

Full Licensing Committee

Wednesday, 3rd March, 2021
4.00 - 5.50 pm

Attendees	
Councillors:	David Willingham (Chair), Paul McCloskey (Vice-Chair), Angie Boyes, Mike Collins, Wendy Flynn, Tim Harman, Diggory Seacome, Jo Stafford, Roger Whyborn and Simon Wheeler
Also in attendance:	Vikki Fennell and Jason Kirkwood

Minutes

1. APOLOGIES

There were no apologies received.

2. DECLARATIONS OF INTEREST

Councillor Willingham declared that he has shares in Tesco.

Councillor Stafford declared that she works at Tesco although not this branch.

The Legal Officer deemed that this would not have any effect on the matter in hand.

3. MINUTES OF THE PREVIOUS MEETING

Minutes of the meeting held on 2nd December 2020 were approved and signed.

4. MINUTES OF SUB-COMMITTEE MEETINGS

The minutes of the sub committee held on 25 January 2021 were approved and signed.

5. APPLICATION FOR A STREET TRADING CONSENT

The Senior Licensing Officer gave his report as published.

The matter then went to Members to ask questions of the Senior Licensing Officer. They were as follows:

- Covid dispensation to have chairs and tables on the highway, will there be a proliferation of chairs and tables on premises nearby. The Senior Licensing Officer confirmed that they understand that there aren't premises nearby that will be effected. Not aware of any premises in the area that have applied.
- If Huffkins that is in John Lewis apply for tables and chairs would that have an effect on the application. Senior Licensing Officer confirmed that they have not received an application from John Lewis and this was not mentioned in their objection.

The applicant was then asked if she had any questions for the Senior Licensing Officer – confirmed not at this moment.

The objector was then asked if she had any questions for the Senior Licensing Officer she confirmed that she did as follows:

- Wondered how this application sits beside the part of the policy regarding sustaining local businesses – SLO replied that this could be seen as effecting local businesses or it could bring more customers to this part of the High Street. This was covered in his report.
- John Lewis is being referred to in particular but in the near vicinity is Soho Coffee and Costa Coffee that also sell soft drinks and refreshments has this been taken into account? The SLO replied that they had not received any representations from those premises with any specific concerns. Members need to consider if there would be damage to the other businesses or not.

The objector on behalf of Cheltenham BID was then asked to speak, her objections were as follows:

- Feedback from the businesses that the BID represent will have an effect on them, they have all had a really tough time, the grants have been very welcome but this does not cover the costs. Under normal circumstances they would be paying rates which helps the town.
- Social distancing may cause a problem and this will put a strain on Council officers and the Police.
- Other concerns were more around the number of businesses such as this, there is a doughnut stall and a falafel stall in the area which are in direct competition with businesses which pay business rates. The BID feels that there may be a better place for them to be situated.
- Also made the point that a lot of the businesses are closed at the moment therefore the staff are on furlough and would not be picking up emails which meant that they may have wanted to respond but haven't due to the circumstances.

The Chair then asked Members if they had any questions for the objector:

- There were no Member questions for the objector.

The Chair then asked the applicant if she had any questions for the objector that she would like to ask via the chair:

- She confirmed that she had no direct questions.

The Applicant was then given the opportunity to address the committee, she made the following points:

- She explained the nature of her business and that she was the owner and director.
- She stated that she believed that the business will bring an enhancement to the High Street and assist giving people more confidence in visiting the town centre.
- She explained that it is theatrical and will be a spectacle for people to enjoy, she hopes that it may enhance foot fall and where it is situated will hopefully bring foot fall into John Lewis.

- Customer service and food hygiene of complete importance all staff will be uniformed and trained to the highest level.
- Covid social distancing rules will be maintained – they will bring in barriers as and when required.
- Ice cream pots and the spoons will both be fully recyclable and will encourage customers to recycle in the recycling bins around the town.
- The ice cream roll is very popular on social media and will be advertised on social media that will hopefully bring new people into the town.

The matter then went to Member questions as follows:

- Is the image in the report the actual unit? Confirmed that is not the actual unit but very similar.
- Why this location? Location chosen with consultation with the licensing department, fantastic footfall with being by John Lewis
- Where else do you currently operate? Do not have any other places they operate but they do some events
- How many staff will be employed? 4-6 members of staff on a part time rota basis alongside the applicant and her husband.
- Have you considered that queueing and social distancing might block emergency vehicle access – please can you explain where an emergency vehicle might come through? The queueing system will be within the boundary and not encroach they will add to the plan.
- Will there be someone to monitor the queue? Yes, we will have someone monitoring the queue if that is still needed by government guidelines.
- With regard to the recycling bins will you provide your own? The idea was to encourage people to use the recycling bins in town however more than happy to provide a bin for customers to use. They will also make sure that their litter is picked up at the end of the day.
- How long will 2 theatrically produced ice cream for people? 1 ice cream will take 2.5 minutes to prepare, customer picks flavours and toppings, clarified that 2 servings won't take 5 minutes as there will be 2 pans going all the time so 2 servings will take approximately 3-3.5 minutes.
- Also your licence requests permission to sell confection and drinks? Were hoping to have a waffle machine and a soft ice cream machine, however if this means that they can't have the site then they will withdraw this. The waffle machine is so that people can have it with an ice cream roll. They were hoping to sell soft drinks too but are happy to work with Members if this is a problem.
- The applicant was asked to explain how cool rolls are made which she did in detail.
- How much is the cost of one of these items? Between £3 and £3.50 per portion
- And what is the typical calorie content? Rough guess is approximately 400 calories depending on topping.
- Please can you clarify which direction the queue would be? Would be facing Barclays but would like to mark the map rather than pick it out.

There were no further Member questions.

The objector via the chair asked for further clarification on intention to work with local businesses and what benefit would it bring? The applicant is open to suggestions and doesn't want to work against businesses and would be happy to work in partnership with stores to promote both the stall and store.

The matter then went to Member debate:

- Concern was raised that need to kickstart the town centre as we are in difficult times, doesn't see that social distancing is a reason to refuse. There is maybe some discussion required over the queueing.
- Is there a breach of regulations in that it is not an authorised plot, doesn't believe that it good tread on the toes of other shops, it's not so much food vending it is theatrical and a unique system people will come just to see – they are not just going to buy the ice cream and walk away. This can only be a benefit to that part of the town and can't see how it will take trade from the surrounding businesses.
- The High Street was already going through a hard time before Covid struck does this stall add to the offer in that part of Cheltenham or will it take away from it. Doesn't see that this will detract from the High Street.
- Innovative and fun concept and doesn't believe that 3 food stalls in the High Street are an excessive amount.
- Concern was raised about childhood obesity and the fact that it is in conflict with the licensing policy keeping children safe. The Chair explained that this application did not fall into this category.
- Supportive and will add to the town.
- This is a unique product that is on sale so doesn't believe that there is competition.
- Please can you clarify the rules for emergency vehicular access, if the queue is being marshalled does not seem to pose a problem.
- Public nuisance and public safety do not seem to be an issue, and it is up to the queue marshal to make sure that it is orderly, the vehicle design offers no issues. Would be minded that if approved a bin is offered at the location. Would like it to come back to committee if it will be renewed.

The Chair then asked the Senior licensing Officer is there was any accuracy points to raise:

- Wouldn't want to see a queue across the highway.

The Legal Officer was then asked for any comment and the comment was made that it was a productive debate.

The Applicant was then asked to make final comments:

- They will deal with the queue and if needed will submit a plan and will make sure Covid rules are maintained.
- The obesity point was then addressed and stated that they will encourage people to be treat wise. This is a treat and not a regular food item.

The matter of a recyclable bin was confirmed as to be added as a condition and when the licence is renewed that it comes to committee again to see if a success.

Vote was taken on that basis and 1.5.1:

For: 8

Against : 2

GRANTED with added conditions.

6. AUTHORITY'S RESPONSE TO REVIEW OF THE GAMBLING ACT - CALL FOR EVIDENCE

The Senior Licensing Officer introduced the report relating to the Council's response for evidence to the Government's review in December 2020 of the Gambling Act 2005. The report gave members the opportunity to comment on and endorse the response. The Officer pointed out that many of the areas were not directly relevant to licensing authorities and that the draft response was outlined in the Appendix 1 to the report.

There were no questions from members, however the Chair wished to ensure that the response pointed out there was no evidence that the Cheltenham run lottery was producing any harmful gambling and to ensure it did not undermine the huge amount of good work that was carried out to raise money for good causes through the lottery.

Alistair Henry (Licensing Enforcement Officer) was asked if he had any comments. He stated he had nothing much to add other than to clarify that reference was only made to the National Lottery regarding the intention to raise the participation age from 16 to 18 as there was a risk with scratch cards etc. Local Authorities who ran a lottery engaged a Lottery Manager to ensure all regulations regarding the Licensing Act were adhered to and he had no concerns over this.

A member suggested it would be possible to ascertain if there was any evidence of gambling abuse or addiction in connection with the Cheltenham Lottery. The Chair replied that he had already asked this question of the Officer responsible for the Lottery and that the reply had been there was no such evidence.

There being no further comments, the Chair asked if members were happy with the proposed letter in his name being sent as the response.

All members were in agreement.

7. CHAIRS BRIEFING

The Chair referred to the letter drafted by Officers and sent in his name to the All Party Parliamentary Group for the Night Time Economy calling for evidence into Covid 19 and the Night Time Economy. The Chair reminded members that Cheltenham was one of only seven local authorities mentioned in the report as contributing significantly and the only Tier 2 Authority. He felt this showed Cheltenham going above and beyond and gave credit to the Licensing Team for their work on the night time economy.

The Chair also mentioned the LGA webcast where the work the Council had done to support licensed premises throughout the pandemic had been highlighted and that the Purple Flag Accreditation documents were in the public domain showing what Cheltenham is doing to retain the Purple Flag and to keep the night time economy diverse, safe and enjoyable.

The Chair referred to the briefing note outlining the work that had been done following two licensing sub committees relating to late night recorded music and sale of alcohol at 129-131 the Promenade. Debriefs with Officers following these committees has resulted in printed copies of all Licensing Policies being available for the Chair at meetings; request for further member training and development which will happen after the elections in May and sub committees now being able to defer the decision making until after the meeting to enable Legal advice with a full written decision with reasons.

The Committee noted all of the above.

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

There were none, however as the next meeting was after the elections, the Chair wished to thank the Licensing, Legal and Democratic Services teams for all their dedicated work and support to the Licensing committees.

9. DATE OF NEXT MEETING

9 June 2021

David Willingham
Chairman