

Licensing Committee

Friday, 4th December, 2015

2.00 - 2.50 pm

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

Minutes

1. APOLOGIES

Apologies were received from Councillors McCloskey and Thornton.

2. DECLARATIONS OF INTEREST

None

3. PUBLIC QUESTIONS

None

4. MINUTES OF LAST MEETING

The minutes of the last meeting held on 6 November 2015 were approved and signed as a true record.

5. MINUTES OF SUB COMMITTEE MEETINGS

The minutes of the sub-committee meetings held on 23 July 2015 and 23 October 2015 were approved and signed as a true record.

6. APPLICATION FOR A STREET TRADING CONSENT - NATHAN WORDEN

The Licensing Team Leader, Louis Krog, introduced the report regarding an application from Mr Nathan Worden for a street trading consent to sell hot and cold drinks, cakes and pastries from a Piaggio Ape 50 van on the High Street near the junction of Pittville Street. Mr Worden had applied for an annual consent from 07:00 – 15:00 Monday to Friday and 10:00 to 15:00 on Saturday and Sunday. Appendix 1 showed the location of the proposed trading pitch and Appendix 2 gave an image of the Piaggio Ape 50 van together with supporting documentation.

The Officer drew members' attention to the Council's policy on street trading in the town centre and conservation areas as set out in 3.3 and 3.4 of the report and advised that members needed to be satisfied that the location was suitable and complied with the Street Scene policy. The Officer advised that there were no objections and that the Officer recommendation was to grant the application with the reasons set out in 6.1 of the report.

The Officer reported that Mr Worden was unable to attend the hearing but was happy for the committee to discuss the matter in his absence.

The Chair reminded members of the requirement to decide whether the application was of general benefit to the town of Cheltenham.

In response to a question from a member, the Officer informed the committee that there were no similar licensed vans in this particular area of the town centre, although there was one on the Promenade. He continued that there was only a seasonal ice cream trader in this part of the High Street in the summer. The Officer circulated a map showing the location of other street traders in the town centre. In reply to a question on litter, the Officer pointed out that the applicant had addressed this in his supporting documentation, stating that he would have a litter receptacle and would take it away each day.

Some members expressed concern about the location of the van from a road and public safety aspect, stating that it was near a busy road junction used by many pedestrians and also as a drop off point, and near a bicycle rack, a bench and a lamp and felt that this was a very congested corner which was not ideal for the selling of food and drinks. Another member felt that it didn't enhance the town as a leisure and tourist destination, as it didn't offer anything extra that was not already provided for nearby and felt it cluttered up the area and was a potential safety issue.

The Officer advised that there had not been any objections from Gloucestershire Highways.

The Chair felt that this application did little harm and maybe enhanced the area. As there were no further questions, the Chair moved to vote on this application to trade on the High Street near the junction of Pittville Street.

Upon a vote, it was 2 for, 6 against.

RESOLVED THAT, Mr Worden's application for a street trading consent be refused as it did not enhance the town's reputation as a tourist and leisure destination and did not comply with the Council's Street Scene Policy on the grounds of site location.

7. APPLICATION FOR A STREET TRADING CONSENT - NICKEY JAMES BRYAN

The Licensing Team Leader, Louis Krog, introduced the report regarding an application from Mr Nickey James Bryan for a street trading consent to sell burgers, fish finger sandwiches, chips and pork tacos from a catering van measuring 3m long and 2 m wide on the High Street opposite the Regent Street junction. Mr Bryan had applied for a seasonal four month consent operating Monday to Saturday from 10:00 to 16:00, with no trading on Sunday. Appendix 1 showed the location of the proposed trading pitch and Appendix 2 gave an image of the catering van.

The Officer drew members' attention to the Council's policy on street trading in the town centre and conservation area as set out in 3.3 and 3.4 of the report and advised that members needed to be satisfied that the location was suitable and complied with the Street Scene policy. The Officer advised that there had

been two objections to this application, from Marks and Spencer and the Cheltenham Business Partnership and the details of these objections were set out in 4.1 of the report. The Officer informed members that the Officer recommendation was to refuse the application with the reasons set out in 6.1 of the report.

There being no questions to the Officer, the applicant was invited to speak in support of his application. Mr Bryan stated that he was setting up his own business and wished to bring good decent fresh homemade food to the street. He planned to provide burgers with a different twist using local suppliers. He also wished to cater for events and weddings and if this was successful he planned to make this his full time business.

In reply to a question from a member, Mr Bryan confirmed that he had his NVQ2 catering qualification and his level 2 in food hygiene and had nearly completed his level 3.

One member questioned whether an additional eating place was necessary when there was an abundance of other similar eating places in the nearby Regent Street area and other members expressed concerns about its location and the smells. In response Mr Bryan said that his idea was to offer a different style of burger using the influence from the USA of 3 small burgers each of a different flavour and that because this was different that it would generate custom. He advised that smells wouldn't be too overwhelming as fat would be collected in a tray and would not be burning fat. Mr Bryan said that his initial idea had been to trade in the Promenade but that due to seasonal markets and emergency access restrictions he had been advised against this, so he had thought of this High Street location. However, he said he would be open to moving his location but would still want to be in the central area.

It was pointed out by a member that the seasonal turkey van had moved because of the smell generated and was now by the Beechwood Arcade.

The Officer stated that if members felt the proposed location was not appropriate then an alternative could be considered. However the Chair advised members that the suitability of the proposed High Street location was for discussion now, not an alternative location which would have to come back to the committee.

Members felt that Marks and Spencer had a valid objection to the location of the van outside their premises and also that the appearance of the van was detrimental to the street scene policy. There was also concern about the increased footfall that the new John Lewis store might produce in this area, although the location was not on an emergency route. It was also pointed out that the application stated consent for selling other food products as well, which sounded different to those that Mr Bryan had outlined and there was concern as to what would in fact be offered in the end.

One member did state that more competition in an area could be good and that market forces would be a leveller. Another felt that Mr Bryan had put a lot of thought into his business venture but that he had not particularly sold it well to the committee.

In summing up, the Chair expressed concern about the nature of the merchandise and the related smells, the number of outlets in the area, and the aesthetic appearance of the van. He confirmed a major concern of the committee was the location and suggested that if Mr Bryan's application was refused today and if he re-applied with a different location, that the application fee could be waived, as the committee were unable to discuss a different venue at this meeting.

The applicant thanked the members for the points they had raised and informed them that he was in the process of decorating the van so it would be different to the picture before them. He said the points about the smells were valid and that he would be happy to move site, as he wanted to start up his business but also wanted to work with other businesses around, to help people and produce good food. He agreed that promoting his business in situations like this was not his best point.

The chair moved to vote on the application as submitted and whether it complied with and enhanced the street scene policy.

Upon on a vote, it was 1 for, 6 against, 1 abstention.

RESOLVED THAT, the application for a street trading consent be refused because it did not comply with the provision of the Street Scene policy on the grounds of location and style of van, and was not in keeping with the streetscape and enhancement of the town as a tourist and leisure destination.

It was however agreed that if Mr Bryan submitted an application with a location alternative, with or without alterations to the van, that the fee be waived.

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

The Chair raised the subject of holding committee meetings in the Pittville Room as opposed to the Council Chamber, as he felt the Chamber was rather imposing and formal and welcomed members thoughts on this.

Members agreed that the Pittville Room was more user-friendly and less intimidating for applicants who had to address the committee and were generally in favour of moving. However it was felt there could still be times if discussing a controversial topic that might attract a larger public attendance, that the Chamber would have to be used. The Officer advised that generally the Council Chamber was available should it be needed and that in conjunction with Democratic Services he would look at the feasibility of booking the Pittville Room for future meetings as soon as it was possible.

Upon a vote it was unanimous to move from the Council Chamber to the Pittville Room for Licensing committee meetings.

9. DATE OF NEXT MEETING

8 January 2016

Roger Whyborn
Chairman