

**Cheltenham Borough Council**  
**Licensing Committee – 7 March 2014**

**Highways Act 1980**

**Local Government (Miscellaneous Provisions) Act 1982**

**Application for Permission to Place Tables and Chairs on the Highway**

**Boston Tea Party, 45 - 49 Clarence Street, Cheltenham**

**Report of the Licensing Officer**

**1. Executive Summary and Recommendation**

1.1 An application has been received from Mr Sam Roberts in respect of Boston Tea Party, 45-49 Clarence Street, Cheltenham. The applicant applied to place 10 tables and 34 chairs on the pavement directly outside the premises but has subsequently revised this downwards to 9 tables and 18 chairs.

1.2 It is intended that the tables and chairs be put out:

Monday	07.00 – 21.00
Tuesday	07.00 – 21.00
Wednesday	07.00 – 21.00
Thursday	07.00 – 21.00
Friday	07.00 – 21.00
Saturday	07.00 – 21.00
Sunday	07.00 – 21.00

1.3 A photograph showing the style of table and chair to be used is attached at **Appendix A**.

1.4 A location plan showing the tables in chairs in position is attached at **Appendix B**.

1.5 **The Committee is recommended to resolve that:**

**1.5.1 The application be approved because Members feel the application is compatible with the current Street Scene Policy, or**

**1.5.2 The application be refused as the application falls outside the provisions of the current Street Scene Policy.**

**1.5 Summary of implications**

1.5.1 Financial

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## 1.5.2 Legal

No right of appeal.

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## 2. Background

2.1 The current policy for *Town Centre Street Activities: Street Trading & Objects on the Highway* was approved on 1<sup>st</sup> 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. Consultation and Feedback

3.1 Consultation was undertaken in accordance with the Council's normal consultation procedure for applications to place tables and chairs on the highway.

3.2 Objections were received in respect of this application from:

3.2.1 Nigel Overall, Gloucestershire Highways

3.2.2 Martin Levick, Senior Enforcement & Compliance Officer, Built Environment (CBC)

3.2.3 Wilf Tomaney, Urban Design Manager, Built Environment (CBC)

3.3 Members' attention is drawn to **Appendix C** which contains copies of the above objections. Members are asked to note that all three objections were received before the applicant reduced the scale of his application.

## 4. Policy Principles, Aims and Objectives

4.1 This section outlines the policies the council will apply when making decisions on applications for consents.

4.2 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.

Each application is assessed against the outlined conditions included in the application pack and this policy.

No object and its associated activity may generate noise which is likely to cause nuisance or annoyance.

Any object given consent to be placed on the highway must be sufficiently weighed down or secured to ensure that the object will not cause any harm or damage.

The Council wishes, as far as is compatible with other highway uses, to promote the 'cafe culture' in Cheltenham because of the added life and vitality this brings to the town. To this end, the Council will look favourably on applications by operators in appropriate locations to put tables and chairs on the pavement outside their premises.

Consent to place tables and chairs on the highway will only be granted for the consumption of food and drink, provided they are in association with a business operating from nearby premises.

Consent to place tables and chairs on the highway will be subject to the use of canvas barriers to cordon off the area where the tables and chairs are placed on the highway.

For health and safety reasons, the Council will not permit glass top tables.

Where consent has been issued for tables and chairs to be placed on the highway the Council may permit, within reason, other objects to be placed inside the area that has been cordoned off with barriers.

## 5. Licensing Comments

- 5.1 The Committee must determine the application with a view to promoting the Council's adopted policy.
- 5.2 This report has been brought to members' attention as prescribed in the scheme of delegation set out in the Street Scene Policy (page 6) adopted on 1<sup>st</sup> April 2013, whereby all new applications are referred to the Licensing Committee.
- 5.3 Members are asked to note that the objections in relation to this application were received before the applicant revised the application downwards from 10 tables and 34 chairs to 9 tables and 18 chairs.
- 5.4 In accordance with the current Street Scene Policy members must determine and consider if an application of this type positively enhances the enjoyment and reputation of the town as a tourist and leisure destination whilst being in keeping with the streetscape.

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### Background Papers

Service Records

### Report Author

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