

**Cheltenham Borough Council**  
**Managing Director for Place & Economic Development– 15 June**  
**2020**

**Temporary changes to Street Scene Licensing Policy**

<b>Accountable member</b>	<b>Cabinet Member for Development and Safety, Councillor Andrew McKinlay</b>
<b>Accountable officer</b>	<b>Director of Environment, Mike Redman</b>
<b>Ward(s) affected</b>	<b>All</b>
<b>Key/Significant Decision</b>	<b>Yes</b>
<b>Executive summary</b>	<p>The authority has adopted a Recovery Strategy approved by Cabinet. The strategy sets out steps the authority will take to support Cheltenham’s recovery from the Covid-19 pandemic, including economic recovery.</p> <p>This report seeks to implement minor changes to the street scene licensing policy to support the authority’s recovery work.</p>
<b>Recommendations</b>	<p><b>Managing Director for Place &amp; Economic Development, in consultation with the Cabinet Member for Development and Safety, is recommended to:</b></p> <ol style="list-style-type: none"> <li><b>1. Endorse the overall approach outlined in the document attached at Appendix 2, “Using the public realm to trade safely during the COVID-19 pandemic”; and</b></li> <li><b>2. Approve the specific policy amendments set out in table 1 under paragraph 2.2.</b></li> </ol>

<b>Financial implications</b>	<p>There are no direct financial implications arising from this report.</p> <p><b>Contact officer: Andrew Knott, <a href="mailto:Andrew.Knott@publicagroup.uk">Andrew.Knott@publicagroup.uk</a></b></p>
<b>Legal implications</b>	<p>No legal implications arising as a result of the report</p> <p><b>Contact officer: <a href="mailto:vikki.fennell@tewkesbury.gov.uk">vikki.fennell@tewkesbury.gov.uk</a></b></p>
<b>HR implications (including learning and organisational development)</b>	<p>There are no direct HR implications arising from this report.</p> <p><b>Contact officer: Clare Jones, <a href="mailto:Clare.Jones@publicagroup.uk">mailto:Clare.Jones@publicagroup.uk</a></b></p>
<b>Key risks</b>	<b>As outlined in Appendix 1</b>

<b>Corporate and community plan Implications</b>	None arising. This report supports delivery of the corporate recovery strategy.
<b>Environmental and climate change implications</b>	None arising
<b>Property/Asset Implications</b>	None arising <b>Contact officer: <a href="mailto:Dominic.Stead@cheltenham.gov.uk">Dominic.Stead@cheltenham.gov.uk</a></b>

## 1. Background

1.1 The authority has adopted a Recovery Strategy approved by Cabinet. The strategy sets out steps the authority will take to support Cheltenham's recovery from the Covid-19 pandemic, including economic recovery.

1.2 The economic recovery strategy, includes a commitment support businesses with a range of practical measures to enable them to reopen and trade safely including:

*"...policy measures encompassing a review of the use of the public realm as a whole to facilitate business reopening and trading with adequate public safety measures. This will include:*

- a) Increasing the footprint for the use of tables and chairs in the public realm; and*
- b) Working with Gloucestershire County Council (GCC) to identify roads that could be closed to vehicular traffic to better utilise the public realm as a means to support business recovery.*

1.3 This review has now been undertaken by officers and measures have been drawn up to support the policy aims outlined above.

1.4 The majority of measures fall within the scope of adopted policy. Minor technical changes are required however to support the business recovery work. These are outlined in para 2.2 of this report and these are the specific policy measures that require approval as part of this report.

## 2. Policy measures

2.1 Attached at appendix 2 is the draft guidance and procedure for businesses setting out the general approach to be adopted by the authority.

2.2 The following specific policy amendments require approval:

Proposed policy change	Current policy position
The minimum unobstructed distances: <ul style="list-style-type: none"><li>• 2m or (6 feet) where the other businesses are adjoining yours on one or both sides; or</li><li>• 3m (10 feet) where other businesses are located opposite yours.</li></ul>	A minimum of 1.8 metres of footway remaining along the line of the board between the edge of the object and either the kerb or other highway boundary.
Delegation to the Licensing Team Leader to grant shorter consents of up to 6 months where no relevant objections were submitted.	Consents are issued for 12 months.

**Table 1**

2.3 A review of these policy changes will be undertaken within 6 months from the implementation date to determine if the changes need to continue or can be revoked.

## 3. Reasons for recommendations

3.1 The proposed revised and additional policy measures are necessary to support the business recovery work relating to the impact of Covid-19.

#### **4. Alternative options considered**

- 4.1 Not to support the measures outlined in this report. The risk assessment outlines the risks associated with this.

#### **5. How this initiative contributes to the corporate plan**

- 5.1 Proposals outlined in this report support the corporate Recovery Strategy.

#### **6. Non-Executive Functions**

- 6.1 Table 4, Part 3D of the Council's Constitution – Responsibility for Functions - makes provision for the Chief Executive to take an urgent decision in respect of a non-executive function, including a Significant Decision, in a situation where there is not sufficient time for a report to be considered by Council or an appropriate Committee, unless it is a decision that in law can only be made by Council. Wherever possible, this shall be done in consultation with the Mayor or appropriate Committee Chair.
- 6.2 In this case, the next scheduled Licensing Committee is on the 24<sup>th</sup> of June. Considering the next phase of lifting restrictions is due on the 4<sup>th</sup> of July, the date of the next Licensing Committee to agree these changes will not provide businesses sufficient time to prepare, particularly where licensing applications need to be made and determined.

#### **7. Consultation and feedback**

- 7.1 Consultation has been undertaken with GCC Highways which is supportive of the scheme, subject to the policy amendments outlined in this report.

#### **8. Performance management –monitoring and review**

- 8.1 Performance management will be undertaken through the overarching recovery work and in line with corporate policy and performance measures.

<b>Report author</b>	<b>Contact officer: Louis Krog, louis.krog@cheltenham.gov.uk</b>
<b>Appendices</b>	<ol style="list-style-type: none"><li>1. Risk Assessment</li><li>2. Using the public realm to trade safely during the COVID-19 pandemic</li></ol>
<b>Background information</b>	<ol style="list-style-type: none"><li>1. Corporate Covid-19 Recovery Strategy</li></ol>

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	If the authority does not support economic recovery there are reputational risks for the authority seen as not supporting businesses and the wider economy during this extraordinary time.	Director of Planning	June 2020	2	3	6	Accept	Approve recommendations		Licensing Team Leader	
	If the authority does not support economic recovery businesses will struggle to recover.	Director of Planning	June 2020	2	3	6	Accept	Approve recommendations		Licensing Team Leader	
	If the authority does not support recovery, there will be residual public health risks, particularly if businesses cannot, or do not, implement stringent public safety measures as part of its recovery.	Director of Environment	June 2020	2	3	6	Accept	Approve recommendations		Licensing Team Leader	
<b>Explanatory notes</b>											
<p><b>Impact</b> – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)</p> <p><b>Likelihood</b> – how likely is it that the risk will occur on a scale of 1-6</p> <p>(1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)</p>											

**Control** - Either: Reduce / Accept / Transfer to 3rd party / Close