

Cheltenham Borough Council Full Licensing Committee Minutes

Meeting date: 7 June 2023

Meeting time: 6.00 pm - 8.50 pm

In attendance:

Councillors:

Councillor Dr David Willingham (Chair), Councillor Richard Pineger, Councillor Julie Sankey, Councillor Diggory Seacome, Councillor Izaak Tailford, Councillor Simon Wheeler and Councillor Steve Harvey (Reserve)

Also in attendance:

Vikki Fennell (Solicitor) and Jason Kirkwood (Licensing Team Leader)

1 Apologies

Apologies were received from Cllrs Chidley, Boyes, Fisher and Harman.

2 Declarations of interest

There were none.

3 Minutes of sub-committee meetings

The minutes were approved and signed as a true record.

4 Review of previous decisions

There were none.

5 Application to place an object on the highway - A board

The licensing officer introduced the report.

There were no Member questions for the licensing officer and no applicant questions.

The applicant was then asked to address the committee and he made the following points:

- The reason that the application was made is that he was aware that this space had been used before.
- The application is based on the performers requirements, it was a circular performance area originally in the application that was clearly too big an area for the objectors, this has now been decreased in size.
- He is a great believer in collaborative working and keen to take feedback on board. There was an attempt to engage with the objectors but this was unsuccessful.
- The number of bean bags for the space has been reviewed and will be able to be moved if there is the need for an emergency vehicle to come through the area.
- There will still be pedestrian access.

The responses to Member questions were as follows:

- Crowds will be managed on the day dynamically with volunteers and the applicant. If it appears that there is a long wait for people they will encourage people to come back later.
- The application is supported by the BID.
- Due to the concern of Members there will be mitigation in place for cyclist and pedestrians.
- The applicant confirmed that they will ensure the free flow of cycles.
- There had been no correspondence from the BID during the consultation period.
- There was confirmation that there had been a risk assessment completed but it was only received by the licensing department at 5pm on the day of the committee.
- As this is a cloud experience if it is a sunny day then the audio will support the experience.
- The applicant has learnt lessons from this experience and is new to working in Cheltenham, any future application will not be dealt with in this way.

There was a small break whilst the Members read the risk assessment. The following points were then made after comments made by the Members in relation to the assessment:

- The applicant was happy to amend the risk assessment and get it to the Licensing team by 3pm the next day, happy to amend to deal with the public/crowd control and maintain access.
- The equipment is not PAT tested as it is new, also happy not to use white paint in the area.
- The applicant explained that if the application was refused there were other sites that he had in mind, however the licensing officer explained that that would not be possible due to having to apply for a licence again and there was not enough time for this to be done.

The matter then went to Member debate where the following points were made:

- People and businesses should be encouraged to bring things into the town but public safety is an issue. There are issues with the risk assessment which could be delegated to officers to make a decision.
- If the new risk assessment can be delegated to officers then happy for the application to be granted.
- If the applicant doesn't put the mitigations in place and there is an accident then if there are any issues/accidents it becomes the applicants problem.
- The last minute submission of the risk assessment seems to be very 11th hour and does not seem to have been properly thought out. If officers are happy to make the decision then would be happy to support.

- It is National Volunteering Week and has great respect for volunteers but is concerned that they will not be qualified to deal with any crowd problems.
- It is worth considering the view of proportionality as this is a one day event on a Sunday – trying to get the balance between what is safe versus proportionality.
- The Chair then asked the committee if they were happy to go ahead and delegate to officers in relation to the risk assessment.
- The location is deemed suitable but there is a duty to ensure public safety.
- The applicant has tried to deal with the objections and the application has been reviewed as a result.
- The risk assessment needs to be delegated to officers due to the timescales involved.
- The area needs to be passable by wheelchairs, pushchairs, pedestrians and other users of the High Street.
- The applicant agreed that he would make the roped off area slightly smaller.
- The licensing officer reiterated that he would need the reviewed risk assessment by 3pm the next day which the applicant agreed to.

The applicant thanked the committee for their time and stated that it would be useful if there was an online document that could be accessed to help with this type of application.

The matter went to the vote to grant.

For: 6

Against: 0

Abstention: 1

Granted

6 Report for Code of Conduct

The document was explained to the committee by the Licensing Team Leader.

7 Exempt Items - Local Government Act 1972

The following resolution went to the vote:

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 1 and 2, 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

Carried UNANIMOUSLY

The meeting entered exempt session.

8 Review of a Hackney Carriage Drivers Licence

The licensing officer introduced the report as published. After Member questions and debate the matter went to the vote on 1.6.2b of the report.

The result of the vote was unanimous.

9 Any other items the Chairman determines urgent and requires a decision

There were none.

10 Date of next meeting

The next meeting of the full committee will be held on the 6th September.