

# Cheltenham Borough Council

## Licensing Committee – 5 June 2019

### Policy on Licensing Objects on the Highway

#### Report of Licensing Team Leader

#### 1. Introduction

1.1 The Licensing Committee has requested a review of the street scene policy be brought to the next full licensing committee meeting.

1.2 A briefing note has been prepared to assist Members in their discussions on the current policy and recommendations for any future policy direction. The briefing note is attached at Appendix 1.

#### 1.3 The Committee is recommended to:

1.3.1 Note the attached briefing note, and

1.3.2 Make recommendations to the Cabinet Member for Development and Safety on the proposed revised policy options with regards to the council's policy on the licensing objects on the highway.

#### 1.5 Summary of implications

Legal

The council has discretion under the Highways Act to adopt policies in relation to its delegated powers to control the objects used to obstruct the highway.

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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 is given to any 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.

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- 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.

**Background Papers**

Service Records

**Case Officer**

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