

Schedule of Proposed Policy Changes

Street Trading

Proposed Policy Changes	Reasons/Comments
Conditions	
<p>A number of additional conditions have been added to the pool of standard conditions that may be imposed to the grant of a street trading consent. These are attached at Appendix 5.</p>	<p>The addition of these additional conditions is necessary to ensure that the Council can effectively control street trading activity.</p>
Licence Plates	
<p>It is proposed that all street trading consent holders be required to display a consent plate attached to every trading pitch, vehicle or other trading object displaying information such as consent number, expiry date, permitted hours of trading, location and items licensed to be sold.</p>	<p>The use of the proposed plates will ensure more effective enforcement by making it easier to identify unlicensed street traders and also give the public assurance that the traders are adequately licensed.</p>
Defining the Town Centre	
<p>Although the policy's scope includes the entire borough, certain provision thereof relates to the town centre only. The current policy refers to the town centre without clearly defining it. It is therefore proposed in the draft policy that the town centre be clearly defined as the "Core Commercial Area as outlined in the "Cheltenham Borough Local Plan" adopted July 2006".</p>	<p>Clearly defining the town centre is necessary in order to achieve the aims of the policy, provide clear guidance to prospective applicants and ensure effective enforcement.</p>
Consultation	
<p>It is proposed that applicants be required to advertise their applications so to ensure that people who live or work in the vicinity of an application and who may be affected by the grant of a consent be given an opportunity to comment on the application.</p>	<p>There is currently no such requirement on applicants and it is considered that such a requirement is necessary to ensure effective consultation with interested parties.</p>
Street Trading in the Town Centre	
<p>The town centre has conservation area status and as a result the Council adopts a more restrictive approach to applications for street trading consent.</p> <p>The current policy for street trading in the town centre only permits the sale of perishable goods of a 'luxury' nature and/or foods synonymous with a holiday period or season to be sold.</p>	<p>To promote the Council's priorities, in particular to attract more visitors and investors to borough, it is proposed that policy be changed to read:</p> <p>"Street trading will generally be permitted in the town centre where it enhances the town's reputation as a tourist and leisure destination, and is in keeping with the streetscape."</p>

Appendix 4

Charitable Collections

Proposed Policy Changes	Reasons/Comments
Cheltenham Festival Collections	
<p>In addition to the requirements set out above, the Council will also specify additional requirements for collection applications for March every year during the Cheltenham Festival (“Race week collections”).</p> <ol style="list-style-type: none"> 1. The Council will not accept applications for Race week collections until the first week of October every year. 2. Where there is a conflict of dates, times or locations, Officers may submit a report to the Council’s Licensing Committee with proposed allocation for Race week collections in December every year. The Committee may approve the proposed allocation of dates or make any amendments it considers necessary. 3. Applicants will be notified of the Committee’s decision within 5 working days and issued with a collection permit if they were successful. 4. Where an applicant’s preferred date(s) cannot be granted, alternative dates, time and/or locations may be suggested where practicable. 5. Preference will be given to charities/organisations that have not received permits in the previous year. 6. Collection applications for other areas in the borough over Race week, away from the town centre, will be considered at the Council’s discretion. 	<p>There are currently no special measures in place to deal with the excess amount of applications for street collections received for the festival.</p> <p>It is considered necessary though that the Council does adopt such a policy.</p>
Christmas Town Centre Street Collections	
<p>In addition to the requirements set out in the policy, the policy will specify additional requirements for collection applications for the months of November (from the 15th onwards) and December (“Christmas collections”) in the town centre.</p> <p>To deal with Christmas Collections it is proposed that;</p>	<p>There are currently no special measures in place to deal with the excess amount of applications for street collections received over the Christmas period.</p> <p>It is considered necessary though that the Council does adopt such a policy.</p>

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1. The Council do not accept applications for Christmas collections until the first week of September every year.

2. The Council will allocate applicants either a morning slot (8am to 1pm) or an afternoon slot (1pm to 5pm).

3. A report be submitted to the Council's Licensing Committee with proposed allocation for Christmas collections in November every year. The Committee may approve the proposed allocation of dates or make any amendments it considers necessary.

4. Where an applicant's preferred date(s) cannot be granted, alternative dates, time and/or locations may be suggested where practicable.

5. Subject to organisations that will be allowed a permit every year, preference will be given to charities/organisations that have not received permits in the previous year.

6. Collection applications for other areas in the borough over December, away from the town centre, will be considered on merits and at the Council's discretion.

House to House Collections

The policy proposes to limit the frequency and duration of House to House collections that will be permitted in the borough.

It is proposed that no collection will be permitted for a period exceeding one month and in addition individual charities will only be permitted two collections annually in the borough for per charity.

The Council receives numerous complaints from residents about the number of house to house collection bags deliver to house holds daily.

The Council recognise that house to house collections are a legitimate means of raising funds for charities but aims, through policy, to limit the number and frequency of these collections.

Appendix 4

Objects on the Highway

Proposed Policy Changes	Reasons/Comments
Conditions	
A number of additional conditions have been added to the pool of standard conditions that may be imposed to the grant of consent to place an object on the highway. These are attached at Appendix 6 .	The addition of these additional conditions is necessary to support local businesses but also to allow the safe and free movement of all users of the highway.
Defining the Town Centre	
Although the policy's scope includes the entire borough, certain provision thereof relates to the town centre only. The current policy refers to the town centre without clearly defining it. It is therefore proposed in the draft policy that the town centre be clearly defined as the "Core Commercial Area as outlined in the "Cheltenham Borough Local Plan" adopted July 2006".	Clearly defining the town centre is necessary in order to achieve the aims of the policy, provide clear guidance to prospective applicants and ensure effective enforcement.
Consultation	
It is proposed that applicants be required to advertise their applications so to ensure that people who live or work in the vicinity of an application and who may be affected by the grant of a consent be given an opportunity to comment on the application.	There is currently no such requirement on applicants and it is considered that such a requirement is necessary to ensure effective consultation with interested parties.
Commercial Interest Applications	
It is proposed that consent for objects associated with commercial/private gain be permitted in the borough.	<p>Currently consent will normally only be given for objects used for charitable, not for profit, public interest or local interest and club display purposes.</p> <p>It is not considered that any justifiable reasons exists why objects associated with commercial/private gain should not be consent provided that they comply with the provisions contained within the proposed policy.</p>
Conditions of Consent for A board Applications	
<p>It is proposed that that the policy clearly set out the conditions under which the Council will grant consent for an 'A' board and subject to applicants meeting all of those conditions, that each premises be permitted one 'A' board.</p> <p>The conditions mentioned above, under which the Council will grant consent for an 'A' board, are listed on page 41-42 of the draft policy.</p> <p>It is further proposed that where an application for an 'A' board does not meet all of the specified conditions, that the application be then referred to the</p>	<p>There is currently a presumption against the grant of an application for an 'A' board unless the applicant can demonstrate to the Council's satisfaction that they have a clear need for this form of advertising because, for example, the location of their premises is disadvantaged in some form or another.</p> <p>It is considered that this policy is no longer sustainable for the Council for a number of reasons.</p> <p>1. Enforcement</p>

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Licensing Committee for determination.

The enforcement of unlawful 'A' boards does cause the Council significant difficulty.

Firstly, the Council must seek a removal order from the Magistrates' Court for each individual 'A' board. This has proven to be very onerous, time consuming and costly for the Council.

Secondly, the legal status of different sections of the highway has caused further enforcement difficulties.

As a result of these difficulties, the enforcement of unlawful 'A' boards has proven to be largely ineffective and unsustainable.

2. Corporate Strategy

The Council is committed to strengthening the borough's economy.

Local businesses rely, some heavily, on the use of 'A' boards to attract customers to their businesses. Despite this, the location of the majority of premises in Cheltenham does not meet the requirements of the current policy and therefore will not be permitted an 'A' board.

3. Cost

The terms of the Council's current policy are not sufficiently clear to delegate authority to officers to determine applications. As a result, each new or opposed application is referred to the Licensing Committee which has cost implications for the Council and this must be recovered through licence fees.

This is considered unnecessary and over burdensome on Council resources and licence holders.

4. Decision Making

Furthermore, the lack of clarity in the current policy has led to inconsistent decision making which has adversely affected the Council's reputation.

For the reasons listed above, it is considered that a more sustainable option would be to clearly set out the conditions under which the Council will grant consent for an 'A' board and subject to applicants meeting all of those conditions, that each premises be permitted one 'A' board.