

Cheltenham Borough Council
Licensing Committee – 3rd July 2015
Highways Act 1980

Local Government (Miscellaneous Provisions) Act 1982

Application for Permission to Place Tables and Chairs on the Highway
Bentleys Bar – 76 High Street Cheltenham

Report of the Senior Licensing Officer

1. Executive Summary and Recommendation

- 1.1 An application has been received from Mr Alexander Heslop in respect of 76 High Street Cheltenham GL50 1EG, trading as Bentleys Bar. The applicant has existing permission to place 4 small tables and 8 chairs on the highway during the operating hours of the premises, and is now applying to extend that permission to 10:00 – 03:00 Sunday to Wednesday and 10:00 – 04:00 Thursday to Saturday with 2 larger tables and 8 Chairs
- 1.2 The existing permission authorises the street furniture to be in place at the following times:

Monday	10:00 – 23:00
Tuesday	10:00 – 23:00
Wednesday	10:00 – 23:00
Thursday	10:00 – 23:00
Friday	10:00 – 23:00
Saturday	10:00 – 23:00
Sunday	10:00 – 23:00

The application under consideration is to authorise the street furniture to be in place 10:00 – 03:00, Sunday to Wednesday and Thursday to Saturday 10:00 – 04:00.

- 1.3 **Appendix A** shows plans of how the tables and chairs will be positioned during the premises opening hours. **Appendix B** is a letter supporting the applicant's request.
- 1.4 **The Committee is recommended to resolve that:**
- 1.4.1 **The application be approved because Members feel the application is compatible with the current Street Scene Policy, or**
- 1.4.2 **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

Contact officer: Sarah Didcote
E-mail: sarah.didcote@cheltenham.gov.uk
Tel no: 01242 26 4125

1.5.2 Legal

No right of appeal.

Contact officer: Vikki Fennell
E-mail: Vikki.Fennell@tewkesbury.gov.uk
Tel no: 01684 272015

2. Background

- 2.1 The current policy for *Town Centre Street Activities: Street Trading & Objects on the Highway* 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. Consultation and Feedback

- 3.1 Consultation was undertaken in accordance with the Council's consultation procedure for applications in respect of tables and chairs. Representation was received David Lewis of Gloucestershire Police, whose objection is as follows:

"The Police object to this extension of hours on the grounds of Public Safety, Crime and Disorder and Public Nuisance".

The receipt of this application at the same time, falling within the volatile hours for the night time economy, places a significant number of customers into the street at a time when the risk of public nuisance is high. It is our considered view that this proposal will combine to increase ambient noise, the opportunity of confrontation between persons resorting to the premises in question and passers-by and providing encouragement for them to loiter in the area, thereby increasing the risk of crime and disorder.

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 Members are to note that the applicant already has permission to place 4 tables and 8 chairs from 10:00 – 23:00. The applicant is not seeking to alter the style or location of the furniture but will be looking at now using only 2 larger tables and 8 chairs. The existing permission was made in April 2003 and the consultation attracted no objections,
- 5.3 The application relates solely to extending the times during which permission is held. For that reason Members should base their decision on the effects of the furniture being *in situ* late at night when the premises are trading, rather than the style of the furniture.
- 5.5 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.

Background Papers

Service Records

Report Author

Contact officer: Andy Fox – Senior Licensing Officer

E-mail: licensing@cheltenham.gov.uk

Tel no: 01242 775004