

<b>Report to</b>	Regulatory sub-committee 12 June 2017	<b>Item</b>
<b>Report of</b>	Head of citywide services	<b>4</b>
<b>Subject</b>	Highways Act 1980: Application for Licence to Place Tables and Chairs on the Highway - Warings Lifestyle, 20 Westlegate, Norwich, NR1 3LR	

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## **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 Warings Lifestyle 20 Westlegate Norwich NR1 3LR

## **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 Maguire – safe city environment

## **Contact officers**

Ian Streeter, licensing manager

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 Warings Lifestyle 20 Westlegate Norwich NR1 3LR seeking to place 3 tables and 8 chairs on the highway between the hours of 07:30 and 18:30 Monday to Friday; 09:00 and 17:30 Saturday; and 10:00 and 16:00 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, 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:
  - three local residents;
  - the Norfolk Fire Service;
  - the Norfolk Constabulary's licensing and traffic management teams; and
  - the council's highways/transportation team.

## 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 Citywide 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



APPLICATION FOR LICENCE TO PLACE  
TABLES AND CHAIRS ON THE HIGHWAY

Part One

<b>Name and Address of Premised to be Licensed</b>	WARINGS LIFESTORE 20 WESTEGATE NORWICH  Post Code NR1 3LR GRAHAM WARING <del>WARINGS FURNITURE</del>		
<b>Name of Applicant</b>	WARINGS FURNITURE THE FURNITURE STATION LARLING NORFOLK  Post Code NR16 2RA		
	<b>Tel. No.</b>		
	<b>Email</b>		
<b>Address (if different from above)</b>			
<b>Name and Home Address of Licensee</b>	GRAHAM WARING <del>WARINGS FURNITURE</del> SHARDESTON HOUSE SHARDESTON NORFOLK  Post Code NR14 8DG		
	<b>Tel. No.</b>		
	<b>Email</b>		

## Part Two

Please provide a plan showing the exact location and dimensions of the area to be licensed and where furniture to be placed within area.

No of Chairs

8

No of Tables

3

Times/Dates Required

MONDAY - FRIDAY 0730 - 1830  
SATURDAY - 0900 - 1730  
SUNDAY - 1000 - 1600

Description of Street Furniture & Barriers  
(please enclose photo/drawing/brochure)  
Any other furniture (e.g. umbrellas etc)

INCLUDED IN PLANS ATTACHED.

Purpose of Tables and Chairs

OUTSIDE SEATING  
FOR CAFÉ

Signed

Date

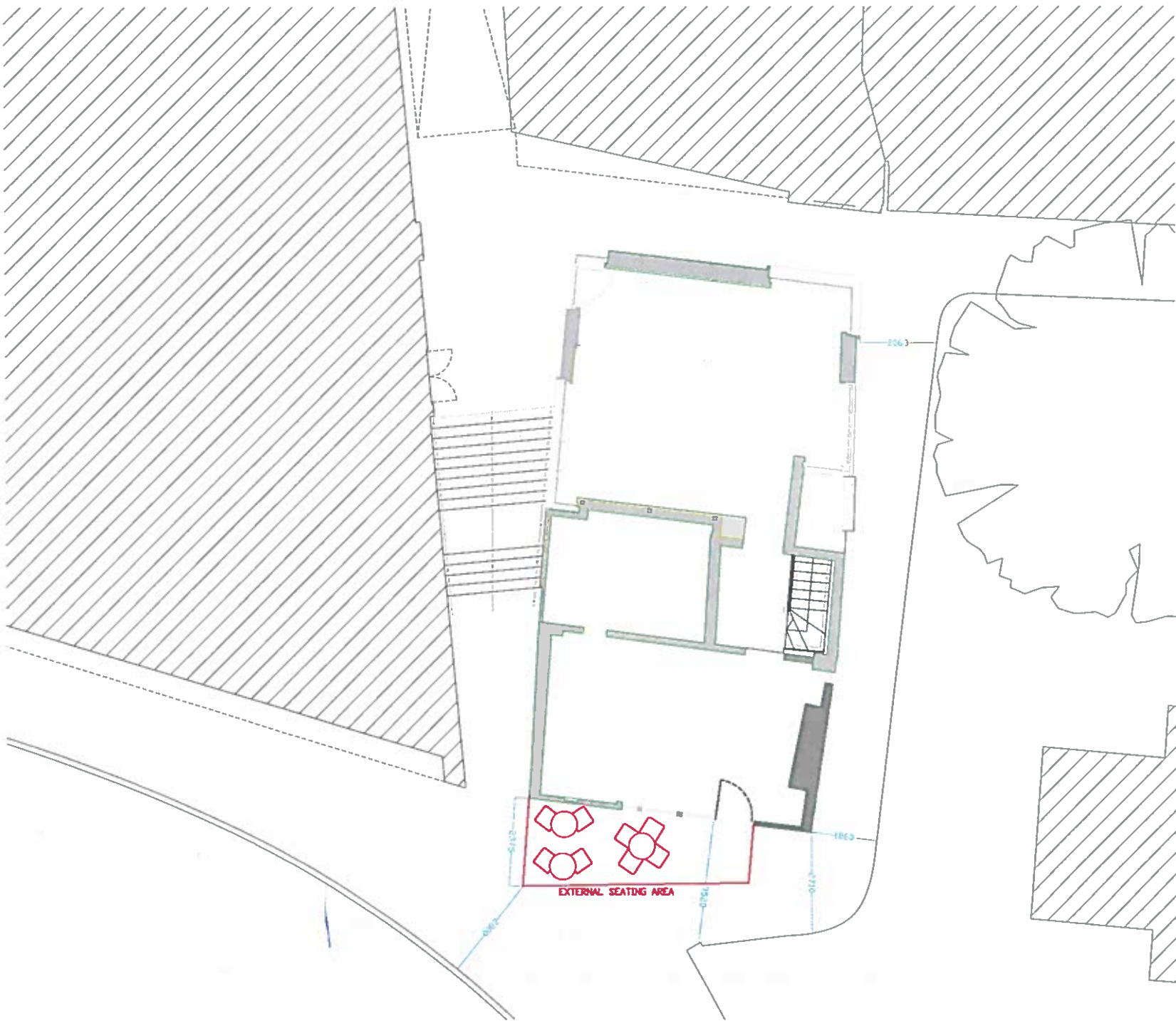
20.03.2017.

Please include a copy of your public liability insurance showing a minimum limit of indemnity of £5,000,000 and a completed copy of the Norwich City Council's Public/Employer's Insurance Questionnaire.

Please return this form and attachments to:

Licensing Officer  
Licensing Department  
City Hall  
NORWICH  
NR2 1NH

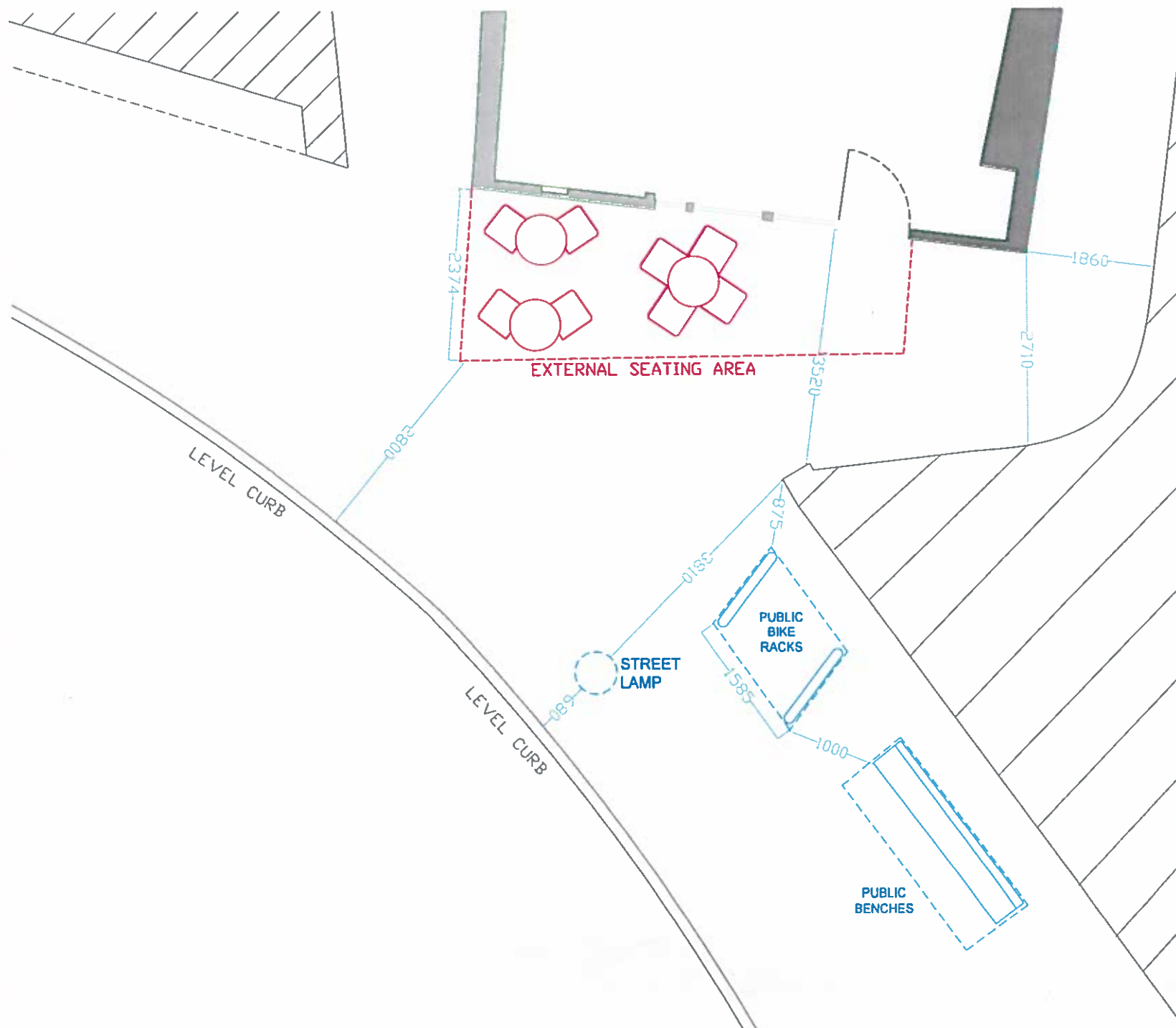
Telephone: (01603) 212761  
Email: [licensing@norwich.gov.uk](mailto:licensing@norwich.gov.uk)



RECEIVED  
23 MAR 2017  
LICENSING OFFICE

DO NOT SCALE FROM THIS DRAWING - Figure dimensions only to be used for setting out.  
Any dimensional discrepancy based on this set to be brought to the attention of Warings if any part of the drawing is in doubt.

WARINGS waringsfurniture.com	PROJECT Warings 20 Westgate Norwich		drawing no.	4
	CATEROORY MISC		date	21/11/2016
The Furniture Station Vinton Road Leining Norwich NR1 1JA	DRAWING NUMBER 134-99-10-1		drawn	checked
			SW	XX
		scale	1:50 @ A1	
T: 01603 499940 F: 01603 499939 E: sales@waringsfurniture.com				



# NOTES

- STREET FURNITURE AS NOTED
- NO TREES PRESENT NEAR PREMISES
- LEVEL CURB ONLY TO FRONT OF STORE
- NO PELICAN CROSSING PRESENT
- NO CYCLE LANES PRESENT
- NO PARKING BAYS PRESENT
- NO PRIVATE FORECOURTS PRESENT
- NO CELLAR HATCHES PRESENT

**RECEIVED**  
 23 MAR 2017  
 LICENSING OFFICE

DON NOT SCALE FROM THIS DRAWING. Figure dimensions only to be used for setting out. Any dimensional discrepancies found on site are to be brought to the attention of the client immediately by the CLIENT only.

<b>WARINGS</b> waringslondon.com	PROJECT <b>Warings 20 Westgate Norwich</b>	Drawing No. <b>4</b>
	CATEGORY <b>MISC</b>	Date <b>14/02/2017</b>
The Furniture Station Western Plaza London SE1 1NA	DRAWING NUMBER <b>134-99-10-1</b>	Drawn <b>SW</b>
T 01953 488940 F 01953 488930 E info@waringslondon.com		checked <b>XX</b>
		scale <b>1:100@A1</b>

















## Anji

### W4048AC

Height: 840mm

Width: 5410mm

Depth: 590mm

Seat Height: 450mm

Wicker effect exterior armchair with bamboo look aluminium frame. Featuring exterior grade tie on matching cushions.

Please call our sales team on 01953 49 99 49 if you would like to discuss this or any other product within our range.



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**BRITAIN** 2016

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## Lamin

### W4514T

Height: 730mm

Width: 700mm

Depth: 0mm

Seat Height: 0mm

Round folding table, fibre glass reinforced legs with painted aluminium upright. Available in White, Anthracite & Mink(shown)

Suitable for interior or exterior applications. Please call a member of our sales team on 01953 49 99 49 to find out more.



**1000** COMPANIES TO INSPIRE  
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**Fuller, Maxine**

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**From:**  
**Sent:** 11 April 2017 11:15  
**To:** LICENSING  
**Subject:** Waring Cafe

Your ref: 17/00446/TABCHA

Dear Mr Streeter

First of all can I thank you for sending notification letters for this application to all apartments.

As a cyclist who frequently cycles up / down the alleyway east of Warings Cafe I find it difficult to see how these tables and chairs would not impede access to the alleyway. The rubbish bins and crates etc stored in the alleyway already restrict passage plus the flowers and A-board out the front makes entering / leaving the alleyway restricted.

Yours sincerely  
Dr John Williams  
Apartment 11 Westlegate Tower

**Bennett, Rachel**

---

**From:**  
**Sent:** 10 April 2017 17:45  
**To:** LICENSING  
**Subject:** Reference 17/00446/TABCHA

Dear Ian

With reference to Graham Waring's application for a licence to place tables and chairs outside Warings Lifestore at 20 Westlegate, we have been in to City Hall to look at the plans.

We are generally in favour of outdoor cafe culture and this fits in well with the newly pedestrianised character of Westlegate.

We have 2 reservations however:

1. The space in front of Warings is limited. The area in which they propose putting tables is already full of "outdoor merchandise". Where is this going to be placed once the tables are out? There is also some "outdoor merchandise" by the back door to the shop on the passage above the steps from Westlegate to Lion & Castle Yard; this is already encroaching unacceptably on the public highway and should not be allowed to get any bigger.

3. The side alley that goes between the Churchyard and round the back of Warings premises is essential for the disabled and for people with pushchairs and bikes who cannot use the steps up from Westlegate; access to this alley from both Westlegate and Lion & Castle Yard should always be kept clear.

Yours sincerely

Jane & Nick Backhouse  
Apartment 9 Westlegate Tower)





**Fuller, Maxine**

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**From:**  
**Sent:** 09 April 2017 10:56  
**To:** LICENSING  
**Subject:** 17/00446/TABCHA Waring

Dear Ian Streeter

As residents next to this cafe we object to this application on the grounds that Warings cannot control its current rubbish storage and collections. Their bins are constantly overflowing and obstructing the public right of way to the side of their building.

People at outside tables will smoke and drop cigarette ends and other litter as do their staff around residents entrances.

Ref: EH/Robert Dowe

AGM Westlegate Resident Association

Yours sincerely  
Gillian and Ward  
1a Westlegate Tower

Sent from my iPhone

**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](http://www.norfolkfireservice.gov.uk)

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

Please ask for: Mr Allison  
Direct Dial: 0300 1231261  
Email: [tim.allison@fire.norfolk.gov.uk](mailto:tim.allison@fire.norfolk.gov.uk)  
My Ref: 00012798  
Your Ref: -

19 April 2017

Dear Sir

**The Regulatory Reform (Fire Safety) Order 2005**  
**With reference to – Application for Tables & Chairs Licence**  
**Premises: Warings Furniture Ltd, 20 Westlegate, Norwich, NR1 3LR**

I acknowledge receipt of the application for the above premises.

This 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

  
Mr Allison  
For Chief Officer

RECEIVED ON  
25 APR 2017  
SCANNING ROOM

## **Bennett, Rachel**

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**From:** Bartram, Michelle <bartramm@norfolk.pnn.police.uk>  
**Sent:** 21 April 2017 11:08  
**To:** LICENSING  
**Cc:** Woods, Suzanne  
**Subject:** Warings - Table & Chairs Licence

Hello Licensing

I can confirm that Police have received a copy of the table and chairs licence outside Warings 20 Westlegate Norwich

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

19 APR 2017

POST ROOM



**NORFOLK**  
CONSTABULARY

*Our Priority is You*

**Mr Ian Streeter  
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](http://www.norfolk.police.uk)  
[lawda@norfolk.pnn.police.uk](mailto:lawda@norfolk.pnn.police.uk)  
Non-Emergency Tel: 101



**Date: 18<sup>th</sup> April 2017**

**Our Ref: DL/01/04/2017**

**Your Ref:**

**Dear Mr Streeter**

**Re: Application for a Licence, to Place tables and Chairs outside  
Warings Lifestore, 20 Westlegate, Norwich**

Thank you for your letter dated 5<sup>th</sup> April 2017, which I received on the 18<sup>th</sup> April, and which referred to the above application for a Licence to place 3 x Tables and 8 x Chairs outside the above premises on westlegate, between the Hours of 07.30 to 18.30hrs Monday to Friday, 09.00 to 17.30hrs on Saturdays and 10.00 to 16.00hrs on Sundays.

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**

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**From:** Yates, Kieran  
**Sent:** 11 April 2017 13:33  
**To:** Fuller, Maxine  
**Subject:** 20 Westlegate - tables and chairs

Maxine

I have consulted Bruce Bentley who has been leading on redesign of Westlegate.

Tables and chairs in this location would be acceptable in highway/transportation terms.

And would add to the emerging vitality of the public realm here.

regards

  
**Kieran Yates**  
**Transport Planner**  
[kieran.yates@norwich.gov.uk](mailto:kieran.yates@norwich.gov.uk)  
01603 212471  
0344 980 3333

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

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