

Report for Resolution

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Report To Regulatory Committee

15 September 2009

Report of Head of Legal & Democratic Services

Subject Application for licence to place  
tables and chairs on the highway –  
West Cornwall Pasty Company  
21 Haymarket / Weavers Lane Norwich

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**Purpose**

To ask Members to determine an application to place tables and chairs on the highway.

**Recommendations**

That Members consider the application to place tables and chairs on the highway submitted in respect of West Cornwall Pasty Company 21 Haymarket / Weavers Lane Norwich in accordance with the Highways Act 1980.

**Financial Consequences**

The financial consequences of this report are nil.

**Corporate Objective/Service Plan Priority**

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.

**Contact Officers**

Ian Streeter

Phone No  
212439

**Background Documents**

## **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 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 a total of 10 tables and 35 chairs on the highway has been received from the West Cornwall Pasty Company. The application seeks to place 7 tables and 23 chairs to the front of the premises at 21 Haymarket and to site 3 tables and 12 chairs to the rear of the premises in Weavers Lane. A location plan, details of the furniture and accompanying photographs are attached at Appendix B to the report.
5. The requested times and days of use are between 09:30 - 17:30 Monday to Saturday and 08:30 – 17:00 on Sundays.

## **Existing permission**

6. There is currently an existing permission in place which allows a maximum of 4 tables and 12 chairs to be placed outside 21 Haymarket, the front of the West Country Pasty Company.
7. The timings for the current permission are 09:00 – 17:30 Monday to Saturday.

## **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, Health and Safety and Pollution Control sections for comment.

10. Objections have been received from the Transportation & Landscape Department, the Norwich Access Group (only to the Weavers Lane part of the application) and a member of the public who is registered blind. These are attached at Appendix C of the report.