

# Cheltenham Borough Council

## "Miscellaneous" Licensing Sub-committee – 3 July 2019

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

### Application for renewal of permission to place an object on the Highway – 'A' Board

#### Report of the Licensing Team Leader

#### 1. Executive Summary

- 1.1 Lakeland Ltd based at 13 -17 Promenade has applied for the renewal of a consent issued to them in October 2018 to display an 'A' board.
- 1.2 The consent was issued by a licensing officer without referring the application to the committee for consideration as the business' application in 2018 did not comply with policy.
- 1.3 The renewal application is now being referred to the committee for a review of the consent in light of the policy position that would not normally have permitted the business to place an 'A' board on the highway in this location.

#### 1.4 The Committee can:

- 1.4.1 **Grant the renewal application because Members are satisfied that the location is suitable, or**
- 1.4.2 **Refuse the renewal application because it does not comply with the provision of the Street Scene policy.**

#### 1.5 Summary of implications

Legal No right of appeal.

**Contact officer: One Legal**  
**E-mail: [legalservices@tewkesbury.gov.uk](mailto:legalservices@tewkesbury.gov.uk)**  
**Tel no: 01684 272015**

#### 2. Issued consent

- 2.1 Lakeland Ltd currently has a consent to place an 'A' board outside 13 -17 Promenade.
- 2.2 The consent is to display the 'A' board on the following days and times:

Monday	09:00 - 17:30
Tuesday	09:00 - 17:30
Wednesday	09:00 - 17:30
Thursday	09:00 - 17:30
Friday	09:00 - 17:30
Saturday	09:00 - 17:30
Sunday	10:30 - 16:30

2.3 The width of footpath available is in excess of 4 metres (13 feet).

### 3. Policy Principles, Aims & Objectives

3.1 The current consent does not comply with the council's "Revised Outdoor Advertising Protocol" that states:

*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 thorough fare / right of way.*

3.2 The current location of the 'A' board in relation to Lakeland Ltd. does not comply with the council policy restrictions in that the business is located at street level with full street level frontage. To this extent the business is not deemed to be in need of this form of additional advertising.

### 4. Consultee Comments

4.1 No comments were received in relation to the application to renew the consent.

### 5. Licensing Comments

5.1 The application to renew the consent has given the council an opportunity to review the decision to grant the business a consent to obstruct the highway with an 'A' board. As stated in this report, the initial application in 2018 should have been referred to the Licensing Committee as it did not comply with the provisions of the council's "Revised Outdoor Advertising Protocol" as outlined above.

### 6. Officer recommendation

6.1 The officer recommendation is that this application be refused.

**Reason(s):** The location is not disadvantaged and in need of this additional form of advertising in accordance with the restrictions set out in the Revised Outdoor Advertising Protocol.

---

#### Background Papers

#### Service Records

#### Case Officer

**Contact officer: Mr Louis Krog**  
**E-mail: [licensing@cheltenham.gov.uk](mailto:licensing@cheltenham.gov.uk)**  
**Tel no: 01242 262626**