

Report to	Regulatory sub-committee 8 July 2019	Item
Report of	Head of citywide services	3
Subject	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	

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 Last Wine Bar, 70 – 76 St Georges Street, NR3 1AB.

Corporate priorities

The report helps to meet the corporate priorities great neighbourhoods, housing and environment and inclusive economy.

Financial implications

None.

Ward/s: Mancroft

Cabinet member: : Councillor Maguire – safe and sustainable 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 Last Wine Bar, 70 – 76 St Georges Street, NR3 1AB seeking to place 8 tables and 32 chairs on the highway between the hours of 08:00 and 22:00 Monday to Saturday.
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:
 - Royal National Institute of Blind People (RNIB)
 - Norwich Access Group
 - Please note the document referred to in this representation, guidance published by the department of transport entitled: Making transport accessible for passengers and pedestrians; a guide to best practice on improving access to public transport and creating a barrier-free pedestrian environment. Is available online [here](#).
 - Food & Safety Team – Norwich City Council
 - Norfolk Constabulary Licensing Team
 - Anne Duarte – Local business
 - Norfolk Fire & Rescue Service
 - Transport Planner – Norwich City Council

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
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

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	LWB outside area	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	Vince
* Family name	Pearson
* E-mail	[REDACTED]
Main telephone number	[REDACTED]
Other telephone number	[REDACTED]



Include country code.

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

Are you:

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 you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

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

* Registration number	11859564
* Business name	THE LAST WINE BAR AND RESTAURANT LTD
* VAT number	GB 317122047
* Legal status	Private Limited Company

If your business is registered, use its registered name.
 Put "none" if you are not registered for VAT.

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

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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

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

Continued from previous page...

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)

RESTAURANT

Section 4 of 9

OWNERSHIP OF THE PREMISES

* In what capacity do you occupy the premises?

- Freehold
 Leasehold
 Tenant
 Other

* Give details of the lease, tenancy or other arrangement

10 YEAR LEASE

Give Details Of The (Freehold) Owner Of The Premises

* Name of owner

Owner's Address

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Continued from previous page...

Contact Details

E-mail

* Main telephone number

Other telephone number

Further Details

* Has the owner given consent for this application? Yes No

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)

We propose to place tables and chairs outside of the restaurant. Plan attached which has been formulated after discussion with highways.

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 8

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

Continued from previous page...

see attached photo

Chairs

* Number

24 **32**

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

see attached photo

Litter Bins

Number

0

Parasols/Umbrellas

Number

0

Planters

Number

3

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

see attached photo

Space Heaters

Number

0

Lighting

Number

0

Barriers/Balustrades

Number

0

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?

All items will be stores at the back of the Last Wine Bar in a secure area which is known as the terrace.

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

Our staff will remove all furniture and planters to the storage area at the end of evening service and will ensure the area is cleaned and swept.

Continued from previous page...

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)

The pedestrian area in St George's already has outside tables and chairs at cafe pure. Our new offer will benefit all community members including the residents, businesses and the local school. The directors have written to local residents telling them of the plans and in particular that last orders for food and drink will be 8 pm outside to ensure noise levels are kept to a minimum beyond 10 pm.

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 £467

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
* Capacity
* Date / /
dd mm yyyy

Continued from previous page...

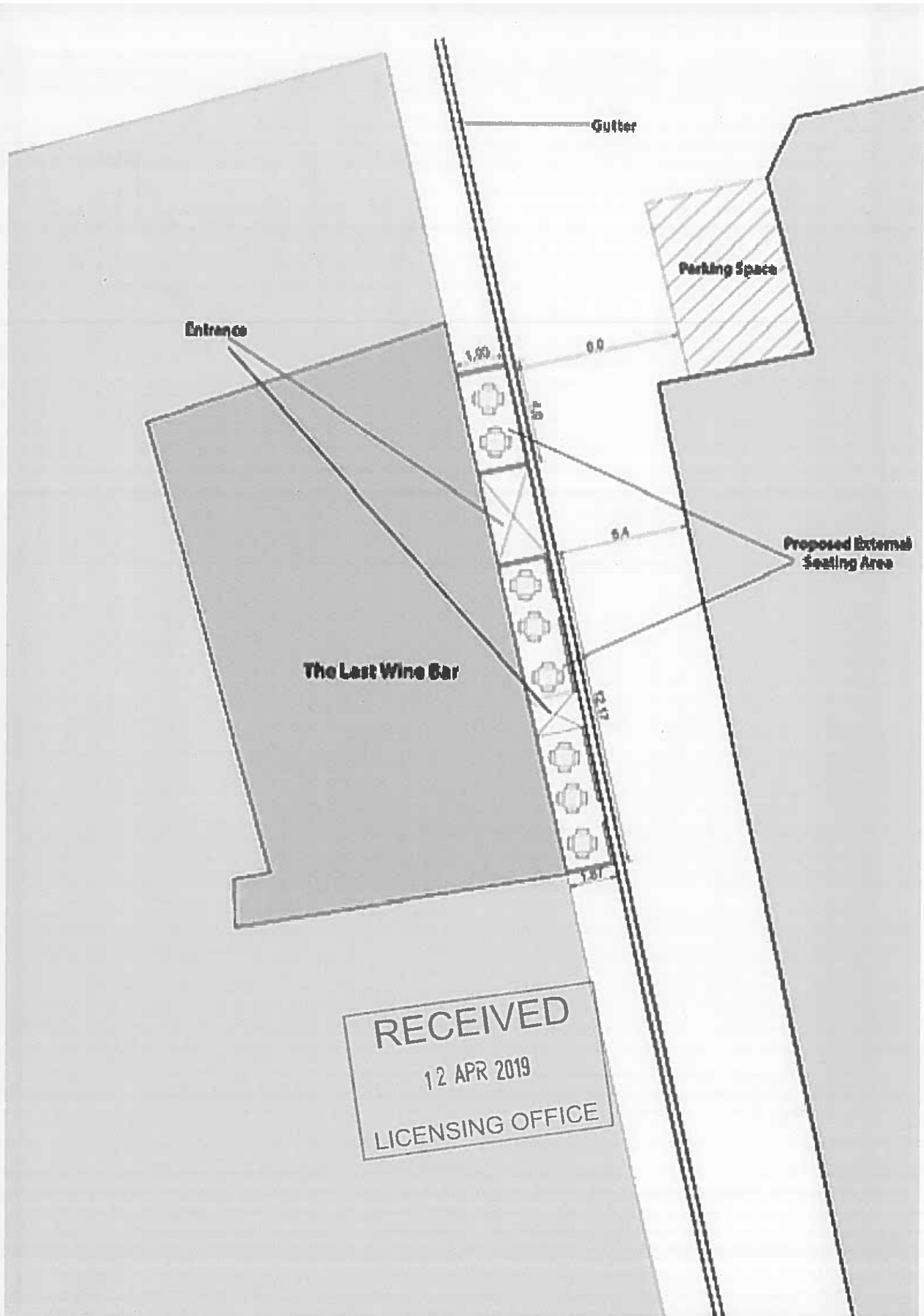
Once you're finished you need to do the following:

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.

OFFICE USE ONLY

Applicant reference number	LWB outside area
Fee paid	
Payment provider reference	
ELMS Payment Reference	
Payment status	
Payment authorisation code	
Payment authorisation date	
Date and time submitted	
Approval deadline	
Error message	
Is Digitally signed	<input type="checkbox"/>

1 2 3 4 5 6 7 8 9 Next >



RECEIVED
12 APR 2019
LICENSING OFFICE

Fuller, Maxine

From: Vince Pearson [redacted]
Sent: 08 May 2019 12:13
To: Fuller, Maxine
Subject: Fwd: Last Photo

Hi Maxine

This is the photo that shows the pavement area covered by our drawing.

Thanks

Vince

Sent from my iPhone

Begin forwarded message:

From: Katie Loveday <[redacted]>
Date: 10 April 2019 at 09:50:59 BST
To: Vince Pearson <[redacted]>
Subject: Last Photo [redacted]





Fuller, Maxine

From: Michael Wordingham <
Sent: 03 June 2019 16:55
To: Fuller, Maxine
Cc: MARTIN SYMONS; Edward Bates
Subject: Table and Chairs Application
Attachments: inclusive-mobility-guidance.docx

Dear Maxine,

I am writing in response to the applications for cafe furniture from **The Last Wine Bar**. I am a member and trustee of the Norwich Access Group but I am afraid I have been away and couldn't get my contribution to Martin (copied in) in time before he had to write his response to you. I am also the Regional Campaigns Officer for Royal National Institute of Blind People and have spoken to Edward Bates from Norfolk and Norwich Association for the Blind (copied in) who i work extremely closely with, this can also be considered a joint response from NNAB and RNIB.

I am afraid we will have to object to all three applications:

The application for **The Last Wine Bar** is also extremely problematic for blind and partially sighted people. As St George's Street is a shared space scheme the tools that we use to navigate the area have been taken away. There are no kerbs to orientate ourselves and nothing, other than the building line, for guide dogs to follow. Putting cafe furniture in the proposes site will force blind and partially sighted people into the path

of cycles, delivery trucks and taxis. As things are we at least have a relatively safe zone along the building line. This will be taken away from us. In addition St George's is round the corner from the new RNIB offices on Colgate and part of a main route from the city centre to NNAB. There are likely to be quite a number of blind and partially sighted people trying to navigate this area.

Many Thanks

Michael

Michael Wordingham
Regional Campaigns Officer - East of England
RNIB (Royal National Institute of Blind People)
51 Colegate, Norwich NR3 1DD

w: <http://www.rnib.org.uk/campaigning-campaign-your-area-midlands/east-england>

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Celebrating 150 years of creating change for blind and partially sighted people.
To help us continue removing the barriers that can stop people with sight loss thriving, visit
<https://www.rnib.org.uk> to donate.



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We therefore recommend that you use up to date anti-virus software and scan all communications.

Please note that the statements and views expressed in this email and any attachments are those of the author and do not necessarily represent those of RNIB.

RNIB Registered Charity Number: 226227

Website: <https://www.rnib.org.uk>

Norwich Access Group's response to application for table and chairs.

The Last Wine Bar, St George's Street

We have concerns about the pavement board for the seating, as it would not be easily wheelchair accessible, and could be a trip hazard for people with restricted mobility or visual impairment. Otherwise, as it is a pedestrian zone the pavement seems wide enough to accommodate the tables and chairs in this location.

Martin Symons
Co Chair, Norwich Access Group
May 2019

Fuller, Maxine

From: FOOD & SAFETY
Sent: 14 May 2019 12:29
To: Fuller, Maxine
Subject: RE: Accepted applications - Licensing Act 2003

Hi Maxine,

I don't have any comments on the Last Wine Bar application.

Jaan Stanton
Environmental Health Officer (food and safety)
tel: 01603 212747
mob: 07985 450340



Be part of our [Business Merit scheme](#) and the [Norwich Pledge for Health](#)



Finalist in the 'Housing initiative' category for the LGC Awards 2019

From: Fuller, Maxine
Sent: 13 May 2019 14:31
To: 'trading.standards@norfolk.gov.uk'; Sadler, Ann-Marie; POLICE CONTACT - LICENSING (E-mail); 'carrowadmin@fire.norfolk.gov.uk'; Rodger, Jackie; PLANNING; ENVIRONMENTAL PROTECTION; FOOD & SAFETY
Subject: Accepted applications - Licensing Act 2003

Hi,

Licensing applications received to date.

<< File: Consultation Email Spreadsheet.xls >> << File: Last Wine Bar.pdf >> << File: Hagggle.pdf >>

Regards

Tony Shearman
Environmental protection officer - public protection
Norwich City Council

Fuller, Maxine

From: Bartram, Michelle <michelle.bartram@norfolk.pnn.police.uk>
Sent: 03 June 2019 11:12
To: LICENSING
Cc: Woods, Suzanne
Subject: Tables and Chairs - Last Wine Bar

Hello Licensing

I can confirm that Police have received a copy of the application for Last Wine Bar for table and chairs to be on the highway 0800-2200 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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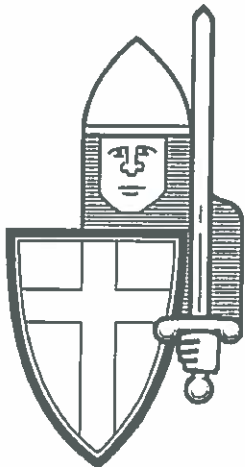
It takes 24 trees to produce 1 ton of office paper!

Think... is it really necessary to print this email?

This e-mail carries a disclaimer

Go here to view [Norfolk Constabulary](#)

[Disclaimer](#)



St George's Music Shop

17-19 St George's Street Norwich NR3 1AB
U.K.

Partners: Christopher J Duarte MMus BA (Hons)
Anne M Duarte BA (Hons) DipABRSM

Head of Citywide Services
Licensing Department
City Hall
Norwich NR2 1HN



20 May 2019

Re: The Last Wine Bar, St George's Street, Norwich NR3 1AB

To whom it may concern:

We are writing to support the Last Wine Bar in its application to have tables and chairs outside its premises between 8am and 10pm. St George's Street is intended to be predominantly pedestrianised but, in reality, it is busy with traffic most of every day. We believe that the arrival of tables and chairs at the Colegate entrance to the street will have a calming effect on the vehicles which have to pass down the street and may deter the ones which do not.

St George's Street will also benefit from the Last Wine Bar's proposal to become a *brasserie*, with significantly longer opening hours encouraging greater footfall. Café Pure closes mid-afternoon and the street ceases to have much appeal to the casual passerby. Yes, the Playhouse bar is open but, with their outside tables effectively hidden at the back, there is little sign of flourishing business.

We hope that the Last Wine Bar will be granted permission to make these important changes to its offering and keep St George's Street on the map for tourists and workers alike.

Yours faithfully,

Anne Duarte



Organisational Development
24 MAY 2019
Post Room

Website: www.norfolkfireservice.gov.uk

Tony Shearman
Public Protection (licensing)
Citywide Services
City Hall
St Peters Street
NR2 1NH

Please ask for: Kerry Larcombe
Direct Dial: 0300 123 1418
Email: kerry.larcombe@fire.norfolk.gov.uk
My Ref: 00013050
Your Ref:

15 May 2019

Dear Sir

The Regulatory Reform (Fire Safety) Order 2005


Premises: The Last Wine Bar, 76 St Georges Street, Norwich, NR3 1AB

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



K Larcombe
for Chief Fire Officer

RECEIVED
24 MAY 2019
LICENSING OFFICE

Fuller, Maxine

From: Yates, Kieran
Sent: 20 May 2019 14:34
To: LICENSING
Subject: The Last Wine Bar

Licensing

No objection on highway grounds with regard the proposed tables and chairs by The Last Wine Bar

NB the plan is slightly inaccurate in that the licensed area would not be opposite the parking spaces. My main concern was with vehicles reversing out of the parking bay and hitting the licensed area.



Kieran Yates
Transport Planner
kieran.yates@norwich.gov.uk
01603 212471
0344 980 3333

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