

# Cheltenham Borough Council

## Licensing Committee –

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

#### Application for permission to place an object on the Highway

#### Report of the Senior Licensing Officer

#### 1. Executive Summary

1.1 Mr James Kitto based at, Cheltenham Festivals - Cloudscapes, has made an application to place a horsebox with a rope circle around it with large beanbags. The location is the High Street and the junction of Cambray Place. The proposed object (horsebox) is 260cm high, 230cm wide and 475cm long. The total size of the roped off area is unknown and has been requested to be submitted from the applicant.

1.2 The reason for the object is for a performance of Cloud Scapes as part of the Science Festival. An immersive installation combining clouds and script. Between 10:00 and 15:30 hours on the day of the event.

1.3 It is intended that the object be displayed;

Monday	n/a
Tuesday	n/a
Wednesday	n/a
Thursday	n/a
Friday	n/a
Saturday	n/a
Sunday	09:00 - 17:00

1.4 **The Committee are asked to note that the size of the entire obstruction complies with the standard sizes recommended in the council's policy.**

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

1.6 Width of footpath available is 5.8m.

1.7 **An updated location plan of the proposed location is attached at Appendix B. This was received during the consultation.**

1.8 The original location plan is attached at **Appendix C.**

1.9 **The Committee may:-**

1.9.1 **Approve the application because Members are satisfied that the location is suitable, or**

1.9.2 **Refuse the application.**

1.9.3 **Full reasons should be provided for the decision of the Committee.**

## 1.10 Summary of implications

Legal

No right of appeal.

**Contact officer: One Legal**  
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## 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 or other objects are considered by the Licensing Committee, as set down in council policy.

3.2 In particular, 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 Authority 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 Authority's commitment to work in partnership with other enforcement agencies

## 4 OBLIGATIONS ON THE PERMISSION HOLDER

4.1 The Permission Holder undertakes:-

- To ensure that the object(s) is not placed in any other area than that stated in this Permission.
- Not to allow the object(s) to be placed on the highway outside the times and dates permitted by this Permission.
- To ensure that the dimensions and appearance of the object(s) at all times accords with the details agreed by the Council upon the issue of this Permission.
- To ensure that the object(s) does not at any time obstruct the passage of or cause danger to persons lawfully using the highway.
- To ensure that the object(s) is at all times well maintained and kept in a clean and tidy condition.
- To ensure that the object(s) is at all times sufficiently weighted so that they do not move or blow over in the wind.
- To pay to the Council the cost of making good any damage caused to the highway in consequence of the Permission Holder's operations thereon.

- To indemnify the Council from all claims, damages and costs in respect of all accidents damages and injuries arising during or in consequence of the use of the Site to any person or property caused by the Consent Holder's operations or caused by any act neglect or default of the Consent Holder, his servants or agents (whether with or without the knowledge of the Consent Holder) to take out and on request produce to the Council a policy of public and product liability insurance covering no less than £5,000,000 in the aggregate during any one period of insurance in respect of products liability.
- To observe all statutory and other provisions and regulations for the time being in force which relates to the placing of the object(s) on the highway.
- To comply with any directions or requirements issued by a chief officer of the Council or any member of their staff so authorised.
- To forthwith inform the Council in writing of the details of any transfer/disposal to another person of the business to which the object(s) relates.

## 5. Consultee Comments

- 5.1 No comments from any of the statutory bodies or prescribed consultees have been received as of the report date of 26<sup>th</sup> May 2023.
- 5.2 2 objections from local businesses were submitted before the new location plan was received, these are attached at **Appendix D**.
- 5.3 The committee should note that the consultation for this application ends on the **1<sup>st</sup> June 2023**. If additional objections are received these will be made available prior to the hearing. It has been necessary to produce the report and publish it prior to the close of objections due to the proposed date of the event.

## 6. Licensing Comments

- 6.1 The committee must determine the application with a view to promoting the Council's adopted policy.
- 6.2 This report has been brought to member's attention as prescribed in the scheme of delegation set out in the Street Scene Policy adopted on 2<sup>nd</sup> December 2020, whereby all new applications are referred to the Licensing Committee.
- 6.3 This application must be determined on its individual merits and in view of promoting the current policy on the licensing of objects on the Highway.
- 6.3 Mr Kitto 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.

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**Background Papers**

Service Records

**Case Officer**

**Contact officer: Mr Philip Bowen**  
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