

Cheltenham Borough Council

Licensing Committee – 6 December 2013

Highways Act 1980 Part VIIa Local Government (Miscellaneous Provisions) Act 1982

Application for permission to place an object on the Highway – ‘A’ Board

Report of the Senior Licensing Officer

1. Executive Summary and recommendation

- 1.1 Mr George Ferguson based at Slater Menswear, 13 - 17 Promenade, Cheltenham has made an application to renew the existing consent to place a straight sided and straight bottomed ‘A’ board outside 13-17 Promenade. The ‘A’ board does not exceed 100cm (h) x 60cm (w).
- 1.2 It is intended that the ‘A’ board be displayed;
- | | |
|-----------|---------------|
| Monday | 08.30 - 17.30 |
| Tuesday | 08.30 - 17.30 |
| Wednesday | 08.30 - 17.30 |
| Thursday | 08.30 - 19.30 |
| Friday | 08.30 - 17.30 |
| Saturday | 08.30 - 17.30 |
| Sunday | 11.00 - 16.00 |
- 1.3 An image of the A Board is attached at **Appendix A** and a location map is attached at **Appendix B**.
- 1.4 The recommendations have regard to the individual merits of this application and the established policy. The policy seeks to avoid a proliferation of ‘A’ boards and objects on the highway whilst having regard to cases where there is a clear commercial need for this form of advertising.
- 1.5 **The Committee is recommended to resolve that:**
- 1.5.1 **The application be approved because Members are satisfied there are sufficient reasons to deviate from the with the new policy in respect of objects placed on the highway or**
- 1.5.2 **The application be refused because Members are not satisfied that the A board complies with the Council’s new policy in respect of objects placed on the highway.**
- 1.6 **Summary of implications**
- 1.6.1 Financial
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1.6.2 Legal

No right of appeal.

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2. Background

2.1 The current Policy on Measures to Control Street Scene Activities in Cheltenham covering Street Trading, Objects on the Highway and Charitable Collections was approved on 1st April 2013. A copy of the whole policy has previously been circulated to Members and extracts are included in the application pack that was given to the applicant.

3. Policy Principles, Aims and Objectives

3.1 The policy outlines the principles the council will apply when making decisions on applications for objects on the highway consents.

In particular, this part of the policy will aim to promote the following aims and objectives:

- To have a clear & transparent policy governing all decisions relating to objects placed on the highway.
- To enable the Council to manage all objects placed on the highway in order to provide effective control measures.
- To ensure that all objects placed on the highway meet the required quality standards, pose no risk to public health, safety & protection and to ensure that these objects do not obstruct the highway.
- To avoid duplication with other statutory provisions and the Council's commitment to work in partnership with other enforcement agencies.

3.2 In setting the policy principles relating to 'A' boards, the Council seeks to strike a balanced approach between promoting the Council's priorities, in particular strengthening the Borough's economy by assisting and promoting local businesses but at the same time ensuring the free passage along footpaths and maintaining the visual street environment by the controlled use of 'A' boards in the streets.

3.3 To this end the Council will permit one 'A' board per premises subject to that premises meeting all of the conditions stipulated below. Please note that one 'A' board will be permitted *per premises*, not per business. Premises housing more than one business will therefore, subject to the requirements shown below, be permitted only one 'A' board. In these circumstances the Council will encourage businesses to share the use of the 'A' board.

3.4 Conditions of Consent

The Conditions of Consent are subject to the Revised Outdoor Advertising Protocol below.

- (a) A minimum of 1.8 metres of footway remains along the line of the board between the edge of the object and either the kerb or other highway boundary.
- (b) Where there are existing consents in place in the vicinity of the application, there must be a minimum distance of 4 meters (either way) between 'A' boards.
- (c) The size of the 'A' board does not exceed 1100mm (43") in height (inc feet) and 844mm (32") in width.

- (d) The 'A' board is placed directly outside the premises, immediately adjacent to the front of the premises or in the case of premises that do not have a street frontage, immediately adjacent to the entrance to the premises.
- (e) The 'A' board must not contain any visual or written material that could be construed as inappropriate or offensive. *(Any breach of this condition will result in the immediate removal of any such signs.)*
- (f) The 'A' board must not cause an obstruction to access by emergency or service vehicles.
- (g) The 'A' board must not interfere with sight lines for any road users. *(For example 'A' boards placed on street corners, central reservations, roundabouts, pedestrian safety refuges and junctions, or pedestrian crossing facilities.)*
- (h) The 'A' board must be sufficiently weighed down to avoid falling over. *(It will not be sufficient that 'A' board is attached to fixed structures. The applicant must be able to demonstrate that the 'A' board has been sufficiently weighed down and the Council reserves the right to inspect the 'A' board prior to issuing a consent.)*
- (i) The 'A' board must relate to the trade of the premises.
- (j) The 'A' board must be constructed in such a way that it does not have any moving parts *(i.e. rotating or swinging 'A' boards)*.
- (k) The object does not obstruct the safe passage of users of the footway or carriageway in any other way not mentioned above.

3.5 Revised Outdoor Advertising Protocol (Appendix I)

No 'A' board will be approved within Conservation Areas except in the following circumstances;, having regard to the position and location of the premises:

- a) where those premises are located at basement or first floor level i.e. the premises has no shop-front at street level,
- b) the premises are situated along a side alleyway and / or on private land which is not a public thoroughfare / right of way.

Nothing in this protocol overrides requirements set out in the Council's policy on the licensing of 'A' boards so where an 'A' board meets the exemptions in the protocol, it will still be subject to the normal policy on the licensing of 'A' boards set out in the policy.

4. Consultee Comments:

4.1 Responsible Authorities

Highways Enforcement Officer – Gloucestershire Highways try to keep the highway free from unnecessary sign clutter. However we do recognise that for business which are located on a 1st floor or above (i.e. not at street level) that the use of A boards directly outside their business is helpful to highlight their existence.

However our concerns with this particular application are that entrance to this business does actually have a street level frontage with good signage above this entrance which is similar in size to the adjacent shops – (see attached Google image)

To confirm then Gloucestershire Highways would **object** to this application because we feel that there is already sufficient street level signage and an A board outside on the pavement would create street level signage clutter. In addition if granted then other business at this location might start requesting similar such advertising boards.

5 Licensing Comments

- 5.1 The Committee should note that the 'A' board has previously had consent, however on renewal of the consent it was considered necessary to refer the application to Committee because the Council's policy has changed and the application does not comply with the new adopted policy in a number of ways:
- 5.1.1 The premises does have a shop-front at street level contrary to the Revised Outdoor Advertising Protocol (3.5 above). Attached at **Appendix C** is an image of the shop frontage.
- 5.1.2 The premises is not situated along a side alleyway and/or on private land which is not a public thoroughfare/right of way (3.5 above)
- 5.2 The existing consent, granted originally in 2003 is due to expire on 31st December 2013.
- 5.3 On individual merits, this application must be determined taking into account the objections received and in accordance with the Council's current adopted policy in respect of objects placed on the highway.
- 5.4 The Committee must seek to promote its own policy and only deviate where there are sufficient and justifiable reasons for doing so.

Background Papers

Policy on Measures to Control Street Scene Activities in Cheltenham: Street Trading, Objects on the Highway and Charitable Collections.

Report Author

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