

## **Licensing Sub-Committee - Miscellaneous Application for a Street Trading Consent**

**Wednesday, 4th November, 2020  
5.45 - 6.45 pm**

| <b>Attendees</b>           |   |
|----------------------------|---|
| <b>Councillors:</b>        | David Willingham (Chair), Mike Collins, Wendy Flynn (Vice-Chair), Diggory Seacome and Simon Wheeler |
| <b>Also in attendance:</b> | Claire Morris, Vikki Fennell and Jason Kirkwood (Senior Licensing Officer)                          |

### **Minutes**

**1. APOLOGIES**

There were no apologies.

**2. DECLARATIONS OF INTEREST**

Councillors Willingham and Seacome declared they had visited the site.

**3. BELLA MIA PIZZA**

The Licensing Officer introduced the report. An application had been received from Mr Jamie Fisher trading as Bella Mia Pizza for a street trading consent to sell pizza, desserts and cold drinks from a trailer outside Space NK Apothecary on the Promenade. Mr Fisher had applied for an annual consent to trade on Fridays, Saturdays and Sundays from 11.00 to 21.00 hours. An image of the trading unit was attached to the report. The Officer advised that the application did not comply with the provisions of the street trading policy as it was not in an approved location. The applicant had also been made aware of special conditions that might be applied if trading could be permitted, if the application were successful. The Officer reported that no comments had been made during the consultation period. The Officer shared his screen to show the proposed location of the trading unit as it was not totally clear from the map with the report.

The Officer reminded members of the aims and objectives of the council's policy and that the policy prescribed three permitted trading sites. He outlined the options available to members in determining the application and stated that the onus was on the applicant to give reasons for the committee to depart from the policy. The Officer's recommendation was that it be refused as it was not in an approved location.

In reply to a question from a member, the Officer stated that the other markets allowed in this area most likely did sell hot food.

The Chair invited the applicant to address members. Mr Fisher stated that this was a family run business, which started trading in 2016 and normally catered for weddings and other outside functions. He said it was very successful as people loved to see the authentic way of making the pizzas. He said everything was homemade and good quality and they always had good feedback from their customers. However due to Covid-19 the wedding side of the business had dried up and he saw an opportunity to operate in Cheltenham. He felt with his unit being a horse trailer that this fitted well with the townscape of Cheltenham and would bring added benefit to the town, as many restaurants were currently closing. They were very active on social media and this too would bring people into the town. He stated they also have a branch in Gloucester that is doing very well and would like to replicate this in Cheltenham.

In reply to member's questions, Mr Fisher clarified that:-

- This would be his second unit.
- Everything was fresh and homemade and made in front of the customer.
- With regard to odours, the location was a smoke controlled zone, so he would be using charcoal and the smell of pizzas was not offensive.
- If trading was successful and the committee happy then he hoped to continue post Covid.
- He was an independent business with no link to Space NK Apothecary
- The unit did not require electricity; the light was battery powered and refrigeration was in cool boxes so the unit was self sufficient.
- Their waste management was very low; pizzas were served on a cardboard tray.
- He chose that location as it is a beautiful part of the town and a prime location
- He would just be selling pizzas, not pasta.
- Desserts would be sweet calzones

The matter was then debated by members with the following comments:-

- Concern about how it would fit in without causing some sort of obstruction in a rather crowded area.
- The unit itself looked very good and attractive and would like to see it in Cheltenham, but didn't feel it was the right spot for it.
- The unit would be in competition with the retailer Huffkins which was an established business, although they do sell different products.
- It did not add any value to the town and nothing in the application merited deviation from the policy. Difficult to see it regenerating the town centre even though similar food outlets nearby had closed.
- The unit was not in an approved location but a member queried whether other vacant spots in an approved area were available at the moment.
- One member was not worried about obstruction from this unit as there were markets in this area at other times who sold food and drink.
- If the applicant was going back to weddings when possible and in response to the Covid 19 situation, a member suggested considering the granting of a temporary licence for a certain period of time and if the applicant was successful he could move to a more appropriate location within the town centre, however this member also felt the proposed location was unsustainable in the long term.
- There were no issues with the appearance of the unit or any environmental issues.

- No objections had been raised from surrounding businesses or the BID, so how much weight do the committee put on the competition with Huffkins.
- There was merit in the application, it was a good proposition but in the wrong place.
- There were reasons to justify a temporary licence but the officer recommendation was to refuse.

In reply to a member question on other locations, the Licensing Officer stated the council had appropriate zones but that there was no limit within those zones and that he was happy to speak with the applicant to see if there was a more suitable location. The applicant would have to make another application, but if it was in an approved location with no objections it could be more suitable.

In his final right of reply the applicant stated that he would be happy with a temporary licence and that he would be happy to move to a different location if one were available. He felt he was not in competition with Huffkins as they sold different food.

The Chair moved to vote on:

1.5.1 – to approve the application – 5 against, 0 for.

1.5.2 – to approve the application subject to the additional terms and conditions as set out in the report, plus the added condition of a short term licence for 6 months – 3 against, 2 for.

1.5.3 – to refuse the application – 0 against, 5 for.

The Chair confirmed that the application had been refused as it was not in an approved location as per the council's policy and there were insufficient grounds provided by the applicant to justify departing from the policy. However he stated that the committee were not against the principle of the business and viewed the proposed operation positively and advised the applicant to speak with the Licensing Officer with regard to finding a suitable location.

#### **4. BRIEFING NOTES**

There were no briefing notes to discuss.

#### **5. ANY OTHER ITEMS THE CHAIRMAN DETERMINES URGENT AND WHICH REQUIRES A DECISION**

The Chair referred to 2 responses to the letters about the sexual entertainment venue licence where at the bottom of the letters the government had indicated that they have no intention to change the law. He felt this disappointing that there was no desire to set up a National Register of Refusals and Revocations but hoped that it was something that the Council could push forward.

David Willingham  
**Chairman**