

Cheltenham Borough Council

Licensing Committee – 2 December 2020

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

Response to consultation to revised Street Scene Policy

Report of the Licensing Team Leader

1. Executive Summary

1.1 The current street scene policy was adopted by Council on 22 February 2013. A review of this policy has been undertaken by officers. The revised draft policy was approved for consultation by the Cabinet Member for Cyber and Safety.

1.2 This report provides an opportunity for the Licensing Committee, acting as lead consultee to the Cabinet Member for Cyber and Safety, to consider the policy revisions and submit any comments for consideration by Cabinet.

1.3 The Committee is recommended to:

1.3.1 Note the revisions to the revised policy as outlined in this report; and

1.3.2 Acting as lead consultee to the Cabinet Member for Cyber and Safety, submit any comments or response this committee wish to make for consideration by Cabinet.

1.4 Summary of implications

Legal

Legal implications as outlined in the report.

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2. Policy on Measures to Control Street Scene Activities in Cheltenham

2.1 The policy covers the authority's approach to licensing and regulating objects on the highway and charitable collections.

2.2 A copy of the proposed revised policy is attached at **Appendix 2**. For the purpose of this report, tracked changes are indicated on the revised policy. These will be removed on the consultation version of the revised policy.

3. Revisions proposed

3.1 Aside from minor changes and updates, the more substantial proposed changes to the policy relate

to part 2, permission to obstruct the public highway.

3.2 The proposed changes are as follows:

3.2.1 Determination of an application – Strengthening the authority’s position on applications that do not comply with the policy by making it clear the default position would be a refusal and that the onus is on the applicant to convince the committee otherwise.

3.2.2 Lengthening the period for consultation in response to Member concerns raised, and updating the list of consultees.

3.2.3 Formalising the requirement to maintain a minimum of 1.8m unobstructed thoroughfare.

3.2.4 Updates to the authority’s approach to enforcement to streamline the approach and reflect the change in the county council delegations to enable this authority to use removal powers under the legislation instead of relying on Magistrates Court Orders.

3.3 The majority of issues relating to permission to obstruct the public highway relate to advertising structures such as A-boards. The authority’s approach currently is set out in appendix E (Revised Outdoor Advertising Protocol) of the revised policy. In brief, where there is a need for additional forms of advertising (as defined by the policy), the authority will consider permission for an A-board subject to the standard conditions.

3.4 Following informal consultation with the Licensing Committee, it is not proposed that the authority’s current approach to licensing of A-boards be changed as part of this review. Members felt the current approach is still the best way to create a level playing field and respond to where there is evidence of need for additional support.

Background Papers

Service Records

Case Officer

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