



## Regulatory Subcommittee

10:15 to 16:00

8 July 2019

Present: Councillors Stutely (chair), Brociek-Coulton, Huntley, Oliver, Schmierer (for items 3-\*6 only)

### 1. Declarations of Interest

Councillor Brociek-Coulton declared that she was a member of Norwich Access Group a party who had put in objections to all three tables and chairs applications, she was not pre-determined

### 2. Highways act 1980: application for licence to place tables and chairs on the highway – The Last Wine Bar, 70-76 St Georges Street, NR3 1AB

(The transport planner attended for this item)

The chair welcomed the applicant and the members of the public to the subcommittee meeting. The licensing assistant presented the report. The applicant said it was a commercially difficult time for independent restaurants who were competing against national chains. The outside tables and chairs suited the contemporary brassier culture of the restaurant and provided an offer of outside dining for customers. The applicant hoped that the licensed area would be a pleasant addition to the streetscape and would work to reinvigorate the area.

In response to member questions the applicant confirmed that the tables and chairs were accessible to wheelchair users. The tables and chairs were not on a raised platform, the area would be demarcated by canvas barriers and all the tables and chairs and barriers would be taken in at night when the restaurant closed. The barriers would be waist height, straight lined and would go to the ground with a tapping rail at the bottom to assist blind and partially sighted individuals to navigate the area. The tables and chairs would be used in spring and summer and no heating lamps or umbrellas had been applied for. Three planters were included in the application.

The chair asked the transport planner if the measures taken by the applicant would mitigate the concerns raised in the Norwich Access Group objection. The representation raised a concern regarding tables and chairs being on a pavement board which would be a trip hazard and that it would not be accessible to wheelchair users. The applicant advised this was not the case. The transport planner said that

the application followed standard practice in that the tables and chairs would hug the building line and were flanked by barriers. The area was open to vehicular movements for access only; predominately the area was used by pedestrians and cyclists and was slow moving. The applicant advised that the design was not finalised and they would be happy to consider the views of interested parties.

The transport planner said there was national guidance published by the Department of Transport entitled: Inclusive mobility. The application plan showed there was a 5.3m width from the gutter line to the building line which provided adequate space for the tables and chairs and pedestrian, cyclist and access movements of vehicles. He noted that the plan provided by the applicant was slightly inaccurate in that it showed the area for tables and chairs to be opposite a parking space. The applicant agreed this was inaccurate and the plan was amended accordingly.

(Members of the subcommittee resolved to exclude the public from the meeting during their deliberation and consideration of the matters raised in relation to this application and to seek advice from the subcommittee's legal advisor. The applicant, licensing assistant, transport planner and members of the public left the meeting at this point.)

**RESOLVED**, unanimously, to approve the grant of a licence to place tables and chairs on the highway under the Highways Act 1980, in accordance with the application submitted in respect of The Last Wine Bar, 70-76 St Georges Street, NR3 1AB as set out on the amended plan (appended to these minutes) having considered all matters raised by the applicant, statutory consultees and members of the public, subject to the standard conditions for tables and chairs licence amended, as follows:

The licensed area to include permission for three planters.

(The applicant, licensing assistant, transport planner and members of the public were readmitted to the meeting. The chair advised the applicant of the subcommittee's decision.)

**2. Highways act 1980: application for licence to place tables and chairs on the highway – The Café Club, 41 King Street, NR1 1PH.**

(The transport planner attended for this item)

The chair welcomed the applicant and the members of the public to the subcommittee meeting. The licensing assistant presented the report. The applicant said she had spoken with her customers and other local businesses who were supportive of the application. The aim was to create an outdoor eating area which would improve the local streetscene. The road had been widened following recent roadworks and there was space on Rose Lane for tables and chairs and mobility scooters and prams to pass. Whilst the area of pavement on King Street was narrower there was less traffic and pedestrian flow on that street.

In response to member questions in relation to spacing on the pavement the transport planner said that on Rose Lane the pavement measured 2.8m in width from the kerb to the building line. The tables and chairs proposed to be located there would require 1m width; this left a usable pavement width of 1.8m. The

Department of Transport guidance entitled: Inclusive mobility stated that 1.5m width was required for a wheelchair and a pedestrian to comfortably pass on the pavement. It was noted that there was a pinch point where the traffic signals were on the pavement which reduced the usable width of the pavement.

On King Street the width from the building line to the gutter was 1.8m in total. In response to member questions the transport planner confirmed that it was possible to turn left from Rose Lane onto King Street and that traffic on King Street was two way. Members expressed concern that turning vehicles meeting a car would be pushed towards the seated area on King Street. Referring to the guidance on inclusive mobility, members expressed concerned that the tables and chairs on King Street would not afford enough useable pavement for highway users. Discussion ensued regarding pedestrian traffic in the area; it was noted that this was not a high volume area but that on days when football matches were held footfall increased.

The applicant said they had taken advice on barriers for the seating area which would assist blind and partially sighted individuals to navigate. The applicant confirmed they were applying for four planters to be included within the licensed area this would edge the tables and chairs creating a natural barrier. Equally the applicant proposed to keep their existing A Board within the licensed area.

(Members of the subcommittee resolved to exclude the public from the meeting during their deliberation and consideration of the matters raised in relation to this application and to seek advice from the subcommittee's legal advisor. The applicant, licensing assistant, transport planner and members of the public left the meeting at this point.)

**RESOLVED**, unanimously, to approve the grant of a licence to place tables and chairs on the highway under the Highways Act 1980, in respect of The Café Club, 41 King Street, NR1 1PH on Rose Lane for two tables and four chairs subject to the licenced area allowing a minimum passing space of 1m width between it and the traffic light signal post. On King Street to licence a bench against the wall of the café having considered all matters raised by the applicant, statutory consultees and members of the public, subject to the standard conditions for tables and chairs licence amended, as follows:

- That the tables and chairs in the licensed area be removed two hours before, during and two hours after any Norwich City Football Club home match.
- To include four planters within the licensed area.

(The applicant, licensing assistant, transport planner and members of the public were readmitted to the meeting. The chair advised the applicant of the subcommittee's decision.)

**3. Highways act 1980: application for licence to place tables and chairs on the highway – Huggle Restaurant, 13 St Benedicts Street, NR2 4PE.**

(Councillor Schmierer joined the meeting at this point)

(The transport planner attended for this item)

The chair welcomed the applicant, the applicant's representative and the members of the public to the subcommittee meeting. The licensing assistant presented the report. The applicant's representative said that the restaurant was a high end establishment with an authentic Middle Eastern theme. The applicant had invested in the building, business and the area. He was requesting limited use of the area outside the restaurant with an application requesting three tables and six chairs. The seated area would leave 1.25m of pavement. The applicant highlighted that the pavement was in good condition in the area.

Susan Seddon addressed the committee. Her residence shared a courtyard with Helgate Court and many of her neighbours used mobility scooters and used St Benedicts Street as their main access route into the city. The pavement on Westwick Street was in a poor state of repair and was often obstructed by large commercial wheelie bins and was not a feasible route to use. The opposite side of St Benedicts Street from Haggie was not an option as in places it was only wide enough to allow one pedestrian to pass. The tables and chairs, if approved, would inconvenience other highway users and would not be available for anyone in a wheelchair or mobility scooter to use. The tables and chairs would take up a greater area than the plans showed because the waiting staff serving the tables were not accounted for and would add to the obstruction.

Helena Hudson addressed the committee. She used St Benedict's as her route into the city and was the user of a mobility scooter. She said it was a difficult to manoeuvre along the route currently due to the restricted space available and objected to the table and chairs application as it was an obstruction which would impinge on her use of that section of the highway.

In response to member questions, the transport planner noted that the application was at the limit of what could be considered acceptable. The guidance indicated that a constrained pavement width could be acceptable for a short duration with the guidance stating 6m and the application was for 5m. He noted that any adjacent application for tables and chairs on the highway, would need to be refused or offer a passing place as it would be unreasonable to narrow the pavement space for every business. In response to a member question regarding obstructions caused by commercial bins the transport planner said that it was a question of fact and degree. A bin being placed out for collection and causing an obstruction for a limited period would be deemed reasonable.

(Members of the subcommittee resolved to exclude the public from the meeting during their deliberation and consideration of the matters raised in relation to this application and to seek advice from the subcommittee's legal advisor. The applicant, applicant's representative, licensing assistant, transport planner and members of the public left the meeting at this point.)

**RESOLVED**, unanimously, to refuse the grant of a licence to place tables and chairs on the highway under the Highways Act 1980, in accordance with the application submitted in respect of Haggie Restaurant, 13 St Benedicts Street, NR2 4PE. The subcommittee considered the current geography, layout and usages of this section of the highway did not make a licence for tables and chairs appropriate. The highway was of insufficient width to afford the space, the footfall in the location was high and set to increase and on balance the benefit to the restaurant of three tables

and chairs was not outweighed by the impact on the safety and comfort of highway users.

(The applicant, applicant's representative, licensing assistant, transport planner and members of the public were readmitted to the meeting. The chair advised the applicant of the subcommittee's decision.)

(The committee adjourned for lunch and reconvened at 2pm)

**\*4. Exclusion of the Public**

**RESOLVED** to exclude the public from the meeting during consideration of items 5\* and 6\* 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.

**\*5. Application for grant private hire drivers licence – application ref: 19/01234/PHDRIV**

(The applicant and the licensing assistant 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 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 licensing assistant left the meeting at this point.)

The subcommittee considered the circumstances surrounding the convictions against the applicant. The committee reviewed the evidence and did not speculate on information they did not have and considered the applicant passed the fit and proper person test. The subcommittee considered the offences serious. They noted that the applicant's conduct since had been clear of convictions and were encouraged by his approach to avoiding any future similar situations. They considered that the applicant should receive a formal warning about his conduct.

**RESOLVED**, unanimously, to:

- (1) grant private hire drivers licence application ref: 19/01234/PHDRIV for one year and to delegate authority to officers to renew for two years without fees subject to the applicants good conduct; and
- (2) ask the licensing assistant to issue a formal warning regarding conduct to the applicant in due course.

(The applicant and the licensing assistant were admitted to the meeting. The chair 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 licensing assistant then left the meeting.)

**\*6. Application for grant private hire drivers licence – application ref:  
19/00513/PHDRIV**

(The applicant and the licensing assistant 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 conviction 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 licensing assistant left the meeting at this point.)

The subcommittee considered the circumstances surrounding the conviction 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.

(The applicant and the licensing assistant were admitted to the meeting. The chair 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 licensing assistant then left the meeting.)

CHAIR