upstairs

with our two young children and we are the most likely people in the area who wish to ensure that there is no anti-social behaviour or excessive noise at night.

We will serve high quality food from a Michelin trained chef/owner and aim to create an upmarket continental cafe style feel to the area which will benefit the area as a whole and tie the area more into the Lanes and a cultured city centre. We will be a high quality cafe offering the best of food to a high quality clientele in the bistro style. We will not allow any drunk or abusive patrons either into the cafe or to sit outside as it is the opposite of what we wish to create. We feel this will add to the area for ourselves and any surrounding businesses which we have spoken with about the plans. In relation to the tables in front of (but across the pavement) from the business next door they have approved the plans (as set out above) and support it as it will help bring more people to the area.

We are a small business starting up and this will help attract customers to the area and give a better chance of surviving as an independent business in a very difficult commercial environment. We believe we will be a business worthy of encouragement and support. We care deeply about the city and quality independent food. We believe this will enhance the ambience of the area which will benefit all local businesses.

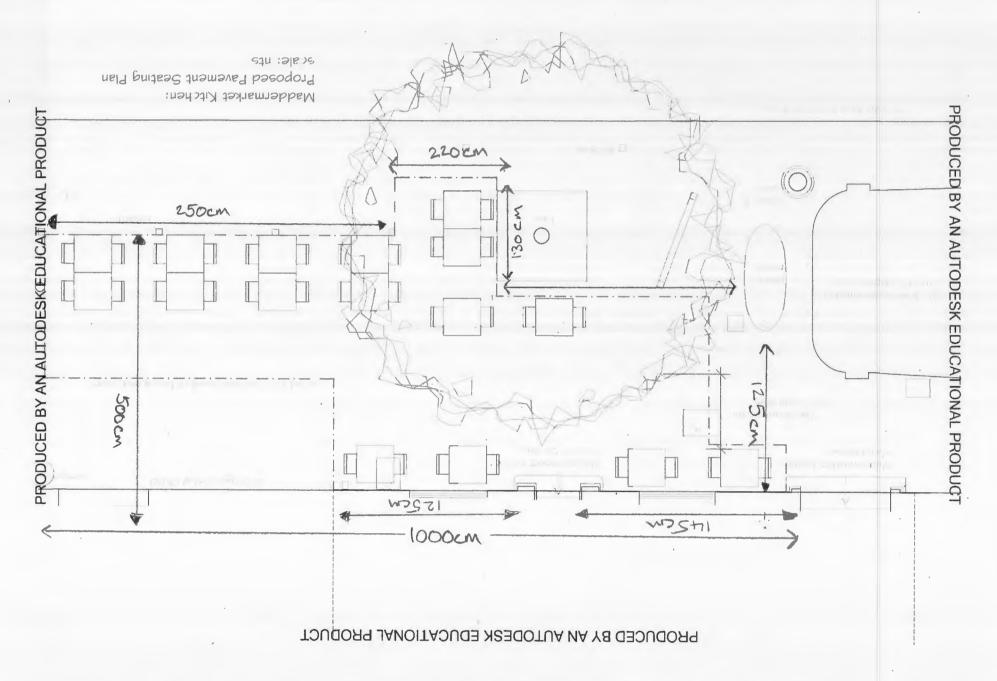
We look forward to hearing from you.

Yours faithfully,

Stewart Duffield and Suhayla Bewley The Maddermarket Kitchen



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Page 26 of 36





Page 27 of 36



Page 28 of 36



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Bolero Black Pavement Style Steel Chairs (Pack of 2)

.

NEW



BOLERO

# Bolero Black Pavement Style Steel Chairs (Pack of 2)

Stylish, simply designed folding chairs from Bolero, ideal for terraces and pavements. Can be used daily and folded easily for quick storage. Mix and match our variety of vibrant colours to create a visually striking display. Comes fully assembled and is UV resistant.

√ In stock

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Price £29.98

Qty:

NEW

BDLEAD

Bolero Black Pavement Style Steel Chairs (Pack of 2) Code: GH553

Colour. Black. Height: 440mm. Pack of 2.

In stock

£29.98

Pack Quantity

Fully assembled

- UV resistant
- · For indoor and outdoor use
- 440mm seat height
- · Slat thickness: 2mm
- Box quantity 2
- Dimensions 800(H)x387(W)x471(D)mm .
- Weight 4.85kg

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Waterproof Infrared Heat Lan
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Bolero Green Pavement Style Steel Table Code: GH557

19.99 £19.99 TO BASKET Page 29 of 36



Bolero Round Stackable Bistro Table

> Code: U431 £37.99



Boiero urey Pavement Style Steel Table

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Bolero Foldaway Round Table 600mm

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(8 Customer Reviews)

# Bolero Foldaway Round Table 600mm

This portable bistro table is ideal for small Cafés and bistros where furniture needs to be manoeuvrable or brought in overnight.

√ In stock

√ Free Next Day Delivery conditions apply

Price £22.99

Qty:



Bolero Foldaway Round Table 600mm Code: CA998 Polypropylene Top with Steel Frame. 735(H) x 600(Ø)mm 1

£22.99

In stock

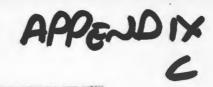
- · .Tube legs 22(Ø)x 12mm Thick
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- Folds away for easy storage
- · Catch for folded position
- · Suitable for indoor and outdoor use
- Dimensions 735(H) x 600(Ø)mm
- · Material Polypropylene Top with Steel Frame
- Weight 4.3kg

## **Customer Reviews**

Bolero Foldaway Round Table 600mm Average Rating 4.7 out of 5

(based on 8 reviews)

Posted	Rating	Comment
03-Mar- 2014	(5 out of 5)	Exactly as described in brochure, fits ideally into small space available and folds away quickly and easily
27-Feb- 2014	(4 out of 5)	Light - easy to put up and easy to store
17-Feb- 2014	(5 out of 5)	Practice easy to fold Page 30 of 36
27-Jan- 2014	(4 out of 5)	Great value for money



CORPORATE RESOURCES

-2 JUN 2014

Saints Coffee Bar, 23 St John Maddermarket, Norwich, Norfolk, NR2 1DN

30th May 2014

Your Reference: 14/01030/TABCHA

Dear Ian Streeter,

I write in response to your letter received concerning the application to place tables and chairs on the highway outside The Maddermarket Kitchen.

We (Saints Coffee Bar) are directly opposite the Maddermarket Kitchen and would not be in a position to put in a similar application due to the volume of traffic including heavy goods vehicles using the road and the road width available.

To allow this application would also greatly restrict walking access as the frontage in question is constantly in use by pedestrians, young mothers etc, and cyclists. The area is currently marked as pedestrian only.

Granting this application would without doubt affect our business at Saints Coffee Bar, and give our competitor an unfair advantage, we therefore strongly object to the granting of approval for this application.

I look forward to your response.

Yours Faithfully

Jane McCall
Owner Saints Coffee Bar
Tel: 01603 613266

### Fuller, Maxine

From: Sent: Catherine Jeans 08 June 2014 20:09

To:

Licensing

Subject:

14/01030/TABCHA

#### Good evening lan

I write in reference to the application to place tables and chairs on the highway by our business neighbours, The Maddermarket Kitchen. My name is Catherine Jeans, and I am co-owner of The Orange Grove Clinic, next door to the restaurant.

Whilst in principle we believe the addition of chairs and tables outside the Maddermarket Kitchen may be positive for the area, in terms of bringing in a community vibe and encouraging further people to visit the area, we do have a couple of concerns.

We run a complementary therapy business, and people visit us for relaxation, a calm environment and the opportunity to enhance their health and wellbeing. One of the reasons we chose our location was due to the tranquillity within the city. We do open in the evenings, as many people who work visit us on the way home from work, right up to 10pm in the evening. We just wanted to express our concern about the potential levels of noise outside our building, and most importantly, whether people will be able to smoke on these tables and chairs. This smoke will filter up into our building when we have the windows open in the summer, which we already experience from the few smokers who sit on the bench and smoke near our front door. Could I ask:

- Will people be able to drink only alcohol outside, without buying a meal? I ask this, because this could encourage more noisy behaviour outside, and more smoking perhaps?
- Will smoking be permitted outside? People do already come outside to smoke and sit on the bench, but this is limited to a few people. Will 11 tables be able to smoke? This is potentially 30 smokers, and if someone is in our treatment room having a relaxing or therapeutic session of acupuncture, the last thing we want is for them to be inhaling smoke. Could this be made a no-smoking area?
- How close to our front door are the tables and chairs likely to be?
- Is the number of tables (i.e. 11 tables) potentially too many?

I have tried to call round to our neighbours several times to discuss with them directly, but the hours I work at The Orange Grove they are always shut, so I have not been able to discuss this with them further.

We would very much appreciate your thoughts and comments on the above. Thanks and Warm Wishes

Catherine Jeans DiplON mBANT CNHC Nutritional Therapist Co-Director The Orange Grove Clinic

www.theorangegroveclinic.co.uk www.thefamilynutritionexpert.com



Licensing
Legal & Domestic Services
Norwich City Council
City Hall
St Peters Street
Norwich
NR2 1NH

29th May 2014

Your ref: 14/01030/TABCHA

To whom it may concern,

With regard to the application for tables and chairs on the highway lodged by The Maddermarket Kitchen, we are writing to confirm our full support for the proposal. We believe it to be mutually beneficial to all businesses within and around St John Maddermarket, and long overdue.

Please contact us should there be any other concerns or questions

Yours sincerely

**Martin Price** 

RECEIVED

LICEN'SING OFFICE

www.sinsins.co.uk

1

2 Charing Cross, Norwich, NR2 4AL info@sinsins.co.uk 01603 620200



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

Roads Policing OCC Wymondham Wymondham Norfolk NR18 0WW

Tel: 0845 456 4567 Fax: 01953 424178

www.norfolk.police.uk lawda@norfolk.pnn.police.uk Non-Emergency Tel: 0845 456 4567

Date: 22th May 2014

Our Ref: DL/10/05/2014

Your Ref:

Dear Mr Streeter

Re: Application for a Table and Chairs Licence for The Maddermarket Kitchen, 20 St John Maddermarket, Norwich

Thank you for your letter dated 21st May 2014 which I received today and which referred to the above Application to place 11 Tables and 30 Chairs outside the Maddermarket Kitchen between the hours of 09.00hrs and 23.00hrs Monday to Saturday.

I can confirm Norfolk Constabulary have concerns regarding pedestrian movement passed this area, the map appears to confirm that tables will extend out 5m into the pedestrian walk way, not sure what and when traffic is allowed through for deliveries and it may mean pedestrians have to use the roadway to pass, and another consideration is what access for Cycle Parking is being maintained, are there any provisions being made for partially sighted and blind to direct them through this area as well as wheelchair access. Providing these points have been considered we have no objections to this application.

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:

Doris <

Sent:

12 June 2014 18:50

To:

Licensing

Cc:

George Saunders

Subject:

The Maddermarket Kitchket en, 20 St John Madderket, Norwich, NR2son why this

should ere

This place is situated on at wide paved area near the St. John Maddermarket Theatre in Norwich. There is plenty of space for the table and chairs both by the side and along the front and there is a barrier set in front of them keeping all members of the public safe both inside and outside. This place is wheelchair friendly with disabled toilet. They have had good food reports and is wheelchair friendly.

I see no reason why this should not be accepted.

Kind regards.

Doris Pashley
NORWICH ACCESS