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BRECKLAND COUNCIL

At a Meeting of the

APPEALS COMMITTEE

**Held on Wednesday, 28 November 2012 at 10.00 am in
Norfolk Rooms, The Conference Suite, Elizabeth House, Dereham**

PRESENT

Mrs L.H. Monument (Chairman)	Mr S. Askew
Mr W. R. J. Richmond (Vice- Chairman)	Mr R.W. Duffield
Mrs S Armes	Mrs J A North

In Attendance

Mr Philip Mason	- Solicitor
Jane Osborne	- Committee Officer
Rowland Wilson	- Licensing Officer
Ejike Ndaji	- Trainee Solicitor

Action By

50/12 MINUTES

The Minutes of the meeting held on 17 October 2012 were confirmed as a correct record and signed by the Chairman.

51/12 NON-MEMBERS WISHING TO ADDRESS THE MEETING

Mr Ejike Ndaji, Trainee Solicitor, Overburys Solicitors was in attendance for training purpose only. A representative from the local Press was present.

52/12 HEARING PROCEDURES

The procedure was noted.

**53/12 APPLICATION FOR CONSENT TO PLACE TABLES AND CHAIRS
ON THE HIGHWAY**

The Hearing was heard in accordance with the Council's agreed procedure, and took place in the presence of the applicant, J. D. Wetherspoons Ltd Area Manager and an Objector, along with the Licensing Officer and Mr P Mason, the Council's Solicitor.

The Chairman made introductions and explained the procedures to the applicant.

Rowland Wilson, Licensing Officer presented the report which was to determine an application by The Romany Rye, 1 Church Street,

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Dereham, to place table and chairs on the Highway under S.115E Highways Act 1980.

Shashana Brackenbury, Area Manager, Wetherspoons, tabled photographs of furniture which showed where they would be located inline with the building which were shown to all Members. When asked what arrangements had been considered to offer protection to waiting staff with regard to pedestrians going past, she explained that in some of their other establishments temporary barrier systems were put in place, and she would be happy to incorporate the same system to the proposed application which would consist of non permanent portable barriers at The Romany Rye if the Committee wished.

Some Members of the Committee were concerned that there was a potential that members of the public could stop and talk to people sitting at the tables, which would make the pavement area narrow.

When asked why there was a need for tables and chairs on the pavement given that at the rear of The Romany Rye there was already an outside facility where no pedestrians walked past, Mr James, Manager of The Romany Rye explained that with their level of trade growing they saw it as being an opportunity to enhance and benefit The Romany Rye due to the increasing café style culture. The tables and chairs at the front of the premises would predominately be for food. As they were mindful of the public highway, drinks would be served in plastic glasses, and customers would be prevented from taking glasses out the front of the premises. In the summer season, the back garden was at its maximum capacity which consisted of around 40 covers where food was served (about 200 covers inside).

A Member felt that in the summer months, customers would move tables and chairs out of the sunshine and into a shaded area which could then impinge on the pavement. The Area Manager stated that customers would not be allowed to move them by appropriately trained staff.

A further concern was in regard to what consideration had been taken to enable disabled motorised vehicles and children's' double buggies to be accommodated on the pavement in the area from the perimeter of the street to a barrier, and whether there would be enough space for them individually to pass without going onto the road, as well as 'two-way traffic'. The Area Manager stated that the area would be six paving slabs wide.

The Area Manager stated that tables and chairs would be in place Sundays to Thursdays 8 a.m – 10 p.m and Fridays and Saturdays 8 a.m – 7.30 p.m but both the time of year and weather would dictate what time they were placed outside as well as when they would be brought back in. No lighting or canopy was planned. When questioned about smoking, she explained that signs would be

Action By

erected to prohibit anyone from smoking at the tables and chairs. Smoking was permitted in the back garden.

Richard Holliday, Objector, had resided in Crown Place, Church Street opposite The Romany Rye, for the past 3-4 years. He was present to speak on behalf of neighbours who had expressed concern, although his main concern was the disruption it would cause to the church. School children and those attending the church used the footpath and he believed there was not enough room to accommodate tables and chairs. The added noise would cause some nuisance too. There was already noise on Friday and Saturday nights and the following mornings due to late night revellers. On sunny days neighbours could hear noise from the area at the rear, and he felt that they had been tolerant of that. The proposal at the front of the premises would only be a few meters away from where he lived. Cars were able to park outside The Romany Rye due to there being no double yellow lines.

To summarise, the Area Manager confirmed that they would be happy to put barriers in place, were flexible on timings the tables and chairs would be placed outside and when it got dark they would bring them in as they would if the weather was bad. The facility would be well managed. The Romany Rye was a very dominant public house with regard to food as opposed to liquor with more coffee being sold. The proposal was to provide extra seating as the establishment was currently at full capacity. At other establishments they were launching community days, where members of the public/neighbours would be welcome to attend to discuss any problems they might have, and they would propose to do the same at The Romany Rye, as Wetherspoons were more than happy to deal with any concerns and overcome them, which the Objector welcomed. When the Objector asked if Church Street was an alcohol free zone, she said that the establishment could manage if it was and the tables and chairs would be for non alcoholic drinks.

Having heard all the evidence, the Applicant, Area Manager, Objector and Officer withdrew to allow the Committee to consider their options.

After the Committee had considered the matter, the Applicant, Area Manager, Objector and Officer returned.

The Solicitor advised that following all the evidence submitted and the management structure in place, it was :

RESOLVED that,

The Committee grant the table and chairs application as shown in the Agenda for a period of one year initially.

The reason for the decision was that the Committee were satisfied that the applicant could operate the licence subject to :

Action By

- (a) The Standard Conditions of Breckland Council as listed on page 8 of the Agenda
- (b) Items 1 -10 of the applicant's Pavement Café Proposed Operating Schedule as shown on page 13 of the Agenda, be imposed as additional conditions
- (c) In accordance with Breckland Council's Tables and Chairs Consent Standard Conditions No. 7, permission for the tables and chairs was granted from 8 a.m – 10 p.m Sundays to Thursdays inclusive, and from 8 a.m – 7.30 p.m Fridays and Saturdays
- (d) No smoking was to be permitted at the tables subject to the licence
- (e) The application would take effect from 1 January 2013

Cllrs Armes and Duffield were not supportive of the decision.

The Chair made the applicant aware that whilst Point No. 15 of Breckland Council's Tables and Chairs Consent Standard Conditions, as shown on page 8 of the agenda did allow barriers, the Committee had decided to temporarily exclude permission for any barriers due to the lack of information provided by the applicant. The applicant was advised that he would need to provide details to the Licensing Officer to resolve.

54/12 NEXT MEETING

It was noted that the next meeting would be held on Wednesday 16 January 2013 at 10.00 a.m in the Norfolk Room.

The meeting closed at 11.45 am

CHAIRMAN