



CHELTENHAM

BOROUGH COUNCIL

Notice of a meeting of Licensing Sub-Committee - Miscellaneous

Wednesday, 8 May 2019
6.00 pm
Pittville Room - Municipal Offices

Membership	
Councillors:	David Willingham (Chair), Dennis Parsons (Vice-Chair), Mike Collins, Diggory Seacome and Simon Wheeler
Officers:	Louis Krog and Vikki Fennell

Agenda

1.	APOLOGIES	
2.	DECLARATIONS OF INTEREST	
3.	MINUTES OF THE LAST MEETING To approve the minutes of the licensing sub committee meeting held on 3 rd April 2019.	(Pages 3 - 8)
4.	APPLICATION FOR PERMISSION TO PLACE AN OBJECT ON THE HIGHWAY - 'A' BOARD Cheltenham Nails Ltd, 2A Regent Street, Cheltenham	(Pages 9 - 16)
5.	REVIEW OF STREET TRADING CONSENT Miss Melissa Jane McDonnell	(Pages 17 - 18)
6.	REVIEW OF SEXUAL ENTERTAINMENT VENUE LICENSING POLICY Report of the Licensing Team Leader	(Pages 19 - 20)
7.	ANY OTHER ITEMS THE CHAIRMAN DETERMINES TO BE URGENT AND WHICH REQUIRES A DECISION	

Contact Officer: Sophie McGough, Democracy Officer,
Email: democratic.services@cheltenham.gov.uk

This page is intentionally left blank

Licensing Sub-Committee - Miscellaneous

Wednesday, 3rd April, 2019

6.00pm

Attendees	
Councillors:	Paul McCloskey (Chair) (Reserve), Dennis Parsons, Simon Wheeler, Mike Collins, Tim Harman (Reserve)
Also attendance:	in Louis Krog, Vikki Fennell

Minutes

1. APOLOGIES

Councillor Willingham was unable to attend. Councillor McCloskey substituted as Chairman of the meeting.

2. DECLARATIONS OF INTEREST

There were none.

3. APPLICATION FOR A STREET TRADING CONSENT

i. Officer introduction

The Licensing Officer introduced the application as set out in the report, for a street trading consent to sell fruit and veg at the High Street 7 (Cambray Place) location. The stall will measure 2m x 3m (approximately 10ft, not 19ft as stated in the report), and will trade 7 days a week, from 8.00am to 6.00pm.

The committee can:

- Approve, if they consider the location to be suitable, or
- Refuse, if they consider the application doesn't comply with the provision of the Street Trading policy, or consider the location to be unsuitable.

Objections are attached at Appendix 2, and Members should be mindful of these. The committee must determine the application with a view to promoting the council's adopted policy regarding the permitted trading types and locations, and not deviate from that policy without good reason. They should note that the sale of fruit and veg is considered suitable for this location., but this

should not fetter the committee's discretion to take into account all matters when considering the application, including the objections.

ii. Member questions to officer

- *What will the stall look like? Will it have a canopy?*

Mr Mohamed stated that it will be a table and gazebo to begin with. A picture was shown.

- *There is already a fruit and veg stall at times, outside Marks & Spencer's. Will it look similar to that?*

This is Riverford Organic Farmers who occasionally promote their fruit and veg boxes in that area. They are not street traders as such.

iii. Applicant's address

Mr Mohamed assured Members that he will comply with all the rules, concerning the size of the stall and trading hours. He stated that he will not affect any businesses in the area. He has run a similar stall in Bristol city centre, and never had any complaints from anyone.

iv. Member questions to applicant

In response to members' questions, Mr Mohamed confirmed that:

- The stall will be of normal gazebo height, with a flat roof – high enough to stand comfortably underneath. A picture was shown, but this didn't show the sight lines – a long distance picture would be needed for this;
- Only fruit and vegetables will be sold on the stall;
- All rubbish – cardboard, tissue paper etc – accumulated during the day will be taken away at the end of the day, the pavement swept and the area left clean and tidy;
- From experience in Bristol, one bin will be adequate to hold the day's rubbish;
- Produce will be unloaded from a van in the morning, displayed on the table, with additional stock stored in boxes underneath, leaving the van empty. It will be taken away in the van at the end of the day;
- He does not currently know where the van will be parked during the day, but is hoping to park in the car park of his friend's shop in Cheltenham;
- Two people will work on the stall – Mr Mohamed and one other;
- He is applying for a consent in Cheltenham because he visited the town last year and thought it would be a good place to

extend his business. He will continue running his stall in Bristol;

- He is aware that Cambray Place is a pedestrian area, and that refuse and emergency vehicles may need access. He is confident that his stall will not cause any issues in an emergency situation.

The Licensing Officer confirmed that if the consent is granted, it will be valid for up to 12 months; it is at the Committee's discretion to make this shorter, or to call it in at any time. Officers anticipate complaints from local traders and will need to manage these, but any Member can call the case back in and it will be at the Chair's discretion to decide whether to re-hear the matter or not.

v. Member debate

Councillor McCloskey proposed structuring the debate on the basis of the criteria set out in the report – the needs of the area, public nuisance, public safety, appearance, and environmental issues.

Councillor Collins sympathised with permanent businesses in area paying full business rates, but likes the thought of having streets stalls that don't necessarily compete with local businesses, particularly a stall such as this which promotes health and well-being lifestyle. He stated that he can see real benefit in this but is aware that public nuisance, safety etc have to be taken into account.

Councillor Harman generally agrees with Councillor Collins, and can see a need for this in that part of town. As long as the conditions are complied with, and the consent can be called in if necessary, he is generally happy to approve it.

Councillor Parsons doesn't agree with the BID objection that the stall will be in competition with Iceland and Sainsbury's, but is concerned that the position of the stall – 2m deep with a person standing behind, situated in front of the bike stands and with tables and chairs opposite – could obstruct the highway in the event of an emergency. He stated that he will be lobbying for a review of street trading policy when the stalls can cause an obstruction of sight lines to established shops. The German Sausage stall caused no end of trouble with New Look last Christmas, and the wedding shop has raised this concern, which is both legitimate and reasonable. High Street 7 is an authorised pitch, so this is an issue for the street trading policy, but with the changes in the townscape in that area – trees, seating, bike rack – the appropriateness of HS7 as pitch is called into question.

He is also concerned that Members have not been shown exactly what the stall will look like and cannot therefore judge what it will add to the townscape. Suggests a criteria going forward that every application should include a photo of the proposed stall.

He has major reservations about the application, and cannot support it as it stands.

Councillor Collins said that looking at the map, HS7 is located in the pedestrian area but appears to be on the part of the highway open to delivery vehicles, emergency vehicles etc. Members looked at photographs provided by Councillor McCloskey, and at images of the site on Google Maps, which show there is room for a pedestrian to walk behind the cycle racks, but that pedestrians already have to come a fair way out into the 'road' area to avoid the cycle racks and tables and chairs.

Regarding the obscuring of the wedding shop frontage, there is a very large sign above first floor level pointing down to it, and it is the sort of business that people come to by appointment or with prior knowledge. The Licensing Officer confirmed that Members cannot be concerned about any future use of that building, and must consider the case as it is tonight – if there are any material changes of circumstance, it can be called back in. Councillor Collins doesn't consider that the stall will obscure the view of the wedding shop.

Councillor Wheeler revisited the issue of an emergency vehicle requiring access through a pedestrian area. The Licensing Officer reiterated that Members need to bear this in mind; this is a shared space, a designated thoroughfare, and the proposed stall will take up at least 40% of the width and cause substantial obstruction of the thoroughfare. He conceded that this is not ideal; Councillor Wheeler agreed but felt that there would still be room for an emergency vehicle to get round if it had to.

vi. Applicant's response

Mr Mohamed was offered the opportunity to respond to any of the points raised by Members, but had nothing further to say.

Vote

Members voted to approve the application as follows:

4 in support

1 in objection

Councillor McCloskey wished the applicant well with his enterprise and advised that he will receive a letter from the licensing department shortly.

Mr Mohamed confirmed that he hopes to start trading on 1st May. The Licensing Officer advised that he will write to the objectors. Councillor Collins said that photos and street views would be helpful when deciding applications such as this in future.

4. **ANY OTHER ITEMS THE CHAIRMAN DETERMINES TO BE URGENT AND WHICH REQUIRE A DECISION**
There were none.

Chairman

This page is intentionally left blank

Cheltenham Borough Council

Licensing Committee – 8 May 2019

Highways Act 1980 Part VIIa Local Government (Miscellaneous Provisions) Act 1982

Application for permission to place an object on the Highway – ‘A’ Board

Report of the Licensing Team Leader

1. Executive Summary

1.1 Miss My Dung Pham based at Cheltenham Nails Ltd, 2A Regent Street, Cheltenham has made an application to place an advertising board outside the address. The proposed advertising board is 860mm (h) x 575mm (w).

1.2 It is intended that the ‘A’ board be displayed;

Monday	09:30 - 18:00
Tuesday	09:30 - 18:00
Wednesday	09:30 - 18:00
Thursday	10:00 - 19:00
Friday	09:30 - 18:00
Saturday	09:30 - 18:00
Sunday	

1.3 **The Committee are minded to note that the size of the advertising board does not comply with the standard sizes recommended in the Council’s policy in that the width exceeds the policy stipulation.**

1.4 **A picture of the proposed structure is attached at Appendix A.**

1.5 Width of footpath available is in excess of 3 meters (10 feet).

1.6 A location plan of the proposed location is attached at **Appendix B.**

1.7 The Committee can:

1.7.1 Approve the application because Members are satisfied that the location is suitable notwithstanding the policy requirements, or

1.7.2 Refuse the application because it does not comply with the provision of the Street Scene policy.

1.8 **Summary of implications**

Legal

No right of appeal.

Contact officer: One Legal
E-mail: legalservices@teWKesbury.gov.uk
Tel no: 01684 272693

2. Introduction

2.1 Following the loss of the highways agency and the associated transfer of responsibility for this aspect of highways enforcement to the borough council.

3. Policy Principles, Aims & Objectives

3.1 All new applications for ‘A’ boards/display stands are considered by the Licensing Committee.

3.2 Such objects are subject to a maximum width of 60cm in any one direction and a height of 1 metre and must be of a colour, design, finish and materials which are of a high standard appropriate to the conservation area.

3.3 The Town Centre Policy for Street Trading and Objects on the Highway in relation to Advertising ‘A’ boards, states that *“It is accepted that some businesses operate from premises which are not in a prominent location and yet rely in large part on passing trade, and it is appropriate to assist in the promotion and success of those businesses to allow the use of ‘A’ boards or similar advertising displays. The Council does not however, want to see a proliferation of such items and will restrict to one per business with a clear need. It is not intended that every business in the town centre will be permitted to display an ‘A’ board”*.

4. Consultee Comments

4.1 No objections were received in relation to this application.

5. Licensing Comments

5.1 The Committee must determine the application with a view to promoting the Council’s adopted policy.

5.2 This report has been brought to member’s attention as prescribed in the scheme of delegation set out in the Street Scene Policy (page 6) adopted on 1st April 2013, whereby all new applications are referred to the Licensing Committee.

5.3 Furthermore, the application does not comply with the Council’s policy in that the business at 2A Regent Street has full street level frontage and is therefore not considered disadvantaged.

5.4 Miss Pham has been sent a copy of this report and invited to attend the meeting and advised that she may be represented if she so chooses.

6. Officer recommendation

6.1 The officer recommendation is that this application be refused.

Reason(s): Does not comply with Appendix E (Revised Outdoor Advertising Protocol) of the Policy on Measures to Control Street Scene Activities in Cheltenham:

No ‘A’ board will be approved within Conservation Areas except in the following circumstances;

having regard to the position and location of the premises;

a) where those premises are located at basement or first floor level i.e. the premises has no shop-front at street level,

b) the premises are situated along a side alleyway and / or on private land which is not a public thoroughfare / right of way.

Nothing in this protocol overrides requirements set out in the Council's policy on the licensing of 'A' boards so where an 'A' board meets the exemptions in the protocol, it will still be subject to the normal policy on the licensing of 'A' boards set out in the policy.

Background Papers

Service Records

Case Officer

Contact officer: Mr Louis Krog
E-mail: licensing@cheltenham.gov.uk
Tel no: 01242 262626

This page is intentionally left blank

S – PRO Range A-Board

- Poster Holder Pavement Signs
- Showerproof (Complete with Clear Covers)
- Colours Available: White
- Weight: 7 – 21 kg

PA

PA1409 S1 (Panel Size: 860 x 575mm)

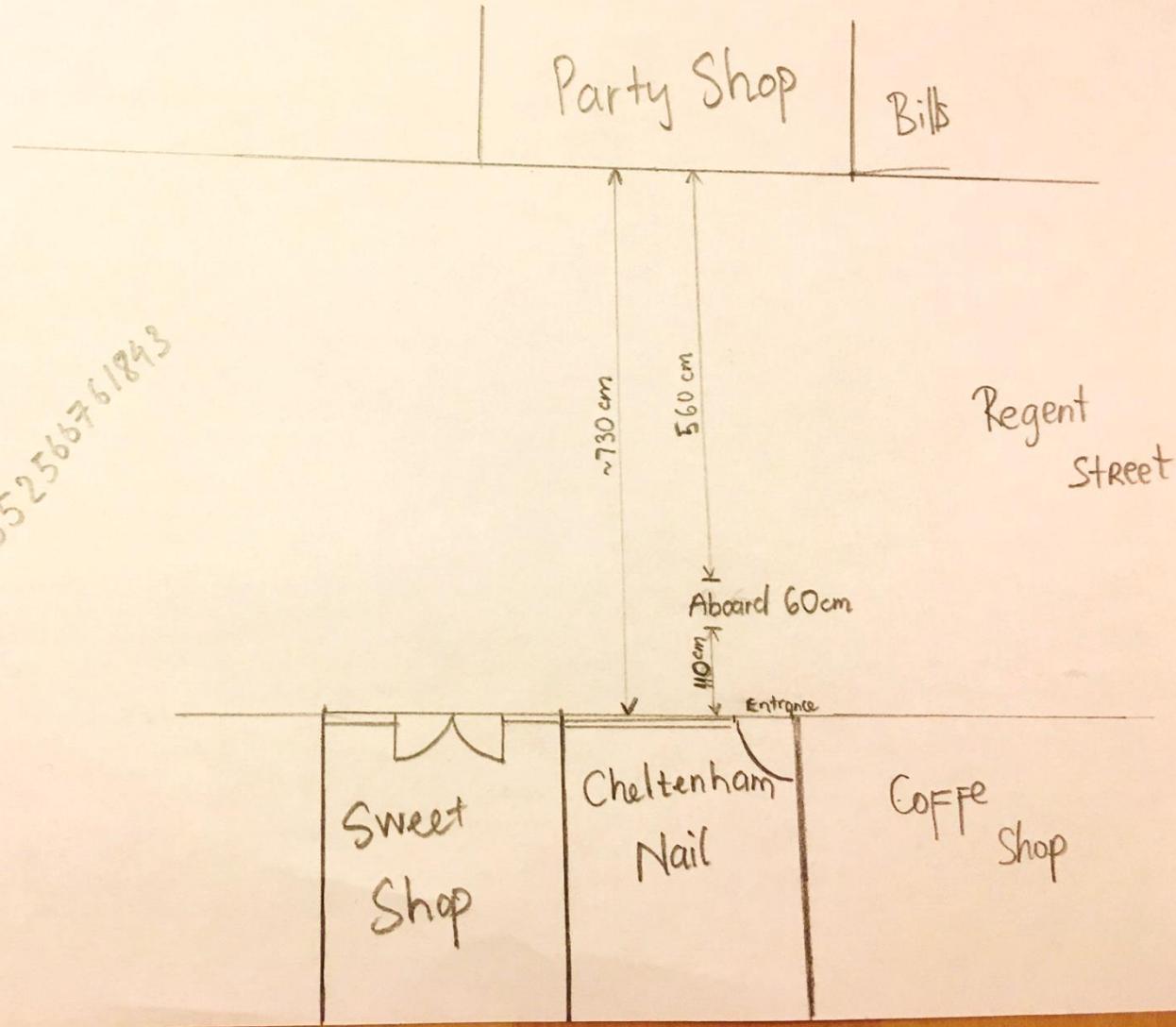
PA

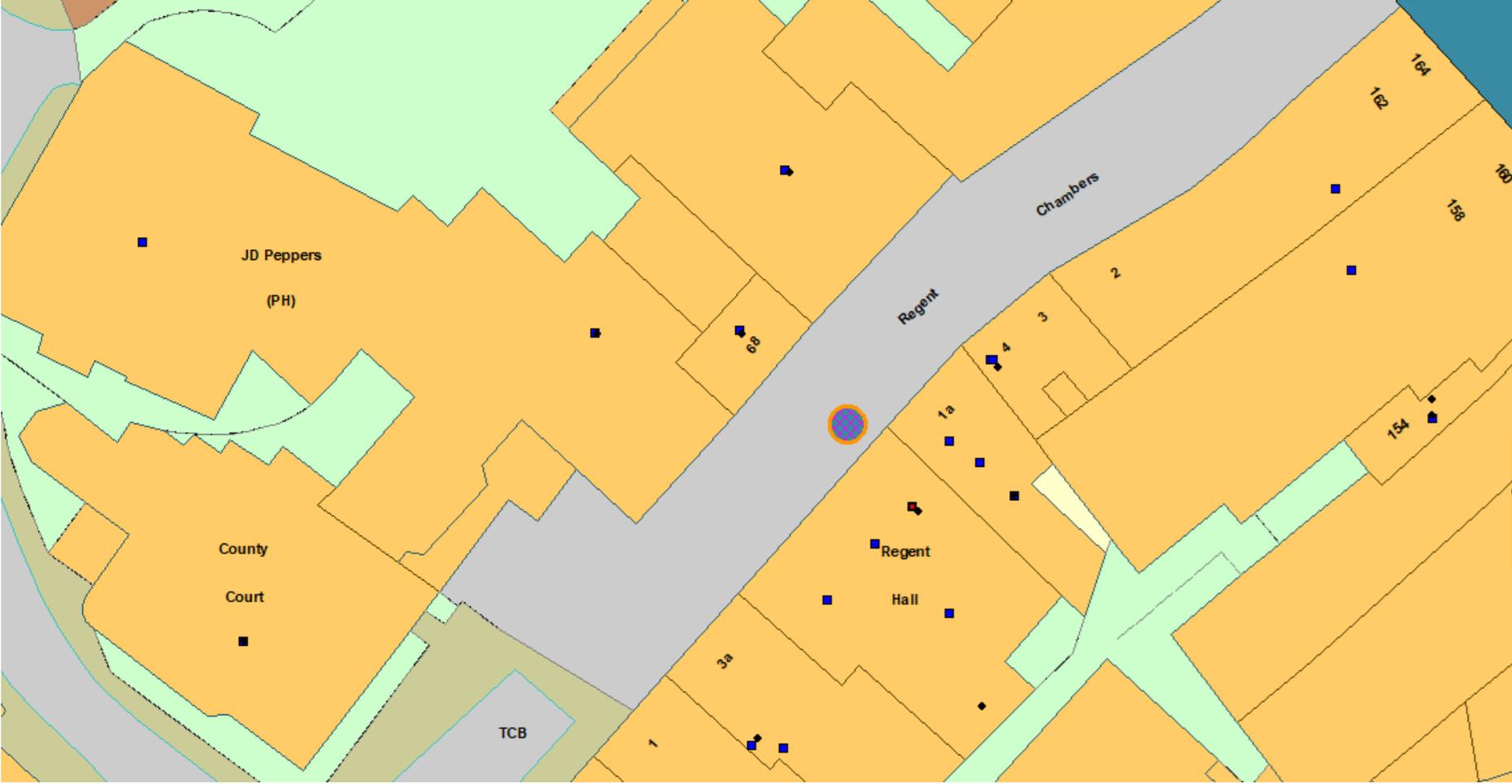
PA



This page is intentionally left blank

Application
DSFX 1552566761843





3. Policy Principles, Aims & Objectives

3.1 The council's adopted street trading policy considers the following relevant as to the suitability of a consent holder to hold a consent:

1. there have been no significant complaints or enforcement issues;
2. **all fees have been paid on time; and**
3. there has been no significant change to the retail environment in the vicinity of the trading location.

3.2 Whilst this is in the context of renewals, the same fitness principles are relevant.

3.3 Furthermore, the consent is issued subject to the following condition:

The Council may revoke or suspend this Consent at any time in the event of:

- **The breach by the Consent Holder, their servants or agents (included Nominated Assistants) of any of the conditions herein or any supplemental/additional conditions imposed by the Council; or**
- Work being carried out in, under or over the highway on which the Unit is located; or
- A change in Council Policy which necessitates termination of this Consent; or
- Circumstances outside the Council's control which necessitate termination of this Consent forthwith.

4. Licensing Comments

4.1 As stated in this report, consent holders who choose to pay their licence fee in instalments are required to make the necessary payments on time.

4.2 Below is a breakdown of the occasions where the consent holder has failed to do this:

Fee for November 2018	Due 06 November 2018	£199.39
Fee for December 2018	Due 06 December 2018	£199.39
Fee for January 2019	Due 06 January 2019	£199.39
Fee for March 2019	Due 06 March 2019	£199.39
Fee for April 2019	Due 06 April 2019	£199.39

4.3 Aside from the policy and consent matters, the continued failure by the consent holder to make payments on time is unnecessarily taking up officer resource in correspondence and visits.

Background Papers

Service Records

Case Officer

Contact officer: Mr Louis Krog
E-mail: licensing@cheltenham.gov.uk
Tel no: 01242 262626

Cheltenham Borough Council

Miscellaneous Licensing Sub-committee – 8 May 2019

Local Government (Miscellaneous Provisions) Act 1982

Review of Sexual Entertainment Venue Licensing Policy

Report of the Licensing Team Leader

1. Summary and recommendation

- 1.1 The council's Sexual Entertainment Venue (SEV) policy statement is due to be reviewed. Sexual entertainment falls within the remit of the Miscellaneous Licensing Sub-committee and as such it is within the remit of this committee to take a lead on the review of this policy.
- 1.2 In order to facilitate the review, and taking into account the sensitivities around the licensing of sexual entertainment venues, this committee has recommended that the review of this policy also include the ability for key stakeholders to provide an insight and view on the licensing and regulation of sexual entertainment in the town.
- 1.3 This reports seeks endorsement from the Miscellaneous Licensing Sub-committee of this approach.
- 1.4 **The Committee is recommended to:**
 - 1.4.1 **Endorse the policy review approach as set out in this report, subject to any comments Members may have;**
 - 1.4.2 **Nominate a politically balanced number of Members from the committee to sit on the review panel; and**
 - 1.4.3 **Delegate authority to the Licensing Team Leader, in consultation with the chair of the Licensing Committee, to:**
 - 1. **Agree who should be invited for this purpose;**
 - 2. **Make the practical arrangements necessary to facilitate this review; and**
 - 3. **Agree the scope for the policy statement review.**
- 1.5 **Implications**

Legal **Contact officer: One Legal**
E-mail: legalservices@teWKesbury.gov.uk
Tel no: 01684 272015

2. Background

- 2.1 The council's Sexual Entertainment Venue (SEV) policy statement was adopted on 13 October 2014 and is due for a review.

- 2.2 The regulation of sexual entertainment has proven an emotive subject with strong views both in favour of regulation and equally those in favour of setting a zero limit in the town – thereby effectively banning Sexual Entertainment Venues apart from those that operate under the statutory exemption.
- 2.3 In light of this, this committee has put forward a view that in order to facilitate the review of the policy statement, it would be appropriate for key stakeholders to be invited to informally address the Members of this committee. The purpose of this would to assist Members in their understanding of the width of issues relevant to the regulation of sexual entertainment in the town.
- 2.4 The feedback from these sessions will assist Members in their work and thinking on the proposed policy position moving forward.

Background Papers

Service Records

Case Officer

Contact officer: Mr Phillip Bowen
E-mail: licensing@cheltenham.gov.uk
Tel no: 01242 262626