

Cheltenham Borough Council

Licensing Committee – 2 December 2020

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

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

The Urban Meadow Café

Report of the Licensing Team Leader

1. Executive Summary

1.1 Mr Ben Hudson based at The Urban Meadow Café, 24 Rodney Road, Cheltenham has made an application to place an advertising board on the High Street at the junction with Rodney Road. The proposed advertising board measures 66cm (26") in width and 96cm (38") in height.

1.2 It is intended that the ‘A’ board be displayed:

Monday	08:00 - 20:00
Tuesday	08:00 - 20:00
Wednesday	08:00 - 20:00
Thursday	08:00 - 20:00
Friday	08:00 - 20:00
Saturday	09:00 - 20:00
Sunday	09:00 - 20:00

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 This application is being referred to the Licensing Committee:

1.4.1 As the proposed location of the advertising board does not comply with policy requirements and conditions that stipulates at condition (d):

“The ‘A’ board is placed directly outside the premises, immediately adjacent to the front of the premises or in the case of premises that do not have a street frontage, immediately adjacent to the entrance to the premises.”

1.4.2 To give the Licensing Committee an opportunity to consider comments submitted by the Highways Authority.

1.5 A picture of the proposed structure is attached at **Appendix A**.

1.6 Width of footpath available is in excess of 2m (6ft).

1.7 A location plan of the proposed location is attached at **Appendix B**.

1.8 The Committee can:

1.8.1 Approved the application because Members are satisfied that the location is suitable, or

1.8.2 Refuse the application because it does not comply with the provision of the Street Scene policy.

1.9 Summary of implications

Legal

No right of appeal.

Contact officer: One Legal
E-mail: legalservices@teWKesbury.gov.uk
Tel no: 01684 272693

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 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"*.

3.3 'A' Boards (Policy extract from para 3.3)

In setting the policy principles relating to 'A' boards, the Council seeks to strike a balanced approach between promoting the Council's priorities, in particular strengthening the borough's economy by assisting and promoting local businesses but at the same time ensure the free passage along footpaths and maintaining the visual street environment by the controlled use of 'A' boards in the streets.

To this end the Council will permit one 'A' board per premises subject to that premises meeting all of the conditions stipulated below. Please note that one 'A' board will be permitted *per premises* not business. Premises housing more than one business will therefore, subject to the below, be permitted only one 'A' board. In these circumstances the Council will encourage businesses to share the use of the 'A' board.

Conditions of Consent

The Conditions of Consent is subject to the Revised Outdoor Advertising Protocol attached at **Appendix I** of this policy.

(a) A minimum of 1.8 metres of footway remains along the line of the board between the edge of the object and either the kerb or other highway boundary.

(b) Where there are existing consents in place in the vicinity of the application, there must be a minimum distance of 4 meters (either way) between 'A' boards.

(c) The size of the 'A' board does not exceed 1100mm (43") in height (inc feet) and 844mm (32") in width.

(d) The 'A' board is placed directly outside the premises, immediately adjacent to the front of the premises or in the case of premises that do not have a street frontage, immediately adjacent to the entrance to the premises.

(e) The 'A' board must not contain any visual or written material that could be construed as inappropriate or offensive. *(Any breach of this condition will result in the immediate removal of any such signs.)*

(f) The 'A' board must not cause an obstruction to access by emergency or service vehicles.

(g) The 'A' board must not interfere with sight lines for any road users. *(For example 'A' boards placed on street corners, central reservations, roundabouts, pedestrian safety refuges and junctions, or pedestrian crossing facilities.)*

(h) The 'A' board must be sufficiently weighed down to avoid falling over. *(It will not be sufficient that 'A' board is attached to fixed structures. The applicant must be able to demonstrate that the 'A' board has been sufficiently weighed down and the Council reserves the right to inspect the 'A' board prior to issuing a consent.)*

(i) The 'A' board must relate to the trade of the premises.

(j) The 'A' board must be constructed in such a way that it does not have any moving parts *(i.e. rotating or swinging 'A' boards).*

(k) The object does not obstruct the safe passage of users of the footway or carriageway in any other way not mentioned above.

3.4 Outdoor Advertising Protocol

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.

Nothing in this protocol overrides requirements set out in the Council's policy on the licensing of 'A' boards so where an 'A' board meets the exemptions in the protocol, it will still be subject to the normal policy on the licensing of 'A' boards set out in the policy.

4. Consultee Comments

4.1 Whilst no objections were received, the highways authority submitted the following comment:

"We would be in agreement considering that the A-board in question is

- insured by the applicant.*
- sited amongst a cluster of bollards/street lighting addressing the concerns for those with mobility issues."*

5. Licensing Comments

- 5.1 The committee must determine the application with a view to promoting the authority's adopted policy.
- 5.2 Mr Hudson has been sent a copy of this report and invited to attend the meeting and advised that he may be represented if he so chooses.

6. Officer recommendation

- 6.1 The officer recommendation is that this application should be **refused** for the reasons stipulated below.

However Members must determine this application on its merits taking into account the individual circumstances. The Licensing Committee does have discretion to deviate from policy in cases where circumstances deems this appropriate, giving full reasons for any policy deviation.

In particular, Members should consider the business location down Rodney Road in relation to the policy (para 3.3) and Outdoor Advertising Protocol (para 3.4) that makes some provision for business disadvantaged due to their location.

Reason(s): The proposed location of the advertising board does not comply with the policy requirements, in particular standard condition (d) as outlined above.

Background Papers

Service Records

Case Officer

Contact officer: Mr Louis Krog
E-mail: licensing@cheltenham.gov.uk
Tel no: 01242 264135