



## Notice of a meeting of Full Licensing Committee

**Wednesday, 9 June 2021**

**6.00 pm**

**Virtual WEBEX video conference via YouTube -  
<https://www.youtube.com/user/cheltenhamborough>,  
Promenade**

<b>Membership</b>	
<b>Councillors:</b>	David Willingham (Chair), Angie Boyes (Vice-Chair), Jonny Brownsteen, Barbara Clark, Steve Harvey, Tim Harman, Diggory Seacome, Jo Stafford, Simon Wheeler and Suzanne Williams

The Council has a substitution process and any substitutions will be announced at the meeting

## Agenda

<b>1.</b>	<b>ELECTION OF CHAIR AND VICE CHAIR</b>	
<b>2.</b>	<b>APOLOGIES</b>	
<b>3.</b>	<b>MINUTES OF THE PREVIOUS MEETING</b> To approve the minutes of the last meeting held on 3 <sup>rd</sup> March 2021.	(Pages 3 - 8)
<b>4.</b>	<b>MINUTES OF SUB-COMMITTEE MEETINGS</b> To approve the meeting(s) of the Licensing Sub Committee held on 3 March 2021, 7 <sup>th</sup> April 2021 and 28 <sup>th</sup> April 2021.	(Pages 9 - 18)
<b>5.</b>	<b>CONFIRMATION OF MEMBERSHIP OF SUBCOMMITTEES</b> Officer report regarding appointment to sub-committees.	(Pages 19 - 20)
<b>6.</b>	<b>ANY OTHER ITEMS THE CHAIRMAN DETERMINES URGENT AND REQUIRES A DECISION</b>	
<b>7.</b>	<b>DATE OF NEXT MEETING</b> The Full Licensing Committee will next meet on 1 <sup>st</sup> August 2021.	

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## Full Licensing Committee

**Wednesday, 3rd March, 2021**

**4.00 - 5.50 pm**

Attendees	
<b>Councillors:</b>	David Willingham (Chair), Paul McCloskey (Vice-Chair), Angie Boyes, Mike Collins, Wendy Flynn, Tim Harman, Diggory Seacome, Jo Stafford, Roger Whyborn and Simon Wheeler
<b>Also in attendance:</b>	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 2<sup>nd</sup> 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.

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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.

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- 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**



## Licensing Sub Committee-Alcohol and Gambling

Wednesday, 3rd March, 2021

2.00 - 2.35 pm

Attendees	
<b>Councillors:</b>	Paul McCloskey (Chair), Tim Harman and Roger Whyborn
<b>Also in attendance:</b>	Vikki Fennell and Jason Kirkwood

## Minutes

### 1. ELECTION OF CHAIR

Cllr McCloskey was elected as Chair for the meeting.

### 2. DECLARATIONS OF INTEREST

None.

### 3. LOCAL GOVERNMENT ACT 1972 EXEMPT INFORMATION RESOLVED THAT

“That in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining agenda items as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraph 3, Part (1) Schedule (12A) Local Government Act 1972, namely:

Paragraph 1; Information relating to any individual

Paragraph 2; Information which is likely to reveal the identity of an individual

### 4. SECTION 132A LICENSING ACT 2003 - LICENSING AUTHORITY CONSIDERATION OF SUSPENSION OR REVOCATION OF A PERSONAL LICENCE

The Senior Licensing Officer introduced the report and after consideration by members of the Committee, it was agreed not to revoke or suspend the personal licence and upon a vote of no further action, it was agreed:

**FOR : 3**

**AGAINST : 0**

**ABSTAIN : 0**

**CARRIED UNANIMOUSLY THAT NO FURTHER ACTION BE TAKEN**

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

None.

Paul McCloskey  
**Chairman**

**Licensing Sub-Committee - Miscellaneous**

**Wednesday, 7th April, 2021**

**4.00 - 5.25 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>	Jason Kirkwood and Vicki Hanstock

**Minutes**

**1. APOLOGIES**

There were no apologies.

**2. DECLARATIONS OF INTEREST**

Cllrs Willingham and Seacome declared they had visited the site with the Licensing Officer.

**3. APPLICATION FOR A STREET TRADING CONSENT - THE BEECHES CHARLTON KINGS**

The Senior Licensing Officer presented the report relating to a street trading consent from Melissa Hobbs to sell drinks and refreshments from a mobile unit at The Beeches Playing Fields, Charlton Kings. The consent was for 9 months and to operate from 07.00 to 18.00 hours every day. One objection had been received from a local business trader. The application was before committee as the Council's policy had permitted locations which were entirely within the town centre and this proposal was away from the town centre. An Officer recommendation was not given on this occasion and members were reminded to act in the public interest by considering the potential benefits for the wider community.

In reply to members' questions, the Officer confirmed:-

- That an initial charge of £113 was required to determine the application and if consent was granted there would be an additional charge to pay which was somewhat higher than in other places.
- That the lease was for a 9 month trial period and any effect or risk to existing nearby businesses would be monitored during this time.
- That pages 9 and 11 of the report had been duplicated.
- The normal process was that consultation with the Parish Councils was not undertaken, but they had been consulted on the disposal of the lease and were happy with this.

The objector, Mr Raymond Dowling was invited to address the committee. He said that members had seen his correspondence and objections so would not

dwelt on those but wished to refer to some points in the Officer's report. He stated that his ward councillors had raised concerns about the whole process and that he was not aware if the parish council had been consulted, nor had he been aware of any risk assessment having been carried out and thus it had not addressed any effect on the local economy. Regarding the disposal of the land for street trading, Mr Dowling had objected to this but not being au fait with the process may have done so incorrectly. He drew members attention to some points in the policy, namely to sustain established shop keepers and felt there was some unconscious bias in the report. He said that people did currently make the 10 minute round trip from the playing fields to his café for refreshments, but if there was a kiosk on the field then they would not and this highlighted the negative impact this would have on his business. He stated he had custom from all parts of the village and Sixways as he was situated in the hub of the community, but felt customers might by-pass him if there was another kiosk in the playing fields. He said he was all for competition but that the margins were so tight, especially recently with the pandemic, and even a small negative trade impact could result in him folding and could also not be sufficient to sustain the kiosk. He stated his café was in a good location and was a community asset, they had opened during the pandemic and had managed to keep going with support from the Council, and were just beginning to see light at the end of the tunnel which was being taken away by the opening up of a kiosk selling similar items.

In reply to a member question, the objector stated that his custom came largely from all around Charlton Kings, especially recently with the lockdown travel restrictions, as they were not a destination attraction.

The Chair invited the applicant's representative, Emma, to address the committee. Emma stated she fully understood the objector's concerns as it was a difficult time for all businesses, and said the applicant herself would normally be travelling around to festivals and events but that all her business had dried up. The applicant had approached the Council regarding several sites and this one was put forward which seemed favourable as she was from Charlton Kings and knew the area. During the tender process they looked to see if there would be enough trade to support the kiosk and they felt there was, as a shop closed down which children went to after school so felt this was a draw for youngsters at the back of the Beeches. Emma felt a lot of Mr Dowling's business came from the sheltered housing and felt people with mobility issues would not make the round trip to the kiosk along an uneven surface. She informed members they had joined Charlton Kings Business Connect Group and were keen to work together to increase footfall within Charlton Kings and support other local businesses. They had looked at Moosh's offering so that theirs would be different and felt local walkers in the field wouldn't necessarily go into the centre of Charlton Kings so would attract more spending locally. She acknowledged it was hard to work out exact figures at the moment with the pandemic and suggested it would change again as children went back to school and into the playing fields. She concluded by saying she felt a presence in the Beeches may help alleviate the antisocial behaviour that occurred in that area.

A member raised a point of order on equality and fairness in that the applicant's representative, Emma, and objector, Mr Dowling, should both be referred to in a similar manner. The Chair acknowledged this and apologised, but said it was

how the names appeared in his script and on the Web-ex screen. Emma did not offer her surname to amend how she was to be addressed.

A member asked a question about the disposal of litter, as this was an area of great concern at the moment in parks and open spaces. The applicant stated that at their kiosk in Burrows playing fields they supplied additional bins to those provided by the council, encouraged patrons to use the bins and recycled everything, which they would do at The Beeches. Prior to lockdown they had offered loyalty cards to encourage teenagers to litter pick in return for free drinks and they planned to do this again. Also at the end of each day they would clear their litter and that of others from the site. She also confirmed that all products would be sold in recyclable material, all cups being bio-degradable.

Another member asked the Objector about price comparability of products on sale, to which he replied that they appeared pretty much the same with some prices at the kiosk higher than his on some products and lower on others and vice versa.

The Objector asked the Applicant what evidence there was that the shop, The Forge, had been a thriving business, which closed down because of the pandemic resulting in a gap that needed to be filled. However, the Chair said this meeting was about looking at this application and although his representations could be taken into account, other businesses were not a material consideration.

The Licensing Officer summed up and clarified that this was not a re-run of the process to dispose of the lease. These were two completely separate processes and members must have regard to the Licensing Policy and act in the public interest. Additionally, concerning comments on competition, he pointed out that street trading guidance was not to regulate competition but not to promote unfair competition.

The Chair reiterated to members that they were considering the street trading consent only and that any decision made should be rational, reasonable and proportionate. If members wished to add any conditions, for example the applicant supplying litter bins, then this should demonstrate that this would prevent public nuisance and enhance the environment, with clear reasons given for that decision.

During the debate, members made the following comments:-

- Sympathised with both the Objector and Applicant. In these unprecedented times, we have a new business trying to make its way and an established business trying to keep going.
- Believed there was a clientele for both because of their locations, unless the quality of the offer varied.
- Think the kiosk would draw on a new clientele that would not necessarily go down to Moosh to get refreshments.
- As prices were deemed to be very similar, could not see this as being unfair, although there was obviously competition.
- Citing visits to other parks as examples, speculation on numbers of customers was pointless; the issue was the legality or otherwise of the kiosk being situated there and not the people patronising it.
- Did not believe the kiosk was unfair competition.

The Chair summed up stating that the Licensing Policy did not prohibit street trading outside of the town centre and consent had been granted in the past, so he was happy to vary that part. He thought that on balance the kiosk would be beneficial to the area and would serve people who used that part of the playing fields and also that he did not think this represented unfair competition. He felt the street trading kiosk was unlikely to cause an increase in public nuisance but that the presence of a business overlooking a skate park could deter anti-social behaviour in the area. He stated the appearance of the kiosk was acceptable and in keeping with guidelines and that the packaging and waste met the environmental credentials. Finally, he asked that if it were not already a standard condition of consent, that a condition be added stating that a bin must be provided by the applicant and litter taken away. He could see no material reasons to object and suggested it might improve the area and was happy to support it.

There being no further comments or questions, the Chair moved to vote on 1.5.1 of the report to approve the application.

For : 5

Against : 0

Abstain : 0

### **GRANTED UNANIMOUSLY**

The condition to provide a litter bin was stated in the contract and therefore no vote on this was needed.

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

The Chair wished to advise members of two points:-

- The current Licensing Policy did not require Parish Councils to comment and he recommended that this be re-considered at the next full licensing committee.
- In his role as Chair, he had received an anonymous complaint about an app based private hire operator. He stated that anonymous complaints could not be investigated, so if someone had evidence of wrong doing, they needed to make a complaint in writing to the Licensing Team.

David Willingham  
**Chairman**

**Licensing Sub-Committee - Miscellaneous**

**Wednesday, 28th April, 2021**

**6.00 - 6.35 pm**

<b>Attendees</b>	
<b>Councillors:</b>	David Willingham (Chair), Wendy Flynn (Vice-Chair), Diggory Seacome and Simon Wheeler
<b>Also in attendance:</b>	Claire Morris, Harry Mayo, Louis Krog, Vikki Fennell and Jason Kirkwood

**Minutes**

**1. APOLOGIES**

Apologies were received from Cllr. Collins.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest, though Cllr. Willingham stated that he visited the 2 proposed sites.

**3. APPLICATION FOR STREET TRADING CONSENT - BANCA ALVES CORTICEIRO COFFEE VAN**

The Licensing Team Leader presented the report, which related to an application for street trading consent to sell hot drinks, cakes, pastries and biscuits from a van on the pavement adjacent to Imperial Gardens.

Cllr. Wheeler asked when the railings would likely be installed. The Licensing Team Leader responded that this work was due to commence this year.

The applicant (Mr Daniel Corticeiro) thanked members for considering the application and responded to the objections. The van would increase access to artisanal coffee in the town and enhance the area. He acknowledged that there might be a small queue at the entrance of the park and possibly an issue with the railings but would take these into consideration. He did not intend to disrupt any local traders or events, and rejected the notion of possible market saturation in the area. He also suggested that he would be happy to accept a shorter license than 12 months, in line with the council's Covid recovery plan.

Cllr. Flynn asked the applicant about the orientation of the van. The applicant responded that he intended to have it pointing north, so any queues would take up no more than half of the pavement, but that he would be happy to reposition it if necessary.

Cllr. Seacome asked whether waste bins would be provided. The applicant responded that there would be a 30 litre bin next to the van.

Cllr. Willingham suggested that the plan seemed viable. Competition with other premises would be negligible and it would not cause a public nuisance or any safety issues. He was sure that there would be conditions on how the vehicle arrived from the public highway, as on similar sites. The appearance of the unit was appealing and the environmental credentials, including waste disposal, seemed solid.

Cllr. Flynn agreed that it would be an attractive addition, but was concerned about its proximity to the entrance of the park, and possible issues that may arise when the railings were installed.

Cllr. Willingham suggested that if the committee was minded to approve the application, they could apply conditions requiring the van to cease operation during large events organised by Marketing Cheltenham, and requiring it to be parallel to the pavement.

Cllr. Seacome asked the applicant from which part of the vehicle the coffee was served. The applicant responded that this was done from the back of the vehicle. Cllr. Seacome suggested that any queue should form along the railings so it did not block the pavement.

Cllr. Wheeler suggested that as there were no street traders currently on the site, the application would not crowd the area.

Cllr. Seacome asked if there were any reason why the van could not be parked closer to the Queens Hotel, which would avoid blocking off a bench. The Licensing Team Leader responded that although the application needed to be considered on the basis of the information provided, neither 131 nor the Queens Hotel had objected so it would not materially change the application too much. The applicant responded that he would be happy to move closer to the hotel if necessary.

The Chair moved to a vote on the application, on the conditions that it move slightly towards the Queens Hotel, that the serving hatch face the hotel, and that trading consent might be suspended for the installation of the railings.

The Legal Officer conducted the vote.

For: 4

Against: 0

Abstain: 0

#### **4. APPLICATION FOR STREET TRADING CONSENT - LA PIZZERIA**

The Licensing Team Leader introduced the report, which related to an application for street trading consent to sell Italian-style made-to-order stone baked pizza, barista coffee and soft drinks from a trailer.

Cllr. Willingham asked whether the land was private. The Licensing Team Leader responded that it was not on a public highway.

The applicant (Mr Richard Hancock) addressed the committee, emphasising his experience in the hospitality and retail sector and the quality of the product. The stall would employ at least 8 people and source plenty of ingredients locally to support local businesses.



Cllr. Seacome asked whether the vehicle would be left there set up each night or moved overnight. The applicant responded that it would remain in place overnight, and that the owners of the land had given permission for it to do so.

Cllr. Wheeler was concerned that it was a large vehicle which might dominate the street. However, there had been no objections on this basis from nearby shops or otherwise.

Cllr. Flynn described it as a suitable location for the unit, and noted that the food on offer would complement other local options.

Cllr. Willingham noted that due to Covid restrictions it would be beneficial to have another option for members of the public to eat outside. The clay ovens could be a potential nuisance but any problems would be dealt with by Environmental Health. It was on private land and there did not seem to be any public safety issues. Having visited the site, he reassured Cllr. Wheeler that it was not an overbearing unit. The applicant confirmed that waste would be disposed of promptly.

Cllr. Seacome noted that several nearby pubs served hot food, so the unit risked causing saturation. Cllr. Wheeler suggested that since the pubs served alcohol too, the offer was not quite the same.

Cllr. Wheeler added that he was concerned about the amount of room for queuing, considering social distancing guidelines. Cllr. Willingham noted that the report seemed to show an adequate amount of room for people to queue without blocking the footpath.

The Legal Officer conducted the vote on whether to grant the consent, not subject to any conditions.

For: 3  
Against: 1  
Abstain: 0

**5. LOCAL GOVERNMENT ACT 1972 EXEMPT INFORMATION**

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

The Senior Licensing Officer presented the report.

It was unanimously agreed that there would be no further action at this time.

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

The Chair suggested that there should be some referral for drivers suffering from mental health issues as the last year has been extremely difficult for them.

David Willingham  
**Chairman**

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## Cheltenham Borough Council

### Licensing Committee – 9 June 2021

#### Licensing Committee Appointment of Sub-Committees

#### Report of the Licensing Team Leader

#### 1. Background

- 1.1 The Licensing Committee is one of two regulatory committees with a broad range of responsibilities and delegated powers. Its primary role is to determine contentious licensing applications, deal with all licence holder disciplinary issues, to suspend and/or revoke licences, to act as lead consultee to the Cabinet on all licensing matters and to establish licensing sub-committees. A list of the committee's delegated functions is set out in part 3C of the Council's constitution – Committee Functions.
- 1.2 On 12 April 2017 the Licensing Committee approved a revised committee structure to become effective from September 2017. The full committee continues to meet quarterly, acting as consultee to Cabinet / Lead Member on policy matters, establishing sub-committees and dealing with relevant briefings, training, updates and policies and reviewing performance.
- 1.3 The committee is made up of 10 Members and the political balance must equate to that of the Council. Each party can also nominate substitutes up to the number of places that each party has on the committee. The Members and substitutes were appointed at Selection Council on 17 May 2021.
- 1.4 Under the committee's revised structure, two sub-committees need to be established to discharge the committee's substantive business. The intention is that the membership of the sub-committees will rotate on an annual basis to maintain competency, experience and balance attendance requirements.

Name of Sub-committee	No of Members	Politically Balanced	Special requirements/Quorum	Substitutes allowed
Miscellaneous	5	Yes	Quorum of 3	Each party can nominate up to the same number of substitutes as members on the sub-committee.
Alcohol and Gambling	3	Not a requirement	3 Members of the Licensing Committee. All 3 Members must be present.	Not allowed. One or more reserves from the Licensing Committee can be nominated when the sub-committee is formed.

#### 1.5 The Committee is recommended to:

- i) **Select 5 Members to form the Miscellaneous Licensing Sub-committee (4 Lib Dems, 1 Conservative and up to the same no of substitutes);**
- ii) **That the Alcohol and Gambling Sub-Committee be constituted and note that Members would be selected from the full committee on a first come first serve basis and those who were not on the miscellaneous sub-committee would be called upon**

first; and

iii) **Appoint a chair and vice-chair for each sub-committees above.**

## **1.6 Summary of implications**

Legal

As outlined in the report.

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## **2. Review, structure and meeting arrangements**

- 2.1 In April 2017 the Licensing Committee approved a revised structure and operation. Under the revised structure, the Licensing Committee meets in full up to 4 times a year, acting as consultee to Cabinet / Lead Member on policy matters, establishing sub-committees and dealing with relevant briefings, training, updates and policies and reviewing performance.
- 2.2 The full committee establishes 2 licensing sub-committees to deal with the substantive business of the committee such as licence applications and reviews.
- 2.3 Sub-committee (1) (Miscellaneous) will have responsibility for hackney carriage, private hire and miscellaneous licensing functions, which will include but not be limited to street trading, objects on the highway, scrap metal dealers, charitable collections, sex establishments and animal establishments. This sub-committee will normally meet monthly and the dates of the meetings have been set in advance.
- 2.4 Sub-committee (2) (Alcohol and Gambling) - due to statutory requirements, when dealing with individual applications and reviews under the Licensing Act 2003 (alcohol, regulated entertainment and late night refreshment) and Gambling Act 2005, 3 members (plus one or more reserves from the Licensing Committee membership) will determine the application. This sub-committee will meet on a case-by-case basis on dates that cannot be set in advance and membership should be rotated amongst members of the full committee.

## **3. Performance management – monitoring and review**

- 3.1 All Committee Members and substitutes must be fully trained before they can participate in any meetings of the Licensing Committee or its sub-committees and until then can only attend as observers. Existing Members are expected to attend refresher training when provided.
- 3.2 The effectiveness of the new meeting arrangements and committee structure will be measured against its success in addressing the issues identified under the review's rationale.

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**Background Papers**

Selection Council 17 May 2021 2.30 pm

**Contact Officer**

**Licensing Team Leader**