

Licensing Sub-Committee - Miscellaneous

Wednesday, 1st November, 2017

6.00 - 6.50 pm

Attendees	
Councillors:	David Willingham (Chair), Dennis Parsons (Vice-Chair), Diggory Seacome and Pat Thornton
Also in attendance:	Louis Krog, Vikki Fennell and Beverly Thomas
Apologies:	Councillor Adam Lillywhite and Phil Cooper

Minutes

1. APOLOGIES

Councillor Lillywhite

2. DECLARATIONS OF INTEREST

Councillor Willingham declared an interest in agenda item 4 in that he had sent a street letter to residents of Arle Avenue and two properties on Arle Road that faced on to it. It was neutral in tone and he had been advised by One Legal that this would not fetter his discretion on the matter.

Councillor Thornton declared an interest in agenda item 4 as ward councillor.

3. MINUTES OF THE LAST MEETING

The minutes of the meeting held on 4 October were approved and signed as a correct record.

The Licensing Team Leader confirmed that in response to a query raised in the last minutes Mr Velez had now been in contact with the council with regard to a more suitable location for his street trading operation.

4. APPLICATION FOR A STREET TRADING CONSENT

The Licensing Team Leader introduced the report and explained that an application had been made by Mr Okkes Silgi for a street trading consent to sell hot food and cold drinks on Colletts Drive, Cheltenham. In attendance was Mr Silgi's representative, Ayse Yuksel and Mr Silgi. Appendix A showed the location of the proposed trading pitch. Mr Silgi had applied for consent to trade every day between 17.30 and 23.00 hours. An image of the trading unit was attached at Appendix B. The proposed trading location was outside the town centre zone of street trading control, therefore there were no policy restrictions on the location and the application is to be determined on its individual merits. The application had attracted several objections which were reproduced in paragraph 4.1 of the report.

Members were advised by the Officer that having regard to the facts, Members should decide whether to approve the application because Members were satisfied that the location, size of unit and type of goods were suitable, approve

the application for a trial period as explained in paragraph 5.6 of the report; or refuse the application because Members consider the location, size of unit or goods being sold to be unsuitable. Members were asked to note the assessment criteria as laid down in paragraph 2.2 and the consultee comments at 4.1. In addition other considerations as laid down in paragraph 5.3 should be taken account of. He explained that given the nature of the comments and the fact that it was a new application the sub-committee did have the option, if Members considered it appropriate, of granting street trading consent on a trial basis.

The following responses were given to questions to the Licensing Officer :

- The applicant would have to fulfil food hygiene requirements
- Environmental health had made no comment on the application
- Highways had made no comment on the application
- The Committee had the discretion to add conditions to the licence
- The trading unit would be accessible by 3 roads with the only legal vehicular access being from Collets Drive

The applicant was given the opportunity to speak. Through his representative, Mr Silgi explained that all hygiene requirements would be complied with and there would be a sink and hot tap within the trading unit. Should he be granted a licence to trade Mr Silgi would apply for a waste bin which would be emptied regularly by the council. He recognised that there were issues with anti-social behaviour in the area but believed his unit could actually act as a deterrent to some of the activities. He would have a CCTV camera in the trading unit.

Members were then given the opportunity to ask questions of the applicant and the following responses were given:

- Mr Silgi was conversant in English, he just required assistance from his representative with technical terms
- Mr Silgi worked for himself
- He had previously traded in Malvern, Worcestershire but he lived in Cheltenham so wished to trade here
- Mr Silgi confirmed he was aware of the law surrounding capturing CCTV images and the need to register with the Information Commissioner
- Mr Silgi was proposing this particular location as the road was quite wide at this point and believed he would be highly visible to those entering Colletts Drive for the purposes of shopping at Tesco

Members raised the following points in the debate:

- One Member felt this was the wrong location for the business with potential trade being poor. She could also not support the application due to the amount of rubbish which would be generated exacerbating an existing problem in the area.
- Other Members highlighted that the choice of location was a commercial decision made by the applicant and was not relevant to the decision of the Committee.
- Members expressed concern about the number of complaints received
- In terms of litter it was acknowledged that rubbish was already often disposed of in the River Chelt. It was proposed that a condition be

added that a large litter bin be installed alongside the trading unit. This could then lead to an overall reduction in litter

- In terms of anti-social behaviour some Members felt that the presence of someone in that area could act as a potential deterrent.
- Members were sympathetic to the objections regarding smell but this did depend on wind direction although there were not many residential properties that close to the proposed location
- Some Members believed that as a town initiative, new ideas and enterprise were to be encouraged so were reluctant to turn the application down. However, the Licensing Committee could reconsider a licence at any point particular if complaints had been received.
- The Licensing Team Leader clarified that in terms of litter the council would expect the applicant to essentially clean up the site under his control. However, once customers had left the site this would be outside of his immediate control.
- A ward member said that the concerns of residents were understood. There were however issues in terms of what was on the plan now and what would be there in future as planning permission had been granted for the redevelopment of the Gas Club therefore there would be residential properties right up to the bridge which would be closer to the current proposed location. Anti social behaviour was rife in the area and he had personally had to get syringes and needles removed and supermarket trolleys removed from the River Chelt. There was evidence also of the use of nitrous oxide canisters. He believed there was underreporting of such behaviour to the Police and the council.
It was believed that part of the customer base could potentially be the street drinkers that gather around the bridge which could cause intimidation although at the same time the fact that the burger van was there could in fact discourage such behaviour.
- Members considered whether a licence could be granted on a trial basis and to that end would only be revoked if there were objections or poor compliance with the rules. Due to the level of concern surrounding the application it was suggested that initially a six month trial should be granted as we were entering the winter months and would need longer to establish if there was a build up of antisocial behaviour as a result of the installation.

In this right of reply the applicant clarified that there would be a waste bin next to the trading unit. He was limited in what he could do with regard to littering. He would welcome the opportunity to operate on a trial basis so that he could prove himself and would come back before the committee if necessary.

A Member noted that a street trading licence had been granted to a trading unit for a different product in a different part of town but he had disappeared after 6 months due to lack of business.

There being no further comments, the Chair moved to vote on 1.6.2 being to approve the application for a trial period.

Upon a vote it was (3 for 1 against)

RESOLVED THAT

The application be approved for a trial period of six months and for the matter to then be brought back to this committee for a review. There was to be the added condition that there must be a suitable waste receptacle installed at the location to dispose of the litter.

5. ESTABLISHMENT OF A WORKING GROUP FOR STREET TRADING LICENSING POLICY REVIEW

The Licensing Team Leader introduced the report and explained that licensing policies were normally reviewed at three yearly intervals but Members have expressed a need to review the street trading policy earlier. To facilitate this review and better engage with key stakeholders, officers were looking to establish a working group. He referred Members to the draft terms of reference for the group which covered the scope, potential attendees and proposed approach. It was envisaged that the group would meet first between November and December at a suitable time and date.

When asked why the proposed draft policy would not go to full Council the Licensing Officer explained that the constitutional requirement was for the draft policy to be considered by Cabinet.

A Member felt that all Members of the Council who represented wards covered by the Street Trading Policy should be invited to participate on the working group.

RESOLVED THAT (unanimously)

- 1. the establishment of a working group as outlined in this report be approved; and**
- 2. nominations be received from members of the miscellaneous licensing sub-committee who would wish to participate in the working group – this can be up to all 5 members; and**
- 3. the working group's terms of reference and the scope of the review, as attached at appendix A be approved.**

David Willingham
Chairman