

Cheltenham Borough Council

Licensing Committee – 8 January 2016

Highways Act 1980 Local Government (Miscellaneous Provisions) Act 1982

Application for permission to place tables and chairs on the highway

The Stable, 40 Clarence Street, Cheltenham

Report of Licensing Team Leader

1. Summary and Recommendation

1.1 An application has been received from The Stable Bar & Restaurant Limited in respect of The Stable, 40 Clarence Street, Cheltenham. The applicant wishes to place 3 picnic style tables with benches to seat a total of 12 on the pavement outside the premises at 40 Clarence Street.

1.2 It is intended that the benches be put out:

Monday	10:00 - 00:30
Tuesday	10:00 - 00:30
Wednesday	10:00 - 00:30
Thursday	10:00 - 00:30
Friday	10:00 - 00:30
Saturday	10:00 - 00:30
Sunday	10:00 - 00:30

1.3 A picture of the proposed structure(s) is attached at **Appendix A** and a location plan at **Appendix B**.

1.4 **The Committee can:**

1.4.1 **Grant the consent because the application is compatible with the current Street Scene Policy, or**

1.4.2 **Refuse the consent because the application falls outside the provisions of the current Street Scene Policy.**

1.5 **Summary of implications**

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 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 This section outlines the policies the council will apply when making decisions on applications for consents.
- 3.2 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.

4. Consultee Comments:

- 4.1 **Planning Enforcement** - Object on the basis that: Whereas no design details have been provided with the consultation/submission, the "picnic style" tables and benches described in the application conflicts with the design standards set out in Appendix G of the approved Policy. (para 2.2.1 specifically refers)

Gloucestershire Constabulary - We would like there to be some kind of barrier that designates the licenced area.

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 member's attention as prescribed in the scheme of delegation set out in the Street Scene Policy (page 6) adopted on 1st April 2013, whereby all new applications are referred to the Licensing Committee.
- 5.3 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.
- 5.4 The applicant has confirmed that it will be possible to remove the proposed benches during non-trading hours and confirmed their willingness to place barriers around the proposed tables and chairs area although at the time of writing this report, officers were not able to get any details of the barriers' design. Member may want to seek clarification on the proposed barriers' design.
- 5.5 In relation to the comments made by the planning enforcement officer, the referenced section of the policy is "*The furniture should be of a high quality and uniform style within the permitted area.*"
- 5.6 Members' attention is also drawn to the council's adopted "Pavement tables and chairs design guide" that will provide additional guidance on the appropriate use and design of tables and chairs. The design guide is attached at **Appendix C**.

6. Officer recommendation

- 6.1 The officer recommendation is that the application before the committee be granted but subject to an amendment to the proposed layout, it being that the bench and two seats on Clarence Street be excluded from the consent.

Reason(s): Officers recognise the policy objective to promote the 'cafe culture' in the town because of the added life and vitality this brings to the town and the vicinity. As a consequence the Council will look favourably on applications by operators in appropriate locations to put tables and chairs on the pavement outside premises.

The recommendation to grant the consent subject to a change is made on the basis that, allowing for barriers, there will be less than the recommended 1.8 meters of highway width remaining on Clarence Street.

Officers would also recommend that the consent would be subject to approval of the proposed design for canvas barriers.

Background Papers

Service Records

Case Officer

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