

Cheltenham Borough Council

Licensing Committee – 4 March 2020

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

Application for permission to place an object on the Highway – ‘A’ Board

Report of the Licensing Team Leader

1. Executive Summary

- 1.1 Miss Sarah Goldsmith based at, Tom Howley, 1-2 Promenade, Cheltenham has made an application to place an advertising board at Montpellier Walk. The proposed advertising board is 940cm (3ft) tall.
- 1.2 It is intended that the ‘A’ board be displayed;

Monday	09:30 - 17:30
Tuesday	09:30 - 17:30
Wednesday	09:30 - 17:30
Thursday	09:30 - 17:30
Friday	09:30 - 17:30
Saturday	09:30 - 17:30
Sunday	11:00 - 15:00

- 1.3 The Committee are minded to note that the size of the advertising board complies with the standard sizes recommended in the council’s policy.
- 1.4 **A picture of the proposed structure is attached at Appendix A.**
- 1.5 Width of footpath available is in excess of 1.8m (6 ft).
- 1.6 A location plan of the proposed location is attached at **Appendix B.**
- 1.7 **The Committee can:**
- 1.7.1 **Approved the application because Members are satisfied that the location is suitable, or**
- 1.7.2 **Refuse the application because it does not comply with the provision of the Street Scene policy.**
- 1.8 **Summary of implications**

Legal No right of appeal.

Contact officer: One Legal
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2. Introduction

- 2.1 Following the loss of the highways agency and the associated transfer of responsibility for this aspect of highways enforcement to the borough council.

3. Policy Principles, Aims & Objectives

- 3.1 All new applications for 'A' boards/display stands are considered by the Licensing Committee.
- 3.2 Such objects are subject to a maximum width of 60cm in any one direction and a height of 1 metre and must be of a colour, design, finish and materials that are of a high standard appropriate to the conservation area.
- 3.3 The Town Centre Policy for Street Trading and Objects on the Highway in relation to Advertising 'A' boards, states that *"It is accepted that some businesses operate from premises which are not in a prominent location and yet rely in large part on passing trade, and it is appropriate to assist in the promotion and success of those businesses to allow the use of 'A' boards or similar advertising displays. The Council does not however, want to see a proliferation of such items and will restrict to one per business with a clear need. It is not intended that every business in the town centre will be permitted to display an 'A' board"*.

4. Consultee Comments

- 4.1 No objections were received in relation to this application.

5. Licensing Comments

- 5.1 This application has been made in response to a visit by the Licensing Enforcement Officer and is being referred to the Licensing Committee because:

- 5.1.1 It is a new application and these are always referred to the committee for determination; and
- 5.1.2 The application does not comply with the council's policy in that the business benefits from full, street level frontage and so does not comply with the 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.

- 5.2 The committee must determine the application with a view to promoting the council's adopted policy. However, whilst the policy must not arbitrarily be deviated from without good reasons, it should also not fetter the committee's discretion to consider the individual circumstances of the case.
- 5.3 Members are to note that the proposed location is not part of the adopted highway. If this application is granted, the licence fee will not apply as a consequence.
- 5.4 Miss Goldsmith has been sent a copy of this report and invited to attend the meeting and advised that she may be represented if she so chooses.

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6. Officer recommendation

6.1 The officer recommendation is that this application be refused.

Reason(s): The application does not comply with the Revised Outdoor Advertising Protocol as outlined above (paragraph 5.1.2).

Background Papers

Service Records

Case Officer

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