



Notice of a meeting of Licensing Committee

**Friday, 6 March 2015
2.00 pm
Council Chamber - Municipal Offices**

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

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 6 FEBRUARY 2015	(Pages 1 - 8)
5.	APPLICATION TO PLACE TABLES AND CHAIRS ON THE HIGHWAY - TURTLE BAY, 20-16 PITTVILLE STREET Report of the Licensing Officer	(Pages 9 - 20)
6.	APPLICATION FOR A STREET TRADING CONSENT - MR BAMBAS SHAOUNA Report of the Licensing Officer	(Pages 21 - 38)
7.	ANY OTHER ITEMS THE CHAIRMAN DETERMINES TO BE URGENT AND WHICH REQUIRES A DECISION	
8.	DATE OF NEXT MEETING 10 April 2015	

Contact Officer: Annette Wight, Democracy Assistant, 01242 264130
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Licensing Committee

Friday, 6th February, 2015
2.00 - 4.15 pm

Attendees	
Councillors:	Roger Whyborn (Chair), Diggory Seacome (Vice-Chair), Andrew Chard, Garth Barnes, Adam Lillywhite, Anne Regan, Rob Reid, Pat Thornton and Jon Walklett
Also in attendance:	Vikki Fennell and Louis Krog

Minutes

1. APOLOGIES

Apologies were received from Councillor Wendy Flynn.
The Chairman reminded members that if they were unable to attend a meeting that they should ask a substitute to represent them.

2. DECLARATIONS OF INTEREST

Councillor Barnes declared an interest on agenda item 5, the renewal of the licence for the sex establishment venue, as being ward councillor for this area he would be speaking as an objector.

3. PUBLIC QUESTIONS

There were no public questions.

4. MINUTES OF MEETING HELD ON 9 JANUARY 2015

The minutes of the Licensing Committee held on 9 January 2015 were approved and signed as a true record.

With the agreement of the Committee, the Chair took agenda item 6 before agenda item 5 as this was likely to be a longer agenda item.

5. RENEWAL OF SEX ESTABLISHMENT VENUE

Having declared an interest earlier in the meeting, Councillor Garth Barnes stepped down from the committee at this point as he was speaking as an objector.

At the beginning of the meeting, an additional document produced by the applicant was distributed to members and the Chair gave the committee several minutes to look at it.

After briefly reading it, members expressed concerns about the document and the ward members due to speak on this topic requested to see a copy, but this was disallowed by the chair.

In consultation with the Legal Officer it was agreed not to permit this document as part of any evidence as it was submitted too late and the document was subsequently collected back in.

The Chair explained the format for the meeting and how much time would be allocated to the speakers.

The Licensing and Business Support Team Leader, Louis Krog, introduced the report concerning an application for the renewal of a Sex Establishment Venue (SEV) licence in respect of the premises located on 12-14 Bath Road. The renewal application was received on 15 December 2014 from Bath Road Property Limited. The Officer informed members that no changes to the terms or hours of the current issued licence had been applied for, but Bath Road Property Limited had applied to change the trading name of the premises from 'Diamond' to 'Fantasy'.

Appendix A showed a copy of the application form; Appendix B showed the premises layout, Appendix C the location map, Appendix D showed a copy of the current licence and Appendix E outlined the Core Commercial area.

The Officer reminded members of the mandatory and discretionary grounds for refusal, that members could not take into account objections on moral grounds and that the Council's policy in relation to the regulation and control of SEVs had changed since this licence was initially approved. He also advised that the new policy should not fetter member's decision.

The Officer informed members that 25 representations in relation to this application had been received from local residents and these were enclosed in the background papers. He also informed members that no objection or comments had been received from the Chief Officer of Police for Gloucestershire Constabulary.

The Officer advised that members having considered all the relevant matters needed to decide whether to grant the application as applied for, grant the application subject to any additional terms or refuse the application.

The Chairman advised committee members that they were not there to discuss whether Cheltenham should have a SEV or not, but to decide within the context of the policy or have discretion to vary from the policy that was agreed in October 2014. Principally members had to decide whether to exercise that discretion taking into account the location, and fitness of the applicant to operate such a premises. Members also needed to decide what weight to give to the boundaries of the central shopping area as the SEV was outside of this by only a matter of metres. The committee also needed to consider the request for the name change from 'Diamond' to 'Fantasy'.

The Solicitor representing the Applicant attended the meeting and spoke in support of the application, stating this was an unusual application as the major objections were dealt with a year ago when the licence was granted and since then there had been no problems with anti-social behaviour or other incidents and the club had operated without any issues being raised with the Police or Licensing. The only factor that had changed was that the Council had adopted a policy defining the area where such a club could exist and this club now fell

just the wrong side of the dotted line of this boundary. The Solicitor referred to two questions asked by members at Council in October 2014. The first question acknowledged that the SEV situated in Bath Road would fall outside the defined town centre area and that when considering any renewal application, the applicant would have to give evidence as to why an exception should be made in their case. The Cabinet member also said at the time that an existing establishment would always have an argument for discretion as an existing business.

To support this argument for discretion, the Solicitor asked the committee to consider the way the club had been properly run without any incidents. He said that his clients had invested money into the business, had improved the facilities and security of the club, and believed that there was a desire for such a club in the town as it had not folded. He pointed out that his clients would not have done this if they knew the policy would change and they might lose their licence in 6 months' time. He pointed out that had the Council not changed its policy it would be a straightforward renewal without any problems. He also asked members to bear in mind that they had no right of appeal as the Council had decided there should not be any SEVs in this area so there would be no option but to have a judicial review.

In summing up the Solicitor told the committee they had discretion to go outside the policy and to grant renewal and asked them to exercise discretion in this case. He did not believe it would set a precedent, as new business ventures would know of the policy boundaries beforehand and thus would not set up in the wrong area.

Councillor Klara Sudbury as ward councillor for College ward spoke on behalf of the objectors. She reiterated the reasons she had objected in first place highlighting that the objections were based on location and not moral issues, as the club was on the edge on a residential area, near to a supermarket and religious venues and other sensitive premises where children frequented. There was also a bus stop outside the venue and it was near a park, so it was not the right location. She also referred to a recent road safety trial in the Bath Road area that had failed and thus felt that this area was not suitable for any licensed activity. Councillor Sudbury informed the Committee that she had had a report of a problem, that being the doormen encouraging a group of men to go into the club leaving their female companion behind. She said local residents felt they had not been listened to and that it was a social issue that affected all in society. This SEV exceeded the number of SEVs allowed in the area and she urged the Committee to follow their policy as this was not the right location for a SEV.

Councillor Garth Barnes also as ward councillor for College ward proceeded to speak on behalf of the objectors. He stressed that the location was a key factor and that this had been discussed at Council before they agreed the policy. He considered that the fact this premises was so close to the core commercial area was irrelevant as clearly it was outside of the defined policy area. On that basis he could not see any grounds for discretion for allowing this renewal and considered it would be a travesty of democracy. His suggestion was that the applicant should look for an alternative venue within the policy area and suggested that the committee could renew the licence for a further year whilst they found another suitable venue.

In reply to various questions from members, the following points were made:-

- The Officer confirmed that the compliancy of the club had been very good, with a few initial issues having been resolved.
- The Licensing Officer had only received one Police report of common assault and no further action was taken.
- A member referred to 4.9 a,b,c,d in the report relating to properties in sensitive areas and asked for clarification that the committee were considering these points as part of their deliberations. It was confirmed that it was relevant to their decision.
- It was confirmed that the door staff at this premises were different to the ones operating at the club next door.
- It was confirmed that the fatal incident that had occurred in that area had happened outside another licensed premises in the area.
- The Solicitor advised that many problems often related to the offer of 2 for 1 drinks. This club did not offer any discounted drinks.
- With regard to the strict conditions placed on advertising, members asked about a van advertising in a car park and whether the club would advertise during race week. The Solicitor advised that the van must have been from Swindon and that the club were aware that under their current licence conditions, they were not allowed to advertise. He did though point out that this seemed unfair when others, ie pop up and 'one off' nights, could do this during race week without regulation.
- The Applicant confirmed that the club was open Tuesday to Saturday, 10pm to 4am; that they had an average of 20-30 people attending during the week with more at weekends and during race week. They had regular customers and a more mature clientele and offered entertainment to older people.

In response to the Chairman's request for the applicant to substantiate her suitability to running such a club, she replied that she had 12 years' experience of running lap dancing and gentlemen's clubs and was fully aware of the policy regarding the running of such clubs and her duty of care to the girls etc, and was in compliance with it all. She informed that her customers were more mature, polite and a different clientele to neighbouring Kukui night club and others in the area, that it was not cheap to go there with highly priced drinks and that as the opening hours were 10pm to 4am, there were no children or church users around at that time. She stressed that it was a legal business, it was licensed and everything had been done to comply with the licence.

In summing up, the Solicitor representing the Applicant said that if the Committee felt that the club had not been properly run he would understand their refusal, but the club was properly run and he therefore asked the committee to exercise their discretion. He pointed out that if the club was across the road or on top of the supermarket opposite, they would be inside the policy area and the renewal would be straight forward. He referred to 4.9, a, b, c, d in the report relating to properties in sensitive areas and stressed that these issues were all there a year ago when the licence was granted. The club was being run in compliance with the licence and he invited members to use their discretion.

At this point the Chairman proposed that the committee adjourn to consider their decision.

Members adjourned from the Chamber at 15.26.
Members returned to the Chamber with their decision at 16.02.

The Chairman read the rationale for the Committee's decision.

The Committee had examined all the documents submitted and considered all the representations made at the hearing. It had particular regard to the written objections concerning the location of the premises and the Council's Policy of 13 October 2014 concerning generally inappropriate locations for sexual entertainment venues.

The Committee had noted that the government guidance and case law made clear that moral objections to sexual entertainment were not relevant to consideration of the application. With this in mind the Committee disregarded any passages within the representations received which expressed moral concerns.

The Council's Policy states that the current premises is within the zero limit for SEVs.

The Committee had considered the location of the premises and despite the location there was no evidence that there had been any issues involving the premises since it opened last year.

The Committee had noted that the applicant had a benefit of a good track record in operating the premises and that Gloucestershire Constabulary did not object to the application.

The Committee had used its discretion with regard to the boundary having regard to the applicant's submissions and the fact it had traded for almost a year without issue.

The Committee would like to make it clear that it was not setting any precedent.

The Committee did consider all discussions during the hearing and in particular those relating to 4.9 a,b,c,d, in terms of proximity to other premises, but decided to use its discretion as to whether these were suitable issues in this case.

Upon a vote to approve the renewal of the licence, it was 6 for, 2 against

RESOLVED, that the renewal of a Sex Establishment Venue licence in respect of the premises located on 12-14 Bath Road be granted.

Upon a vote to change the name, it was 6 for, 2 against

RESOLVED, that a change in trading name of the premises from 'Diamond' to 'Fantasy' be approved, with any further changes coming back to committee.

6. APPLICATION FOR PERMISSION TO PLACE TABLES AND CHAIRS ON THE HIGHWAY-ROTUNDA TAVERN, 3 MONTPELLIER STREET, CHELTENHAM

The Licensing and Business Support Team Leader, Louis Krog, introduced the report concerning the application from Mr Stephen Ashley of 3 Montpellier Street, Cheltenham, trading as the Rotunda Tavern. He informed members that Mr Ashley had existing permission to place four picnic style tables with attached benches on the highway during the operating hours of the premises and that he was now applying to extend that permission to 24 hours a day, so that the street furniture would be in place 24 hours a day, every day.

Appendix A showed a photograph of the furniture and Appendix B showed plans of how the tables and chairs would be positioned when the premises were open and when the premises were closed.

The Officer pointed out that for practical reasons the tables and benches were already left out overnight, which was technically a breach of licensing consent.

The Officer advised that members needed to decide whether they felt the application was compatible with the current Street Scene Policy.

In reply to questions from members, the Officer clarified that:

- No complaints had been received or incidents happened regarding the tables and chairs being left outside during the 2 and a half years that they had been there.
- Other businesses with more portable tables and chairs did have to take them in. This business was unique in that the benches were heavier.

This latter point raised concerns by a member that other premises may decide to use heavier picnic style tables that could be left outside and thus this would set a precedent. Another member questioned the committee's consistency in their street scene policy.

Many members expressed concerns about insurance cover and public liability, especially during the closure of the premises and wanted assurance that the applicant was fully covered and that there would not be any liability on behalf of the Council.

The Applicant, Mr Ashley, attended the meeting and spoke in favour of his application. He confirmed that the tables and chairs were not collapsible and therefore could not be brought in, but that in the 2 and a half years that they had been in situ there and left out overnight there had not been any incidents. He felt that the bench style tables were in keeping with a good old English pub and give it an identity rather than aluminium tables and chairs. Mr Ashley confirmed that the benches were chained together and made safe during the premises closing time. He also informed members that he was fully insured and had public liability insurance up to £5m.

Again a member queried whether there had been any after of hours anti-social behaviour, to which the applicant reiterated that there had not.

The chairman proposed an amendment to 1.4.1 that the application be approved subject to adequate insurance cover and that if there were any issues that the matter be brought back to committee.

Upon a vote it was 6 for, 2 against, 1 abstention

RESOLVED, that Mr Ashley's application in respect of 3 Montpellier Street, trading as the Rotunda Tavern, for permission to leave 4 picnic style tables with attached benches on the highway 24 hours a day, be approved subject to adequate insurance cover, as members felt the application was compatible with the current Street Scene Policy.

Upon a vote that the application be refused, it was 2 for, 7 against.

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

None

8. DATE OF NEXT MEETING

6 March 2015

Roger Whyborn
Chairman

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Cheltenham Borough Council

Licensing Committee – 6 March 2015

Highways Act 1980

Local Government (Miscellaneous Provisions) Act 1982

Application for Permission to Place Tables and Chairs on the Highway

Turtle Bay, 20 - 26 Pittville Street

Report of the Licensing Officer

1. Executive Summary and Recommendation

- 1.1 An application has been received from Mr Brynn Macek of Fusion Design and Architecture in respect of Turtle Bay, 20-26 Pittville Street, Cheltenham GL52 2LJ.
- 1.2 The applicant seeks permission to place 10 tables and 30 chairs on the highway outside the premises during the following times:

Monday	11:30 – 00:00
Tuesday	11:30 – 00:00
Wednesday	11:30 – 00:00
Thursday	11:30 – 00:00
Friday	11:30 – 01:00
Saturday	11:30 – 01:00
Sunday	11:30 – 00:00

- 1.3 **Appendix A** shows photographs of the furniture. **Appendix B** is a plan showing how the tables and chairs will be positioned. **Appendix C** shows the location of the premises.
- 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 consultation procedure for tables and chairs on the highway. The applicants initially applied for 13 tables and 36 chairs, which attracted the following objections and comments, after which the applicant revised the numbers of tables and chairs downwards.

Senior Enforcement and Compliance Officer (Planning), Cheltenham Borough Council

Seems somewhat restricted, and with the comings and goings through entrance/exit to this outside tables/chairs area this could cause pedestrian conflict as it is directly opposite junction and dropped tactile kerb for wheelchair users and the like. With this and the bicycle stands and litter bin there is potential for conflict.

Senior Environmental Health Officer (health & safety), Cheltenham Borough Council

The footpath is not particularly wide in areas and this is quite a busy street corner, especially for buses.

'A' board guidance: 3.3 (of Policy on Measures to Control Street Scene Activities in Cheltenham) indicates a minimum of 1.8 meters of footway to remain in place. There seems to be no minimal guidance on seating but as discussed by default it should be the same.

None of the seating leaves 1.8 metres of access pavement. Distances at the bike racks is 1.4m, at the rubbish bin 1.18m and next to the Tree 0.96m.

I strongly advise that the table and chairs arrangement be minimised to ensure 1.8 metre clearance, effectively a sensible enough space for an adult with a pushchair and child to get through.

Should the proposed set up go ahead I may be minded to take statutory action, under the Health and Safety at Work etc Act 1974 against the premises in order to ensure the distances are reduced to protect the public. This is because the presence of so much furniture on the street would encourage the public to walk in the road, onto a busy street.

I therefore recommend the application be amended to ensure 1.8 metre clearance.

In response to these comments, the applicants changed their proposal to 10 tables and 30 chairs and a revised plan was provided (Appendix B) which was circulated to the objectors to establish whether their objections still stood, in light of the proposed revisions. The following comments were received in response to the revisions made.

Senior Enforcement and Compliance Officer (Planning), Cheltenham Borough Council

My original comments equally apply.

Senior Environmental Health Officer (health & safety), Cheltenham Borough Council

The alterations have improved the distance. I would only need to take formal action if there was a particular problem or complaints noted as the issues are not as gross within this second plan.

However I would encourage alignment with CBC guidelines, to ensure 1.8 meters is obtained at all points.

Senior Environmental Health Officer (noise pollution), Cheltenham Borough Council

I am concerned re the hours of use of the outside area, which are proposed to stay open until midnight Sunday – Thursday and 1:00AM Friday & Saturday. This has potential to cause noise nuisance to residents of nearby residential property, situated above shops on Pittville Street due to noise from customer voices etc.

In general, use of outdoor areas should be discouraged after 11PM and designated premises supervisors are expected to supervise external areas being used by smokers to ensure that noise is kept to a minimum and they return into the property promptly. Providing tables and chairs does not encourage customers to return indoors.

I would therefore recommend that the use of external tables and chairs is limited to the hours of 11:30AM – 11:00PM daily.

Gloucestershire Constabulary

The Police have no objections to the amendment to the original plan.

- 3.2 In response to comments made by consultees, the applicants provided the following additional comments in support of their application.

Further to our site survey and proposed revised layout, we have drawn our layout noting the conditions found already existing on Pittville Street. We have indicated clearance distances of no less than what exists at the external seating outside 'Caffe La Scala' a few steps down the road (which also has a tree in front and a clearance of no more than only 1000mm). Please see attached photograph. We had carefully done so to avoid any issues with our proposed external seating layout, trusting the existing conditions at neighbouring shops would be fair examples to follow.

In previous external applications with other councils, we have always received responses from council that served as acceptance and/or compromise to what we had proposed and an agreement on which tables and chairs, and their placement, were to be allowed. We feel it is important to have external seating running the full length of our shopfront knowing this will add life to a prominent and deserving street in Cheltenham's centre and it would be a shame to constrict this due to a discrepancy of only 150mm between tree and table/rubbish bin and table. We have left a larger clearance of over 2.2m along the bicycle racks, knowing this is a space of excessive movement/manoeuvring of bikes.

We would ask to be considered on our revised seating layout noting that our minimum clearance dimensions are more generous than what is currently found on Pittville Street and especially on the premise that the external seating will add much positive energy and life to the street.

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.
- 4.3 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.
- 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.

5. Policy Principles, Aims and Objectives

- 5.1 This section outlines the policies the Council will apply when making decisions on applications for consents.
- 5.2 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.

6. Licensing Comments

- 6.1 The Committee must determine the application with a view to promoting the Council's adopted policy and should only depart from the policy where there are clear and defensible reasons for doing so.
- 6.2 Members will note on the plan of the furniture at appendix B, in some places less than 1.8m clearance distance has been left between the furniture and other fixed objects, specifically a tree pit and a fixed bin. The Council's standard requirement is for no less than 1.8m to be left for passers-by. The applicants are aware of the requirement and have provided an explanation which is above at paragraph 3.2.
- 6.3 Members will note that the applicants have made reference to other nearby premises which they believe have left less than 1.8m between their street furniture and other fixed objects. This is an enforcement matter and will be dealt with separately. No nearby premises have been given dispensation to leave less than the minimum 1.8m distance and those comments are not relevant to this application, which must be determined on its own merits.
- 6.4 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.

Report Author

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



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Cheltenham Borough Council

Licensing Committee – 6th March 2015

Local Government (Miscellaneous Provisions) Act 1982 Application for a Street Trading Consent

Mr Bambas Shaouna

Report of the Licensing Officer

1. Summary and recommendation

1.1 Mr Bambas Shaouna has made 3 applications for street trading in respect of ice cream units.

1.2 Application details:

Application ref	Type of unit	Trading location	Proposed trading times
15/00065/ STA	Static ice cream tricycle as pictured at appendix A.	Promenade as shown at appendix B.	Seasonal consent: April-Sept 2015 Mon to Sat 09:00-17:00 Sun 09:00-17:00
15/00145/ STA	Mobile ice cream van reg no. X231 ABF as pictured at appendix A.	Within permitted areas of the Borough subject to a request for special dispensation as explained at paragraph 1.5.	Ongoing consent: 12 months Every day 12:00-19:00
15/00146/ STA	Mobile ice cream van reg no. P103 EOX as pictured at appendix A.	Within the permitted areas of Cheltenham subject to a request for special dispensation as explained at paragraph 1.5.	Seasonal consent: April – Sept 2015 Every day 12:00-19:00

1.3 Images of the 3 trading units are attached at **appendix A**.

1.4 A location plan of the static unit is attached at **appendix B**.

1.5 With regards to the trading location of the 2 mobile units, the applicant has requested special dispensation for two of the Council's standard conditions not to apply in his case. Those conditions are as follows, and his statement of reasons is attached at **appendix C**. Along with the statement of reasons, the applicant has provided copies of undated newspaper cuttings which he would like drawn to the attention of the Committee.

Condition 1: Trading prohibited in the following streets or parts of streets: . . . Evesham Road and roads adjacent to Pittville Park.

[The exact location at Pittville Park where the applicant intends to trade, if this condition is disappplied in his case, is on Pittville Lawn. The applicant has provided a photograph of the location which is attached at **appendix D**]

Condition 2: Trading prohibited within 75 metres of the gates of all schools, except Bournside School*, on both sides of the road in any direction during the period half an hour before school opening to one hour after closing during school terms.

*In the case of Bournside School trading is prohibited on Warden Hill Road within 100 metres of frontage to Bournside School, both sides of the road in any direction, except in the lay- by opposite to number 89, during the period half an hour before school opening to 1 hour after closing during school terms

1.6 In the interests of avoiding confusion, the Committee is recommended to deal firstly with the static unit, which has not attracted any objections or adverse comments, before moving on to consider the two mobile units.

1.6.1 The Committee is recommended to resolve that:

1.6.2 The application(s) be approved because Members are satisfied that the application(s) comply with the provisions of the Street Scene policy and the location(s) are deemed suitable in that they enhance the town's reputation as a tourist and leisure destination, and are in keeping with the streetscape;

1.6.3 Subject to 1.6.2, if the Committee resolves to grant the application(s), whether to agree to the applicant's request to disapply standard conditions in respect of the two mobile units; or

1.6.4 The application(s) be refused because they do not comply with the provision of the Street Scene policy as the proposed location(s) are deemed unsuitable.

1.7 Implications

1.7.1 Financial

Contact officer: Sarah Didcote

E-mail: sarah.didcote@cheltenham.gov.uk, Tel no: 01242 26 4125

1.7.2 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.

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. 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.

3.5 SPECIAL CONDITIONS FOR MOBILE ICE CREAM TRADERS - MECHANICALLY PROPELLED VEHICLES

1. Trading prohibited in the following streets or parts of streets:

(a) High Street (from Sandford Park entrance to Townsend Street)

(b) Promenade (from High Street to Montpellier Walk)

(c) Clarence Street

(d) North Street

(e) Pittville Street

(f) Regent Street

(g) Rodney Road

(h) Winchcombe Street (from High Street to Warwick Place)

(i) Imperial Square

(j) Montpellier Walk

(k) Montpellier Street

(l) Warden Hill Road (within 100 metres of frontage to Bournside School), both sides of the road in any direction, except in the lay- by opposite to number 89, during the period half an hour before school opening to 1 hour after closing during school terms).

(m) Loweswater Road (from the junction with Alma Road to the junction with Langdale Road during the above period and times).

(n) Evesham Road and roads adjacent to Pittville Park.

2. Trading prohibited within 75 metres of the gates of all schools, except Bournside School (see Special Condition 1) on both sides of the road in any direction during the period half an hour before school opening to one hour after closing during school terms.

3. The consent holder shall not, without the prior permission of the Council, trade in any particular location for more than 30 minutes at any one time and shall not return to that particular location, or any position in the immediate vicinity thereof (which expression shall be as interpreted by the Council), within 2 hours of leaving it.

4. The consent holder shall comply with all traffic regulations rules orders and directions which apply to the public highways on which he trades.

5. The consent holder is required to comply with the Code of Practice on Noise from Ice Cream Van Chimes, etc. 1982 or any modification or re-enactment thereof. (summary attached).

3.6 CHELTENHAM BOROUGH COUNCIL SUMMARY OF THE CODE OF PRACTICE ON NOISE FROM ICE CREAM TRADERS MECHANICALLY PROPELLED VEHICLE CHIMES, ETC. 1982

It is an offence to sound your chimes before 12 noon or after 7.00 p.m. It is also an offence to sound your chimes in such a way as to give reasonable cause for annoyance. The main points of the Code of Practice approved by the Government on methods of minimising annoyance caused by your chimes are as follows:

DO NOT SOUND CHIMES

1. For longer than 4 seconds at a time;
2. More often than once every 3 minutes;
3. When the vehicle is stationary;
4. Except on approach to a selling point;
5. When in sight of another vehicle which is trading;
6. When within 50 metres of Schools (during School hours), Hospitals and places of Worship (on Sundays and other recognised days of Worship);
7. More often than once in every 2 hours in the same length of street;
8. Louder than 80 dB(A) at 7.5 metres;
9. As loudly in quiet areas or narrow streets as elsewhere.

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.
- 4.3 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.
- 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.

5. Objections and Comments from Consultees

Green Space Manager, Cheltenham Borough Council

We have a contract with the Coffee Company who run our parks and gardens cafes, they have worked hard to establish business in the parks which enables them to run the boating lake, tennis courts, fishing, and golf course, which on their own do not break even. I would not wish to see anything that might jeopardise these much enjoyed public facilities. Ice cream sales form a very important part of this business, and this year they will be serving ice cream from Central Cross, the Boat House, and from a mobile ice cream bike by the play area. In my view this is more than enough and comfortably meets demand. I would not support special dispensation of the conditions.

Senior Environmental Health Officer (health and safety), Cheltenham Borough Council

I recommend the conditions relating to trading outside the school are not lifted. Traffic outside schools is heavy in the periods stipulated and the addition of another vehicle distraction does not help the public safety of the area. If the street trader considers that other areas used increases the risk of road traffic incidences arising, then the committee should consider exempting street trading in these areas as well, around peak times.

In relation to the proposed Pittville Park [Pittville Lawn] location I can currently see no public safety concerns in relation to this site, if the van can be parked off the main carriage way I have no objections. Parking can be busy in this area and this may increase the risk of a road safety accident occurring, however traffic is not great down Pittville Lawn and the cars that do pass tend to go slowly, it may be no different than an ice-cream van locating themselves in a car park.

Senior Enforcement & Compliance Officer (planning), Cheltenham Borough Council

It would be an error to agree to this dispensation which could set a precedent for other ice cream vendors and burger vans to be parked outside schools.

6. Licensing Comments

- 6.1 The Committee must determine the application with a view to promoting the Council's adopted policy and should only depart from the policy where there are clear and defensible reasons for doing so. In this case the applicant has made a specific request for part of the Council's adopted policy not to apply in his case. If Members consider this request to be reasonable they must provide clear reasons for departing from the Policy and consider whether in so doing, they are setting a precedent.
- 6.2 The Council's current policy in relation to street trading in the town centre 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."
- 6.3 In accordance with the above policy position, Members must be satisfied that the proposed street trading is such that "it enhances the town's reputation as a tourist and leisure destination, and is in keeping with the streetscape".
- 6.4 Furthermore, the relevant legislation given the Council 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. [Emphasis added].

- 6.5 Members must also have regards to the adopted Probity in Licensing guide.
- 6.6 Mr Shaouna has been invited to attend the hearing.

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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Static unit application ref 15/00065/STA



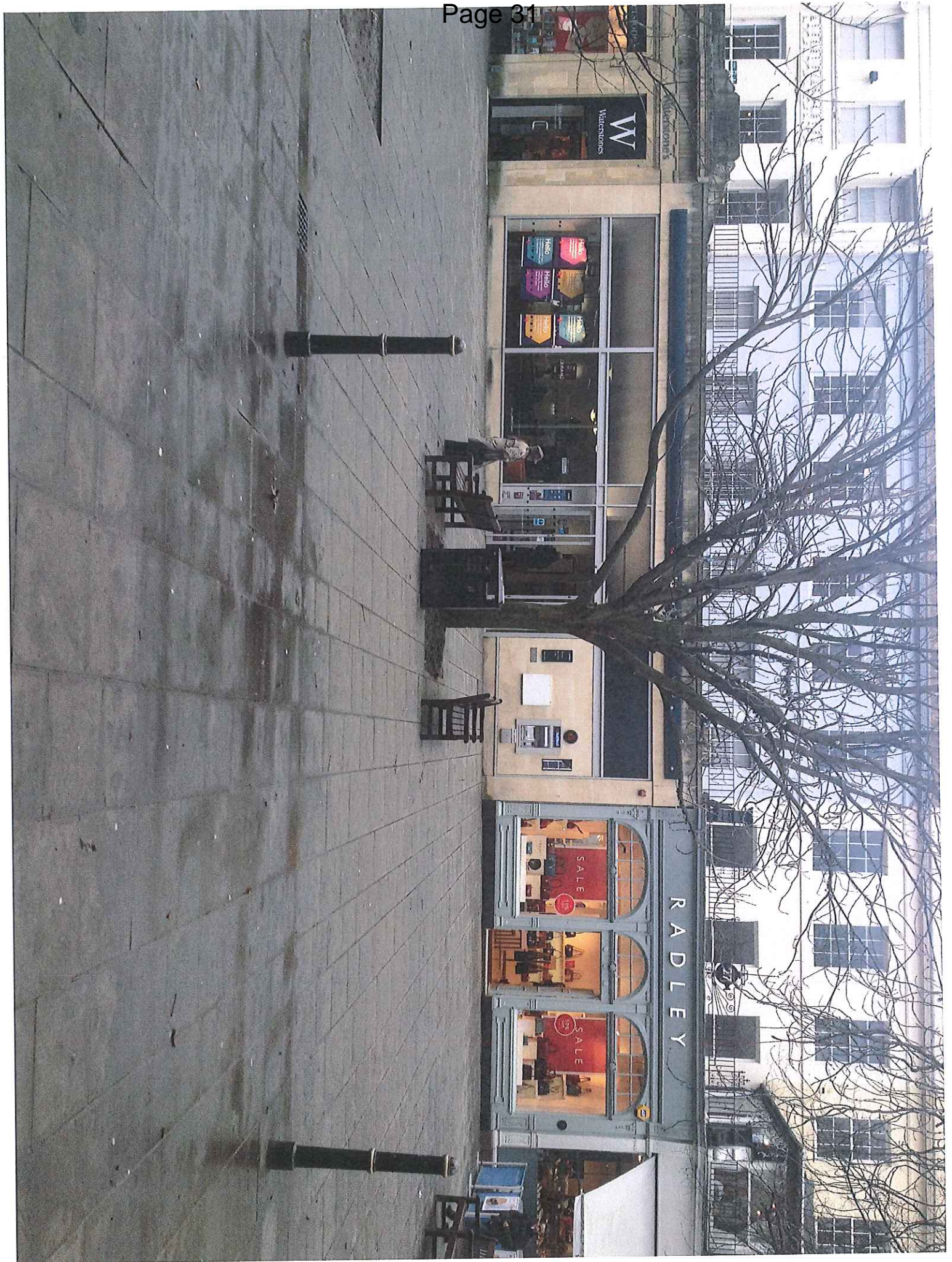
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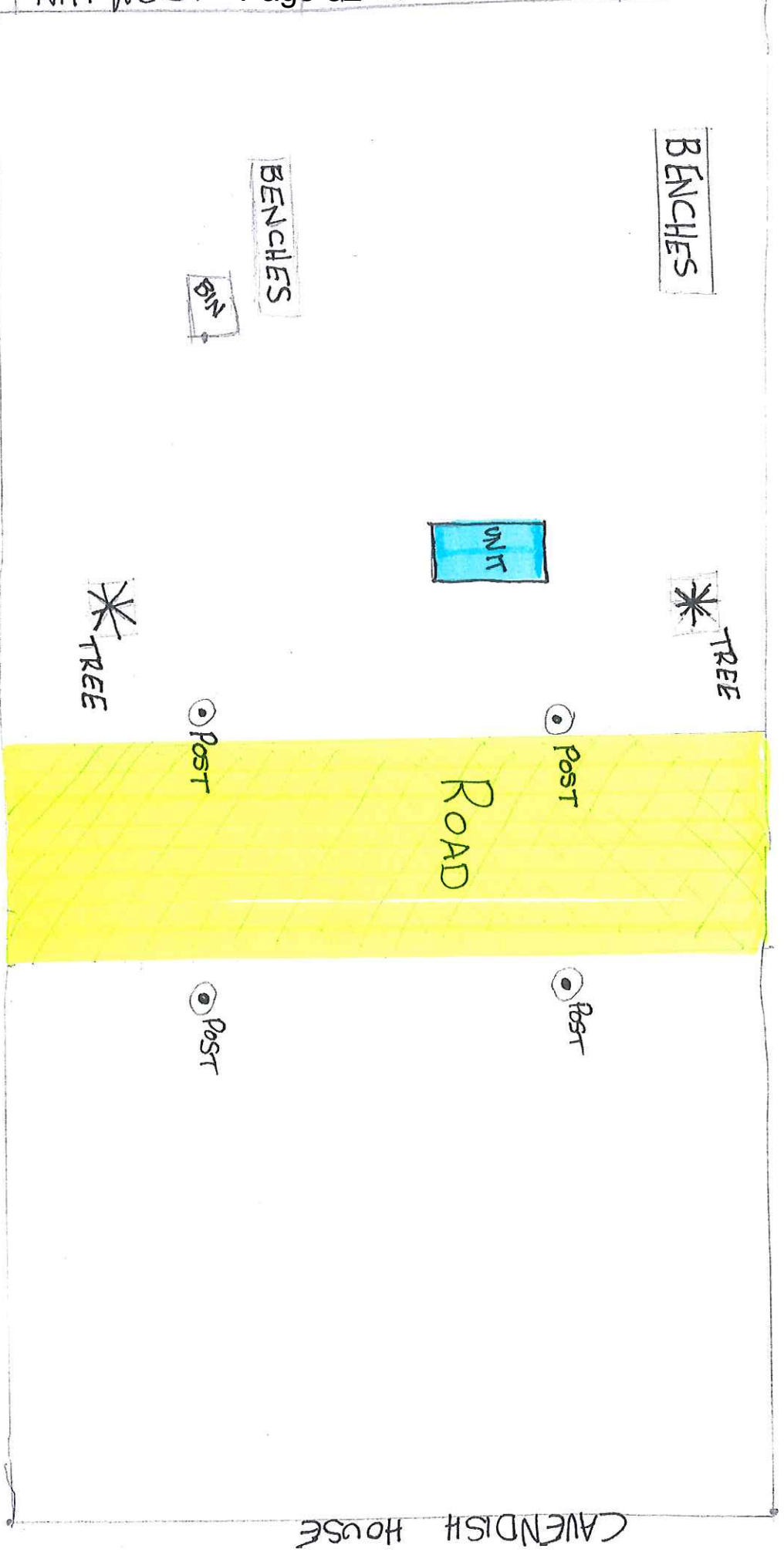
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1 CM = 1 METRE



Dear committee members,

As part of my licence application I kindly ask whether the following 2 policy stipulations can be excluded from my licensing agreement. I would appreciate it if the committee could read my thoughts and reasons behind why I think these items should be removed.

1. Trading prohibited in the following streets or parts of streets: (k) Evesham Road and roads adjacent to Pittville Park.

I am asking for a special condition to be made with regards to the above policy stipulation, but I am looking to trade in only one specific location. For 8 years I used to be able to trade at the gates to Pittville Park along Pittville Lawn and it is my hope to gain the committees permission to trade there again. I have enclosed some media documents from when I was originally told I could no longer trade at the gates. As you can see my presence was very well received at this location as for those spending time in the part of the park nearest to the Pump Rooms I was a lot closer so parents didn't need to walk all the way to the small hut which is a 1km round trip from that area of the park. Also from my 20 years experience I know people enjoy the experience of purchasing an ice cream from a real ice cream van, its fun for the children and always produces a great photo opportunity.

In this location I am far enough away from the hut not to encroach on their business, there is no danger imposed to customers as there is no road to cross to visit the van and our current fleet of vans run silently so there is no noise to disturb local residents (this last concern was the main reason for my removal 8 years ago).

2. Trading prohibited within 75 metres of the gates of all schools, except Bournside School (see Special Condition 1) on both sides of the road in any direction during the period half an hour before school opening to one hour after closing during school terms.

Although I can understand why this stipulation was made part of the policy it does not always necessarily make trading outside a school any safer. Again in my 20 years experience I have found that the further away from a school I have to park the more dangerous it is as some times it involves the children having to cross a road or walk around a corner so they are out of sight from their parents. There are many schools in Cheltenham which are more than happy to have us park right outside the school as consider it safer and more convenient for their pupils and schools such as Lakeside, Airthrie and Naunton Park invite us to attend sports days, fairs, parties and leavers events.

On this occasion I am not asking for this stipulation to be left out altogether I am just asking for a slight change. I think it will make sense to let the school decide whether or not they are happy to have an ice cream van park outside their school. This way each school Head can make the decision based on their own individual circumstances, they can take into consideration their schools geographical location and then listen to parents feedback as to whether they are happy to have us there selling ice creams.

I appreciate you taking the time to read this and I look forward to hearing your thoughts.

Bambas Shaouna

there should be a full public inquiry into any expansion of activities on this site, primarily on the grounds of safety, but also taking into consideration noise and harassment.

*R Evans,
Churchdown*

How petty

MADAM - I cannot believe Cheltenham Borough Council has stopped Shaouna Bambas from selling ice cream in Pittville Park (Echo, August 2).

How petty. Hasn't the council anything more important to do? *Margaret Whitehead,
Cheltenham*

Give him his licence back

MADAM - I was licensed to read the articles concerning ice cream seller Bambas Shaouna and flower seller Malcolm Rogers (Echo, August 2).

Who are the members of Cheltenham Borough Council licensing committee? How can they deprive Mr Shaouna, an honest trader, of his livelihood?

Mr Shaouna was providing an essential service to Pittville Park visitors and was not causing an obstruction or damage to the area. Now the council has taken his

licence away.

Who or what has prompted a challenge to his licence, which has been renewed annually for the past nine years?

Could common sense not have prevailed? Instead of revoking the licence why not amend the wording to allow Mr Shaouna to continue trading from his present pitch?

Secondly, nothing personal against Mr Rogers, but does the town centre and the public really need another flower stall?

Why did the committee not respect the opinions of its own highways enforcement officer and the police and reject the application?

On one hand the licensing committee removes the only ice cream seller in the area and leaves us with nothing, while, on the other hand, is willing to allow another flower seller in an area which is well provided for by stalls and shops.

*Gordon Gould,
Cheltenham*

recruitment of 1,100 students in the university - about 35 students.

■ The highest score in the university for undergraduate teaching by government inspectors (23 out of 24).

■ The highest research rating in the university - four out of five in research assessment exercise.

■ The only humanities department in Gloucestershire to come in The Times 2003 list of top 20 departments in its field.

To close such a department just because it does not recruit as many students as, say, English or media, seems to us misguided if the university wishes to merit its title.

*Nigel Scotland,
Gordon Wenham,
University of Gloucestershire*

WIN A FAMILY PASS TO THE SANDFORD PARKS LIDO

The Echo has teamed up with the Sandford Parks Lido and 15 selected retailers to offer this great promotion - we have 30 family passes to the Lido to be won - that's two family passes for every shop!

All you have to do is buy your Echo from one of the retailers listed on this page and you will be given a token. Just collect 3 tokens between Wednesday 6th and Friday 9th August, fill in the coupon on this page, answer the simple question, and return it with your tokens to one of the participating retailers. The first two correct entries drawn from each retail outlet will win a fabulous family pass to the Lido. The Lido is open 11.00am to 7.30pm every day from now until 5th October. For further information, please call them on 01242 524430.

Participating retailers: One Stop Shop, 62 Alma Road, Hatherley, Leckhampton Post Office, 149 Leckhampton Road; The Corner Shop, 234 Bath Road; The Forge Newsagents, 2 Church Street, Keynsham; 78 London Road; Burgess Stores, Linden Avenue, Prestbury; Smith & Mann, 19-23 Presbury Road; Cleveleymount Stores, 24 Cleveleymount Road; Lymworth Stores, 3-4 Lymworth Exchange, Mendip Road; Hewlett Stores, Hewlett Road; Andrews News, 39 Glos Road; Springfield Stores, 124 Springfield Road; Aile Stores, 164 Aile Road; Tannysan News, 66 Tannysan Road, St Marks; The Corner Shop, 156 Swindon Road.



ENTRY FORM

Once you have collected your three tokens, fill in this form and return it with your tokens to one of the participating retailers.

Question: In which park can you find the Lido? Answer:

Name:

Address:

Postcode:

Tel:

Terms & Conditions

1. No purchase necessary - tokens can be obtained by applying in writing to The Echo office, only one token per person per day.
2. Tokens can only be collected from the participating retailers - one token per purchase.
3. Completed entry forms, with 3 tokens should be returned to one of the 15 participating retailers. Closing date 13/8/03.
4. The editors decision is final. There is no alternative prize.
5. Normal Echo competition rules apply.

GLoucestershire
ECHO

MADAM - When I first read the secret, I of Sharron Davies, we secret, I was mildly amused that she owned up to urinating in the pool to put off opponents (Echo, July 25).

However, as soon as I had time to take it on board, I was disgusted and horrified.

She not only admitted it, she boasted about it.

"It's a great trick if you've got someone behind you who you particularly don't like," she said.

When my 10-year-old son asked me what I thought was so awful, I didn't want him to read about it.

Most kids would think this a great idea to copy, especially if it's advocated by an Olympic swimmer and former Gladiator.

I just hope my fellow swimmers at Sandford Lido haven't decided to follow her example.

Maureen Quarry, Brockworth.

Brian Jones was an icon

MADAM - I write in reply to the letter which asked what did Brian Jones achieve (Letters, July 26)?

He was one of the originators of rock music and founded one of the most famous bands in the world. He was a musician of note and introduced instruments such as the dulcimer to pop.

He was also an icon for the Sixties. Not bad going really.

It's a good idea to name a street after him.

Ian Stewart, Cheltenham.

Thanks to all

MADAM - Please can I thank everyone who helped me when I fell in the Regent Arcade recently.

I'm very grateful.

Andy Laurie, Cheltenham.

GOVERNMENT AND THE CRIME SERVICE. The second is what is causing such shocking behaviour?

The number of rapes began to increase gradually from the late Fifties and there has been a steep rise since the mid-Eighties.

It can be no coincidence that the incidence of sexual crime in the UK has increased as the amount and degree of explicit sexual material in

these issues at our peril.

We should be pressing the Government to answer these questions and do something to stem the tide of pornography and corruption which only benefits the multi-billion dollar porn industry.

Pippa Smith, Safeguard a Family Environment, Cheltenham.

All my family had a wonderful evening and there was something for everyone's taste.

Hopefully, the numerous charities involved will also have benefited from the evening and I hope next year's event will be equally entertaining.

Pamela Goodwin, Cheltenham.



Picture: Jo Havell E2326968

■ FROZEN OUT: Bambas Shaouna says he might have to close due to council red tape

Let ice cream man stay

MADAM - What a sad state of affairs when the most important thing on Cheltenham Borough

Council's agenda seems to be enforcing rules which could mean the closure of ice cream man Bam-bas Shaouna's business at Pittville Park (Echo, July 26).

He has been selling ice creams and lollies at Pittville Park for nine years.

What harm is he doing? He's not

robbing anyone or obstructing the road. He's just earning an honest living rather than scrounging off the state.

I say the ice cream man should stay and some of the jobsworths at the council should go.

Mrs P Cordon, Cheltenham.

mitted drink driving. William Panton, 23, of King William Drive, Cheltenham, appeared before town magistrates.

The court heard he was stopped by police at 5am on Sunday June 29 for driving through a red light in Shurdington Road, in Brockworth.

A breath test showed he had 65 micrograms of alcohol in 100 millilitres of breath. The legal limit is 35.

Leo Goatley, defending said: "He had been out the night before and had drunk about six pints. He hadn't appreciated how long it takes to eliminate alcohol from the body."

Panton was disqualified from driving for 18 months and fined £250 with £55 costs.

Event marks

School progress

PULS and staff at Brockworth School had a celebration to mark its remarkable progress.

There was a day of special activities, including a murder mystery and an It's a Knockout contest at the end of the academic year.

The school - formerly on special measures - was celebrating after its January Ofsted inspection confirmed the progress it had made.

Lucy Cox, a year 10 pupil, said: "It was great to see the staff involved with everything and great that the school wanted to celebrate."

Lorry taken

A LORRY with a sealed container was stolen from the Ashchurch Industrial Estate. Police said the lorry was taken from Alexandra Way between 5pm on Sunday and 5am Monday.



■ CHEERS: Mike Hancock and Felicity Terrett

forces branch of the national MS Society.

Attending the event with his wife Felicity, he said: "I'm delighted. It was a complete surprise."

Gloucester and Stroud branches, which included entertainment, a tombola, bric-a-brac as well as food and refreshments.

any easier by Plaskitt's version of the offence which forced Mr Scriven to re-live his ordeal in court."

Bambas ban is criticised

■ By JOHN WARREN

LES Godwin says the borough council's decision to ban an ice cream man from a Cheltenham park is heavy-handed.

Coun Godwin (PAB, Prestbury) says the licensing committee was wrong to stop Bambas Shaouna from selling lollies in Pittville Park.

Mr Shaouna had his permit cancelled two weeks ago by the council licensing committee after nine years of trading in Pittville Park. He was banned because he broke the terms of his licence by selling in the Pittville area.

The 50-year-old, who lives in Tewkesbury Road, now plans to apply for a new £586-a-year licence. Coun Godwin said: "Mr Shaouna was providing a service to the community and was, by all accounts, very popular with children."

"It seems to me that we are becoming a nation of killjoys. "While the terms of any licence issued must be adhered to, there are often ways to mitigate the affect on others."

Ice cream seller was so popular

"Mr Shaouna could have been warned and advised to apply for a variation which allowed him to operate outside the park.

"The council appears to be guilty of using a sledgehammer to crack a nut."

A spokeswoman for the council said if it relaxed licensing laws it would open the floodgates to other traders. She said: "If Mr Shaouna reapplies for his licence, then his application will be considered by licensing committee."

"If the conditions of the licence to sell ice cream are relaxed to include the Pittville area, all ice cream vendors in the town would also be allowed to trade there."

Ice seller is not licked yet



■ FLASHBACK: August 7 2003



■ FURIOUS: Bambas Shaouna

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