

Gloucester City Council

Meeting:	Licensing & Enforcement Sub-Committee	Date:	9th February 2016
Subject:	Appeal against decision to refuse to grant a permit for an A-Board for Roots Coffee & Community CIC		
Report Of:	Gill Ragon – Head of Public Protection		
Wards Affected:	Kingsholm & Wotton		
Contact Officer:	Rebecca Tuck – Licensing & Enforcement Officer		
	Email:	Rebecca.Tuck@gloucester.gov.uk	Tel: 396678
Appendices:	1. Council’s guide to licensing A-Boards on the Highway		
	2. Application for a permit to place an A-Board on the Highway		
	3. Photograph of A-Board		
	4. Consultees Comments		
	5. Email sent to Mr Meredith advising application refused and Email from Mr Meredith appealing decision to refuse.		

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To consider the appeal of Mr Meredith against the decision to refuse a permit to place an A-Board on the Highway under the Highways Act 1980 by Roots Coffee & Community CIC of 69 Alvin Street, Gloucester GL1 3EH.

2.0 Recommendations

- 2.1 The Sub-Committee are recommended to take one of the following courses of action:-
- a) To grant the application as applied for because Members are satisfied there are sufficient reasons to deviate from the Council’s Policy for Licensing A-Boards on the Highway.
 - b) To refuse to grant the application because Members are not satisfied that the A-board complies with the Council’s Policy for Licensing A-Boards on the Highway.

3.0 Background

- 3.1 Gloucester City Council is keen to encourage traders to promote their business activities in ways which both enhance the street scene and is also sensitive to its users.
- 3.2 The Council has produced a guide to help strike a reasonable balance between Traders needs and the conditions needed where advertising boards on the highway will be permitted. The Guide for Licensing Advertising Boards on the Highway is attached as **APPENDIX 1** of this report.
- 3.3 Advertising signs on the highway generally known as A-Boards, have long been part of the street scene in Gloucester. Not all such items constitute wilful obstructions requiring immediate removal under Section 149 of the Highways Act 1980, but it is important that their number, size and positioning is regulated. If not, they can become unreasonable and create severe hazards for highway users, particularly for those with impaired vision, mobility problems, the elderly and those with young children.
- 3.5 Section 115 of the Highways Act 1980 permits the licensing of advertising boards on the highway. It is important for the Council to consider whether the proposal to place Advertising Boards on the highway meets the criteria and aspirations outlined in its policy as well as complying with any legal requirements. The use of the Street includes a number of considerations so it is important to have a clear understanding about the obligations and conditions that apply to the licence.
- 3.6 A highway is a route which all persons can use to pass and re pass along as often and whenever they wish without hindrance and without charge. This definition therefore includes the road or carriageway and the footway or pavement. In order to preserve these rights of way it is necessary to ensure that they are not obstructed either wilfully or without consideration. Features and structures placed on the highway must be controlled to ensure they do not obstruct or endanger pedestrians, particularly those with impaired vision or using wheelchairs or prams.

4.0 The Application

- 4.1 On 22 September 2015 an application for a permit to place an advertising sign on the highway was received from Mr Ian Meredith of Roots Coffee & Community CIC and is attached as **APPENDIX 2** of this report.
- 4.2 The application included proposals to place the A-Board on Kingsholm Road to advertise Roots Coffee & Community CIC trading from 69 Alvin Street, a side street off Kingsholm Road.
- 4.3 Members may also wish to consider the style of the A-Board which falls outside the Council's policy for licensing A-Boards. A photograph of the A-Board is attached as **APPENDIX 3** of this report.
- 4.3 The application was consulted on between 14th October 2015 and 10th November 2015 with Development Control (Planning Services), Environmental Protection, Heritage and Gloucestershire Highways.

5.0 Comments Received by Consultees

- 5.1 During the consultation period two comments were received from consultees as follows:-

Principal Conservation and Design Officer – Environmental Planning Services

‘The property is located within the Worcester Street conservation area, there are no objections to the A-Board being placed outside the business but a directional A-Board does not accord with the city Council’s adopted A-Board policy and creates additional clutter in the street scene which is not acceptable, therefore the application should be refused.

Page 4 Guidelines-

Signs or boards should be displayed either directly adjacent or in close vicinity to the premises (dependant on site location). Where premises are in a side street, advertising boards must not normally be placed remotely in the main street directing customers to the premises’.

Gloucestershire Highways

‘Our area highways representative has unfortunately said that we would not allow the sign at this location on Alvin Street, as A frame signs should be placed outside the shop and only if 1.3m of footway is available with sign in place’.

- 5.2 Comments received from Consultees are also attached as **APPENDIX 4** of this report.
- 5.3 Following the end of the consultation period Mr Meredith was notified by email on 11th January 2016 that his application was refused and advised that he may appeal the decision, and that following an appeal being received the matter would be referred to the Council’s Licensing & Enforcement Sub-Committee for consideration. Email attached as **APPENDIX 5** of this report.
- 5.4 Mr Meredith appealed the decision to refuse the application by way of email which was received on 11th January 2016. Email from Mr Meredith also attached as **APPENDIX 5** of this report.

6.0 Alternative Options Considered

- 6.1 Should Members decide that the applicant’s grounds for appeal against the Officer’s decision is valid and outweigh the grounds for refusal. Members may accept the appeal lodged by Mr Meredith and grant the A-Board permit as applied for.

7.0 Conclusions

- 7.1 Members should consider the application, the comments received both from Consultees and the applicant at the hearing and the Council’s guide to licensing advertising boards on the highway and make a decision based on their findings.

8.0 Financial Implications

8.1 There are no direct financial implications associated with this report.

(Financial Services have been consulted in the preparation this report.)

9.0 Legal Implications

9.1 Section 115 of the Highways Act 1980 permits the licensing of advertising boards on the Highway.

9.2 On the 26th June 2012 Gloucester City Council adopted a policy for Licensing advertising boards on the highway as the previous policies did not include any detailed criteria to regulate these items effectively.

9.3 Within the policy are a set of guidelines that will be considered before a licence is granted.

9.4 The Highways Act 1980 provides no right for the applicant to appeal to the Magistrates Court against the Council's decision to refuse the licence. If the applicant is aggrieved by the decision to refuse a licence then they may seek judicial review.

9.5 The Committee must base its decision on the same criteria applied by the Licensing Team and any new information made available on the day of the Sub-Committee.

9.6 The Committee must seek to promote its own policy and only deviate where there are sufficient and justifiable reasons for doing so.

(Legal Services have been consulted in the preparation this report.)

9.0 Risk & Opportunity Management Implications

9.1 Risks associated with public safety and crime prevention are fully appraised through the consultation process.

10.0 People Impact Assessment (PIA):

10.1 There are no adverse impacts or any risks to customers in the areas of gender, disability, age, ethnicity, religion, sexual orientation and community cohesion.

11.0 Other Corporate Implications

Community Safety

11.1 Community Safety is considered within context when each application is considered.

Sustainability

11.2 There are no sustainability implications associated with this report.

Staffing & Trade Union

11.3 There are no staffing or Trade Union implications associated with this report.

Background Documents: Highways Act 1980 Part VIIA sections 115A to K
Gloucester City Council's guide to Licensing A-Boards on the Highway