

Cheltenham Borough Council
Licensing Committee – 6 September 2013
Highways Act 1980
Local Government (Miscellaneous Provisions) Act 1982
Application for Permission to Place Tables and Chairs on the
Highway
Soho Bar, 2 Rotunda Terrace, Montpellier Street
Report of Senior Licensing Officer

1. Summary and Recommendation

- 1.1 An application has been received from Mr Ansar Ali in respect of Soho Bar, 2 Rotunda Terrace, Montpellier Street, Cheltenham. The applicant wishes to place 12 chairs and 6 tables on the pavement outside 2 Rotunda Terrace.
- 1.2 Members may wish to note that the application is not to increase the number of tables and chairs on the highway but to extend the timings of the current consent. The current consent allows the tables and chairs to be placed on the highway between 08.00 and 00.00.
- 1.3 It is intended that the tables and chairs be put out:

Monday	10.00 - 00.30
Tuesday	10.00 - 00.30
Wednesday	10.00 - 00.30
Thursday	10.00 - 01.30
Friday	10.00 - 01.30
Saturday	10.00 - 01.30
Sunday	10.00 - 23.30

- 1.4 A picture of the proposed structure(s) and location plan is attached at **Appendix A**.
- 1.5 **The Committee is recommended to resolve that:**
- 1.5.1 **The application be approved because Members feel the application is compatible with the current Street Scene Policy, or**
- 1.5.2 **The application be refused as the application falls outside the provisions of the current Street Scene Policy.**
- 1.6 **Summary of implications**

1.6.1 Financial

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2. Background

2.1 The current policy for *Town Centre Street Activities: Street Trading & Objects on the Highway* was approved on 1st April 2013. A copy of the whole policy has previously been circulated to members and extracts are included in the application pack that was given to the applicant.

3. Policy Principles, Aims and Objectives

3.1 This section outlines the policies the council will apply when making decisions on applications for consents.

3.2 In particular, this part of 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 Council 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 Council's commitment to work in partnership with other enforcement agencies.

Each application is assessed against the outlined conditions included in the application pack and this policy.

No object and its associated activity may generate noise which is likely to cause nuisance or annoyance.

Any object given consent to be placed on the highway must be sufficiently weighed down or secured to ensure that the object will not cause any harm or damage.

The Council wishes, as far as is compatible with other highway uses, to promote the 'cafe culture' in Cheltenham because of the added life and vitality this brings to the town. To this end, the Council will look favourably on applications by operators in appropriate locations to put tables and chairs on the pavement outside their premises.

Consent to place tables and chairs on the highway will only be granted for the consumption of food and drink, provided they are in association with a business operating from nearby premises.

Consent to place tables and chairs on the highway will be subject to the use of canvas barriers to cordon off the area where the tables and chairs are placed on the highway.

For health and safety reasons, the Council will not permit glass top tables.

Where consent has been issued for tables and chairs to be placed on the highway the Council may permit, within reason, other objects to be placed inside the area that has been cordoned off with barriers.

4. Consultee Comments:

4.1 Responsible Authorities

Cheltenham Business Partnership Manager - No Comments

Highways Enforcement Officer - No Comments

Environmental Health Officer - From an environmental protection perspective, we would wish to register an objection on the grounds that there has been a noise complaint made which stated noise as the route cause of the complaint (the issue was being caused outside of the licensable times, but noise was the main subject of the complaint). As there has been a complaint regarding the use of this area and it was from a residential property within a close vicinity to this area I feel that if this were to be granted it would have a detrimental effect on people being able to live as they normal would in the near by residential properties

Gloucestershire Constabulary - No Comments

Planning Enforcement Officer – No Comments

Waste & Recycling Manager – No Comments

Environmental Maintenance Officer – No Comments

Disability Awareness Advisor – No Comments

Townscape manager – No Comments

4.2 Interested Parties

Paul O'Neill (Local Resident – Rotunda Terrace) - I am a resident of Montpellier Street and fear that we will suffer from extra noise pollution if this application is successful. I wish to object to Bar Soho Rotunda Terrace Montpellier St. Cheltenham application to place tables and chairs until 1.30 am. We fear this will lead to further Street noise which will disturb our sleep and quiet enjoyment.

5. Licensing Comments

5.1 The Committee must determine the application with a view to promoting the Council's adopted policy.

5.2 This report has been brought to Members' attention as prescribed in the scheme of delegation set out in the Street Scene Policy (page 6) adopted on 1st April 2013, whereby all new applications are referred to the Licensing Committee.

5.3 Members must determine this application in respect of the location plan as shown at **Appendix A**. A full consultation has taken place based on this location plan and layout only.

- 5.4 Mr Ali has submitted the application to extend the hours of the existing tables and chairs consent following a recent enforcement visit during which it was identified that the tables and chairs were being displayed past the time stated on the consent. Mr Ali immediately submitted an application to rectify the situation.
- 5.5 In accordance with the current Street Scene Policy Members must determine and consider if an application of this type positively enhances the enjoyment and reputation of the town as a tourist and leisure destination whilst being in keeping with the streetscape.

Background Papers

Service Records

Report Author

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