

Report to	Regulatory sub-committee 17 September 2018	Item
Report of	Head of citywide services	3
Subject	Highways Act 1980: application for licence to place tables and chairs on the highway - The Iron House, 1 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 Iron House, 1 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: Mancroft

Cabinet member: : Councillor Macguire - safe city environment

Contact officers

Maxine Fuller – licensing assistant

01603 212761

Background documents

None

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 The Iron House, 1 St John Maddermarket Norwich NR2 1DN seeking to place 6 tables and 12 chairs on the highway between the hours of 12:00 (midday) and 23:30 Monday to Sunday.
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, 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:
 - Kieran Yates – Transport Planner for Norwich City Council
 - Vicky Ellis – Environmental Health Officer for Norwich City Council
 - Norfolk Constabulary Licensing Team
 - Norfolk Constabulary Traffic Management
 - Norwich Assess
 - Norfolk Fire & Rescue Service

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
City Council

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

Form errors

Some data entered into this form is invalid. Please resolve before continuing.

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

THE IRON HOUSE

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

JEREMY

* Family name

KING

* E-mail

Main telephone number

Other telephone number

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

Is the applicant:

☒ 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 the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

* Is the applicant's business registered in the UK with Companies House?

☒ Yes

☐ No

You must enter the registration number

* Registration number

0731 9087



Include country code.

Continued from previous page...

* Business name

If the applicant's business is registered, use its registered name.

* VAT number

Put "none" if the applicant is not registered for VAT.

* Legal status

* Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

- ☒ An agent that is a business or organisation, including a sole trader
☐ A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

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

* Is your business registered outside the UK? ☐ Yes ☒ No

Continued from previous page...

* Business name	P.SNEDDON PLANNING & CONSTRUCTION CONSULTANT	If your business is registered, use its registered name.
* VAT number	- N/A	Put "none" if you are not registered for VAT.
* Legal status	Sole Trader	
* Your position in the business	OWNER	
Home country	United Kingdom	The country where the headquarters of your business is located.
Agent Business Address		If you have one, this should be your official address - that is an address required of you by law for receiving communications.
* Building number or name	112	
* Street	LINACRE AVENUE	
District		
* City or town	NORWICH	
County or administrative area		
* Postcode	NR7 8JY	
* Country	United Kingdom	

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TYPE OF APPLICATION

Type of application : ☒ New ☐ Renewal

Section 3 of 9

PREMISES FOR WHICH PERMISSION IS REQUIRED

* Name of premises/ trading name	THE IRON HOUSE
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Continued from previous page...

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

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)

Section 4 of 9

OWNERSHIP OF THE PREMISES

* In what capacity do you occupy the premises?

- ☒ Freehold
- ☐ Leasehold
- ☐ Tenant
- ☐ Other

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)

Continued from previous page...

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

* Length

* Width

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

OPENING TIMES

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

* Day or days

* From

* To

* 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

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

60CM X 60CM METAL FOLDING TABLES AS ATTACHED SHEET

Chairs

* Number

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

METAL FOLDING CHAIRS SEAT HEIGHT 40CM MAXIMUM HEIGHT 68CM AS ATTACHED SHEET

Litter Bins

Number

Parasols/Umbrellas

Number

Planters

Continued from previous page...

Number

Space Heaters

Number

Lighting

Number

Barriers/Balustrades

Number

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

LIGHTWEIGHT METAL POSTS WITH FABRIC BARRIERS BRANDED THE IRON HOUSE

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?

WITHIN THE PREMISES

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

THE PAVEMENT WILL BE SWEEPED DAILY AND TABLES CHAIRS REMOVED TO STORAGE BY DUTY MANAGER OR STAFF

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

* Amount of cover (£m)

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)

Continued from previous page...

THE AREA PROPOSED FOR TABLES AND CHAIRS IS ON A ROAD THAT HAS VERY LITTLE USE. THE MAJORITY OF DELIVERIES IN THIS AREA ARE DONE PRIOR TO MIDDAY AND AS SUCH WE ARE ASKING FOR A LICENCE THAT COMMENCES AT MIDDAY. THE AREA HAS NATURAL POST BARRIERS AS YOU CAN SEE IN THE PHOTOGRAPHS PROVIDED.

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

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

DECLARATION

* 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	<input type="text" value="[Redacted]"/>
* Capacity	<input type="text" value="AGENT"/>
Date (dd/mm/yyyy)	<input type="text" value="24 JULY 18"/>

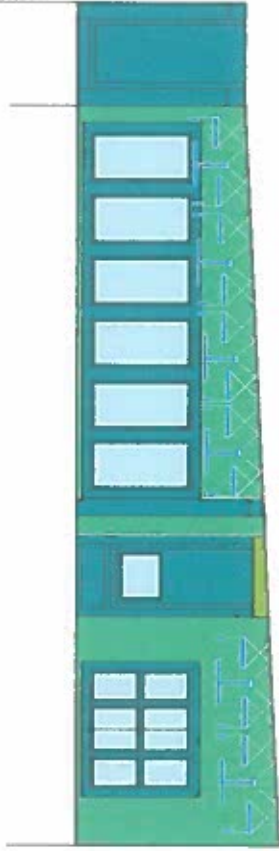
[Add another signatory](#)

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

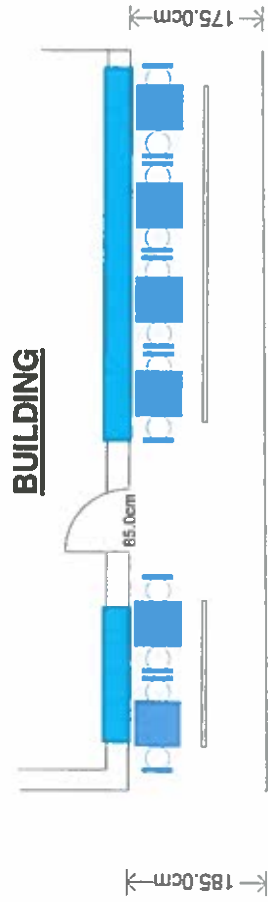
1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/ability-to-place-tables-and-chairs-in-the-road/norwich/apply-1> to upload this file and continue with your application.

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

RECEIVED
23 JUL 2018
LICENSING OFFICE



THE IRON HOUSE
FRONT ELEVATION
SCALE: 1:100



PLAN VIEW
SCALE 1:100



Project Title
Norfolk House

Drawing Title
Site Boundary

Scale
1:500 (A4)



Lanpro»

Planning and Development Consultants

4 St Mary's House, Duke Street
Norwich, NR3 1QA
01603 628 464
www.lanproservices.co.uk



RECEIVED
23 JUL 2018
LICENSING OFFICE

THE IRON HOUSE

THE IRON HOUSE

JOHN WOODMAN



RECEIVED
23 JUL 2018
LICENSING OFFICE

THE IRON HOUSE

ST JOHN PATRICK AVE

THE IRON HOUSE





RECEIVED

73 JUL 2018

LICENSING OFFICE

Fuller, Maxine

From: Yates, Kieran
Sent: 06 August 2018 12:31
To: LICENSING
Subject: Iron House

Dear Licensing

Re: tables and chairs for Iron House

Objection on highway safety/operational grounds

Highway space in this location is extremely limited and under a number of different pressures from access traffic, HGVs, pedestrians and cyclists.

When the location is congested with vehicles, every inch of roadspace is needed for pedestrians and cyclists to pass by.

This is not a suitable location for tables and chairs in any number or configuration.

regards



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: Ellis, Vicky
Sent: 09 August 2018 14:55
To: Fuller, Maxine
Subject: The Iron House - Tables and chairs licence

Hi Maxine

As briefly discussed. I don't have an objection to there being tables/chairs sited there in general, however looking at the dimensions of the tables I think it unlikely that they will be able to fit that number in, let alone allow room for people to comfortably and safely move their chairs in/out.

Kind regards

Vicky Ellis DipNEBOSH, BSc, MSc
Environmental health officer | Food and safety
Norwich City Council

t: 01603 212321 | Duty officer: 01603 212747
e: vickyellis@norwich.gov.uk

Bennett, Rachel

From: Bartram, Michelle <bartramm@norfolk.pnn.police.uk>
Sent: 20 August 2018 13:03
To: LICENSING
Cc: Woods, Suzanne
Subject: Iron House, St John Maddermarket - tables and chairs

Hello Licensing

I can confirm that Police have received a copy of the application for Iron House, St John Maddermarket Norwich for a table and chairs licence for 6 tables and 12 chairs until 23.30 hrs Monday-Sunday

There are no objections to this

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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CORPORATE RESOURCES

14 AUG 2018

POST ROOM



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: 13th August 2018

Our Ref: DL/01/08/2018

Your Ref:

Dear Mr Shearman

**Re: Application for a Licence, to Place Tables and Chairs on the Highway outside
The Iron House, 1 St John Maddermarket Norwich**

Thank you for your letter dated 2nd August 2018, which I received today 6th August, and which referred to the above application for a Licence to place 6 x tables and 12 Chairs outside the above premises between the hours of 12:00 and 23:30hrs Monday to Sunday.

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, any 'A' boards should remain within the area occupied by the Tables and chairs, and 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: Shearman, Anthony
Sent: 13 August 2018 07:49
To: LICENSING
Subject: FW: The Iron House 1 Maddermarket Norwich

Please see below ... Tony

Tony Shearman
Environmental protection, licensing and markets manager
Norwich City Council
01603 212278
anthony@norwich.gov.uk

Finalist in the Council of the Year category – LGC Awards 2016

From: Doris [REDACTED]
Sent: 10 August 2018 16:03
To: Shearman, Anthony
Cc: George Saunders
Subject: The Iron House 1 Maddermarket Norwich

These premises are situated in a generally walk trough area near the old part of the City Centre, there is a wide level area all round the Iron House with metal posts positioning the space for the chairs and tables. There is plenty of space for pedestrians walking by, all goods required for Iron House and surrounding properties are all delivered before 9 a.m. daily.

I see no reason why these plans cannot be accepted.

If you require more information please do not hesitate to contact me.

Yours truly,
Doris Pashely
NORWICH ASSESS



NORFOLK FIRE & RESCUE SERVICE
Group Manager Central
Diamond Jubilee Fire & Rescue Station
Carrow
63 Bracondale
NORWICH, NR1 2EE
Tel: 0300 1231248

Website: www.norfolkfireservice.gov.uk

Mr T Shearman
Public Protection (Licensing)
Citywide Services
Norwich City Council
City Hall
St Peters Street
Norwich NR2 1NH

Please ask for: Kerry Larcombe
Direct Dial: 0300 1231418
Email: kerry.larcombe@fire.norfolk.gov.uk
My Ref: 00012617
Your Ref:

06 August 2018

Dear Sir

The Regulatory Reform (Fire Safety) Order 2005

Premises: The Ironhouse, 1 St John Maddermarket, Norwich, NR2 1DN

I acknowledge receipt of the application for the above premises.

The authority has no objection to the placement of the tables and chairs in this location.

Should you require any further assistance please do not hesitate to contact me on the number shown above.

Yours faithfully



Kerry Larcombe
For Chief Officer

