



Notice of a meeting of Licensing Committee

Friday, 4 July 2014

2.30 pm

Council Chamber, Municipal Offices

Membership	
Councillors:	Roger Whyborn (Chair), Diggory Seacome (Vice-Chair), Andrew Chard, Anne Regan, Garth Barnes, Wendy Flynn, Rob Reid, Pat Thornton, Jon Walklett and Adam Lillywhite

The Council has a substitution process and any substitutions will be announced at the meeting

Agenda

1.	APOLOGIES	
2.	DECLARATIONS OF INTEREST	
3.	PUBLIC QUESTIONS These must be received no later than 12 noon on the fourth working day before the date of the meeting	
4.	MINUTES OF MEETING HELD ON 25 April 2014	(Pages 1 - 8)
5.	MINUTES OF SUB COMMITTEE MEETINGS None	
6.	APPLICATION TO PLACE AN OBJECT ON THE HIGHWAY - TABLE AND CHAIRS Coffee & Co, 7 Montpellier Terrace, Cheltenham, GL50 1US	(Pages 9 - 20)
7.	CONDITIONS FOR TABLES AND CHAIRS CONSENT AMENDMENTS	(Pages 21 - 24)
8.	TATTOO HYGIENE RATING SCHEME Report of the Senior Environmental Health Officer	(Pages 25 - 32)
9.	RENEWAL OF STREET TRADING CONSENT Mr Mark Morris	(Pages 33 - 60)
10.	ANY OTHER ITEMS THE CHAIRMAN DETERMINES TO	

		BE URGENT AND WHICH REQUIRES A DECISION	
11.		APPLICATION FOR A PRIVATE HIRE LICENCE VEHICLE Mr Clive Robinson	(Pages 61 - 66)
12.		DATE OF NEXT MEETING 1 August 2014	

Contact Officer: Rachael Sanderson, Democracy Assistant, 01242 264130
Email: democratic.services@cheltenham.gov.uk

Licensing Committee

Friday, 25th April, 2014

2.30 - 3.26 pm

Attendees	
Councillors:	Garth Barnes (Chair), Diggory Seacome (Vice-Chair), Andrew Chard, Rob Reid, Charles Stewart, Pat Thornton, Roger Whyborn and Penny Hall (Reserve)
Also in attendance:	Louis Krog, Licensing and Business Support Team Leader and Vikki Fenell, Solicitor

Minutes

1. APOLOGIES

Councillors Regan, Stennett and Walklett

2. DECLARATIONS OF INTEREST

None

3. PUBLIC QUESTIONS

None

4. MINUTES OF MEETING HELD ON

Resolved that the minutes of the meeting held on 7 March 2014 be agreed and signed as a true record.

5. MINUTES OF SUB COMMITTEE MEETINGS

None

6. RENEWAL OF STREET TRADING CONSENT

Louis Krog, Licensing and Business Support Team Leader introduced the report as circulated with the agenda. A renewal application had been received from Mr Raviv Hadad for a street trading consent to sell hot and cold food and drink from a mobile trike on the High Street outside Thomas Cook.

If granted the proposed hours of trade would remain the same as the existing consent, every day between 11:00 and 23:00.

Appendix A of the report provided an image of the trike.

Appendix B of the report showed a location map of where trading would take place.

The Officer referred Members to point 5 of the report which detailed consultee comments. Comments had been received from the following consultees;

- Nigel Overal (Gloucestershire Highways).
- Richard Nichol (Canada Life – Owners of Regent Arcade)

The report provided details of the objections.

Mr Howard Barber (Public Realm Designer, Cheltenham Borough Council) comments stated that he did not object to the application but noted that a new way finding monolith was due to be installed to the edge of the licensed trading area.

The Officer referred Members to appendix D of the report which provided further details of the proposed monolith.

Members asked a couple of questions to the Officer and in responding the Officer:

- Said that once the Highways works had been completed traders may not be allowed to trade in this area ensuring no further damage is done to the paving slabs. This point was unclear at the moment and a consultation on the proposed future use of the area is expected in May from Gloucestershire Highways.
- Confirmed that Licensing Officers would work with Mr Hadad, where appropriate, to locate to an alternative venue during and after the Highways work. Mr Hadad wanted to trade between June and October whilst the works were taking place and returning to the current trading position once the works had been completed was unknown at this point.
- Stated that the concern about the installation of a new monolith and the location of Mr Hadad's trike had been resolved. The trike would be placed 6 feet further up the High Street away from the monolith.

Mr Hadad attended the meeting and spoke in support of his application. Prior to the meeting he had submitted a supporting letter and photographs which were distributed to Members in advance. These documents are attached as supplementary documents to the minutes.

Mr Hadad said his points were made in the letter and felt his licence should be granted for 12 months and to see what happened.

Members asked the following questions to Mr Hadad and in responding;

- Said he had discussed a temporary location with the Town Centre Manager and Licensing Officer to trade outside of TSB bank. TSB bank would be happy for trade to take place there.
- A Member felt the licence should be granted subject to a change of trade venue whilst the works were taking place.

The Officer advised Members that he was unsure what Gloucestershire Highways wanted to do with this space once the work had taken place and a consultation process would be in place sometime in May.

Members were advised that they had the following recommendations to determine;

1. The application be refused because it does not comply with the provision of the Street Scene policy as the proposed location is deemed unsuitable.
2. The application be approved because Members are satisfied that the application does comply with the provision of the Street Scene policy and the location is deemed suitable.

Subject to resolution 2, the application only be granted to the end of June 2014.

Upon a vote it was unanimously

RESOLVED that the application be approved because Members are satisfied that the application does comply with the provision of the Street Scene policy and the location is deemed suitable.

Subject to this the application is granted for 12 months with a condition attached to the licence to state that relocation of trading will take place on the commencement of Gloucestershire Highways works and that officers be given delegated authority to suspend the consent at the appropriate time.

7. APPLICATION FOR STREET TRADING CONSENT

The Chairman confirmed the applicant had withdrawn this application.

8. RENEWAL OF STREET TRADING CONSENT

Louis Krog, Licensing and Business Support Team Leader introduced the report as circulated with the agenda. A renewal application had been received from Mr Mark Morris for the renewal of a street trading consent in respect of his flower stall located on the Promenade at the junction of Ormond Place.

If granted the proposed hours of trade would be on Monday to Saturday's 08:30 to 18:00 and 11:00 to 17:00 on Sundays.

Appendix A of the report provided an image of the stall.

Appendix B showed a location map of where trading would take place.

Page 48 of the report provided a photograph showing the Regent Arcades proposed development.

A number of objections had been received in connection with the application and for that reason it had been referred to the Licensing Committee for determination.

The Officer referred Members to point 5 of the report which detailed consultee comments. Objections had been received from the following consultees;

- Mr Alexander Rose (Managing Director – Beards Jewellers)
- Mr Jeremy Williamson (Managing Director – Cheltenham Development Task Force)
- Mr Richard Nichol (Canada Life – Owners of Regent Arcade)
- Mr Martin Quantock (Business Partnership Manager)
- Mr Richard Ralph (DTZ Associate Director)
- Mr John Forward (Regent Arcade Manager)
- Mr Wilf Tomaney (Urban Design Manager, Cheltenham Borough Council)

The report provided details of the objections.

The Officer advised the Committee that prior to the meeting a letter had been received and signed by all of the objectors to the application and the applicant asking for further time so that alternative solutions acceptable to all could be sought.

The letter sought a temporary extension to the street trading licence up to 31 July 2014 in its current location. During this period all parties would seek to trial a compromise solution, which could entail:

- Re-orienting the stall
- Changing the stall layout
- Changing the stall's location within Ormond Place or potentially on to the Promenade.

The letter also asked the Committee to allow any trials to be undertaken through delegated Officer authority without returning to the Licensing Committee.

At the end of this period or before, either

- A revised application would be submitted with the support of all parties
- The original application would be resurrected as the trialled solutions had proved unsuccessful.

The Officer advised the Committee that Mr Morris had provided a revised photograph of his stall which showed a clear line of sight from the Promenade to Ormond Place. A copy of the photograph is provided as a supplementary document to the minutes.

Members asked the following questions of the officer and in responding:

- Confirmed that if the works were delayed Mr Morris could continue to trade as normal. As a result of the proposed mediation meeting a new application may be submitted.
- Stated that there was not a condition on the licence to change the way the stall is anchored to the pavement.

Mr Morris attended the Committee and spoke in support of his application.

He reminded the Committee that Gloucestershire Highways had previously agreed a few years ago to place hooks in the pavement for use with the stall but that this would be done at the same time as the redevelopment works. This would now be a good time to put these in place.

Mr Morris stressed that he had arranged negotiations with all parties himself which had been difficult. Before today's meeting Mr Morris had sought advice from his local Councillor who contacted the Cheltenham Development Task Force Manager to arrange a joint meeting. Previous meetings had been unsuccessful and a compromise could not be met.

Members asked the following questions of Mr Morris and in replying:

- Confirmed he had signed the joint letter enabling him to trade until 31 July 2014 as a good will gesture but that he wanted a 12 month licence.
- Suggested a 12 month licence be granted with a review in 3 months time.

- Stated that he had changed the layout of the stall after a previous meeting with Beards and the Regent Arcade. A shelf had been dropped and Mr Morris was currently arranging for the top of the stall to be reduced down. All of these measures were done when asked and that he was showing willing. This had reduced the stock levels and did not look as nice but he has compromised to keep all parties happy.
- Explained that the suggested relocation of the stall outside Cavendish House would be difficult on Farmers Market days as there are a large number of lorries loading where the stall would be sited and trade would be affected.

A Member proposed the licence is granted for 12 months and that Officers are given delegated authority to relocate the stall when the works are taking place.

Vikki Fennell, Solicitor advised Members that the letter had withdrawn the objections made to the application on the basis that the licence is only granted to the 31 July 2014. Therefore a licence could only be granted until then otherwise the objectors will not have another opportunity to object if the trial period were unsuccessful.

A Member suggested delegated authority is given to Officers to extend this time period if a resolution is agreed with all parties.

The Officer sought clarification about the delegation and stated that if Officers were given delegated authority, all parties and the applicant needed to be in agreement of the trading proposal if the licence was to be extended beyond 31 July 2014.

The existing consent would be revoked under Officer delegation when the works started and Mr Morris would have to submit a new application to trade with a new location. If objections were received against the new application the Licensing Committee would need to determine the consent.

Mr Morris said he was unhappy with this decision.

The Chairman stated that if agreement with all parties is not reached at the mediation meeting before the end of July the application would need to come back to Licensing Committee to understand what had not worked. The letter signed by all parties must be taken as read.

A Member stated that the next Licensing Committee after the 31 July 2014 would be 1 August 2014.

The Officer stated that it would be possible to have a report ready for the August committee if the subsequent application is received by the beginning on July. However, if this was not possible, Mr Morris will be able to trade in the current location until the Council has determined his application which may be as late as September.

In summing up Mr Morris said that he had been driving the mediation meetings himself and wanted to keep everyone happy and to ensure this was dealt with.

Upon a vote it was unanimously

RESOLVED that the application is granted for permission to trade until 31 July 2014. During this time a mediation meeting would take place with the applicant and objectors to seek alternative solutions acceptable to all.

9. ANY OTHER ITEMS THE CHAIRMAN DETERMINES TO BE URGENT AND WHICH REQUIRES A DECISION

Louis Krog, Licensing and Business Support Team leader advised Members about proposed amendments to the Local Government (Miscellaneous Provisions) Act 1976 set out in the Deregulation Bill 2013/14.

A draft letter had been circulated to all Councils raising concern with pushing clauses through before the Law Commission review the new legislation in May 2014.

The three clauses causing concern were as follows:

- Section 8 – Private Hire Vehicles: Circumstances in which driver's licence required to drive a licensed private hire vehicle; this clause would allow anyone with an ordinary driving licence to drive a private hire vehicle when it is off duty.
- Section 9 – Taxi and private hire vehicles: Duration of licences; this clause aimed to standardise the 3 year driver licences and remove the option of an annual licence. Operator licences would be standardised to 5 yearly licences.
- Section 10 – Private Hire Vehicles: Sub-contracting between operators. This clause proposed changes to allow private hire operators to sub contract bookings to other operators licensed in a different district (Authority).

The Officer said that these changes would be very difficult to enforce.

The draft letter had been sent out to the trade and if the Committee were minded to do so the Officer would send it to Martin Horwood MP stating that the deregulation changes should be dropped and dealt with as a whole in May 2014.

Members felt that these decisions should be left for locally elected Members to decide and should not be rushed through prior to the Elections.

Members asked the following Officer questions and in replying;

- Explained that presently only the licensed private hire driver can drive the Private Hire Vehicle. Currently spouses and partners of licensed private hire drivers use the vehicle for moon lighting or for social and domestic use.
- Stated that these decisions should be decided by the locally elected Members.
- Confirmed the Law Commission Review report was expected on 23 May 2014.
- Advised that the letter would be sent to Martin Horwood MP from Members on behalf of the Licensing Committee.

Some Members were unhappy with Section 8 being included in the letter.

The Officer said this section could be removed from the letter.

The Chairman confirmed a vote would need to take place to determine if section 8 should be removed from the letter.

Upon a vote it was (3 for 5 against)

That section 8 of the letter is removed.

Upon a vote it was (5 for 3 against)

RESOLVED that the letter, including Section 8 is sent to Martin Horwood MP on behalf of the Licensing Committee.

The Chairman reminded Members that this would be Councillor Stewart's last Licensing Committee and thanked him for all he had done on both this and the Licensing Sub Committees. He thanked all Members for everyone's hard work.

10. DATE OF NEXT MEETING
13 June 2014

Garth Barnes
Chairman

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Cheltenham Borough Council

Licensing Committee – 7 March 2014

Highways Act 1980

Local Government (Miscellaneous Provisions) Act 1982

Application for Permission to Place Tables and Chairs on the Highway

Coffee & Co, 7 Montpellier Terrace, Cheltenham

Report of the Licensing Officer

1. Executive Summary and Recommendation

1.1 An application has been received from Mr Abdul Mannan in respect of Coffee & Co, 7 Montpellier Terrace, Cheltenham, Gloucestershire, GL50 1US. The applicant has applied to place 4 tables and 8 chairs on the pavement directly outside the premises.

1.2 It is intended that the tables and chairs be put out:

Monday	07.30 – 23.59
Tuesday	07.30 – 23.59
Wednesday	07.30 – 23.59
Thursday	07.30 – 23.59
Friday	07.30 – 23.59
Saturday	07.30 – 23.59
Sunday	07.30 – 23.59

1.3 A plan of the layout of the premises, showing the position of the tables and chairs in relation to the premises, is attached at **Appendix A**. A map showing the location of the premises in relation to the objectors' properties is attached at **Appendix B**.

1.4 **The Committee is recommended to resolve that:**

1.4.1 **The application be approved because Members feel the application is compatible with the current Street Scene Policy, or**

1.4.2 **The application be refused as the application falls outside the provisions of the current Street Scene Policy.**

1.5 Summary of implications

1.5.1 Financial

Contact officer: Sarah Didcote
E-mail: sarah.didcote@cheltenham.gov.uk
Tel no: 01242 26 4125

1.5.2 Legal

No right of appeal.

Contact officer: Vikki Fennell
E-mail: Vikki.Fennell@tewkesbury.gov.uk
Tel no: 01684 272015

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. Consultation and Feedback

- 3.1 Consultation was undertaken in accordance with the Council's normal consultation procedure for applications to place tables and chairs on the highway. No objections were received from consultees.
- 3.2 Objections were received in respect of this application from:
- 3.2.1 Stephanie Brookes, Suffolk Court, Suffolk Place, Cheltenham, Gloucestershire, GL50 2QG
- 3.2.2 Robert Brookes - Suffolk Court Management Co Ltd, Suffolk Court, Suffolk Place, Cheltenham, Gloucestershire, GL50 2QG
- 3.3 The objections relate to the potential for the use of tables and chairs at this location to cause a noise nuisance, an obstruction to the public, a hazard to traffic and the public, and the potential over-development of the area due to other, nearby tables and chairs.
- 3.4 Members' attention is drawn to **Appendix C** which contains copies of the above objections and to section 5 of this report where, for purposes of clarity, officers have addressed some of the specific points made by the objectors.

4. Policy Principles, Aims and Objectives

- 4.1 This section outlines the policies the council will apply when making decisions on applications for consents.
- 4.2 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.

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 On 1st February 2013 the Licensing Committee granted permission to place 4 tables and 8 chairs at this location. The reason this application has been made is that the original permission expired because the permission-holder failed to renew it on time, and he was therefore required to make a new application. This application is unchanged from the previous permission granted by the Committee.
- 5.4 Comments have been made by objectors to the effect that this application was made in a surreptitious manner and that it is a retrospective application because tables and chairs have previously been at the location without the proper consent. Members should note that the applicants previously had consent but it expired in March 2014, prompting this new application. The premises users removed the tables and chairs when requested to do so following the expiry of that permission. With regards to the application being surreptitious, Members will note that the application was publicised in the manner prescribed in the Policy, which is as follows:
"A pale pink notice . . . must be put on display by the applicant in the window of the premises the application relates . . . in a prominent position for the duration of the consultation period to give interested parties who may be affected by the application opportunity to make comments on the application. The notice has to be at least A4 size, printed legibly in black at font size 16 or larger. It must be capable of being conveniently read by passers by."
- 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

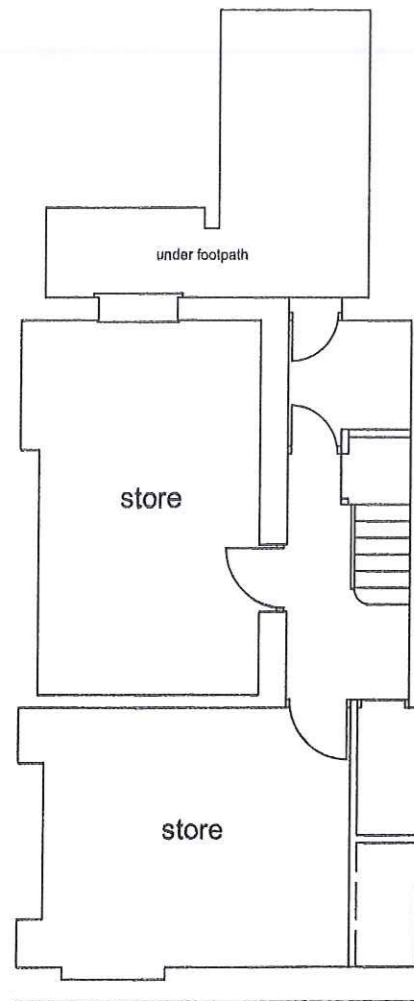
Service Records

Report Author

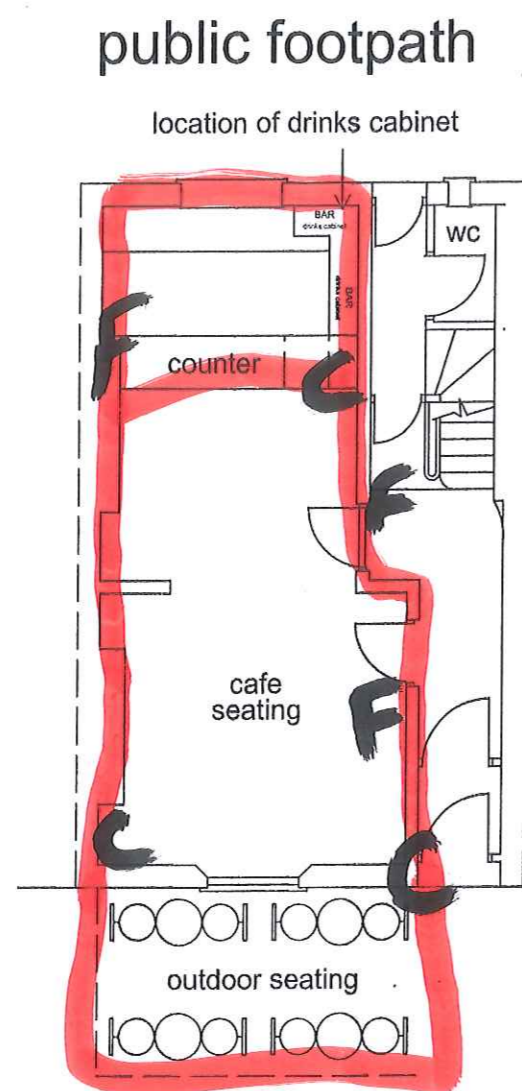
Contact officer: Mr Philip Cooper
E-mail: licensing@cheltenham.gov.uk
Tel no: 01242 775200

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f = fire extinguisher
C = camera

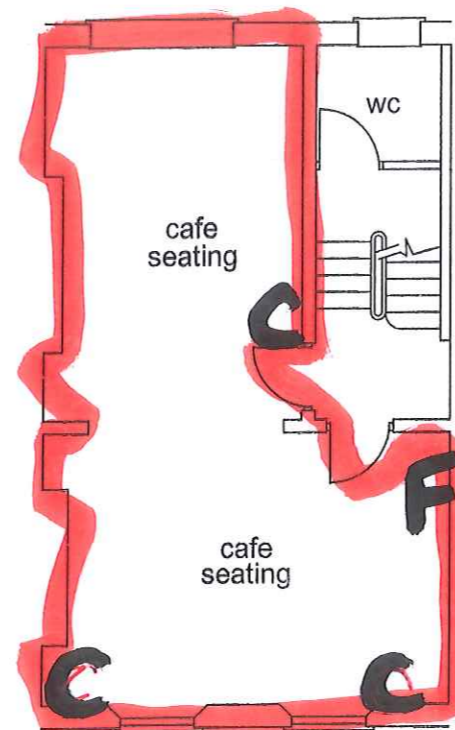


CELLAR

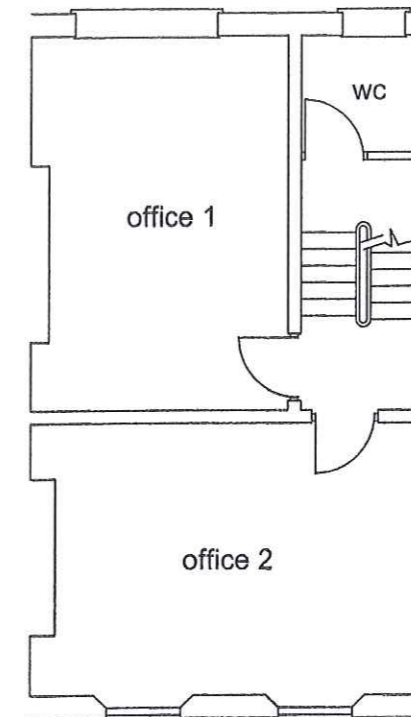


GROUND FLOOR

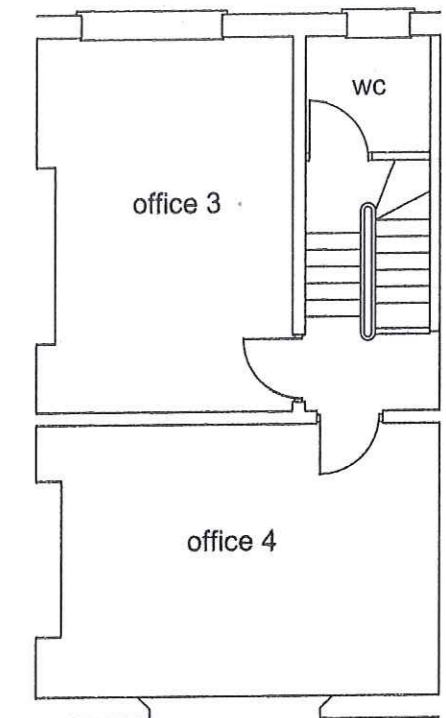
public footpath



FIRST FLOOR



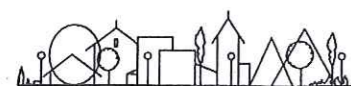
SECOND FLOOR



THIRD FLOOR

Health and safety procedures to be complied with
in all instances prior and throughout all works

REFER TO ALL DETAILS SPECIFICATIONS AND DETAIL NOTES
DETAIL NOTES ARE TYPICAL THROUGHOUT ALL WORKS
IF IN DOUBT - ASK



Keith Browning Architectural Consultant

T. 01452 414389 E. keith.browning@blueyonder.co.uk

rev	date	description

notes:

DO NOT SCALE DRAWING FOR CONSTRUCTION PURPOSES
DIMENSIONS TO BE TAKEN AT
SITE, CHECKED AND AGREED BEFORE
ANY WORK IS STARTED OR
MATERIALS ORDERED

client

Coffee and Co

builder

project/site

No 7 Montpellier Terrace
Cheltenham
Glos GL50 1US

title

PROPOSED
FLOOR PLANS

drawn

Scale 1:100

Drg No

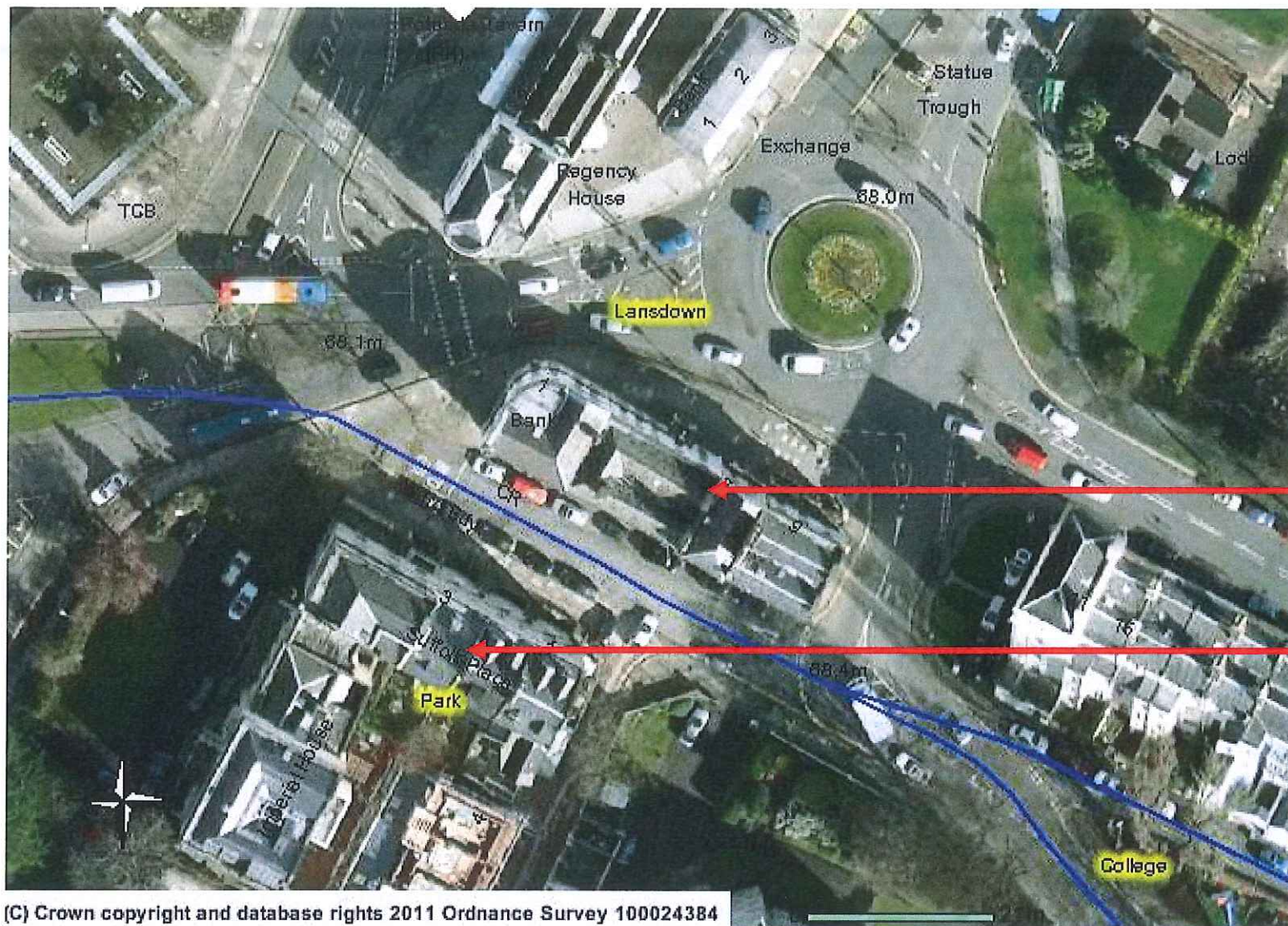
4313/1

date

rev

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Location of premises

Location of
objectors' properties

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-----Original Message-----

From: robert brookes

Sent: 04 June 2014 22:09

To: Internet - Licensing

Subject: Abdul Mannan, Coffee & Co, 7 Montpellier Terrace

Dear Sirs. I am a director of Suffolk Court Management Co Ltd, landlord of Suffolk Court, Suffolk Place, GL50 2QG which is a property containing 9 flats at the rear of Coffee & Co.

I have been made aware that Mr Mannan has made two applications regarding a change of use and opening hours of the business and a retrospective application regarding the placing of tables and chairs on the public footpath. As the freeholder of a listed property, I am well aware of the restrictions placed upon the owners and tenants of listed properties and am amazed that no planning application appears to have been submitted for either amendment. Consequently; I can only conclude that attempts have been made to short-circuit due process.

I wish to register an objection to each application, firstly that no notices have been sent to properties that would be likely to be affected by the changes of use and hours of business, preventing fair and adequate consultation.

Secondly, in light of recent applications by a national chain of restaurants, Cote, regarding the former Montpellier Brasserie, the applications would need to be considered with regard to potential over-development of the site in this prominent location.

The immediate vicinity is mainly residentially and the extended hours, as proposed, would have a serious impact on the residents of Suffolk Court and neighbouring properties, in particular with regard to the noise nuisance 7 nights per week.

I must urge you to refuse these applications but if you consider that they have merit, they should be deferred until a full planning application can be submitted for due consideration by those likely to be affected, to include the matter of the premises' adequacy for the change of use including any risk to the public and its safety as a late night music/dance venue.

Regards

Robert Brookes

Suffolk Court Management Co Ltd

Suffolk Court

Suffolk Place

Cheltenham

GL50 2QG

-----Original Message-----

From: Bob Brookes

Sent: 09 June 2014 15:48

To: Cooper, Phil

Subject: Coffee & Co, 7 Montpellier Terrace

Dear Mr Cooper. I acknowledge receipt of your e-mail sent last Friday afternoon and would like to add my further comments.

I am somewhat disappointed by the comments you have made because had you any knowledge of the site, you would have concluded that up until now there has not been a noise problem (or at least a problem that could be specifically attributed to the coffee shop) primarily because the premises does not have either an alcohol licence or stay open until midnight. The coffee shop has only been trading a short while and prior to that period the property was used as an estate agency and solicitor's office. You will need no imagination to conclude that the application to dramatically change opening hours and the nature of the business will impact on the residents in the locality.

Mention has been made of the size of the amenity and its suitability as a music/dance venue which in itself could be a risk to public safety. Additionally, the matter of waste disposal is also a matter for public safety; despite your believing that this is a matter for the proprietor, there is ample evidence that such establishments (I specifically refer to the Montpellier Brasserie) habitually leave their waste outside the back of the premises overnight. Not only is this a safety risk in obstructing the public footpath but food waste will inevitably attract vermin which poses a Public Health risk.

You have asked me to explain why the granting of an alcohol/ music/dance licence would necessarily indicate a noise nuisance, but I would ask you why it has not been felt necessary to protect the near residents from that risk through a refusal of the licence or a restriction to it. One only has to be by the bandstand in Montpellier Gardens on one of O'Neills' music nights to understand that noise carries several hundred yards. Unwanted noise, whatever its nature, is a nuisance and the public have a right to be protected from it. By contrast, the Thai Brasserie (next door to the Coffee Shop) and Montpellier Brasserie (shortly to become Cote) both had alcohol licences but did not stay open until midnight every night nor are/were they music/dance venues and so were more in keeping with the surrounding properties

Kind regards

Robert Brookes

----- Forwarded message -----

From: **stephanie brookes**

Date: Wed, Jun 4, 2014 at 8:54 PM

Subject: Abdul Mannan, Coffee & Co

To: licensing@cheltenham.gov.uk

Dear Sirs. Quite by chance I saw a notice today in the window of the premises, confirming that Mr Mannan, having traded as a coffee shop for only a short while, has applied for a licence for live music, recorded music, performances of dance and anything similar together with the supply of alcohol seven days a week from 0800 hours to 23.59 hours, with opening hours extended to 00.30.

As a resident of a property facing the rear of the premises, I would have thought it appropriate that notice of such an application would have been sent to any neighbouring property likely to be affected by the application. Today appears to be the last day for representations and except for an accident of fate, this application may have been passed before neighbours would have been aware.

Having raised my concerns over the lack of consideration to the residents of adjacent properties, most of which are listed properties, I wish to register an objection to the granting of such a licence.

Firstly, the premises currently has seating for around 30 covers over two floors and so, in my view, is inappropriate for a music and dance venue.

Secondly, in view of the location, being close to a large number of flats and houses, the noise nuisance potential is unacceptable bearing in mind that the application would allow the venue to be open until 00.30 every night.

Thirdly, the premises is protected by Grade 2 listing and it would seem appropriate for any application for change of use from coffee shop to music/dance venue and/or opening hours should be the subject of a full planning application and that all the neighbouring properties should be properly notified of the application.

Fourthly, the change of use and the extension of opening hours will create a massive increase in the current demand on waste storage facilities for glass and food. I know for certain that no such facility exists at the present for the coffee shop

I would urge you to decline this application, or at the very least make it the subject of a full planning application, including an assessment of the maximum number of persons allowed in the property at any one time.

Yours faithfully
Stephanie Brookes
Suffolk Court
Suffolk Place
GL50 2QG

-----Original Message-----

From: stephanie brookes []

Sent: 04 June 2014 21:32

To: Internet - Licensing

Subject: Fwd: Abdul Mannan, Coffee & Co

We have noted that in conjunction with Mr Mannan's application for a music/dance/alcohol licence application, there is a further application appearing on your website for the placing of tables and chairs on the public highway. I wish to object to this application on the following bases:-

This application has been conducted in a surreptitious manner and as it is a retrospective application, has been made because the tables and chairs had previously been installed without consent.

Tables and chairs will, by their presence, obstruct the public highway/footpath risking public safety and should be inhibited and restricted to areas where public safety is assured. In this instance where the location of the premises, at a prominent busy road junction, public safety cannot be assured.

In conjunction with the application for extended opening hours to 00.30 hours every night, there is an increased risk to the public during the hours of darkness in addition to being a distraction or hazard to passing traffic.

For these reasons the application should be refused.

Regards

Stephanie Brookes

Suffolk Court

Suffolk Place

GL50 2QG

Cheltenham Borough Council

Licensing Committee – 4 July 2014

Conditions for Tables and Chairs Consent

Report of the Licensing & Business Support Team Leader

1. Executive Summary

- 1.1 Cheltenham Borough Council has entered into agreement with Gloucestershire Highways to control the provision of tables and chairs locally.
- 1.2 Section 115F of the Highways Act 1980 empowers the Council to impose conditions on permissions for tables and chairs to be placed on the highway.
- 1.3 The Council's "Conditions of Permission to Place Tables & Chairs on the Highway" are outlined in Appendix G of the current policy on measures to control street scene activities in Cheltenham.
- 1.4 This report seeks permission from the Committee to make minor amendments to a number of conditions.

2. Recommendation

2.1 The Committee is recommended to:

- 2.1.2 Approve the proposed amendments of the conditions outlined in paragraph 2.5 of the report.

3. Implications

How does the Decision contribute to the Council's Corporate Priorities? Not applicable.

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Legal Contact officer: Vikki Fennell
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Tel no: 01684 272015

2. Background

- 2.1 Cheltenham Borough Council has entered into agreement with Gloucestershire Highways to control the provision of tables and chairs locally.
- 2.2 Section 115F of the Highways Act 1980 empowers the Council to impose conditions on permissions for tables and chairs to be placed on the highway.

- 2.3 Conditions are attached to consents to ensure public safety and quality standards are maintained and also to ensure the public highway is not unnecessarily obstructed.
- 2.4 It is therefore important that conditions remain relevant and enforceable.
- 2.5 For the reasons outlined below, it has become necessary to amend a number of conditions.

Current	Amended	Explanation
It shall be the duty of the person to whom the Permission is granted to clean the section of the highway in respect of which Permission is granted to the specification of the Assistant Director Community Services.	It shall be the duty of the person to whom the Permission is granted to clean the section of the highway in respect of which Permission is granted.	The post of Assistant Director Community Services no longer exists.
The Permission does not authorise the holder to allow alcoholic drinks to be served or consumed at the tables and chairs. It is the responsibility of the person to whom the Permission is granted to check with the Licensing Justices that the liquor licence for the premises allows such activities to take place.	The Permission does not authorise the holder to allow alcoholic drinks to be served or consumed at the tables and chairs. It is the responsibility of the person to whom the Permission is granted to check with the Council's Licensing Section that the alcohol licence for the premises allows such activities to take place.	Alcohol licensing is no longer the responsibility of the HMCS.
The tables and chairs shall not be placed in any other area than that stated in the Permission. They shall be placed in an area delineated by a suitable temporary barrier which is positioned to the satisfaction of the Assistant Director Environmental Maintenance.	The tables and chairs shall not be placed in any other area than that stated in the Permission. They shall be placed in an area delineated by a suitable temporary barrier which is positioned in accordance with the attached plan.	The post of Assistant Director Environmental Maintenance no longer exists.

Implementation

- 2.6 Given the nature of the proposed amendments above, it is not considered unreasonable for the amended conditions to take immediate effect.
- 2.7 Officers will write to all current consent holders to notify them of these minor amendments.

3. Probity in Licensing

- 3.1 Cheltenham Borough Council's Licensing Committee operates in a quasi-judicial way in determining contentious licensing applications, policy issues and related matters.

- 3.2 The decisions that the Committee makes are significant and weighty. The Committee operates, for the most part, under its extensive delegated powers and it, rather than any other part of the Council, actually makes the decisions. The decisions can have a considerable effect on the value of premises or other capital assets, on the amenities of people living near licensed premises and on the lives of applicants. Furthermore if the Committee makes a wrong or irrational decision this may mean that the Council will face substantial costs if there is a successful appeal against the decision or if the decision is the subject of a legal challenge from an aggrieved third party.
- 3.3 Some licensing legislation specifies procedures to be followed but in all cases human rights and natural justice considerations dictate that the Committee adheres to the following principles in that decisions must:
- Be made on the individual merits of a case.
 - Have regard to all relevant national and local guidance.
 - Be made impartially and in good faith.
 - Be made by the body that receives all the relevant information and evidence.
 - Relate to the issue or question placed before the committee.
 - Be based only on consideration of relevant and material matters.
 - Be rational and reasoned.
 - Be made in a way that does not give rise to public suspicion or mistrust.
- 3.4 Licensing Committee Members must vote in the best interests of the Borough as a whole and must not vote on the basis of local ward interests that may be contrary to a balanced licensing assessment in the light of the evidence before the members and wider policies and guidance.
- 3.5 Licensing applications must be determined on the basis of the documents and information that have been formally submitted and where all parties have had a proper opportunity to consider them.
- 3.6 Members must read and carefully consider the content of the circulated report before the meeting and they must have regard to its contents in reaching their decisions.
- 3.7 Where Members propose to make a decision contrary to the officer recommendation clear licensing reasons must be established and these must be seconded and minuted.

Background Papers

Service records

Policy on Measures to Control Street Scene Activities in Cheltenham

Highways Act 1980

Cheltenham Borough Council highways agreement with Gloucestershire Highways

Contact Officer

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Cheltenham Borough Council

Licensing Committee – 4 July 2014

Tattoo Hygiene Rating Scheme (THRS)

Report of Senior Environmental Health Officer

1. Executive Summary

- 1.1 To ensure that infection control arrangements are adequate and effectively carried out, persons carrying out tattooing must be registered with the Cheltenham Borough Council, under the Local Government (Miscellaneous Provisions) Act 1982.
- 1.2 The proposed Tattoo Hygiene rating Scheme would compliment the existing registration requirements. The main objectives would be to:
 - (a) inform the public about the hygiene standards in the premises at the time of the most recent inspection
 - (b) drive up standards and adoption of best practice across the industry
 - (c) reduce the risk of incidents of infection and transmission of infectious disease from tattooing procedures
 - (d) promote the use of and improve the reputation of registered, legitimate, tattooists that has been damaged by “scratchers”
- 1.3 The scheme has been developed with the support of the Chartered Institute of Environmental Health Wales (CIEH), the Tattoo and Piercing Industry Union and all local authorities are welcome to deliver it. A number of local authorities across the UK will be launching the scheme from April 2014. The CIEH Wales website will maintain a list of all premises in the UK that have a rating under the scheme and a list of premises within the district of Cheltenham Borough Council will be maintained on the council's website.
- 1.4 Research carried out prior to development of the scheme found that 80% of the trade thought that a tattoo hygiene rating scheme would be beneficial to the industry. 80% also thought that the current registration system is not adequate.

2. Recommendation

The Committee is recommended to resolve that, subject to Cabinet Member approval of the fees:

The Tattoo Hygiene Rating Scheme (THRS), as outlined in this report, is adopted in Cheltenham Borough Council's district.

Financial

As it is proposed to charge for the scheme, there would be no financial impact.

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Legal

The statutory framework for regulating is outlined in the main body of the report. Participating businesses and the council will be bound by the rules of the scheme.

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Tel no: 01684 272015

4 Alternative Options Considered

- 4.1 The Council could continue with its existing controls. However, these will not help to drive up standards further or provide information about hygiene standards to the public.

5. Background

- 5.1 Tattooing has become more fashionable and mainstream in the United Kingdom as a whole, particularly in the last decade.
- 5.2 There are well known and well reported health risks which can be attributed to tattooing procedures. Improper and unhygienic practice may result in localised skin infections – see pictures below. There is also the risk of transmission of blood-borne viruses, for example Hepatitis B or HIV.



- 5.3 It is increasingly easy to access tattooing equipment via the internet and there is no control over who can purchase equipment on line. This can lead to an increase in people carrying out tattooing in their own homes and a rise in the underground trade, commonly referred to as “scratchers”.

- 5.4 To ensure that infection control arrangements are adequate and effectively carried out, persons carrying out tattooing must be registered with the Cheltenham Borough Council, under the Local Government (Miscellaneous Provisions) Act 1982. The Council has also adopted byelaws under the Act for the purpose of securing:
- (a) The cleanliness of premises and fittings
 - (b) The cleanliness of registered persons or persons assisting
 - (c) The cleansing and sterilisation of instruments, materials and equipment used
- 5.5 The Health and Safety at Work etc. Act 1974 also applies – the general duties being:
- (a) for employers to ensure the health, safety and welfare of employees
 - (b) for employers and the self-employed to ensure that their activities do not expose them or the general public to risks to their health or safety
- 5.6 In addition, it is an offence under the Tattooing of Minors Act 1969 to tattoo a person under the age of eighteen years. This would be classed as an assault and, as such, is enforced by the police.
- 5.7 Currently, there are persons registered to carry out tattooing at 12 premises in Cheltenham Borough Council's district.
- 5.8 Ratings would be allocated, in accordance with a table of ratings with set criteria, dependant on the standards found at the rating inspection:
1. Needs improvement
 2. Satisfactory
 3. Good
 4. Very good
- 5.9 The premises would be provided with a certificate and a window sticker – see **appendix 1**. The rating would also be published on the Borough Council's website. Premises owners would be advised about the works needed for them to improve their rating and encouraged to undertake them. Operators would be able to request a re-rating subject to three months having elapsed since the last rating visit.
- 5.10 The scheme would be voluntary and it is proposed that the following charges will apply:
- £100: initial rating visit
 - £50: visit following request to re-rate
 - £100: annual rating visit
- 5.11 This is based on officer time carrying out the visit and the associated follow up administration.
- 5.12 The proposed rules of the scheme can be found at **appendix 2**.

6. Probity in Licensing

- 6.1 Cheltenham Borough Council's Licensing Committee operates in a quasi-judicial way in determining contentious licensing applications, policy issues and related matters.

- 6.2 The decisions that the Committee makes are significant and weighty. The Committee operates, for the most part, under its extensive delegated powers and it, rather than any other part of the Council, actually makes the decisions. The decisions can have a considerable effect on the value of premises or other capital assets, on the amenities of people living near licensed premises and on the lives of applicants. Furthermore if the Committee makes a wrong or irrational decision this may mean that the Council will face substantial costs if there is a successful appeal against the decision or if the decision is the subject of a legal challenge from an aggrieved third party.
- 6.3 Some licensing legislation specifies procedures to be followed but in all cases human rights and natural justice considerations dictate that the Committee adheres to the following principles in that decisions must:
- Be made on the individual merits of a case.
 - Have regard to all relevant national and local guidance.
 - Be made impartially and in good faith.
 - Be made by the body that receives all the relevant information and evidence.
 - Relate to the issue or question placed before the committee.
 - Be based only on consideration of relevant and material matters.
 - Be rational and reasoned.
 - Be made in a way that does not give rise to public suspicion or mistrust.
 -
- 6.4 Licensing Committee Members must vote in the best interests of the Borough as a whole and must not vote on the basis of local ward interests that may be contrary to a balanced licensing assessment in the light of the evidence before the members and wider policies and guidance.
- 6.5 Licensing applications must be determined on the basis of the documents and information that have been formally submitted and where all parties have had a proper opportunity to consider them.
- 6.6 Members must read and carefully consider the content of the circulated report before the meeting and they must have regard to its contents in reaching their decisions.
- 6.7 Where Members propose to make a decision contrary to the officer recommendation clear licensing reasons must be established and these must be seconded and minuted.

7. Officer Comments

- 7.1 Similarly to the food hygiene rating scheme, implementation of the THRS will help raise standards across the industry and inform the public about hygiene standards in premises.
- 7.2 The scheme will help make the High Street the location of choice for a tattoo and improve the reputation of the legitimate trade whilst highlighting the risks associated if people are tempted to go to “scratchers” or use tattooing kits in their own homes.

8.0 Future Work and Conclusions

- 8.1 The popularity of tattoos shows no sign of falling away. It is, therefore, important to make the sector as safe as possible. Adopting the scheme will help to drive up standards and give the public information that they have no other way of getting.



Tattoo Hygiene Rating Scheme

..... achieved tattoo hygiene rating

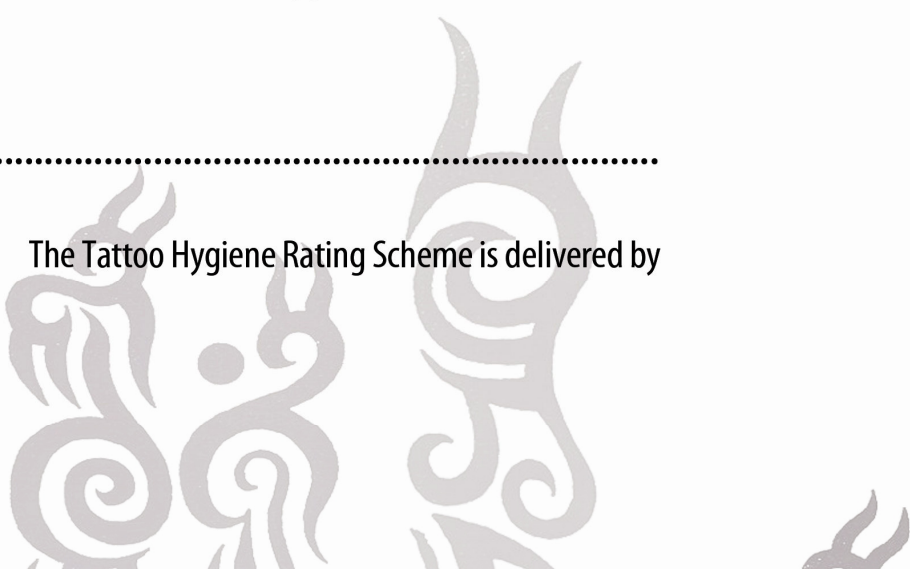


GOOD

Inspection date

The Tattoo Hygiene Rating Scheme is delivered by

and supported by





The Tattoo Hygiene Rating Scheme (THRS)

Rules of the scheme

1. All operators of premises offering tattooing within Cheltenham Borough Council's administrative area shall be eligible to apply to participate in the THRS. Application to join the scheme constitutes acceptance of the rules of the scheme.
2. Irrespective of any other services offered at the premises, the THRS shall apply to the tattooing procedure only.
3. Tattooing premises will be rated by the inspecting officer in accordance with the rating scheme following a programmed or initial inspection carried out under the Local Government (Miscellaneous Provisions) Act 1982 (hereinafter called 'the Act').
4. Where the inspecting officer requires remedial works or action to be taken in consequence of conditions found at the time of the initial inspection, at the request of the operator, the rating may be deferred to allow the works or action to be undertaken and the premises shall be rated upon the completion of the works.
5. Upon the THRS rating being awarded, Cheltenham Borough Council shall give the operator of the premises a THRS Certificate indicating the date of the rating inspection and the rating awarded, and a THRS self clinging window sticker indicating the rating awarded. The operator of the premises may display the certificate within the premises to which it relates and may display the window sticker in a prominent position on a window, door or other entry to the premises to which it relates where it will be readily seen by potential purchasers.
6. The THRS certificate and THRS window sticker remain the property of Cheltenham Borough Council and must be returned by the premises operator to Cheltenham Borough Council on demand.
7. A list of all premises having a rating awarded under the THRS will be maintained on the Chartered Institute of Environmental Health Cymru Wales Region website www.cieh-cymruwales.org
8. Cheltenham Borough Council may display the rating of tattoo premises within Cheltenham Borough Council's area on its website and may, at their discretion, provide a link to the CIEH Cymru Wales website from their own website.

9. Operators of premises with a THRS rating may refer to or display their current rating on advertising material and websites should they wish to do so.
10. Where an operator of premises displays a THRS certificate or sticker that is no longer valid through its being superseded or claims in any advertising material display or manner to be the holder of a THRS rating that is incorrect or makes any claim with regard to the scheme that is misleading in any material particular, he shall be liable to prosecution under the Consumer Protection from Unfair Trading Regulations 2008.
11. Operators of premises holding current THRS rating may apply to be re-rated but may not do so until three months after the most recent inspection under the Local Government (Miscellaneous Provisions) Act 1982 inspection and THRS rating visit has elapsed.
12. Operators of premises may ask Cheltenham Borough Council to re-rate their premises where they are of the view that the rating currently awarded to the premises no longer reflects the conditions existing there. Cheltenham Borough Council may not re-rate a premises within three months of a rating visit carried out contemporaneously with a programmed (or initial) inspection carried out under the Act and may at its discretion decline to re-rate a premises where the request to re-rate is received within two months of a programmed inspection under the Act being due.
13. Where an operator of premises is aggrieved by the tattoo hygiene rating awarded to his premises, he may appeal to Cheltenham Borough Council. The grounds under which an appeal may be made are:
 - a. That the rating allocated to the premises does not properly reflect conditions existing within it at the time of the rating visit, OR
 - b. That the rating criteria were incorrectly applied.
14. The appeal must be made in writing within 28 days of the notification of the THRS rating and must state the grounds upon which the appeal is founded. The appeal shall be determined in accordance with Cheltenham Borough Council's appeal mechanism which will be communicated to the operator at the same time as the THRS rating is communicated, and the determination shall be binding on both parties.

Cheltenham Borough Council's Appeal Mechanism:

Appeals must be made in writing within 28 days of notification of the THRS rating and must state the grounds upon which the appeal is founded. Appeals must be made to Sarah Clark, Team Leader, Public Protection, Cheltenham Borough Council, Municipal Offices, Promenade, Cheltenham, GL50 1PP. The decision of the appeal will be binding on both parties. There is no mechanism for further appeal.

Fees and inspection frequencies:

Premises under the scheme will be inspected annually.

Application and initial inspection	£100
Request for a revisit to re-score	£50
Annual inspection	£100

Withdrawal from the scheme:

Where an operator wishes to withdraw from the scheme they must write to Cheltenham Borough Council advising of their intention to withdraw. On withdrawal from the scheme, the operator should return the certificate and window sticker and Cheltenham Borough Council will remove the details from the database and website.

Background Papers	None
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Contact Officer

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Cheltenham Borough Council

Licensing Committee – 4 July 2014

Local Government (Miscellaneous Provisions) Act 1982 Renewal of Street Trading Consent

Mr Mark Morris

Report of the Licensing & Business Support Team Leader

1. Summary and recommendation

- 1.1 An application for the renewal of a street trading consent has been received from Mr Mark Morris in respect of his flower stall located on the Promenade at the junction with Ormond Place.
- 1.2 The application is to sell fresh cut flowers, pot plants and holly wreaths from a stall measuring 12 - 18 square metres Monday to Fridays 08:30 to 18:00 and 11:00 to 17:00 on Sundays.
- 1.3 An image of the stall is attached at **Appendix A** and a location map is attached at **Appendix B**.
- 1.4 The Committee considered the renewal of Mr Morris' street trading consent in April. The Committee did so following a written undertaking by Mr Morris and the relevant objectors to try and resolve the issues that have lead to the objections being raised.
- 1.5 A report has been prepared by Jeremy Williamson, Managing Director of the Cheltenham Development Task Force, outlining what has been attempted and the outcomes of these. His report is attached at **Appendix C** for the information of Members.
- 1.6 Members will note from Jeremy's letter that a compromise could not be reached and as a result the objectors have again raised objection to the renewal of Mr Morris' street trading consent.
- 1.7 **The Committee is recommended to resolve that:**
 - 1.7.1 **The renewal application be granted because you consider the grant of this application does comply with the provision of the Street Scene policy and is in the best interest of the borough as a whole; or**
 - 1.7.2 **The application be refused because it does not comply with the provision of the Street Scene policy as the proposed location is deemed unsuitable; or**
 - 1.7.3 **Subject to resolution 1.7.1, the renewal application be granted subject to the express condition that it will be revoked once the improvement work is due to start.**
 - 1.7.4 **Subject to resolution 1.7.3, delegate authority to the Licensing & Business Support Team Leader to draft the condition to be added to the consent.**

1.8 Implications

1.8.1 Financial

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1.8.2 Legal

The Local Government (Miscellaneous Provisions) Act 1982 provides that a local authority can grant a trading consent for an individual within their area. Under the legislation consent can be granted for a period not exceeding 12 months. Consent must therefore be reviewed every 12 months. A local authority can apply reasonable conditions to the consent.

Consent can be revoked at any time. An existing trader or a trader who has previously traded from a location does not have a legal right to any consent being automatically renewed or granted.

Any application should be considered in line with the Council's policy on Street Trading.

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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 & Objectives

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

Each application will be determined on individual merits and in view of promoting the principles and objectives contained in this policy.

In particular the policy aims to promote the following aims and objectives in reference to street trading activities:

- To have a clear & transparent policy governing street trading activities in the Borough.
- To enable the Council to manage all street trading activities in order to provide effective control measures.
- To ensure that all street trading activities meet the required quality standards, pose no risk to public health, safety & protection and do not prejudice the Council's efforts to improve the image, perception and attractiveness of the Town as a tourist and leisure destination, and is in keeping with the streetscape.
- 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.

3.1 Site Assessment

Consent from static locations will not normally be granted where:

- A significant effect on road safety would arise either from the siting of the trading activity itself, or from customers visiting or leaving the site,
- There would be a significant loss of amenity caused by traffic, noise, rubbish, potential for the harbourage of vermin, odour or fumes,
- There is a conflict with Traffic Orders such as waiting restrictions,

- The site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes,
- The site does not allow the consent holder, staff and customers to park in a safe manner,
- The street trading activity is carried out after dusk and the site is not adequately lit to allow safe access and egress from the site for both customers and staff.

3.2 Public Safety

In the interests of highway safety, no activity will be permitted within a minimum of 2 metres of a kerb.

3.3 Conservation Areas

The scope of this part of the policy covers the entire borough. However, the town centre, amongst a number of other areas in the borough, has conservation area status and as a result the Council will adopt a more restrictive approach to applications for these areas in particular.

3.4 Town Centre & Conservation Area

Despite this, the Council would not wish to prevent a modest amount of street trading in these areas of the town of a type which could positively enhance the enjoyment of the town as a tourist and leisure destination. To this end, street trading will generally be permitted in these areas where it enhances the town's reputation as a tourist and leisure destination, and is in keeping with the streetscape.

The appearance of a trader's business must enhance, or at least not be detrimental, to the street scene.

4. Probity in Licensing

4.1 Cheltenham Borough Council's Licensing Committee operates in a quasi-judicial way in determining contentious licensing applications, policy issues and related matters.

4.2 The decisions that the Committee makes are significant and weighty. The Committee operates, for the most part, under its extensive delegated powers and it, rather than any other part of the Council, actually makes the decisions. The decisions can have a considerable effect on the value of premises or other capital assets, on the amenities of people living near licensed premises and on the lives of applicants. Furthermore if the Committee makes a wrong or irrational decision this may mean that the Council will face substantial costs if there is a successful appeal against the decision or if the decision is the subject of a legal challenge from an aggrieved third party.

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4.4 Licensing Committee Members must vote in the best interests of the Borough as a whole and must not vote on the basis of local ward interests that may be contrary to a balanced licensing assessment in the light of the evidence before the members and wider policies and guidance.

- 4.5 Licensing applications must be determined on the basis of the documents and information that have been formally submitted and where all parties have had a proper opportunity to consider them.
- 4.6 Members must read and carefully consider the content of the circulated report before the meeting and they must have regard to its contents in reaching their decisions.
- 4.7 Where Members propose to make a decision contrary to the officer recommendation clear licensing reasons must be established and these must be seconded and minuted.

5. Consultee Comments

5.1 Objections have been received from:

5.1.1 **Mr Alexander Rose (Managing Director – Beards Jewellers):**

Dear Sirs,

Application for Street Trading Licence Application Number (14/00620/STA)

In regard to the application to the above mention Street Trading Licence Application, we wish to formally object to the renewal of the licence or ANY street trading at the proposed renewal location.

We have outlined our concerns both in person, and in writing to council officials in the past and have been advised that the renewal of the licence is the best time to raise the objections and press the case for rejecting the application.

We are one of two businesses closest to the siting of the street trading and are without doubt one of the stakeholders most directly affected by any street trading at the Ormond Place location.

We are strongly opposed to street trading at this location for the following reasons:

- It has a direct impact on our businesses ability to raise receipts and revenue, due to the lack of visibility of our largest window frontage; indeed many of our new clients are not even aware we sell the products we do along the Ormond Place frontage due to the fact they cannot be seen by passing trade from The Promenade.
- Our business relies heavily on our watch brands who we can only site on the Ormond Place frontage, we receive numerous complaints from the brands about the lack of visibility to the general public and the lack of growth we achieve in comparison to other retailers who have better visibility as a result of the reduced visibility. We are unable to advertise on the building due to council advertising restrictions so are unable to use the premises to its full potential and this has been the case since the flower stand was moved into Ormond Place a few years ago. To add insult to injury, on days (which there are not many) when the flower stand is not present, we see a direct increase in enquiries, foot flow, and sales of products sited on Ormond Place.
- The siting of the stand prevents multiple pedestrians moving down Ormond Place due to the congestion. Wheelchairs, bicycles and pedestrians at peak times have to queue to get past the stand, this is made worse by the recent siting of the bus stop which now also stops outside our premises; the queue and congestion from people trying to get up Ormond Place prevents people passing up the Promenade. We have been witness to, and assisted, members of the public who have been knocked over or pushed up against our windows trying to get by.
- We have also been informed that Canada Life who own the Regent Arcade are proposing a much needed investment in Ormond Place to improve its attractiveness to shoppers. We are informed that the investment hinges on the fact that if the council renew the application, they quite simply wont invest.

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The investment Canada Life are proposing would bring a much needed re-development of the Ormond Place end of the Regent Arcade in a similar way they have to the High Street end. The investment would bring in much needed new business, create jobs and increase visitors to the town which can only be a positive for the wider community. We understand their reluctance to invest so heavily if the street trading licence is renewed as their visibility will also be significantly impacted and would be a complete waste of money

- With the presence of so many empty units (1 on the Promenade, and multiple units in the Regent Arcade) we find it staggering that street traders, who can be sited more appropriately and still prosper, are being considered in areas where they are creating barriers to investment and financial growth for businesses that have fixed locations and cannot perform at their full potential

We hope the council will take these objections into account and consider the needs of the wider business community. The siting of ANY street trading in this location is untenable and impacting not only our business but all the business along Ormond Place. It is impacting the general public and if renewed will prevent a much needed investment to the town.

We remain available to add explanation to our objections

Yours sincerely



Alexander Rose
Managing Director

5.1.2 Mr Jeremy Williamson (Managing Director – Cheltenham Development Task Force):

7th April 2014

Dear Louis

Re: 14/00620/STA Flower Stand

I am really supportive of the town centre flower seller stalls for the vibrancy that they bring to the street scene; however the location at the junction of the Promenade and Ormond Place poses both existing and future challenges.

This particular stall has become too large for its location with flower containers regularly beyond the reach of the umbrella. This results in a significant reduction in pavement width for such a busy thoroughfare. In addition, the scale of the stall and associated umbrella block the sight lines to Regent Street and the Regent Arcade.

This latter aspect is of particular significance to the Regent Arcade. Having successfully completed a major refurbishment to their High Street entrance, Canada Life as owners (in partnership with Cheltenham Borough Council), now wish to proceed with an approved planning scheme on their Regent Street frontage.

The proposal includes not only work to their structure but critically significant work to the public realm connecting the Regent Arcade entrance to the Promenade. This will materially enhance this part of town and is a cost that neither GCC (as highways authority) nor CBC could currently contemplate.

Canada Life has made it quite clear that they will not undertake the enhancements unless they can secure unimpeded views from Regent Arcade to the Promenade and vice versa. This can only be achieved if the flower stall is relocated.

On this basis I would suggest that the licence application be supported but not in this location, and equally that other applications for this area be deterred for the same reason. This compromise approach would allow the town to keep the flower stall, perhaps on the Promenade itself so in close proximity to current location but at the same time ensure that the proposed major capital investment is not lost. A win-win situation.

Yours sincerely

Jeremy Williamson

5.1.3 Richard Nichol (Canada Life - Owners of Regent Arcade):

"I am writing to formally register Canada Life's objection to the above street trading application as owners of Regent Arcade Shopping Centre. As stated in previous objections submitted by our managing agents DTZ and Centre Director John Forward, the existing flower stand (or indeed any other street trader occupying this site) substantially obscures visibility of passing shoppers on the Promenade to the shops and businesses on Ormond Place and the entrance to Regent Arcade beyond. This is obviously detrimental to the trade of those retailers on Ormond Place, Regent Street and within the Arcade, many of which are local businesses that are heavily reliant on passing pedestrian footfall.

As you may be aware, Canada Life has obtained planning consent to redevelop Regent Arcade's Ormond Place entrance as well as pedestrianising a substantial area of streetscape all the way through to the Promenade. These works would undoubtedly improve the appearance of this part of Cheltenham, albeit at significant cost to ourselves. Further details are attached for reference. Subject to funding and the ironing out a few outstanding points with Mike Redman and his team, we would hope to start work on site later this year (ideally Q3) following the discharge of conditions. It is a fundamental requirement of this investment that the sightlines from the Promenade to the Arcade are not obscured in any way. I can therefore confirm that if the committee approves this street licence renewal application for another year, these works to the Ormond Place streetscape will not go ahead."

5.1.4 Mr Martin Quantock (Business Partnership Manager):

"Regarding the application renewal for the pitch on Ormond Place.

I understand that if this trader (or any other trader) would be allowed to trade on this pitch (or any other pitch on Ormond Place that would obscure the street scene and/or the view of the entrance to the Regent Arcade) then the proposed improvement works to be carried out this year and funded by Canada Life would no longer take place.

The proposed improvements to the street scene would help the businesses in this area (the street has both independent and national retailers trading there) and would involve significant investment by Canada Life.

For this reason I would object to the renewal, particularly as an alternative site may be available on the pedestrianised area of the Promenade."

5.1.5 Mr Richard Ralph (DTZ Associate Director):

"I am writing to you in relation DTZ's position as managing agents of Regent Arcade Shopping Centre, Cheltenham. We wish to object to the street trading application regarding the Flower Seller (Street Trading Consultation (14/00620/STA) on the grounds that it obscures the vision from the Promenade along Ormond Terrace in the direction of the Regent Arcade.

The positioning of this street trader or indeed any other street trader in this location blocks the view from the recently refurbished Promenade of Ormond Terrace, the majority the businesses who trade along this area are in the main small independent retailers which helps make Cheltenham different to other towns, they all pay considerable business rates which are collected by the council in addition to all of the other costs associated with running a business including employing staff, utility bills and rent. Street Traders pay a small licence fee and very little else and are able to trade from prime locations, resulting in unfair competition.

Canada Life who own the shopping centre has secured planning consent to carry out refurbishment to the Ormond Place entrance to the centre and as part of that are also have planning consent to upgrade Ormond Terrace to a pedestrian area including new and upgraded street furniture and lighting from the junction of Regent Street to the Promenade this work will be funded by Canada Life. This is to encourage more visitors to explore Ormond Terrace, Regent Street and the Regent Arcade. This work is planned to be started this summer.

Our objection is not only for this application but for any Street Trading Application in that location which will visually impact on the new streetscape of Ormond Terrace. I can categorically state that if this or any other application is granted in this location or anywhere in Ormond Terrace that may obscure the streetscape Canada Life will not carry out any improvements to Ormond Terrace and therefore depriving those shops in Ormond Terrace and Regent Street increased footfall, sales and additional employment opportunities.

For and on behalf of DTZ, a UGL Company"

5.1.6 Mr John Forward (Regent Arcade Manager):

"We are writing to object to the street trading application regarding the Flower Seller (Street Trading Consultation (14/00620/STA) on the grounds that it obscures the vision from the Promenade along Ormond Terrace in the direction of the Regent Arcade.

The positioning of this street trader or indeed any other street trader in this location blocks the view from the recently refurbished Promenade of Ormond Terrace, the majority the businesses who trade along this area are in the main small independent retailers which helps make Cheltenham different to other towns, they all pay considerable business rates which are collected by the council in addition to all of the other costs associated with running a business including employing staff, utility bills and rent. Street Traders pay a small licence fee and very little else and are able to trade from prime locations, resulting in unfair competition.

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Our objection is not only for this application but for any Street Trading Application in that location which will visually impact on the new streetscape of Ormond Terrace. I can categorically state that if this or any other application is granted in this location or anywhere in Ormond Terrace that may obscure the streetscape Canada Life will not carry out any improvements to Ormond Terrace and therefore depriving those shops in Ormond Terrace and Regent Street increased footfall, sales and additional employment opportunities."

5.1.7 Mr Wilf Tomaney (Urban Design Manager, Cheltenham Borough Council):

"The sale of flowers generally has a positive impact on the street scene - bringing colour, beneficial activity, a strong sense of place, public use of the street and the stall-holders themselves are a strong beneficial human presence in the area - being known locally, engaging in conversation with passers-by etc. helping additionally with passive street surveillance. These stalls currently bring all these elements, particularly those in town centre locations.

I have no objection to the Pittville Street or Cemetery locations.

In principle I have no objection to the Ormond Place location which does much to enliven the Promenade. However, there are a number of concerns:

1. the canopy is large and with the display beneath it does restrict what is an important pedestrian route from the Promenade to Regent Arcade, Regent Street, the theatre etc.
2. whilst the current arrangement is striking from the front (Promenade view), from the rear (Regent Street view to the Promenade) it is very much back-of-house. Anecdotally there appears to be concerns regarding this from nearby retailers.
3. the planning permission for the redevelopment of the rear of Regent Arcade includes a landscaping scheme which if it goes ahead will bring substantial private investment in the public realm along Ormond Place and across to the Regent Arcade. This is to be welcomed. However, it seems that the investment is unlikely to be made if a flower stall is present in the street because it is considered to screen views of the Arcade from the Promenade.

In discussions with interested parties (stall-holder, neighbouring retailer, Arcade representatives) a number of suggestions have been made including

a. a bespoke stall design is incorporated into the landscape treatment proposed for Ormond Place, possibly moving stall to one side, using a blank wall as a back-drop.

b. relocate stall to nearby on the Promenade - possibly the pedestrianised Promenade.
Each is acceptable to some, but neither is acceptable to all parties.

There are significant benefits in the landscape proposals for Ormond Place in terms of street scene; the proposal is also likely to have a beneficial impact on pedestrian movement and calming traffic at its Regent Street/Ormond Place junction. The flower stall has benefits for the Promenade in terms of visual amenity, activity etc., as outlined earlier, but disbenefits visually on Ormond Place where the rear of the stall is prominent and can be restrictive for the heavy pedestrian movement in this area.

On balance the implementation of the landscape scheme is likely to have the most benefits and my conclusion is an objection to the Promenade/Ormond Place licence because of its potential to halt this scheme.

If the committee is minded to approve, conditions might include:

A. limit the spread of the canopy to retain a 2.5m clearance either side, in order to benefit pedestrian movement (maybe permit exceptionally encroachment on special occasions - Christmas, Easter, Mother's Day)

B. require improvement to the appearance of the rear of the stall, so that the back-of-house elements are less prominent - probably enclosed by flower displays."

6. Licensing Comments

- 6.1 Members will note from the objections received that there is no objection in principle to the type of trading but objectors stated that the siting of the particular stall is inappropriate for the location particularly given the Ormond Place improvement works due to start in the third quarter of 2014. For Members' information, a plan outlying the proposed scheme is attached at **appendix D** of this report.
- 6.2 When determining this application, Members must be guided by the current policy in relation to street trading, the adopted probity in licensing guide and the relevant statutory requirements.
- 6.3 In relation to the current policy, the relevant extracts are outlined above under paragraph 3. In particular, street trading in the town centre that states that the Council will permit a "...modest amount of street trading ... of a type which could positively enhance the enjoyment of the town as a tourist and leisure destination. To this end, street trading will generally be permitted in these areas where it enhances the town's reputation as a tourist and leisure destination, and is in keeping with the streetscape."
- 6.4 The probity in licensing guide states, amongst others, that "Licensing Committee Members must vote in the best interests of the Borough as a whole and must not vote on the basis of local ward interests that may be contrary to a balanced licensing assessment in the light of the evidence before the members and wider policies and guidance."
- 6.5 Whilst the entire probity in licensing guide is relevant and should be taken into account, the quoted paragraph above is particularly relevant given the objections received in relation to the proposed improvement scheme. Members will need to consider whether the impact of the scheme to improve Ormond Place is such that, on balance, it is in the best interest of the borough as a whole to go ahead although it be at the expense of the trading position.

- 6.6 In law, the Council has a very wide discretion to grant, or refuse, a street trading consent. Schedule 4 paragraph 7(2) of the Local Government (Miscellaneous Provisions) Act 1982 states "...the council may grant a consent if they think fit." The wide discretion allows the council to take into account any matters considered relevant which could include the suitability of the proposed trading position or type of street trading.
- 6.7 Furthermore, Members will note from the legal officer's comment that the law does not automatically grant an applicant the legal right to any consent being automatically renewed or granted.

Alternative Locations/Options

- 6.8 There is the further option, if Members consider it appropriate, to grant the renewal but subject to the express condition that it will be revoked once the improvement work is due to start. This option was discussed with Canada Life. They prefer the assurance that the matter to do with the granting of this consent has been put to bed (subject to appeals) but also maintain, notwithstanding the proposed improvement works, that the trading pitch is too intrusive and obstructs too much of both the highway and the line of sight.
- 6.9 Notwithstanding this however, the option to issue a time limited consent is still an issue open to the Committee.
- 6.10 If Members do vote to refuse to renew the consent, Mr Morris can submit a new application for a different location primarily to ensure proper consultation on the new location is undertaken. Officers will assist where appropriate.
- 6.11 Members must provide full and clear reasons for whatever decision is reached with regards to this application.
- 6.12 There exists no right of appeal against the refusal of a street trading consent.

Background Papers

Service Records

Officer's report and minutes – Licensing Committee,
Licensing Committee – 25 April 2014

Currently adopted Street Scene Policy

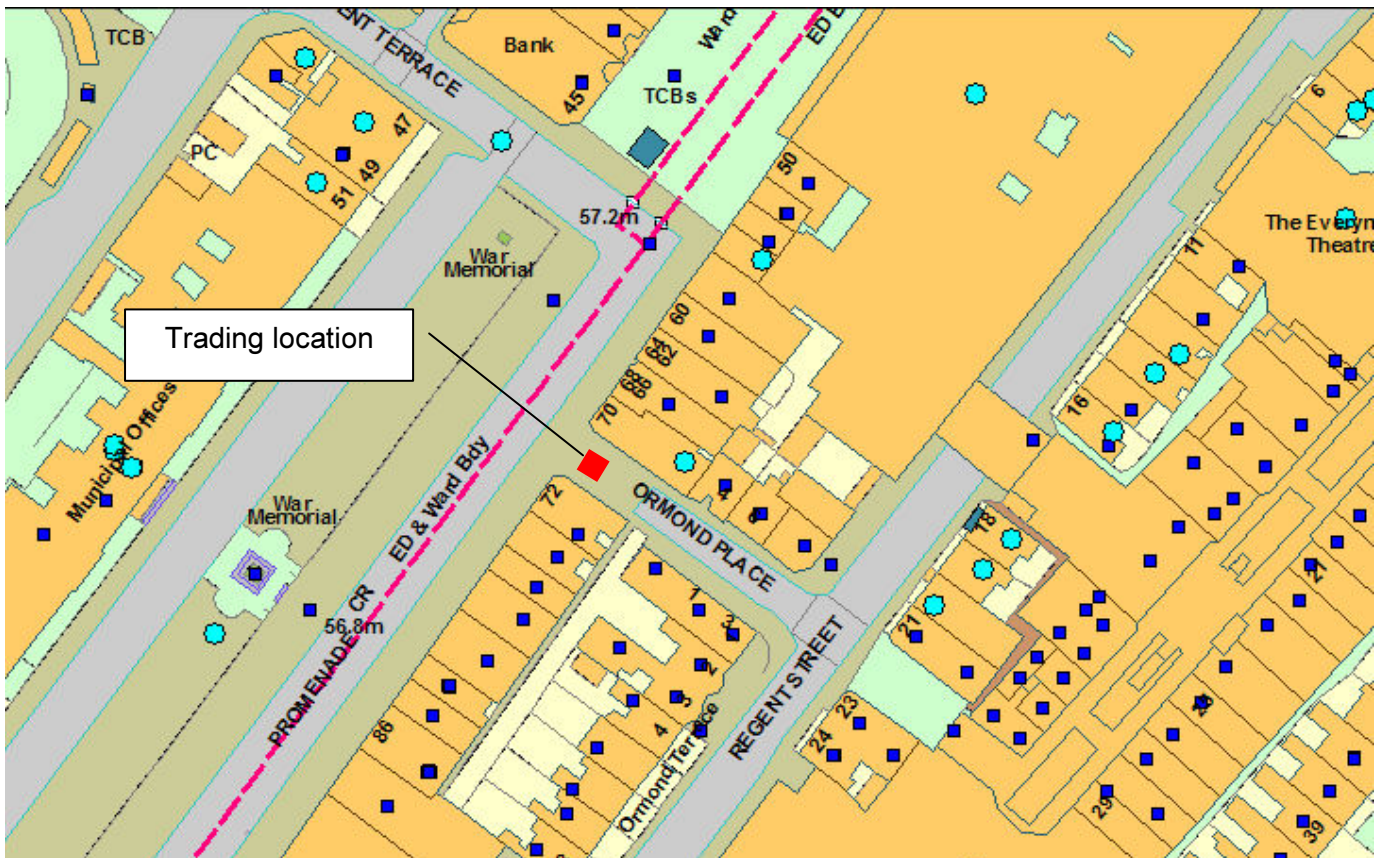
Report Author

Contact officer: Mr Louis Krog
E-mail: licensing@cheltenham.gov.uk
Tel no: 01242775004

Appendix A



Appendix B



Ormond Place Flower Seller

Some initial thoughts

Requirements:-

1. 16m² of space
2. High footfall zone
3. Access for loading
4. Access to power and water – beneficial
5. Preferably multi-faceted

Constraints:-

6. Direct sun-light. Impact upon cut flowers
7. Need to maintain adequate circulation space for pedestrians, scooters, prams etc
8. Views of traders in close proximity – restricted window and circulation space
9. Scale and height of canopy in current location
10. Impact of “other” street traders (daily & monthly) if alternative viable location found

	Ormond Place	Promenade
1	Yes but viewed as too big for that location	Should not be an issue
2	Yes	Yes
3	Yes – from Promenade	Yes – from Crescent Terrace
4	No	Yes via telephone kiosk upgrades
5	Single facing	Opportunity to create several aspects
6	An issue hence scale of canopy	Shading from trees could help overcome this issue
7	An issue esp with Big Issue seller	No issues anticipated
8	Restricts window display opportunity	Far enough from windows to be an issue
9	Perceived by some as too big (see 5 above) as restricts “long” views	Not an issue
10	n/a	Would need a commitment of Licensing Committee to avoid conflicts with other market operators

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The Flower Stall Meeting 23rd May 2014 Analysis and Options.

The issues discussed on 6th May regarding space need i.e. high footfall zone, access for loading, access to power and water – beneficial, preferably multi-faceted, direct sun-light issues, need to maintain adequate circulation space for pedestrians, scooters, prams etc, views of traders in close proximity – restricted window and circulation space, scale and height of canopy in current location, impact of “other” street traders (daily & monthly) if alternative viable location found – have been factored in to the analysis.

The licence allows for a stall to occupy between 12 and 18m², although our understanding of preferred operational size is 16m².

The following considerations are made in line with the boroughs ‘Policy on Measures to control street scene activities in Cheltenham’ with particular reference to the following clauses:

Licence will not be granted if... ‘The site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes,’

and:

‘the town centre... has conservation area status and as a result the Council will adopt a more restrictive approach to applications for these areas in particular.... The appearance of a trader’s business must enhance, or at least not be detrimental, to the street scene.’

Ormond Place

- Ormond Place is 9m across building to building so by Cheltenham standards one of the narrower streets.
- The photographs show the current space occupied and critically width of the stall with its umbrella and spread of flowers.
- Ormond 1 identifies the potential locations of a minimum spaced 12m² pitch within the road closure area of Ormond Place
- Ormond 2 identifies the maximum permitted 18m² pitch within the road closure area of Ormond Place – which at 5m x 3.6m is not far from current circumstance. It certainly narrows the passing pavement down to an unacceptable 2m width each side.
- Ormond 3 identifies the preferred 16m² pitch within the road closure area of Ormond Place but again this takes up a 5m width.
- An option for a kiosk which could only be located as option 3C has been explored. Given that this location is in the central conservation zone, an off-the-shelf solution unlikely to be deemed acceptable. An example of a bespoke solution delivered in London is shown. This example designed by Buchanan Associates cost c£50k
- It is worth noting that the Beards frontage at number 70 The Promenade is only 5.5m and several shops on the Promenade have even narrower frontages.

The Promenade

- All Promenade options are in proximity of the existing cluster of 4 phone boxes which will have power and water as part of their refurbishment.
- Whilst we have not yet produced a photo montage of the flower stall on the Promenade, the fact that The Promenade is 30m across gives comfort that in the right location it should be visually acceptable.
- Prom 1 is an alternative location for a 16m² pitch which can be implemented with no other works
- Prom 2 reflects a preference identified by Mark but would need negotiation with the established use by Café Rouge. It is likely to need to be multi-faceted as shown on the drawing as Café rouge unlikely to support if visually it reflects the view shown on the current photographs.
- Prom 3 identifies a pitch that can be implemented now with a revised location subject to relocating the bicycle racks. This site would equally need negotiation as currently used by the green coffee machine. The two activities do not however appear mutually exclusive.



High quality bespoke flower kiosk in London



'Front' view of stall - occupying 5m width

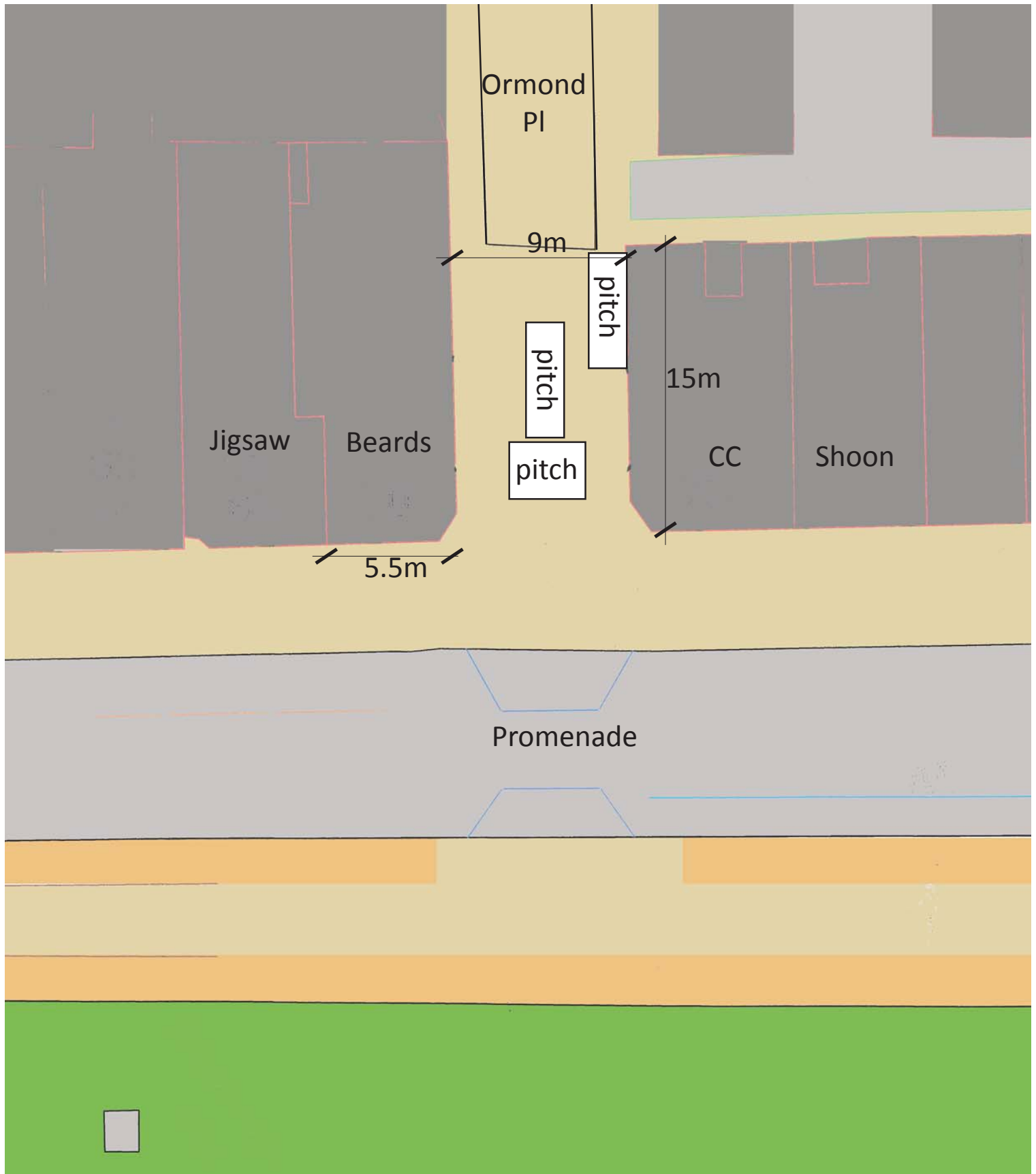


'Rear' view of stall

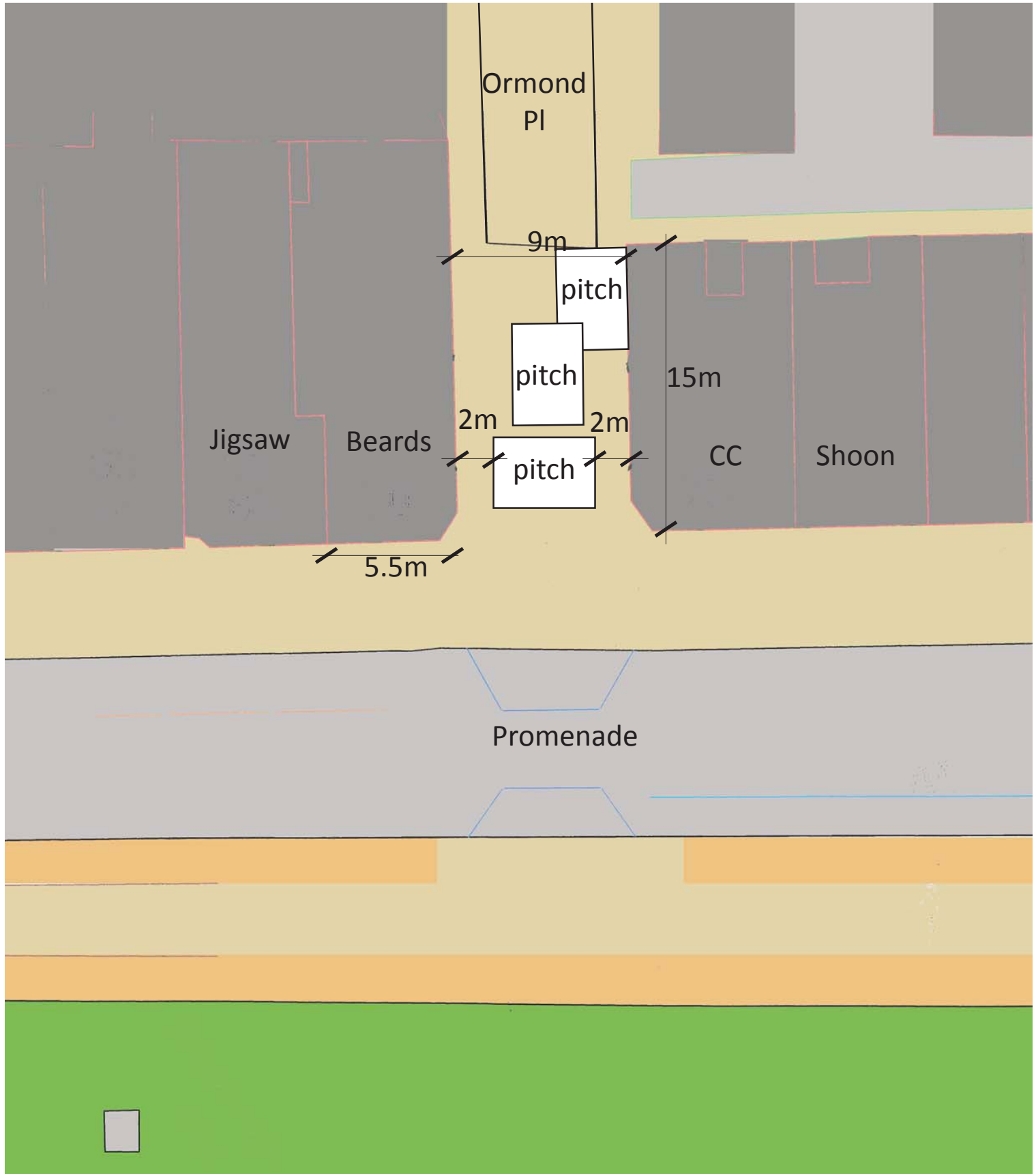


View of stall & proximity to street furniture & building facades

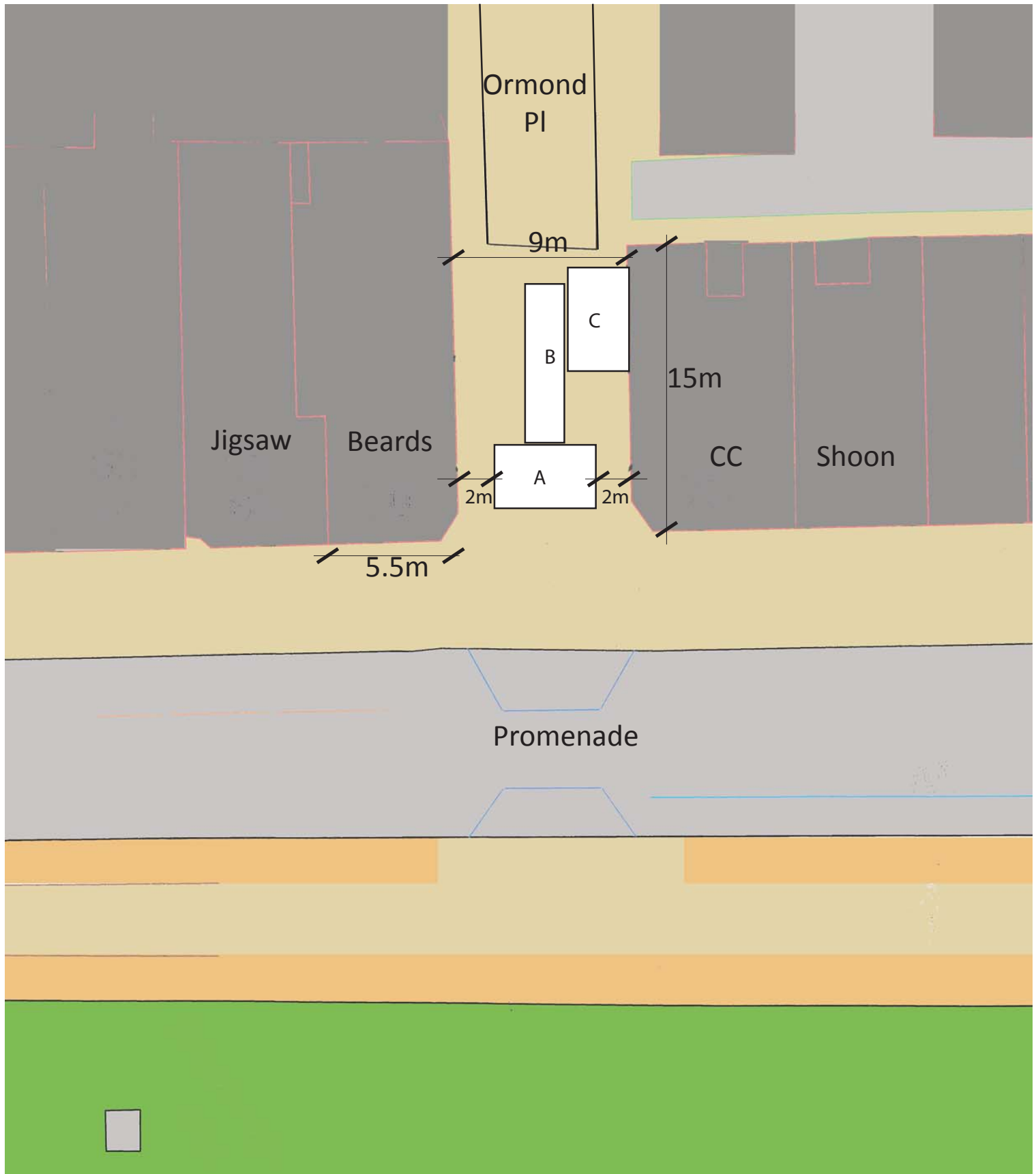
Ormond - 1 (minimum). 12 SqM @ 6.0x2.0m, 6.0x2.0m & 4.0x3.0m



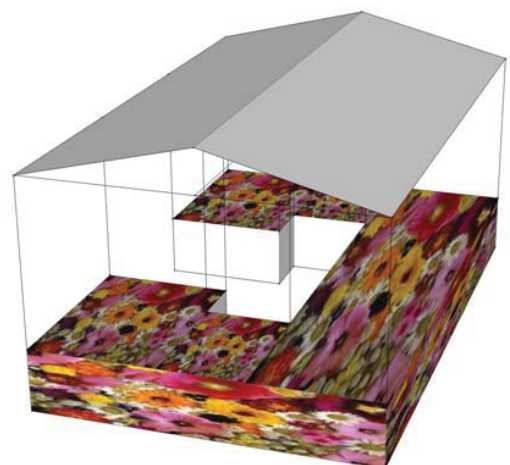
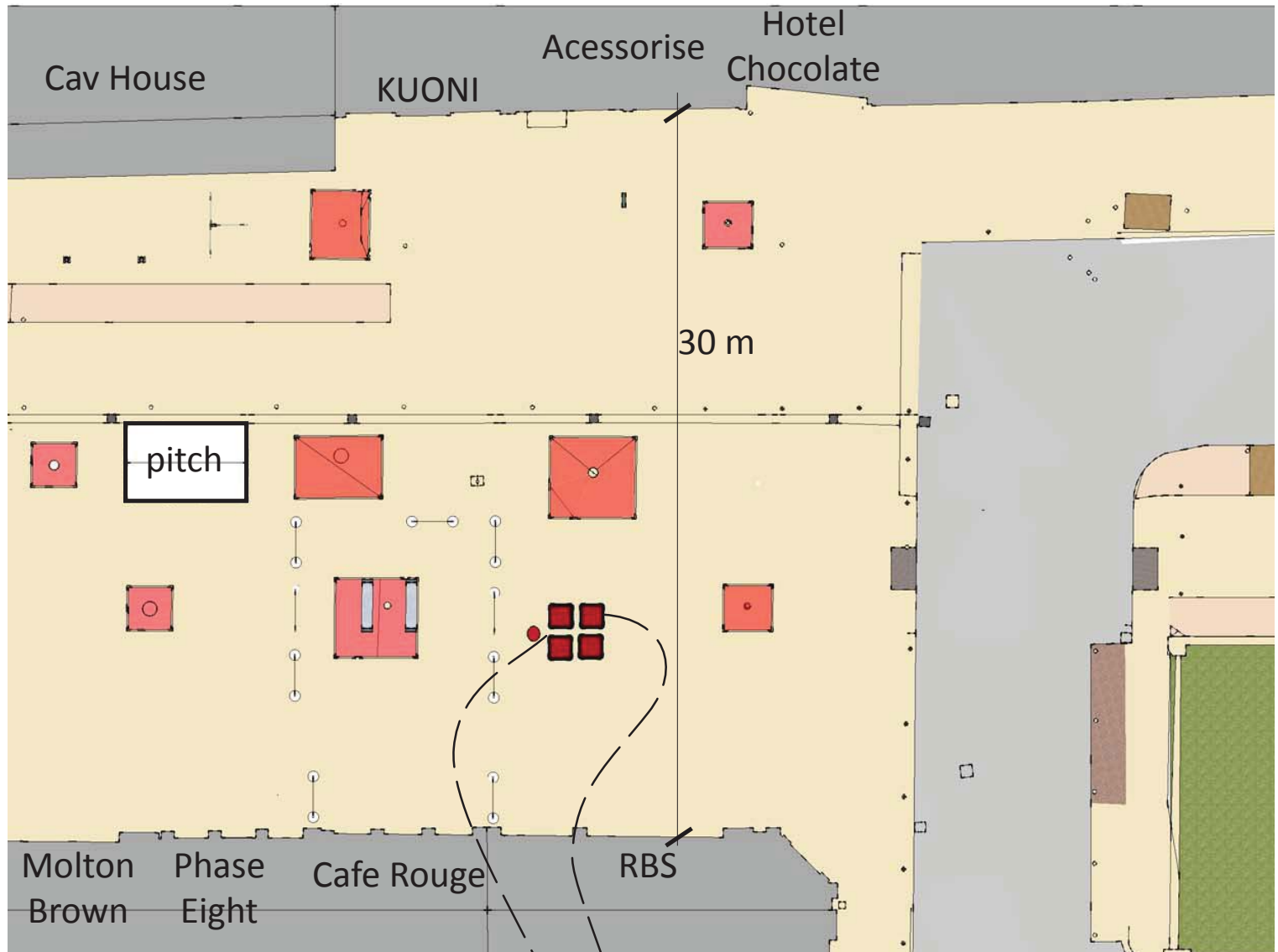
Ormond - 2 (maximum). 18 SqM @ A=5.0x3.6m



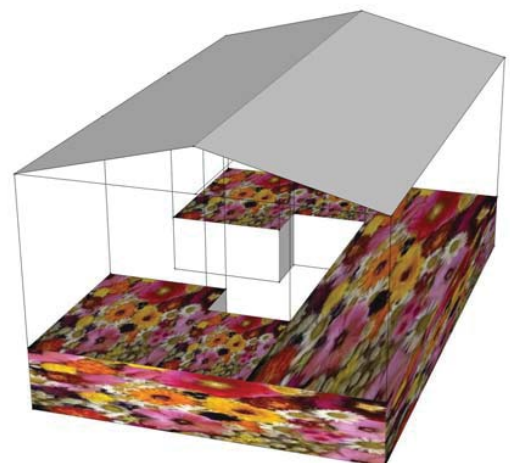
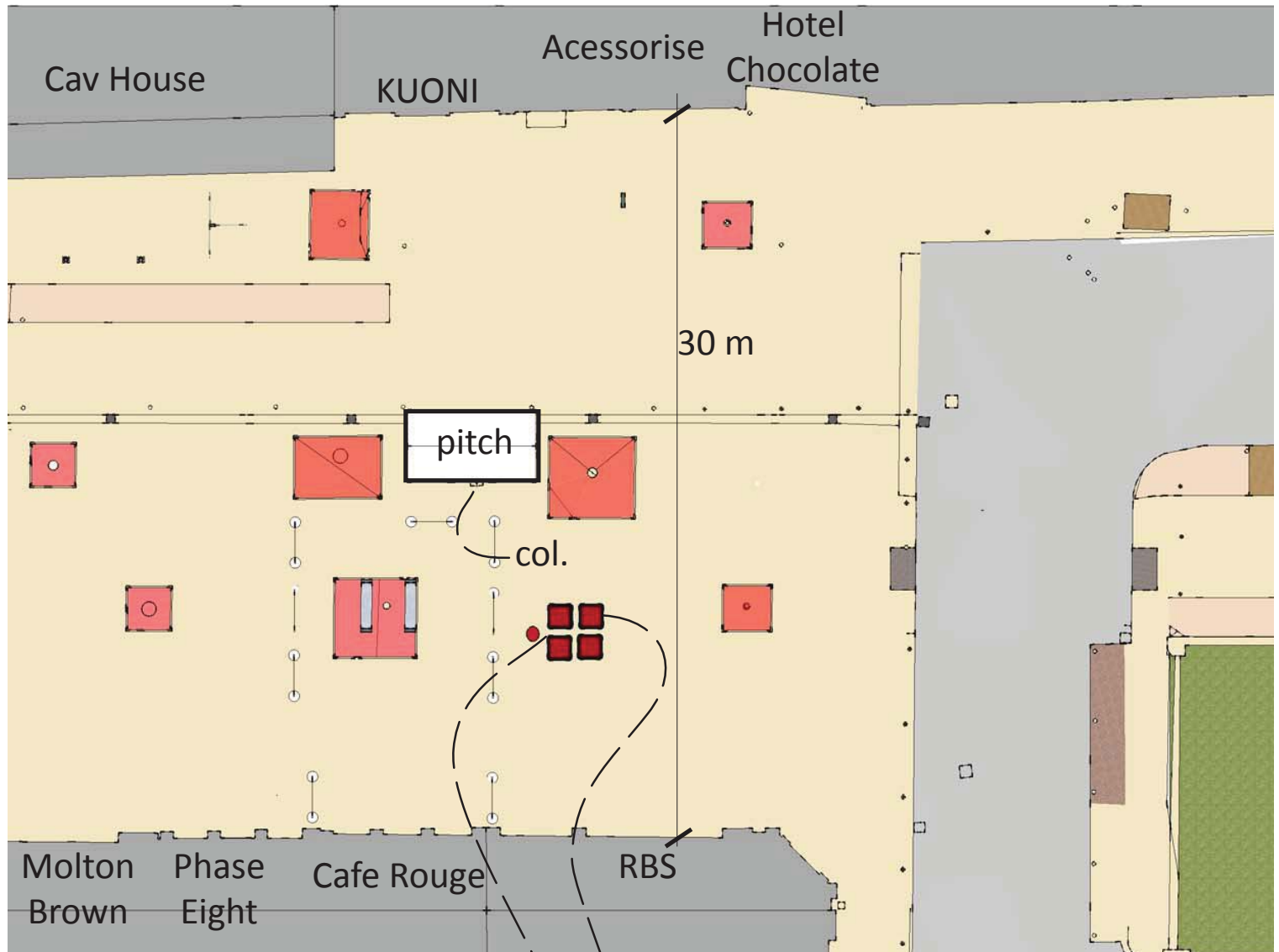
Ormond - 3 (operator preferred). 16 SqM @ A=5.0x3.2m, B=2.0x8.0m, C=3.0x5.3m



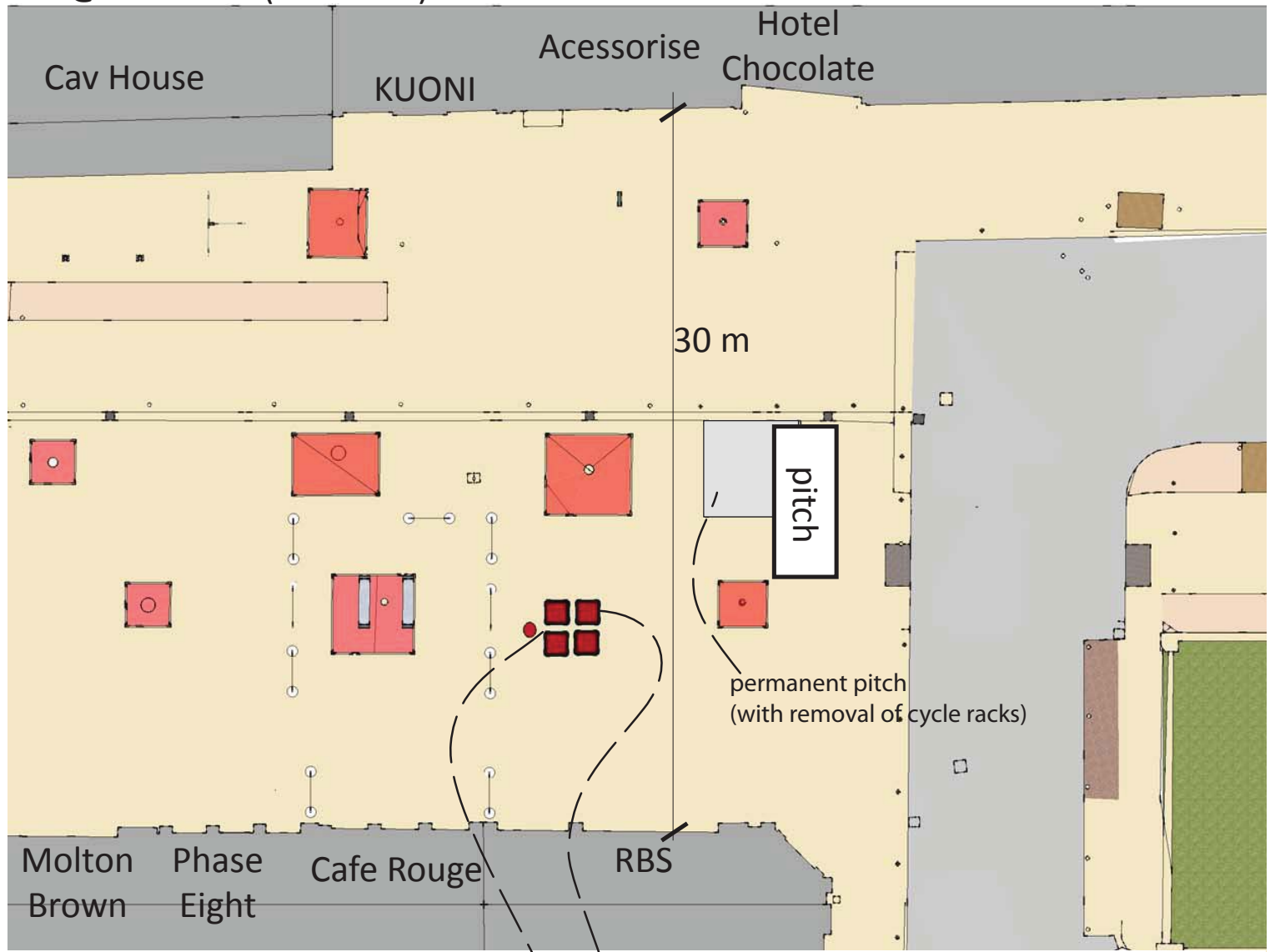
Prom - 1. can implement now, 16 SqM @ 5.33x3.0m



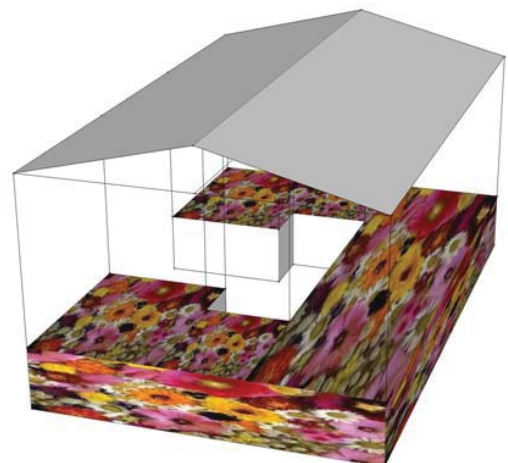
Prom - 2. can implement now, 16 SqM @ 5.8x2.7m (close to lighting column)



Prom - 3. 16 SqM can implement now (with permanent location shadowed)
@ 2.5x6.4m (4.0x4.0m)



water connection
power connection
In kiosk



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24th June 2014

Ormond Place – Flower Stall

On 7th April 2014 I submitted a letter noting my support for the vibrancy that the flower stalls bring to the streetscape of Cheltenham, but noting that in this instance, I felt that the stall is too big for this particular location and in its current location ran the risk of de-railing a major investment into this area by the operators of the Regent Arcade, who have already demonstrated their commitment to Cheltenham and the Arcade through the major investments of the last few years.

On 24th April 2014, a letter from all parties with an interest in the renewal of this flower stall licence was submitted to the licensing committee. That letter noted that the parties would seek to trial a compromise solution. Compromises included

- re-orienting the stall,
- changing the stall layout,
- changing its location either within Ormond Place or potentially on to the Promenade.

Following the determination of the licensing committee for a 3 month extension a meeting was held between Mark Morris, myself and Councillor Rob Garnham on 6th May 2014 to fully understand the requirements of the flower stall operator. Having noted these requirements I then set out a simple comparative analysis between Ormond Place and the Promenade – ~~this can be found at appendix 1.~~

At that meeting it was agreed that a fuller analysis be undertaken by the urban design team.

This was undertaken and explored fully in a meeting with Mark Morris on 23rd May 2014 – see appendix 2 which has both a written analysis and accompanying location and configuration options, and at the behest of the operator explored formats for a permanent stall.

A key point is that Ormond place is only 9m across and yet the stall occupies 5m of that space. This width of stall is as great as some Promenade shopfronts. The Promenade in contrast is 30m across so is more able to absorb a 5m width stall.

All interested parties were circulated with the analysis and drawings of that meeting.

Mark Morris was reluctant to undertake a trial on the Promenade but agreed he would trial alternative configurations on the Ormond Place site.

These were trialled with effect from 27th May 2014 with two major changes, a minimum 3m each side of the stall for pedestrian movement and the canopy turned through 90° - essentially now only occupying one third of the street width and thereby improving both pedestrian flow, access to window displays and visual linkages between the Regent Arcade

and Promenade. This trial was welcomed and photographed by all parties but sadly it was only continued for a few days and by Saturday 31st May the trial had ceased.

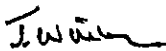
Discussions ensued but it was clear that Mark Morris was not willing to commit to a trial of any length arguing that the stall layout was entirely dependent upon the weather and secondly would not trial in any other location such as the Promenade (despite the work and offers of support from the urban design team and the Licensing manager) unless someone was prepared to underwrite any perceived loss of income.

Sadly the commitment to effective trials set out in the letter of 24th May 2014 has not been delivered, so it has been impossible to reach a compromise. This is despite significant time and resource committed to find viable alternatives.

On this basis I have no alternative but to again bring to the attention of the committee the concerns raised in my letter of 7th April 2014

- that the stall is too big for this location occupying over 50% of the street width
- that to remain as it is threatens a major investment by the Regent Arcade
- there are better locations for the flower stall without compromising other businesses or investment

Other parties to the compromise letter of 24th April 2014 also share my views and have signed below



J. Williamson - Cheltenham Development Task Force

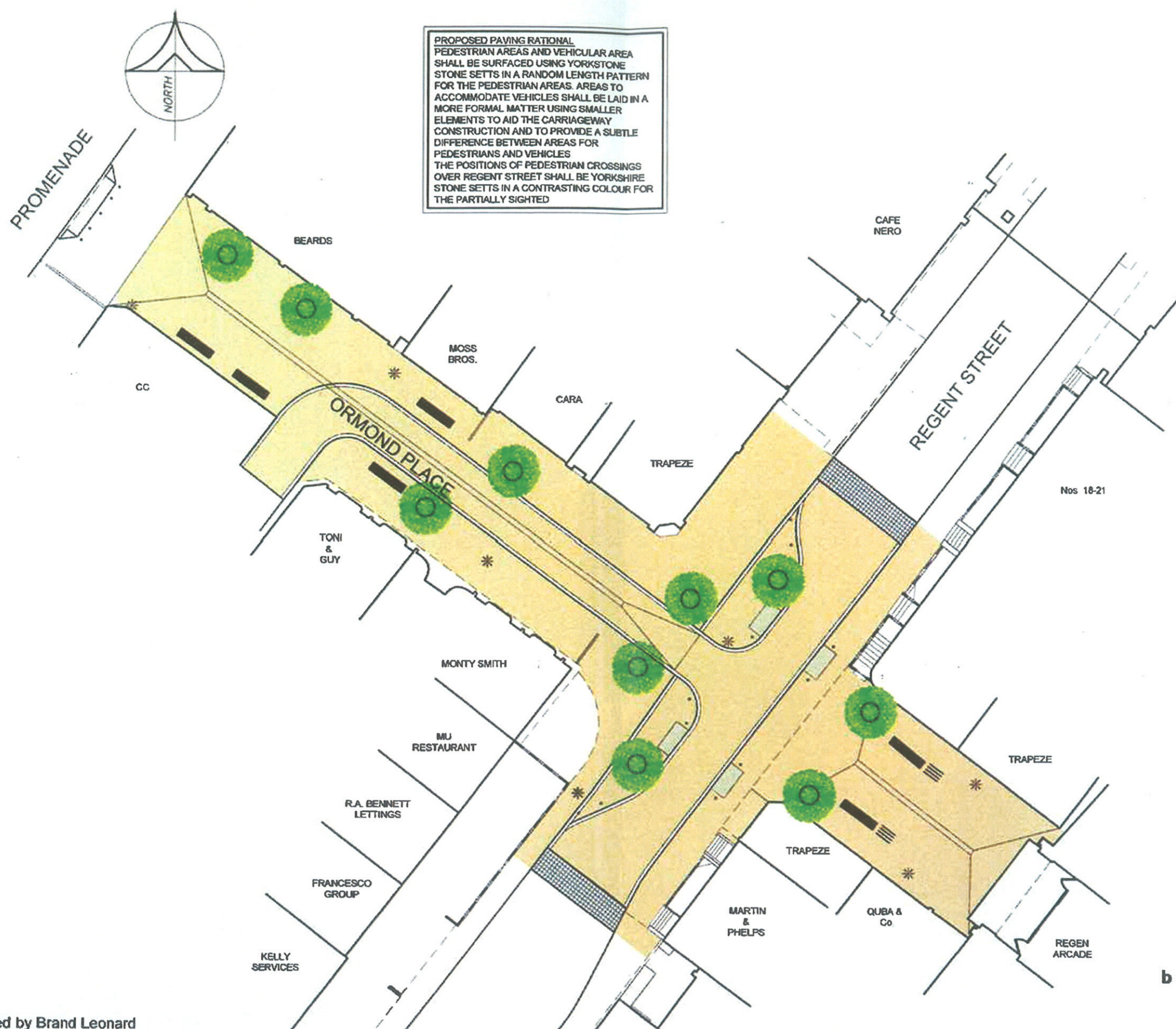


H. Barber – CBC town landscape team



A. Rose – Beards

J. Forward – Regent Arcade



NOTE: Plan provided by Brand Leonard Consulting Engineers

bell associates
 architects/designers

PEDESTRIAN SCHEME PLAN 1:200 SCALE
 REGENT ARCADE, CHELTENHAM



CGI ARTISTS IMPRESSION VIEW 1 , ORMOND PLACE, REGENT ARCADE, CHELTENHAM

Cheltenham Borough Council

Licensing Committee – 4th July 2014

Application for a Private Hire Vehicle Application

Mr Clive Robinson

Report of the Licensing Officer

1. Summary and Recommendation

- 1.1 An application for a Private Hire vehicle licence was submitted by Mr Robinson on 27th June 2014.
- 1.2 The application is to license a blue Jaguar X-Type SE, registration number DG58 ZLO, first registered on 29th September 2008.
- 1.3 The vehicle, being registered as new in 2008, does not comply with the Council's policy which requires that all new vehicles being licensed as Private Hire vehicles must be under 5 years old from the date of manufacture.
- 1.4 For the reason above, the application has been referred to the Committee for determination.
- 1.5 **The Committee is recommended to resolve that:**
 - 1.5.1 **The application be granted because the Committee considers there to be sufficient grounds to deviate from the adopted policy; or**
 - 1.5.2 **The application be refused because the vehicle does not comply with the Council's adopted policy.**
- 1.6.1 Financial

Contact officer: Sarah Didcote
E-mail: sarah.didcote@cheltenham.gov.uk
Tel no: 01242 26 4125
- 1.6.2 Legal

The Council has an agreed and adopted a policy that details the standards that are required in respect of new and existing Private Hire Vehicles. The Council can depart from its own policy where there are reasonable grounds for departing from its own policy.

Contact officer: Vikki Fennell
E-mail: vikki.fennell@teWKesbury.gov.uk
Tel no: 01684 27 2015

2. Background

- 2.1 The Council's adopted Licensing Policy, Guidance and Conditions for Private Hire and Taxis Operating within the Borough of Cheltenham was adopted on the 3rd of September 2010 and came into affect on the 1st of December 2010. Sections of that policy were amended and the amendments were adopted on the 13th May 2011.

- 2.2 The aim of the licensing process, in the context of the policy, is to regulate the Hackney Carriage and Private Hire trade in order to promote the below objectives.
- 2.3 In setting out its policy, the Council seeks to promote the following objectives:-
- a) The protection of the public;
 - b) The establishment of a professional and respected Hackney Carriage and Private Hire trade;
 - c) Access to an efficient and effective public transport service;
 - d) The protection of the environment.
- 2.4 The Policy will apply in respect of applications, renewals, reviews and transfers in relation to the following licences:-
- a) Private Hire vehicle;
 - b) Private Hire driver;
 - c) Private Hire operator;
 - d) Hackney Carriage driver; and
 - e) Hackney Carriage proprietor.

Vehicles

2.5 **Vehicle standards for all new licences issued for Private Hire Vehicles**

- a) *Maximum age limit of 5 years old at date of manufacture;*
- b) Minimum interior dimensions to ensure ease and comfort of passengers.

3. Licensing Comments

- 3.1 Mr Robinson has submitted a statement in support of his application which is attached to this report at **Appendix A**.
- 3.2 With regards to suitable mechanical condition, the vehicle passed an MOT and fitness test on 24th June 2014. Copies of the MOT and fitness certificates are attached at **Appendix B** of this report.
- 3.3 Mr Robinson has been sent a copy of this report and invited to attend this meeting to speak in support of his application and to answer members' questions, or to be represented. In considering the application on its own merits Members should have regard to the adopted Probity Guide
- 3.4 Although the Committee can deviate from its own adopted policy, it should only do so where there are strong and defensible reasons for doing so

Background Papers**Service Records****Contact Officer**

Philip Cooper, Licensing Officer
01242 775200
licensing@cheltenham.gov.uk

To who this may concern
Vehicle Licensing Committee
Cheltenham Borough Council
Cheltenham,
Gloucestershire.

Mr Clive Robinson

Friday 27th June 2014

Dear Sir or Madam

With reference to my recent application for a Private Hire Vehicle Licence for my Jaguar X Type registration number DG58XLO.

This Vehicle was to replace my previously owned Vauxhall Vectra AM08RHO. I was concerned that the Vauxhall was not as reliable as it used to be, it had under gone some major repairs recently the last problem being the breaking down of the Air Conditioning which would have cost over a £1000 to be repaired.

I part exchanged the Vauxhall for the Jaguar, wrongly assuming that it would be inside the permitted age to comply with the licensing policy for Private Hire Vehicles.

The Jaguar was first registered in September 2008 which is only a few months outside the permitted age, it is in outstanding condition through out almost as new, it has recently passed a MOT and council Fitness test, carried out by Cheltenham Borough Testing Station.

I do no work that involves driving the general public, I only carry out work for GCHQ and other organizations closely involved with them.

I would be very grateful if it is at all possible for you to consider allowing my application to be granted.

Thank you for your assistance regarding this matter.
If you require any further information please let me know.

Kind Regards

Clive Robinson.

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Vehicle & Operator Services Agency

MOT Test Number

959575474166

Make

JAGUAR

Model

X TYPE

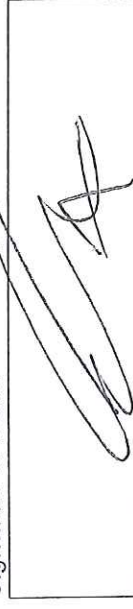
Colour

BLUE

Issuer's name

C. M. SMITH

Signature of Issuer



Expiry Date

JUNE 23rd 2015
(FIFTEEN)

Additional Information

To preserve the anniversary of the expiry date the earliest you can present your vehicle for test is 24/05/2015

Want a reminder? Text MOT No. to 66848. Cost £1.50. Subscribing confirms acceptance of T&Cs.
Go to www.direct.gov.uk/motreminders for information.

Inspection Authority

UBICO LIMITED
CENTRAL DEPOT
SWINDON ROAD
CHELTENHAM
GL51 9JZ

Test Station

81910

An executive agency of the
Department for
Transport

001 Under-trays fitted obscuring some underside components

002 Engine covers fitted obscuring some components in the engine bay

About this document

- 1 This document is a receipt style certificate telling you that an MOT Test pass result has been recorded on The Vehicle & Operator Services Agency's (VOSA's) database of MOT Test results; this may be verified at www.direct.gov.uk/yourmotcheck
 - 2 A test certificate relates only to the condition of the components examined at the time of test. It does not confirm the vehicle will remain roadworthy for the validity of the certificate.
 - 3 Check carefully that the details are correct.
 - 4 Whilst advisory items listed above do not constitute MOT failure items they are drawn to your attention for advice only.
 - 5 For further information about this document please visit www.direct.gov.uk/mot or contact VOSA on 0300 123 9000*.
- *Your call may be monitored or recorded for lawful purposes.

NAME: Mr ROBINSON

REG. NO:

D G 5 8 2 L O

ADDRESS: _____

PLATE NO:

MOT TEST NO:

LICENCED BY:

CHELTEHAM

MAKE: JAGUAR
First Reg: 29.9.2008
MOT Exp. Date: _____
Fuel Type: DIESEL
Engine cc: 2198

MODEL: X TYPE
Mileage: 88568
No. of Seats: 4
Colour: Blue

TESTABLE ITEM	Satisfactory			Nature of Defect
	No	Yes	N/A	
Bodywork — condition				
Damage Free		<input checked="" type="checkbox"/>		
Sharp Edges		<input checked="" type="checkbox"/>		
Cleanliness		<input checked="" type="checkbox"/>		
Body Fittings				
Faremeter secure & cables			<input checked="" type="checkbox"/>	
Tariff card displayed			<input checked="" type="checkbox"/>	
Fire extinguisher		<input checked="" type="checkbox"/>		
Radio secure & cables			<input checked="" type="checkbox"/>	
External plate fixed on vehicle rear			<input checked="" type="checkbox"/>	
Taximeter illumination when meter engaged			<input checked="" type="checkbox"/>	

TESTABLE ITEM	Satisfactory			Nature of Defect
	No	Yes	N/A	
Condition of interior				
Seats		<input checked="" type="checkbox"/>		
Carpets		<input checked="" type="checkbox"/>		
Glass		<input checked="" type="checkbox"/>		
Body Fittings				
First Aid Kit & No-Smoking Sticker		<input checked="" type="checkbox"/>		
Bus lane sticker - Private Hire			<input checked="" type="checkbox"/>	
HC Top Light Illumination			<input checked="" type="checkbox"/>	
Luggage Restraint			<input checked="" type="checkbox"/>	
Front window badge displayed			<input checked="" type="checkbox"/>	
Test mile accuracy of meter			<input checked="" type="checkbox"/>	

FAIL	Notice of Failure
	<ul style="list-style-type: none"> For the reasons shown above and per VT30 Because the test cannot be completed Warning In my opinion the vehicle is DANGEROUS because of the defects shown above and must not be used for hire and reward until rectified.
	Date.....

PASS
On 1st Presentation <input checked="" type="checkbox"/>
After Re-test <input type="checkbox"/>
<p>CHELTERHAM BORO COUNCIL. CENTRAL DEPOT BWINDON ROAD VTS 81010</p> <p>Date.....</p> <p style="text-align: right;">Garage Embossing</p>

This vehicle has been found to be suitable use as Private hire/Hackney carriage.

Signed [Signature]

Date 27-6-14

Name of Tester C Smith