



# CHELTENHAM

## BOROUGH COUNCIL

### Notice of a meeting of Licensing Sub-Committee - Miscellaneous

**Wednesday, 1 November 2017**  
**6.00 pm**  
**Pittville Room - Municipal Offices**

<b>Membership</b>	
<b>Councillors:</b>	Adam Lillywhite, Dennis Parsons (Vice-Chair), Diggory Seacome, Pat Thornton and David Willingham (Chair)
<b>Officers:</b>	Vikki Fennell and Phil Cooper

### Agenda

<b>1.</b>	<b>APOLOGIES</b>	
<b>2.</b>	<b>DECLARATIONS OF INTEREST</b>	
<b>3.</b>	<b>MINUTES OF THE LAST MEETING</b> Minutes of the meeting held on 4 October 2017	(Pages 3 - 10)
<b>4.</b>	<b>APPLICATION FOR A STREET TRADING CONSENT</b> Mr Okkes Silgi	(Pages 11 - 20)
<b>5.</b>	<b>ESTABLISHMENT OF A WORKING GROUP FOR STREET TRADING LICENSING POLICY REVIEW</b> Report of the Licensing Officer	(Pages 21 - 24)

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### Licensing Sub-Committee - Miscellaneous

**Wednesday, 4th October, 2017  
6.00 - 7.35 pm**

<b>Attendees</b>	
<b>Councillors:</b>	David Willingham (Chair), Adam Lillywhite, Dennis Parsons (Vice-Chair), Diggory Seacome and Pat Thornton
<b>Also in attendance:</b>	Vikki Fennell and Phil Cooper

### Minutes

**1. APOLOGIES**

None.

**2. DECLARATIONS OF INTEREST**

There were none.

**3. MINUTES OF THE LAST MEETING**

The minutes of the last meeting were approved and signed as a correct record.

A Member asked whether Mr Velev had discussed with Licensing officers where would be a more suitable location. In response the Licensing Officer confirmed that he had provided him with his contact details but Mr Velev had not been in contact.

**4. APPLICATION FOR PERMISSION TO PLACE TABLES AND CHAIRS ON THE HIGHWAY**

The Licensing Officer, Phil Cooper, introduced the report regarding an application from Mr David Orme to place 2 tables and 4 chairs on the highway outside The Find, 20 Regent Street, Cheltenham, Gloucestershire, GL50 1HE. The tables and chairs would be placed on the highway at the following times :

<b>Monday</b>	<b>08:00 - 20:00</b>
<b>Tuesday</b>	<b>08:00 - 20:00</b>
<b>Wednesday</b>	<b>08:00 - 20:00</b>
<b>Thursday</b>	<b>08:00 - 20:00</b>
<b>Friday</b>	<b>08:00 - 22:00</b>
<b>Saturday</b>	<b>09:00 - 22:00</b>
<b>Sunday</b>	<b>10:00 - 22:00</b>

A picture of the proposed furniture was attached at Appendix A, a site location plan at Appendix B and hand drawn plan to illustrate measurements was attached at Appendix C. The Licensing Officer reported that whilst there had been no objections during the consultation the application was being referred to committee as it did not comply with the council's policy on objects on the highway. This was due to the fact that the applicants had indicated that they did not intend to have barriers separating the furniture from the rest of the highway,

which was a policy requirement. He explained that the council's standard recommendation was that any objects on the highway should leave a minimum distance of 1.8m to allow for pedestrian access. In this case the distance between the tables and chairs and the kerbside was 1.8m without the addition of barriers.

The Licensing Officer added that neighbouring premises also operated without using barriers as their applications were determined prior to the current policy being in place. Current applications were examined on a case by case basis. The Officer advised members that having regard to the facts, Members should decide whether to grant the consent if they were satisfied that there were sufficient grounds to depart from policy or to refuse permission as the application did not comply with the current Street Scene Policy.

In response to questions from Members the Licensing Officer confirmed that Kibousushi the neighbouring establishment had inherited permission for tables and chairs from the previous business. Renewal applications would not normally be brought to committee unless complaints had been received. It was only new applications which were not consistent with policy which were brought to committee.

The applicant, Mr David Orme, was invited to address the committee. He explained that without barriers there would be compliance with the minimum 1.8m distance required. He had chosen tables which were as small as possible and sturdy so they could withstand the wind. He believed that barriers were not necessary and would potentially be a trip hazard and blow over in the wind. They would also be unattractive and not in keeping with the listed building in the conservation area. The outdoor seating area was small and understated but would promote the café culture in the town. Signage was also conservative. To address any concerns about encroachment on the highway he proposed to observe what worked well both practically and in the regency setting. He had met with the Licensing Officer to see if there was an acceptable way and the application before Members represented the best option.

In reply to questions from Members Mr Orme said the chairs were sturdy and of a standard size and in keeping with the regency heritage building. In response to Members the Licensing Officer confirmed that the main issue with the chairs was with regard to the potential obstruction of the highway although the plan showed there was still 1.8m left to pass.

When asked how he intended to manage the furniture so as not to cause an obstruction Mr Orme stated that staff would be out regularly clearing the tables and removing any litter. As the premises had a bay window it was possible to see out on to the street from the counter so staff could monitor the situation. There was a drop kerb nearby and he was aware of the inconvenience it would cause should the 1.8m distance not be adhered to. He certainly would not wish to damage the reputation of his business by not operating in accordance with the requirements. He gave his personal assurance that the area would be kept clear.

With regard to the entrance to the basement of the 21 Club he confirmed that during most of The Find's trading hours the club would be closed and the gate padlocked. With his proposed seating plan the gateway would not be blocked in any event. He accepted that people did move tables and chairs to

accommodate their groups but undertook to monitor this so as not to encroach on the highway. With regard to smoking staff were trained to politely but firmly talk to customers and they would do this with customers who moved tables and chairs which blocked the highway.

Mr Orme confirmed that there would be waitress service on Saturdays and Sundays but not at quieter times. The table and chairs would be brought in every evening.

He believed his café, which was based on quality, would enhance the town centre and its café culture. He understood the concerns of not having barriers but hoped Members were reassured by his commitment to police the area.

During the debate that followed Members made the following points:

A Member felt that permitting applications which did not comply with the council's policy on objects on the highway was making a mockery of the policy. Everyone should be treated the same and the policy should be enforced as pedestrians were likely to be forced on to the road due to increasing encroachment on to the pavement. It was questioned how fair treatment could be given to all when those who had been granted consent 10 years ago did not have to comply with current policy.

The Chair stated that the policy represented guidance and if what was proposed was within the law and reasonable and proportionate Members had discretion to grant consent. Each application should be determined on its own merits and in this case there were grounds to vary from the policy without undermining the policy or the committee. Having looked at what other tables and chairs were on the highway in that street the proposed application was small scale. It was acknowledged that chairs would be moved by customers but the applicant had confirmed that it would not be long before they were moved back. If the applicant did not manage the operation properly then the licensing team would receive complaints. He felt it would be unreasonable to refuse consent as barriers would make the operation more challenging.

Members expressed concern that if this was approved then it called in to question the council's policy and that something permitted 10 years ago was still binding now. To that end they requested that a review of the policy be arranged.

The Chair emphasised that the committee had the discretion to vary from the policy which would not set a legal precedent and would not be bound in the future

When asked the view of the licensing team the Licensing Officer stated that the tables and chairs policy was reviewed every three years and it was on the work plan for the end of this year or the beginning of next. In response to a question the Licensing Officer confirmed that any permission the committee granted could be called in for review by the committee at any time. It was important that Members focussed on this application on its own merits.

There being no further comments, the Chair moved to vote on 1.6.1 being to grant the consent.

Upon a vote it was (3 for 2 against)

**RESOLVED THAT**

**Mr David Orme's application for permission to place 2 tables and 4 chairs on the highway outside The Find, 20 Regent Street, Cheltenham, be granted because Members were satisfied that there were sufficient grounds to depart from the policy in this instance**

**5. REVIEW OF A HACKNEY CARRIAGE DRIVER'S LICENCE**

The Licensing Officer, Phil Cooper, introduced the report regarding a review of Mr Arsalan Khan Maroofkhil's hackney carriage driver's licence HCD 127. Mr Maroofkhil had held his taxi driver's licence in Cheltenham since 2015 and it was due for renewal on 15 January 2018.

A complaint had been made against Mr Maroofkhil to the council's licensing team. The complainant was interviewed and provided dashcam footage of the incident. The complaint concerned a stationary taxi that was parked on double yellow lines causing an obstruction in the road. As he passed the complainant spoke to the driver of the taxi about his parking and suggested he find somewhere better to park. The complainant alleged that the driver of the taxi was verbally abusive in reply. The Licensing Officer confirmed that no other complaints had been made against Mr Maroofkhil. He explained that taxi drivers were covered by a code of good conduct and should avoid the use of bad language even when provoked.

The Licensing Officer played the dashcam footage of the incident supplied by the complainant.

Mr Maroofkhil was then invited to address the committee. He explained that he had been flagged down by a man in order to help an old lady with her shopping. He had parked on the pavement but had ensured that vehicles would be able to pass. He could not exactly remember what he had said to the driver of the van but had told him that he was waiting for the old lady to come out with her shopping and would then move.

In response to Members' questions Mr Maroofkhil said he did not have a passenger when the car was parked. He was flagged down so stopped. The passenger did not hear what was said as she was in the shop at the time. Mr Maroofkhil was asked several times by Members as to whether, having seen and heard the dashcam footage, he remembered what he had said to the driver. He replied that he had been in a rush to move his car and could not remember what he had said.

Members were advised that they should consider on the balance of probabilities as to whether Mr Maroofkhil had verbally abused the complainant. Upon request the Licensing Officer replayed the dashcam footage.

Members were then reminded by the Chair that they were there to determine whether they were satisfied that Mr Maroofkhil was a fit and proper person to hold a Hackney Carriage Driver's Licence with the overriding consideration being the safety of the public.

A Member asked the Licensing Officer whether it would be appropriate to require Mr Maroofkhil to take a driving fitness test. The Licensing Officer stated

that this would be an option had Mr Maroofkhil been driving at the time but the complaint concerned behaviour and language rather than his driving ability.

During the debate Members regretted that Mr Maroofkhil would not admit and apologise for swearing. They recognised that he must have said it as a reflex action and was a result of the circumstances he found himself in. Revoking his licence would be in their view disproportionate as this was not an issue of public safety. He had been compliant in being flagged down. However Members felt it appropriate to issue Mr Maroofkhil with a written warning which seemed to be a reasonable, proportionate thing to do. This would be kept on the driver's record. The fact that the van driver had taken the time to report this to the Licensing Team and sign a witness statement suggested that his behaviour had not been appropriate.

A Member asked whether it would be appropriate to require Mr Maroofkhil to retake an assessment in relation to his behaviour with passengers as it was important to reinforce the standard of behaviour expected from taxi drivers licensed in the borough. The Licensing Officer said whilst there were established tests for determining whether drivers are fit and proper, such as a criminal record check, medical assessment, knowledge test, driving assessment and English proficiency test, there was no test for basic behaviour.

Members discussed and voted unanimously to amend 1.4.1 to include issuing a written warning to Mr Maroofkhil.

Upon a vote it was unanimous 5 for,0 against

### **RESOLVED THAT**

**Mr Arsalan Maroofkhil's hackney carriage driver's licence be continued with the addition of a strongly worded warning letter because the sub-committee was satisfied that Mr Maroofkhil was a fit and proper person to hold such a licence.**

#### **6. REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE**

The Licensing Officer, Phil Cooper, introduced the report regarding a review of the private hire driver's licence of Mr Mansour Mosayeb Khozani-PHD068 which was due for renewal on 16 February 2020. Mr Khozani had a recent conviction having plied for hire without a licence on 15 March 2017 during the Cheltenham Festival. The incident was reported and Mr Khozani entered guilty pleas by post on the charges of plying for hire (without the licence for doing so) and driving without insurance. He was fined £200 for plying for hire, £700 for driving without insurance and received 6 penalty points as well as being ordered to pay costs and a victim surcharge. Mr Khozani was a relatively new driver and as part of his licence application process he undertook a written test to assess his knowledge of among other subjects, the rules and laws relating to being a private hire driver. As part of that test, which Mr Khozani took less than a month before committing the offence, he confirmed that he understood that private hire vehicles must be pre-booked through an operator. There had been no other complaints against Mr Khozani.

Mr Khozani was accompanied at the meeting by Mr Yavari, his friend and former employer, a Gloucestershire businessman, who was there to provide a character reference for Mr Khozani. Mr Khozani was invited to address the

committee. He said he had made a mistake and very much regretted his action. He had been found guilty in court and would pay the fine. He promised this action would not be repeated. He emphasised that he was respectful to his customers and the community.

In response to questions from Members Mr Khozani :

- Said he did not realise that he had invalidated his insurance by accepting the hire. He was new in the job and admitted he had not thoroughly read the terms and conditions. He regretted his actions.
- He was new to taxi driving. Prior to this occupation he had worked in kitchens and takeaways since arriving in the country in 2001
- He acknowledged that he had been stupid and greedy in picking the officers up. He apologised for the mistake he had made.

Mr Khozani's referee Mr Yavari said he had known Mr Khozani for 10 years as he had worked for him. He trusted him and said Mr Khozani was a man of good character. He fully supported the fact that he was a fit and proper person.

In response to a question the Licensing Officer confirmed that the licensing team had become aware of the issue on the night the offence took place and had subsequently prosecuted Mr Khozani.

The following points were raised during the debate :

- Members felt Mr Khozani had been heavily punished already by the Court. Their role was to determine whether he was deemed to be a fit and proper person. He had exposed passengers to risk in terms of driving without valid insurance when he plied for hire. They were hopeful that his experience through the Courts had chastened him enough to prevent him repeating the mistake. It was vital that he took seriously his position of driving the public without risk.
- Members proposed an amendment to resolution 1.3.1 to include instructing officers to issue a warning letter to remain on file. Members unanimously supported this amendment.

Upon a vote it was unanimous, 5 for, 0 against

### **RESOLVED THAT**

**Mr Khozani's private hire driver's licence be continued with the addition of a written warning because the sub-committee was satisfied that Mr Khozani was a fit and proper person to hold such a licence.**

### **7. REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE ITEM WITHDRAWN.**

David Willingham



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**Cheltenham Borough Council****Licensing Sub-Committee – 1 November 2017****Local Government (Miscellaneous Provisions) Act 1982****Application for a Street Trading Consent****Mr Okkes Silgi****Report of the Licensing Officer****1. Summary and recommendation**

- 1.1 An application has been made by Mr Okkes Silgi for a street trading consent to sell hot food and cold drinks on Colletts Drive, Cheltenham. **Appendix A** shows the location of the proposed trading pitch.
- 1.2 Mr Silgi has applied for consent to trade every day between 17.30 and 23.00 hours.
- 1.3 An image of the trading unit is attached at **Appendix B**. The unit measures 14 ft x 7 ft.
- 1.4 The proposed trading location is outside the town centre zone of street trading control, therefore there are no policy restrictions on the location.
- 1.5 The application has attracted several objections. These are reproduced below at paragraph 4.1.
- 1.6 The Committee can:**
- 1.6.1 Approve the application because Members are satisfied that the location, size of unit and type of goods are suitable;**
- 1.6.2 Approve the application for a trial period as explained in paragraph 5.6 of the report; or**
- 1.6.3 Refuse the application because Members consider the location, size of unit or goods being sold to be unsuitable.**

## 1.7 Implications

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.

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

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**E-mail: [legalservices@tewkesbury.gov.uk](mailto:legalservices@tewkesbury.gov.uk)**  
**Tel no: 01684 272015**

## 2. Policy Principles, Aims & Objectives

This section outlines the policies the council will apply when making decisions on applications for street trading 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:

- prevent the obstruction of the streets by street trading activities;
- sustain established shopkeepers in the town;
- maintain the quality of the townscape and add value to the town;
- encourage inward investment; and
- promote quality markets.

### 2.1 Permitted locations for street trading

The council's adopted policy prescribes a number of permitted trading locations and associated permitted trading goods. These locations and permitted goods are outlined in the council's adopted policy that is available on the council's website. In the town centre zone of control, several limited locations have been identified as suitable for street trading. No such restriction applies outside the town centre, where each application is determined on its own merits.

### 2.2 Assessment criteria

In considering applications for the grant or renewal of a consent the following factors will be considered:

- **Needs of the Area** - The retail offer of each individual pitch. The goods complement and do not conflict with the goods sold by other retailers (including other street traders) within vicinity. This criterion permits the council to undertake a qualitative assessment of the goods to be sold by each competing applicant against those on sale in the adjacent area. The council does however recognise that the surrounding retail offer is subject to change therefore it will apply this criterion to applications for new or renewal applications.
- **Public Nuisance** – Whether the street trading activity represents, or is likely to represent, a substantial risk of nuisance to the public or properties in the vicinity from noise, misbehaviour, emissions, smells etc.

- **Public Safety** – Whether the street trading activity represents, or is likely to represent, a substantial risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions or danger that may occur when a trader is accessing the site.
- **Appearance of the Stall or Vehicle** – Trading units must enhance the visual appearance of the street rather than detract from it and be constructed in a suitable scale, style and of appropriate materials. It should also be designed to be fully accessible for all customers and advertising material must be limited to the name of the stall, the type of product sold and a simple price list and be professionally designed and printed. The council will generally not permit trading units over 3 meters tall to avoid obstruction of sight.
- **Environmental Credentials** - The impact of the proposed operation on the local environment including street surfaces, tree pits & materials, power supply, carbon footprint, supply chain, packaging, waste minimisation, waste disposal and waste created by customers.

#### 4. Consultee Comments

4.1 During the consultation process comments were received from 10 people:

- i. I am concerned this application for a burger van it's likely to cause anti social behaviour in the area around the river chelt bridge. I also have concerns regarding increased littering. The desired placement is not on a main thoroughfare for either local business or residents especially at that hour of the evening / night.
- ii. With reference to the above subject, i would like to voice my concerns to the above proposal. I am hugely concerned with the overall potential detrimental presence of the trader to my business, the possible lack of parking available to my business and also the likely potential increase in litter. I am also disappointed with the lack of communication about this, with no tenants of Colletts Drive being notified despite the solid fact we are the persons that are directly effected. Also, there is no information available of these plans, just a proposal. Is this a permanent fixture when out of the proposed hours of trading? What are the local restrictions in place for this individual whilst trading?
- iii. Would like to reject the Application for a burger van in Collette drive Cheltenham.dont feel it's right we have a problem with drugs ....rubbish ....never mind a burger van ..... just getting the area up to a better standard .... this just lowers it
- iv. I would like to raise these concerns with yourself before you approve the license:
  - The steps sited directly by Colletts Drive that lead to the bridge over the river are already a hot spot for anti-social behaviour. Only recently have we had a fire on the old gas works site where people were breaking and entering frequently.
  - I suspect there is a drugs problem occurring on the steps also as there are many little metal capsules which I am led to believe are drug related.
  - There will be an increase in foot fall on Arle Avenue, this is already high due to it being a shortcut to Tesco. It will only increase the amount of traffic as people are attracted to get said food from the van.
  - Not only foot fall but increased road traffic, there is already an issue with a speeding moped and several speeding cars, I wouldn't want to see this increase as it is a risk to both person and property. People could be hurt by people driving without due care and attention and cars could easily be clipped.
  - With more people coming down Arle Avenue this will naturally create more noise in anti-social hours. Both me and my wife get up early in the morning, increased noise after 21:00 will affect our sleep.
  - Once the new flats/houses are built on the old gas works club there will no doubt be a direct noise issue for the people living in those abodes.
  - Smell should also be considered as it will no doubt be in the air each night.

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- One final huge problem at the bridge already is littering, this will only increase with fast food packets strewn everywhere. Who will foot the bill to tidy this up? I do not want to see masses more litter deposited in the local river. It is still a wildlife hotspot. How long will it stay so if more litter is thrown in it?
- v. I would like to object to the Burger/Kebab Van being granted its Street Trading license...Ref 17/01624/STA  
Being a local resident I don't see the need for such a van with fast food outlets only a couple of minutes up the Gloucester Road and Tewkesbury Road and even the Lower High Street offering the same food and open for far more hours.  
This will create I'm sure more rubbish to the area and into the river Chelt possibly and also more cars using Arle Avenue as a short cut to get to the Van.  
With a development of houses hopefully on the old Gas Club site in the future again feels the wrong location.  
Please take into consideration our concerns.
- vi. I have a few concerns with a 'burger van' being on Colletts Drive:  
We have a problem with drug users sitting on the steps at the moment would this increase ? As they could say they are waiting for food?  
It is very intimidating walking to Tesco when there is groups of people hanging around on the steps. The litter in the river Chelt is only going to get worse. Surely this is going to be a major factor?  
The smells at night from the van ? Does this mean we will have to have our windows closed now ?  
More traffic coming down the street so they dont have to drive all the way round ?  
I would like to know your thoughts on these issues?  
I look forward to your response.
- vii. I am a resident of Arle Avenue and I strongly object to the proposed siting of the Burger and Kebab van on Colletts Drive. I was going to write to the council regarding this area in the near future anyway. The area around the bridge seems to be a gathering point for a small number of people to sit drinking (alcohol) or eating during the day. Items are purchased at Tesco and the wrappers, bottles cans etc. are then discarded either in the river or in the bushes or just dropped onto the ground. The area constantly looks a mess due to the behaviour of the people that 'use' it in this way. An area left looking in this state encourages a feeling of neglect and other forms of unacceptable behaviour. (was the fire at the pub a case of arson?).  
A Burger van would lead to a large increase in littering and would probably be a noise nuisance to the residents of Arle Avenue. Rowdy revellers would be drawn into the area and then leave via Arle Avenue, discarding their litter in gardens on the way.  
I have also witnessed drugs being dealt in this same area. Due to the lay out of the roads and paths, it's an ideal place for such dealings, i.e. the buyers/sellers can leave the area without being followed by vehicles (i.e. police officers).  
Should this proposal be accepted, will provisions such as litterbins and CCTV be installed?
- viii. I am a resident in ARLE AVENUE CHELT, I have received a copy for the application for a Burger van in colletts drive,  
after seeing the position on the map and the time in which the van wants to open,Then No ,I can not see what you are even thinking of,by putting it there, Living here for as long as i have ,We can see everything that goes on here,and that corner is a mecca for youngsters to hang around, They already Hang around and loiter around the small bridge ,Quite intimidating to cross it sometimes, I fell that putting it where you said,will only encourage this,This time period will only attract people going home from town,We the residents of Arle avenue already have youngsters using this street as a cut though on their way home,and get eggs,or half eaten hotdogs or the like chucked at our windows now, So No Thankyou i am very much against this and can not see way it would even be considered in the place where you said,
- ix. I am writing to give my disapproval for the placement of a burger van on Colletts Drive. We feel this will bring an increase of drunken individuals down our road along with an increase in littering.

- x. I write with reference to the application made for a Street Trading License on Colletts Drive. I am opposed to this application for the following reasons:  
I live on the corner of Arle Road and Arle Avenue. Arle Avenue leads to the footbridge that crosses the river to reach Colletts Drive, and ultimately the Tesco superstore. This therefore means this route is used as a walkway for people travelling to and from the Tesco store.  
Unfortunately, there is no bin on Arle Avenue and therefore our front garden and the road and pavement adjacent to us are continually covered in rubbish. Mostly this takes the form of food and beverage wrappers and containers most likely purchased at Tesco: pasty wrappers, crisp wrappers, energy drink cans, sandwich wrappers, soft drink bottles and sweat wrappers. All food items consumable whilst walking from Tesco and discarded as their owners reach the corner of Arle Avenue and Arle Road. This rubbish, which we have to clear up each week and put into our own bin or recycling boxes, also includes unfinished foods (which already includes kebabs purchased in other local outlets).  
I therefore believe that providing another outlet for waste production will considerably contribute to the production of litter on both the pavement and in our garden.  
We have already been the victim of several incidents of vandalism including our car windows being smashed on various occasions and graffiti on our garden fences, gate and vehicles. I believe that the proposed licence could contribute further to the anti-social behaviour already prevalent in this area.  
I would therefore ask that on this occasion the application is not granted.

- 4.2 In relation to comments relating to antisocial behaviour in the relevant location, officers have made enquiries with the police and the council's antisocial behaviour coordinator, whose responses are enclosed in background papers.

## 5. Licensing Comments

- 5.1 The sub-committee must determine the application with a view to promoting the council's adopted policy and Members should not deviate from the council's policy unless there are clear and justifiable reasons to do so.
- 5.2 The overarching aims of Cheltenham Borough Council's street trading policy are to:
- Prevent the obstruction of the streets by street trading activities;
  - Sustain established shopkeepers in the town;
  - Maintain the quality of the townscape and add value to the town;
  - Encourage inward investment; and
  - Promote quality markets.
- 5.3 Other considerations when deciding whether street trading is appropriate are:
- The needs of the area;
  - The potential for public nuisance;
  - Public safety;
  - The appearance of the trading unit; and
  - The impact on the environment.
- 5.4 Several objectors have referred to matters such as antisocial behaviour and littering in the vicinity. As this is a new application, any such problems cannot be attributed to the applicant. However Members may consider those issues to be relevant if there are reasons or evidence to suggest that the trading unit will cause an increase in such issues.
- 5.5 Members are advised that any street trading consent, once granted, can be reviewed at any time if problems occur and are reported.
- 5.6 The sub-committee has the option, if Members consider it appropriate, of granting street trading consent on a trial basis, for example for 3 months. Thereafter the sub-committee can delegate

authority to officers to extend consent for the full year if no complaints have been received during that period, or to refer it back to the sub-committee if complaints have been received.

- 5.7 All applications should be determined on their individual merits taking into account the policy considerations and the comments made, whilst balancing the needs of the community with the legitimate aspirations of businesses.

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**Background Papers**

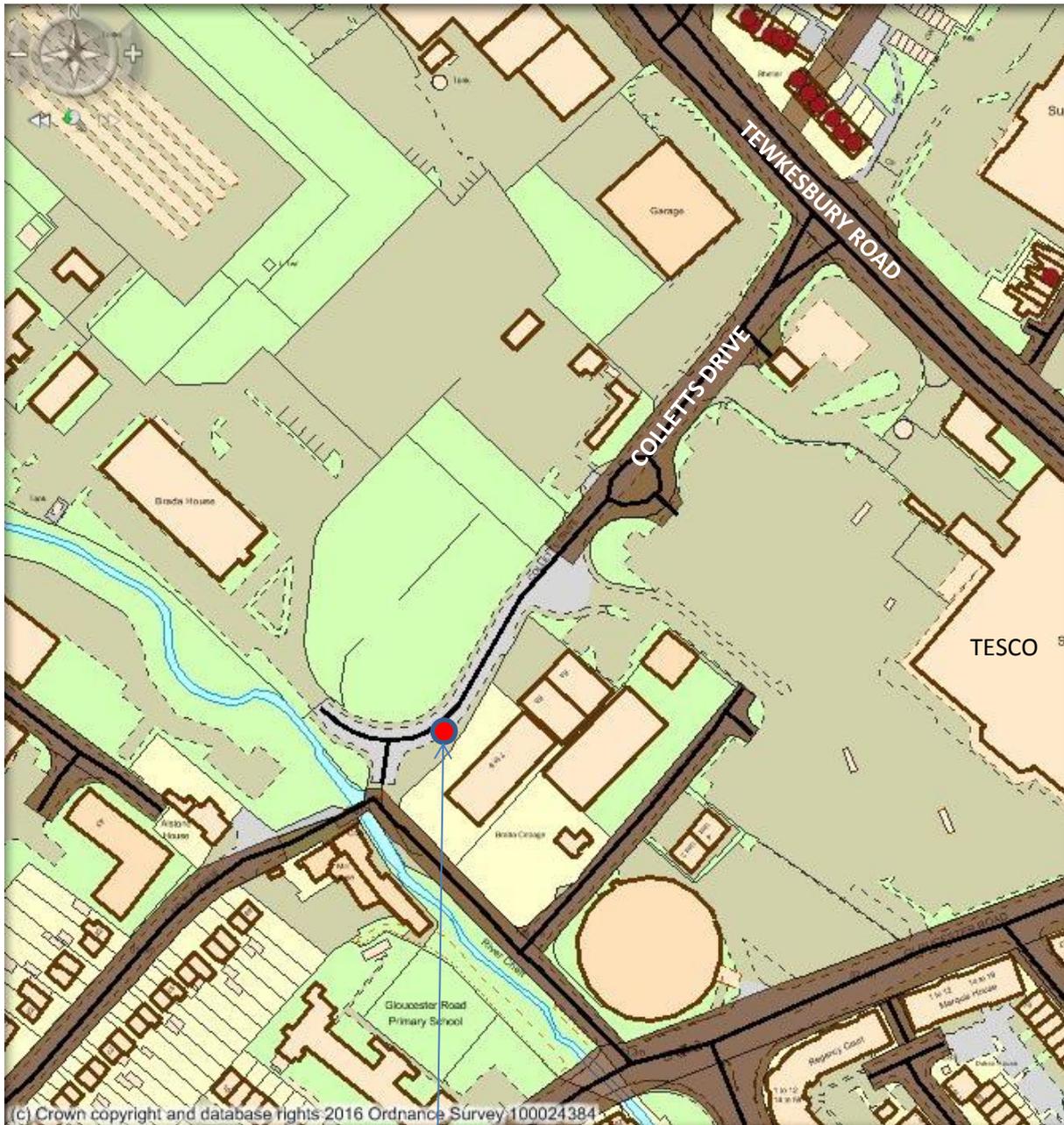
Service Records

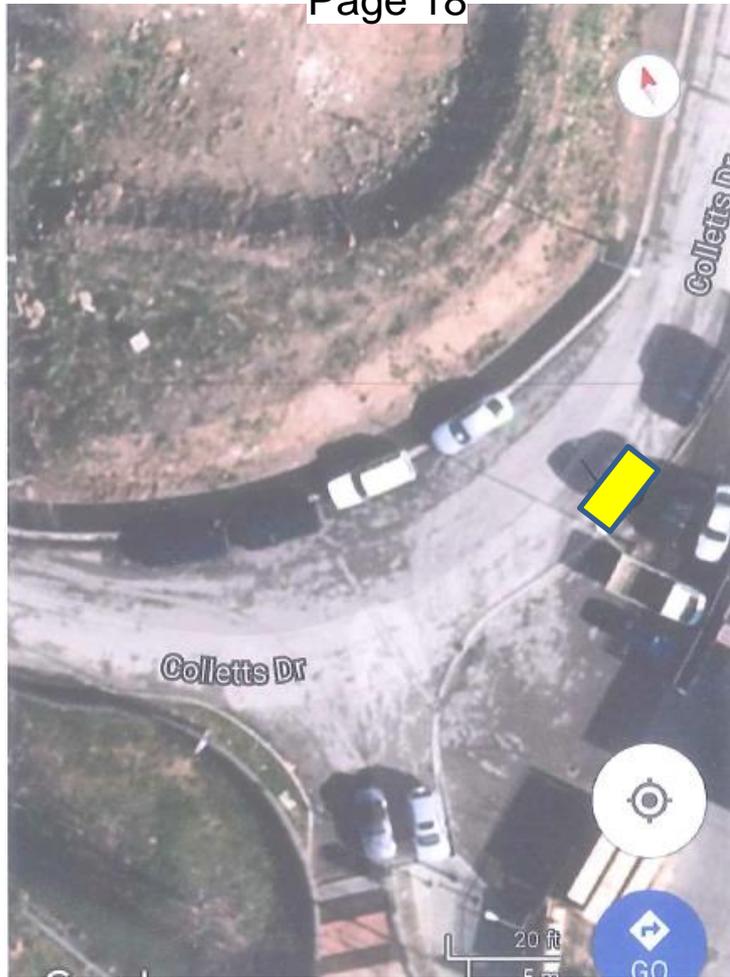
Adopted Street Trading Policy

**Case Officer**

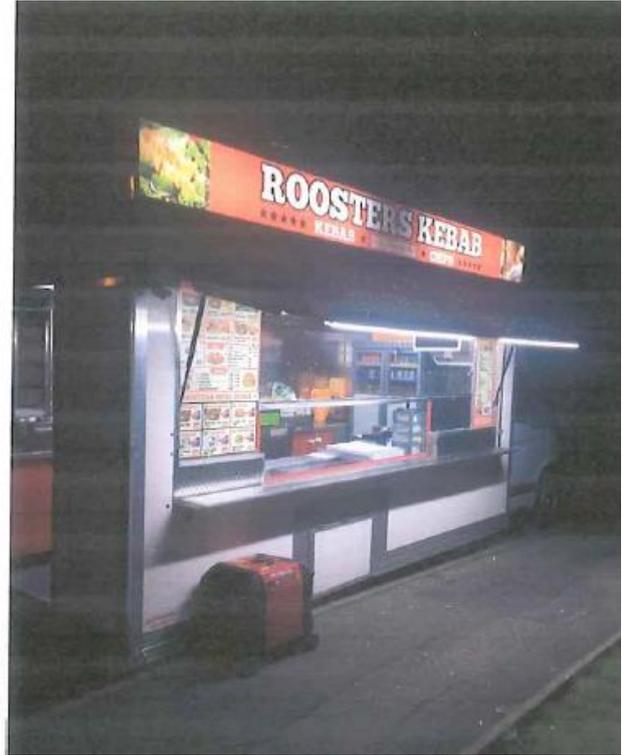
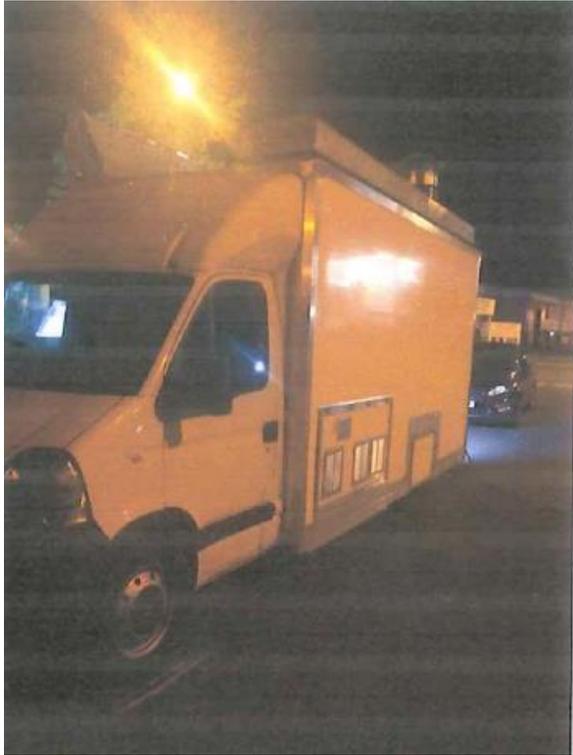
**Contact officer: Mr Philip Cooper**  
**E-mail: [licensing@cheltenham.gov.uk](mailto:licensing@cheltenham.gov.uk)**  
**Tel no: 01242 775200**

Appendix A, location





Appendix B, the trading unit



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## Cheltenham Borough Council

### Licensing Sub-Committee – 1 November 2017

#### Establishment of a Working Group for Street Trading Licensing Policy Review

#### Report of the Licensing Officer

### 1. Summary and recommendation

- 1.1 Cheltenham Borough Council’s current Street Trading Licensing Policy was adopted in February 2016. Licensing policies are normally reviewed at three yearly intervals or sooner and Members have expressed a need to review the street trading policy.
- 1.2 To facilitate this review and better engage with key stakeholders, officers are looking to establish a working group.
- 1.3 **The licensing sub-committee, being the sub-committee with responsibility for decision making in street trading applications, is recommended to:**
  - 1.3.1 **Approve the establishment of a working group as outlined in this report; and**
  - 1.3.2 **Receive nominations 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**
  - 1.3.3 **Approve the working group’s terms of reference and the scope of the review, as attached at appendix A.**

### 1.7 Implications

Legal                      Legal advice may be sought on any proposals arising out of the review of the licensing policy.

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### 2. Working Groups

- 2.1 The current policy relating to the licensing of street trading in Cheltenham was adopted in February 2016. Members have expressed a desire for the policy to be reviewed.
- 2.2 To facilitate the review in the context of the wider corporate policies and strategies under which this policy sits, and to better engage with key stakeholders, officers consider it beneficial to establish a working group.

- 2.3 The terms of reference for the working group scope of the review are attached at appendix A.
- 2.4 The working group will consist of:
- Up to 5 members of the licensing miscellaneous sub-committee;
  - CBC officers from both the licensing and public realm teams;
  - Representatives from Cheltenham's Business Improvement District (BID);
  - Representatives from the street trading community; and
  - Representatives from Gloucestershire County Council Highways.
- 2.5 It is anticipated that the working group will meet on 3 occasions, after which the full Licensing Committee will have an opportunity to agree the draft policy, before Executive permission is sought for the draft policy to go out to consultation.

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**Background Papers**

Service Records

Adopted Street Trading Policy

**Case Officer**

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# Review of Street Trading Policy

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## Working Group Terms of Reference

### 1. Scope

The scope of this working group is to undertake a review of the council's street trading policy that was adopted in February 2016. The scope of this review will only include street trading not markets which is subject to a wider corporate review at present.

### 2. Attendance

- a. CBC Members: Miscellaneous Licensing Committee
- b. CBC Officers: licensing, public realm team
- c. BID representative
- d. Trade representatives
- e. GCC Highways representative

### 3. Other factors for consideration

- a. Place Strategy

### 4. Proposed approach

**Session 1** – Overview of wider corporate policies and strategies that this policy sits under. The purpose of this session will be to give Members and officers a broader contextual understanding of the vision for particularly Cheltenham's town centre and how this interacts with the council's street trading approach and policy. This session will be scheduled for 1 ½ hours.

**Sessions 2 & 3** – Will involve the review of the policy itself. These sessions will be scheduled for up to 3 hours each.

### 5. Next steps

The full Licensing Committee will have an opportunity to agree the draft policy after which time it will get Executive permission to go out to consultation.

Post-consultation, a report will be submitted to Cabinet to consider the consultation feedback to and to adopt the policy subject to any changes made by it.

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