

# Cheltenham Borough Council

## Licensing Committee – 4 March 2020

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

#### Application for permission to place tables and chairs on the highway

#### Greggs 219 High Street Cheltenham

#### Report of Licensing Team Leader

#### 1. Summary and Recommendation

- 1.1 An application has been received from Mrs Karen Towle from Greggs PLC in respect of the pavement outside Greggs, 219 High Street Cheltenham to place 8 chairs and 4 tables there.
- 1.2 It is intended that the tables and chairs be put out:

Monday	06:30 - 18:00
Tuesday	06:30 - 18:00
Wednesday	06:30 - 18:00
Thursday	06:30 - 18:00
Friday	06:30 - 18:00
Saturday	06:30 - 18:00
Sunday	09:00 - 17:00

- 1.3 A picture of the proposed structure(s) is attached at **Appendix A** and a location plan at **Appendix B**.
- 1.4 This application has been referred to the Licensing Committee because:
- 1.4.1 The application has attracted an objection; and
- 1.4.2 The available space is less than the required 1.8m (6ft).
- 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 or for any other reason.**

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## 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 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 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.

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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 An objection has been received from Mr Afzal from Fone World located at 217 High Street. The objection is attached at Appendix C.

#### **5. Licensing Comments**

- 5.1 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.
- 5.2 Members are to note that the measurements on the plan submitted are not correct. The actual full width from the property line to pavement edge is 3.6m (11.8 ft) at the narrowest end and 3.8m (12.5 ft) at the widest.
- 5.3 Using the correct measurements, the minimum unobstructed access once the tables and chairs are put out is in fact 1.5m (5 ft) which is less than the 1.8m required by the council.

#### **6. Officer recommendation**

- 6.1 The officer recommendation is that this application be refused.

**Reason(s):** The remaining unobstructed highway is insufficient at 1.5m.

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**Background Papers**

Service Records

**Case Officer**

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