

WORCESTER CITY COUNCIL
LICENSING SUB-COMMITTEE

24TH MAY 2022

HIGHWAYS ACT 1980

APPLICATION FOR GRANT OF A STREET AMENITY PERMISSION

APPLICANT: MR SERGIO DOTTORE

PUBLIC HEARING	
Director:	Head of Worcestershire Regulatory Services
Contact Officer:	Nikki Jones Technical Licensing Officer 01905 822799 enquiries@worcestershire.gov.uk
Ward(s) affected:	Cathedral
Appendices:	Appendix 1 – Application Appendix 2 – Plan Appendix 3 – Letter of Objection Appendix 4 – Street Amenity Policy

1. PURPOSE OF REPORT

- 1.1 To consider and determine an application for a new street amenity permission in respect of the following premises:

Thai Gallery
22 & 26-32 Friar Street,
Worcester
WR1 2LZ

2. BACKGROUND

- 2.1 On 29th March 2022, the Council received an application for street amenity permission from Mr Sergio Dottore, Owner of Thai Gallery, Friar Street Worcester. A copy of the application is attached to this report as “**Appendix 1**”.

- 2.2 The application is seeking permission to place 19 tables and 38 chairs on the public highway. The street furniture is to be located directly on the pavement outside 26-32 Friar Street, on the pavement opposite 26-32 Friar Street and on the pavement outside 22 Friar Street. Mr Dottore has confirmed that he is currently the lease holder for 22 Friar Street. A plan showing the location of the proposed furniture is attached to this report as “**Appendix 2**”.
- 2.3 The applicant has indicated that he wishes to use street furniture everyday between the hours of 09:30hrs – 23:00hrs.
- 2.4 Officers can confirm that the application was submitted correctly and has been advertised in the correct manner by way of a public notice, which has been displayed on site for 28 days.
- 2.5 The Licensing Office, in line with the street amenity application procedure has consulted with a number of statutory consultees, these being:
- The Town Centre Manager(s) (WC)
 - Worcester BID – (or equivalent organisation)
 - Environmental Health Team (WRS)
 - West Mercia Police
 - Hereford and Worcester Fire and Rescue Service
 - Environment Services/ Street cleansing (WC)
 - Planning Department/Development Control (WC)
 - Highways (WCC) West Mercia Police
- 2.6 During the consultation period, no objections were received by the Council from any of the statutory consultees.
- 2.7 In response to the public notice, an objection has been received by the Council from Laslett’s Charities, Laslett’s Charities owns and manages Almshouse. Almshouse provides accommodation for 17 elderly residents and is located immediately opposite 26-32 Friar Street.
- 2.8 In their letter of objection, Laslett’s Charities have stated that should permission be granted by the Council to place street furniture in this location, it will have an adverse affect on the living quality of their residents, who are already experiencing regular late-night disturbance. A copy of the letter of objection is attached to this report as “**Appendix 3**”.
- 2.9 Examination of office records has confirmed that the premises Thai Gallery has previously held street amenity permissions for street furniture directly outside 26-32 Friar Street for 5 tables and 10 chairs. This permission expired on 6th May 2022.
- 2.10 Office records further confirm that the premises Thai Gallery has also held a pavement licence for 4 tables and 20 chairs for the pavement area opposite 26-32 Friar Street. This licence expired 30th September 2021.

3. LOCAL POLICY CONSIDERATIONS

- 3.1 The Council has adopted a policy in relation to Street Amenity permissions. A copy of the Street Amenity Policy is attached at “**Appendix 4**”.

4. LEGAL IMPLICATIONS

- 4.1 The Sub-Committee is obliged to determine this application in accordance with part VII A of the Highways Act 1980.

- 4.2 Sections 115A to 115K of the Highways Act 1980 relate to the provision of amenities on the highway. The council MAY grant a person permission to provide facilities for recreation and refreshment and also to use objects or structures* on, in or over a highway.

“There is no definition of objects or structures which could include a multitude of different uses including tables, chairs, planters, parasols, barriers, food displays etc”.

- 4.3 In making its decision, the Sub-Committee is obliged to have regard to the Council's Street Amenity policy.

- 4.4 The Sub-Committee must also have regard to the representations made and the evidence it hears.

- 4.5 The Sub-Committee must take such of the following steps as it considers appropriate:

- (a) Allow the consent to be granted
- (b) Refuse the application

- 4.6 All parties to the hearing will be notified of the Sub-Committee's decision in writing within five working days of the conclusion of the hearing.

- 4.7 The Sub-Committee are advised that The Highways Act 1980 does not provide any direct right of appeal against a decision to refuse a street trading consent application. Therefore an applicant aggrieved by a decision to refuse a street amenity consent, would only be able to challenge that decision by making an application for a judicial review.

5. FOR DECISION

- 5.1. That the Licensing Sub-Committee consider and determine whether to grant or refuse the application made by Mr Dottore for street amenity permissions in Worcester City Centre.