

Cheltenham Borough Council Full Licensing Committee

Meeting date: 6 September 2023

Meeting time: 6.00 pm

Meeting venue: Council Chamber - Municipal Offices

Membership:

Councillor Dr David Willingham (Chair), Councillor Angie Boyes (Vice-Chair), Councillor Tim Harman, Councillor Richard Pineger, Councillor Julie Sankey, Councillor Diggory Seacome, Councillor Izaak Tailford, Councillor Simon Wheeler, Councillor Ed Chidley and Councillor Bernard Fisher

Important notice – filming, recording and broadcasting of Council meetings

This meeting will be recorded by the council for live broadcast online at www.cheltenham.gov.uk and <https://www.youtube.com/@cheltenhambc/streams>. The Chair will confirm this at the start of the meeting.

If you participate in the meeting, you consent to being filmed and to the possible use of those images and sound recordings for broadcasting and/or training purposes.

If you have any questions on the issue of filming/recording of meetings, please contact Democratic Services.

Speaking at Licensing Committee

To find out more about Licensing Committee or to register to speak, please click [here](#) or contact Democratic Services.

Please note: the deadline to register to speak is 5.00pm on the day before the meeting.

Contact: democraticservices@cheltenham.gov.uk
Phone: 01242 264 130

Agenda

1 Apologies

2 Declarations of interest

3 Public questions

These must be received no later than 12 noon on the fifth working day before the date of the meeting

4 Minutes of the previous meetings including miscellaneous and alcohol and gambling committees (Pages 5 - 38)

To approve the minutes of the miscellaneous committees held on 1/3, 5/4, 3/5 and 9/8.

The Alcohol and Gambling committees held on the 22/5 and 5/7.

The full committee held on the 7/6.

5 Review of previous decisions

6 Application for permission to place an object on the Highway - 'A' Board (Pages 39 - 48)

7 Local Government Act 1972

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

8 Approval of Exempt Minutes (Pages 49 - 74)

To approve the minutes of:

Miscellaneous committees on 1/3, 5/4, 3/5 (to follow) and 9/8

Full committee on 7/6.

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

10 Date of next meeting

Next meeting 6th December 2023.



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.

Page 6

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.

Cheltenham Borough Council Licensing Sub-Committee - Miscellaneous Minutes

Meeting date: 1 March 2023

Meeting time: 7.00 pm - 9.00 pm

In attendance:

Councillors:

David Willingham (Chair), Angie Boyes (Vice-Chair), Barbara Clark, Diggory Seacome and Simon Wheeler

Also in attendance:

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

1 Apologies

There were none.

2 Declarations of Interest

There were none.

3 The Local Government Act 1972

The committee unanimously voted 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 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

The meeting then entered exempt session.

4 Driver Review

The Senior Licensing Officer introduced the report. The driver was not present but after Member debate the matter went to the vote on 1.6.2c.

For: 5

Against:0

Revoke

5 Determination of a New Hackney Carriage Driver's Licence

The Licensing Team Leader introduced the report, after a lengthy debate and Member questions to the applicant the matter then went to the vote.

The matter then went to the vote on 1.6b to revoke.

UNANIMOUS – REVOKED

It was then explained that the applicant was given 21 days to appeal the decision to the Magistrates Court.

6 Any Other Items the Chairman Determines Urgent and Which Requires a Decision

There were none and the meeting ended.

Cheltenham Borough Council Licensing Sub-Committee - Miscellaneous Minutes

Meeting date: 5 April 2023

Meeting time: Time Not Specified - Time Not Specified

In attendance:

Councillors:

David Willingham (Chair), Simon Wheeler, Ed Chidley, Julie Sankey (Reserve) and Tim Harman (Reserve)

Also in attendance:

Jason Kirkwood (Licensing Team Leader)

7 Apologies

Apologies were received from Councillors Boyes and Seacome and Councillors Sanky and Harman attended as substitutes.

Councillor Chidley was welcomed to the committee as a new member replacing Councillor Clark.

8 Declarations of Interest

There were none to be disclosed in open session.

9 The Local Government Act 1972

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

The committee voted unanimously on the above. The meeting then entered closed session,

10 Review of a Private Hire Driver's Licence

After Member questions and Member debate the matter then went to the vote on 1.7.1 from the report that no further action, the driver is found to be fit and proper.

For: Unanimous.

11 Review of a Hackney Carriage Driver's Licence

Members considered the case and voted unanimously to suspend the driver's HCV licence for up to three months, pending safeguarding training being undertaken.

12 BRIEFING NOTES

There were none.

13 Any Other Items the Chairman Determines Urgent and Which Requires a Decision

The Licensing Team Leader said that, as Members were aware, the council was trying to introduce a policy to ensure all taxis were wheelchair-accessible, with the current understanding that in exceptional circumstances, if a saloon car was written off or beyond economic repair, the driver would be allowed to replace it with another saloon. A driver has approached the council to replace a fully electric saloon vehicle; there is nothing wrong with it, and the driver bought it 14 months ago in an attempt to be 'green', but is finding it unsuitable for taxi work. It needs a full charge every six hours, and how far it will travel on one charge depends on temperature, lights, hills, distance etc, sometimes only achieving 150 miles. As the driver may need to drive a child to school 65 miles away, this is undermining his ability to make a living.

He said that officers make a lot of decisions on exceptional circumstances, but has brought this case to Members' attention as it concerns the only fully electric vehicle on the fleet. The driver would like to replace it with a hybrid vehicle, and if Members

agree, the Licensing Team Leader and Chair can make the decision under delegated powers, rather than keep the driver waiting four weeks until the next meeting.

Members agreed unanimously with this suggestion.

This page is intentionally left blank

Cheltenham Borough Council CommitteeName Minutes

Meeting date: MeetingDate

Meeting time: MeetingActualStartTime - MeetingActualFinishTime

In attendance:

Councillors:

MembersPresentShortRolesList

Also in attendance:

OfficersInattendanceTitlesList

This page is intentionally left blank

Cheltenham Borough Council Licensing Sub-Committee - Miscellaneous Minutes

Meeting date: 9 August 2023

Meeting time: 6.00 pm - 10.30 pm

In attendance:

Councillors:

Councillor Dr David Willingham (Chair), Councillor Ed Chidley, Councillor Julie Sankey (Reserve) and Councillor Tim Harman (Reserve)

Also in attendance:

Phil Bowen (Senior Licensing Officer), Vikki Fennell (Solicitor) and Jason Kirkwood (Licensing Team Leader)

1 Apologies

Apologies were received from Councillors Seacome, Boyes and Wheeler. Councillors Harman, Sankey and Pineger were present as substitutes.

2 Declarations of Interest

Councillor Willingham declared a personal and prejudicial interest in Agenda item 8; Councillor Harman will take the chair for this item.

Councillor Willingham also advised that he had visited the site of Agenda item 3, noting that most Members will be familiar with this due to its proximity to the Municipal Offices.

3 Application for a Street Vending Consent

The Chair explained the process, and invited the Senior Licensing Officer to introduce his report. He confirmed this new application for a street trading consent

on the corner of Pittville Street, with proposed times set out in the report, together with an image of the horsebox. There have been three objections, one on behalf of Cheltenham BID, and Environmental Health officers have raised concern about the potential trip hazard created by the tow bar. Member must decide whether the proposed location is suitable or does not comply with the council's street trading policy.

In response to Members' questions, he confirmed that:

- although Environmental Health officers have raised concern about the tow bar creating a trip hazard for the partially sighted, they have not objected to the proposal;
- he is unaware of the environmental credentials of the horsebox, but the applicant should be able to provide information on this.

Speaker, in objection

On behalf of Cheltenham BID, the speaker made the following points:

- there are 27 businesses selling take-away coffee as a core product in the town centre, and 39 selling coffee in addition to their core offering;
- CBC's street-trading policy requires street traders to sustain and complement existing shop traders, but this proposal will take away from them and, without business rates and energy costs, will have an unfair advantage in a competitive market;
- street traders should add to the mix – the former occupier of this site was The Flower Man, which didn't conflict with any local businesses;
- BID businesses are particularly concerned, currently struggling with a difficult trading environment as a result of increased energy bills, the cost of living crisis, and high staffing costs.

Applicants, in support

The applicants began by saying they do not have a commercial background, but having seen reports about the increased footfall in Cheltenham and positive national figures regarding the sale of take-away coffee, they decided to invest in the horsebox. They said that:

- it is sustainable, self-sufficient, solar-powered, noiseless, and will look agreeable in the spot they have chosen, which is already licensed by the council for street trading;
- 10p from every hot drink sold will be donated to charity;
- all coffee, cakes and pastries will be locally sourced;
- where possible, recyclable materials will be used, to ensure they are as economical and environmentally friendly as possible;
- they not expect to be trading for all the times set out in the report; this will vary to suit the business year and different events in the town, probably averaging five hours a day;
- they have registered with CBC food hygiene inspectors, and are due to be rated imminently, pending tonight's outcome;
- although there are 27 businesses selling coffee in Cheltenham, a far fewer number have take-away hot drinks as their core product;

- they empathise with BID businesses, but fair competition is important. They want to support and be part of the local business community, will happily pay a voluntary levy to BID, and offer discounts to the wider business community;
- regarding the potential trip hazard, having done an event, they can confirm the horsebox complies with highways authority, council and national requirements, in addition to which an A-board can be placed over the tow bar to make it more noticeable.

He concluded by saying it is unfair to suggest that the horsebox will be in direct competition with the vast majority of BID businesses, and that this low-impact, low-fuss business will provide fair competition to any others.

Member questions

The applicants provided the following responses to Members' questions:

- selling only take-away drinks is not the USP – they want to synergise with local businesses, targeting workers who are walking past and don't want to queue up and sit down for coffee. Their USP is unique, speciality coffees in addition to the core offering;
- they are aware that there are a lot of coffee outlets in Cheltenham, but have done market research in similar towns and do not consider the market to be saturated; their business will be fair competition;
- they note no objections from the council to The Cornish Bakery, a coffee shop moving into the empty unit on the corner of Pittville Street, and will be interested to know why this isn't considered to pass the threshold when their business is, despite a very different operating model;
- they have taken the horsebox to the site at 5.30am to confirm that, with the diagonal configuration, it more than clears the requirement for people to pass, with 2.1m on the road side, and 1.9m on the building side. Pictures have been sent to the council.

The Licensing Team Leader pointed out that this location would be unsuitable during the busy race meetings in November and particularly in March, and that the police would not permit it for health and safety reasons.

The applicants said this had not been mentioned before and that the horsebox is actually smaller than The Flower Man's stall, but appreciated that it could be more hazardous at busy times and they would do whatever was needed to mitigate the risk.

A Member, interested in the opportunity for more diversity, asked officers whether there had been much interest in this site. Officers confirmed that the flower stall was there for many years, but since Covid it reduced trading hours and subsequently surrendered the site. There have not been many requests for this site, but there is no compulsion for it to be filled. The Licensing Team Leader added that he was surprised that a licenced pitch in this busy location was considered suitable, pointing out that there is a lot more awareness of accessibility issues than there used to be. He said that different locations have different requirements, depending on likely footfall and potential pinch points.

Member debate

In debate, Members considered the application against the licensing assessment criteria; the Chair started by making the following points:

- the environmental credentials seem OK – there is nothing giving cause for concern;
- the appearance is fine, though there may be challenges for accessibility around it;
- safety is a potential issue, though this could possibly be mitigated;
- there is no concern about public nuisance;
- the crux of the matter is the needs of the area, and although comparing a street trader with established retailers is not comparing like for like, the concerns here are eloquently set out in the BID objection.

Members commented as follows:

- fair competition is good, as is having a choice and supporting small traders;
- safety is a real concern, and even with suitable gaps on either side, this is a busy pavement and the tow bar could compromise the safety of wheelchair users and the visually impaired;
- will the horsebox be pitched in exactly the same position every day? Could this be conditioned? If it was parallel with the road rather than on the diagonal, there would be more space.

The applicants thanked Members for their comments, and strongly refuted their points about safety. They surveyed the area for 2.5 days and noted that the footfall is not huge, with the obvious exception of race week. An A-frame over the tow bar will make it less of a trip hazard (a picture of this was shared with Members), and they will be prepared to turn the box by 90 degrees to whichever position the committee sees fit. Regarding competition, they said again that they would be interested to understand why their proposed business raises objections while the proposed bakery/café on the corner does not, despite there being at least six bakeries in and around Cheltenham. Their business is not competing with established coffee retailers; the only truly comparable business is the Green Coffee Machine on the Promenade.

The Senior Licensing Officer pointed out that a licence would be needed for an A-board, and if allowed, it may need a condition requiring it not to include any advertising.

The applicants left the Chamber to allow Members to consider their decision in closed session.

Members' decision

The applicants were invited back and advised that the unanimous decision of the committee was to refuse their application, as it does not comply with the provisions of the street trading policy. He added that Members don't object to the idea or appearance of the stall itself or have any dispute with its environmental credentials - the location is the problem.

The reasons for refusal were given as follows:

- the needs of the area: policy states that street traders should complement or add to other businesses in the area - this test is not met, and there are already many take-away coffee vendors in the area;
- public safety: the stall narrows the pavement in a busy area, close to several bus stops, and the tow hook presents a trip hazard, particularly for the visually impaired;
- the application does not comply with the provisions of the adopted street trading policy, as stated at para 5.4 in the report.

The applicant suggested that the council should amend its policy as to where street trading is permitted, and also repeated his question as to why the bakery application has been allowed. The Licensing Team Leader explained that this is a permanent business, and is therefore a planning matter and not subject to licensing, unless it proposes the sale of alcohol or operating outside core business hours. He said licensing officers would suggest some appropriate locations for the horsebox.

4 Briefing Note

The Licensing Team Leader drew Members' attention to Tewkesbury Borough Council's consultation on taxi policy provision, which aims to raise the bar on acceptable vehicles – as of 01 January 2024, new applications will be refused if the vehicle is more than five years from its date of registration, and must be Euro 6 compliant, ULE, or electric. Renewals will be bound by the same constraints from 31 December 2025, and from 01 January 2026, applications will be refused if vehicles are not Euro 6 compliant. The provisional ambition is for all the fleet to be ULE from 2030, with renewals bound by the same criteria from 2033.

He said Members do not need to endorse these proposed changes, but they are worth considering when CBC changes its taxi policy, to ensure both councils are working in harmony. The Chair welcomed TBC's proposals as a positive move.

5 Local Government Act 1972

The Chair read the following:

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

Members agreed unanimously to enter exempt session.

6 Application for a Hackney Carriage Vehicle Proprietor's Licence

After considering the case, Members decided that continuity rights should not be granted in this case.

7 Request to revert to saloon vehicle from WAV

Members considered the case in detail, and agreed to delegate authority to officers to refuse the application.

8 Review of a Hackney Carriage Driver's Licence

Councillor Harman chaired the item after Councillor Willingham left the chamber.

The Licensing Team Leader introduced the report as published.

After Member questions and debate the matter went to the vote on 1.5.1 and the result was unanimous.

9 Review of a Hackney Carriage Driver's Licence

Councillor Willingham returned to the Chamber to Chair the item.

The Licensing Team Leader introduced the report.

After Member questions and debate the matter went to the vote and the decision was made as follows:

The decision was made unanimously to suspend the licence for not less than 3 months on condition the driver completes the driving course within at least 6 months at his own expense. He can't resume driving, in the interests of public safety, until the course is completed and the certificate is provided to the licensing department

10 Any Other Items the Chairman Determines Urgent and Which Requires a Decision

Cheltenham Borough Council Licensing Sub Committee-Alcohol and Gambling Minutes

Meeting date: 22 May 2023

Meeting time: 14:00 – 16:00

In attendance:

Councillors:

Diggory Seacome, Simon Wheeler and David Willingham

Also in attendance:

Sarah Farooqi, Jason Kirkwood (Licensing Team Leader) and Phil Bowen (Senior Licensing Officer)

1 Election of Chair

Cllr Dr David Willingham was elected as Chair of the committee.

2 Apologies

There were none.

3 Declarations of interest

Cllrs Willingham and Seacome declared that they had made a site visit.

4 Determination of Application for a Premises Licence

The Licensing Officer introduced the report as published.

There were no questions from the objectors, applicant or Members.

The objectors were then asked to address the committee and they made the following points:

Page 24

- Very aware of the area as has lived in Cheltenham for a long time.
- Upper Norwood Street does not need a nightclub, a nightclub will bring issues to the area, people do not want extra noise.
- The residents were happy with what was there before but believe that this is not the right area for a night club.
- There were more people that he has spoken to who were too frightened to put in an objection.
- Cheltenham is not bereft of drinking establishments but there does seem to be a shortage of services like doctors and dentists.

One Member questioned the objector as to whether there were residences above the site and the objector confirmed that there were and also opposite.

It was also queried by a Member why the objector was referring to the site as a night club when it only was applying for a licence until 11pm. The objector said that 11pm was too late for the property to be open and that it will turn into being a nightclub with an extended hour here and there.

The second objector was then asked to address the committee, she made the following points:

- As she lives on Great Norwood Street she has concerns mainly to do with the live music. If there is loud music that will be heard through the wall and effect the way that she lives her life.
- There are plenty of empty properties on Bath Road that could be used for this purpose.
- There was also concern about the amount of drunk people that will be in the street which will not make her feel safe and there will possibly be public urination.
- There are a mix of residential properties and shops and cafes in the area but none of them are open at night.
- There is already a large amount of noise from the renovation, whereas this is not the applicants fault it could be an indication of what is to come with a noisy bar.

A Member then asked if there had been any problems from the Suffolk Arms or the Retreat to which she confirmed that there had been, however not right below her children's bedroom window, she believed that there should not be alcohol near where there are children.

The previous objector then spoke and said that the Suffolk Arms has always been there but this application is introducing a menace to the existing neighbourhood. There are people that walk passed but that is not too much of a problem, he stated that the Bath Road is a much more suitable venue.

The Chair explained that the committee is only there to determine the application before them not discuss the empty properties that are in different areas.

One Member asked the objector if she purchased her property whilst the Indian restaurant was in the property, she said that the property was vacant then and she wouldn't have bought the property if a bar had been there.

The applicants solicitor was then given the opportunity to address the committee and she made the following points:

- The application is for on and off sales of alcohol, the nature of the premises will not to be as a nightclub.

- The idea of the business is to attract a co-operative wholefoods style shop with occasional live acoustic music.
- The DPS is an experience licensee having previously been at the Beaufort Arms.
- The premises has been lovingly restored with exterior paint matching the original colours and there will be soundproofing.
- The two tenants that live upstairs did not put in any representation regarding the application.
- The premises will serve cocktails and non-alcoholic cocktails, there will be no vertical drinking at the premises.
- There is a kitchen and seating area downstairs along with the toilets.
- There is a patio which is a sun trap – there will be no music played outside.
- Recycling will be done daily but not late at night or early in the morning.
- Environmental health have not made any representations and the conditions with the police have been agreed.
- Had the applicant been contacted by the objectors she would have been happy to discuss their concerns.
- The applicant would be happy to offer two further conditions 1) that during the performance of live music at the premises the DPS or person nominated by them will ensure that noise from such activities is effectively inaudible inside the nearest noise sensitive premises. 2) the during the performance of live music that doors and windows shall be kept closed except of access and egress. The DPS or a person nominated by them, shall ensure that the door and windows are maintained closed as far as possible when live music is taking place.

The responses to Member questions were as follows:

- Where as there can only be one DPS holder there will be a deputy and either the holder or the deputy will be on site at all times.
- The premises is looking to have live unamplified music once or twice a month.
- The application is for the premises to be open until 11pm but the live music will go on no later than 9pm.
- The supply of alcohol would be from 10am – 11pm although service of drinks will finish at 10pm and there will be drinking up time.
- All customer would be removed from the premises by 11 although the applicant then explained that most days they will be intending to closed by 8.30pm unless there is a festival or something similar going on in the gardens.
- They see the business as mainly a sale of provisions business rather than a sale of alcohol business.
- It was explained to the committee that sales will be upstairs and the lower ground will be seating.
- The conditions that were made by the police were described as follows: CCTV at the entrance and exit and to be maintained, the date and time must be on the recording, any person on the premises must be trained in the operation of CCTV and able to produce information as and when required, an incident to be kept and no standing at the bar with no vertical drinking on the premises and seated drinking at all times.

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

- A lot of the application is down to perception, the applicant appears to have applied for the maximum that they might need which will not be the normal opening hours. The applicant seems to want a quiet and respectful business which appears to be very different to the business that the objectors are talking about, there is middle ground to be found and would not hesitate in approving the licence.

- The objector has called this an application for a nightclub which having listened to the applicant it clearly is not. It is not a material concern that the premises may affect property value. There were no objections from the highway authority. The objections with regard to noise are covered under the Licensing Act.

The matter then went to the vote to grant

FOR: 3

GRANTED

5 Any other items the Chairman determines to be urgent and which requires a decision

There were none.

Cheltenham Borough Council Licensing Sub Committee-Alcohol and Gambling Minutes

Meeting date: 5 July 2023

Meeting time: 6.00 pm - 9.00 pm

In attendance:

Councillors:

Ed Chidley, Tim Harman and David Willingham

Also in attendance:

Vikki Fennell (Senior Lawyer) and Jason Kirkwood (Licensing Team Leader)

1 Election of Chair

Councillor Willingham was elected as the Chair of the committee.

2 Declarations of interest

Councillor Willingham declared that he had been on site visits to both the sites.

3 23/00788/PRMA 8 Imperial Square

The Chair explained how the hearing would proceed, then asked the Licensing Team Leader to introduce the item.

The Licensing Team Leader ran through his report, highlighting the main points which Members must take into account. He added the following :

- the officer report states that there were no representations from responsible authorities, but comments were received from Environmental Protection, following conversations with the applicant in relation to their planning application. As a result, one additional condition has been added;

- regarding the display of the public notice, and whether one should have been placed at the back as well as the front of the building, regulations refer to the premises in its entirety, and more than one notice is only required if the site boundary is more than 50 metres;
- a number of objectors' comments refer to planning issues, but these are quite separate from licensing considerations and cannot be taken into account.

There were no questions from the objectors or from the applicant.

Public Speaking

The first neighbour, who lives three doors down from the premises, made the following points:

- it is frustrating that the applicant's acoustics report has been submitted late, giving the objectors no time to evaluate it or seek advice;
- it wasn't initially clear what 'outside space' was being referred to in the acoustics report, but now clear it relates to the platform in the front carpark, built without planning permission;
- the applicant is therefore seeking a licence to serve food and alcohol in an active car park, from 10am until 2am in the morning. There is a large standing area, and patrons and staff will need to cross the car park which is used constantly by residents and businesses. There does not seem to have been any evaluation of this real safety issue;
- the report is wrong in stating there will be no discernible noise from the activity here – the current dull, background noise in Imperial Square and the Town Hall is unobtrusive, transitory, and doesn't interrupt sleep, compared with the noise of people talking, laughing and having fun until 2am. Voices carry and this will disturb residents' enjoyment of their properties;
- it appears that the criteria and standards set out in Cheltenham's licensing policy have not been complied with, including nuisance, outdoor tables and chairs, use of external areas, and obstruction of the highway;
- there are many questions arising from the acoustics report, including why there has been no assessment on Imperial Lane, the different impacts of live and recorded music, the omission of some rooms from the assessment, the omission of any assessment of the outdoor seating area after 11pm, and the assumption that insulation measures can be achieved in this GII* listed building;
- there is no mention of what exactly a private members' club is, and how this will be audited. It is important that enforceable limitations are in place to ensure full transparency;
- if Members are inclined to grant the licence, a number of suggested additional conditions are included in her representation.

The second neighbour, who lives to the rear of the premises, commented as follows:

- the main concern is noise and disruption from recorded and live music and from customers. The rear of the property is directly opposite residential property, and the music will be highly audible and disruptive; music from two nightclubs at some distance can already be heard;

- a proposed mitigating measure is to close the windows at 9pm but this will have little effect, as neighbours will have to suffer the noise until then and the windows are single-glazed;
- the acoustics report, submitted late in the process and allowing little time for consideration, refers to music being kept at levels to allow conversation but this is subjective. In addition, it tests the impact on 11 Imperial Square, with the impact of live music, cinema and customers on the rear of the premises not addressed;
- in particular, the Sophie Room, highlighted as being potentially noisy, overlooks Imperial lane, and it is not clear how effective mitigation measures will be.
- he asked Members to imagine this club opposite their own homes and the noise and disruption it would bring.

Applicant

The barrister, on behalf of the applicant, introduced the team, and made the following points:

- 8 Imperial Square is located on a busy thoroughfare in the town centre, and the proposed opening hours are well within the hours set out for this area in the Licensing Policy;
- the applicant has invested £2m in the premises and has a long-standing commitment and high profile; he is unlikely to allow behaviour which may lead to bad reviews or removal of his licence. The club has developed fluidly since the start of the pandemic, from a small private hotel to the current proposal, creating a unique Cheltenham venue and luxurious home from home, set over four floors. The red lines on the plans indicate the parts of the premises to be used for licensable activity;
- the front area, where the external seating space is situated, is within the curtilage of the premises, and can accommodate 22-30 persons at most. There will be no ingress or egress for patrons at the rear of the premises, other than in an emergency. Patron noise has therefore only been assessed on the front of the premises;
- the maximum proposed number of patrons – 225 – shows that this is not a nightclub, and as a private members' club, there will be a high level of control over the members and guests attending; the application has been crafted and built through operational structures and conditions, which draw heavily on model conditions, with Environmental Health's final condition incorporated. The operational management plan and dispersal document are both living documents which can be adapted should the need arise;
- expert advice has been sought throughout the pre-app process, as a result of which the application has been shaped and crafted with confidence, with no concerns raised by any responsible authorities;
- the acoustics report was presented within the required timeframe, and was carried out to assess objectively and independently the impact music and patrons noise levels at the premises, and to propose control measures to address any issues. It concluded that, with these controls, there would be no adverse noise impact from patrons, and music levels would be set through a

noise limiter setting exercise, to guarantee no noise break-out. If louder music was required, the applicant would need to consider secondary glazing.

She put neighbours' concerns to the author of the noise assessment, who confirmed that:

- his assessment didn't include live music specifically, but the levels set would apply to all music, whether live or recorded;
- the issue of patron noise was only assessed for the seating area on Imperial Square. Music outbreak only was assessed for the rear of the building;
- the Sophie room has a powerful sound system, but is very high spec and capable of producing high-quality sound at low volume;
- the noise limiter operates via an electronic system which controls the devices, and is relatively common;
- there are minimal concerns about noise outbreak from the cinema.

Member questions

In response to Members' questions, the following responses were provided:

- although the acoustic report was carried out on behalf of the applicant, the company produces reports for residents and businesses alike, and always takes the same approach; it needs to be honest to avoid a poor reputation;
- the assessment was submitted late, but has been scrutinised by Environmental Health officers who would have flagged up any inconsistencies;
- noise mitigating recommendations to the client are often harsher than the client would like, but are suggested to protect the client from future actions;
- the premises has a limited capacity, and operating as a private members' club commits users through a two-way contract to shape the dynamic and atmosphere; the system operates an effective business model which vets and decides who it wants to admit;
- membership is obtained via a carefully curated committee of successful, often art-centric individuals, who may propose members to help shape the club. The purpose of membership is to build an arts and culture community which ties in with Cheltenham's festivals;
- during festivals, members of the public will be able to become temporary members, but pre-booking will always be required through an existing member or a committee member, and people will not be able to book online or walk in off the street;
- a condition requiring the standard two days between application for membership and it being granted can be included if it gives some reassurance to neighbours;
- the applicant is happy to accept the condition that the rear of the premises is not to be used for customer access or egress;
- the proposed conditions concerning the sound-limiting device to be installed, in full working order at all times, and accessed only by staff, and the maximum number of patrons to be outside after 10pm from Monday to Sunday to be limited to eight have been suggested to alleviate neighbours' concerns;
- times for deliveries and handling refuse and recycling to the rear of the property is included in the operational management plan as best practice, but can also be considered as a condition;

- for busy times such as race week, two security staff for premises this size and with just one access would be considered normal, but more can be employed if needed;
- where the applicant refers to race week, they are primarily concerned with the Gold Cup Festival in March. For the other, smaller events, specific security measures won't necessarily be put in place, but it will be up to the committee to decide on the level of security required;
- the front of house team will monitor the noise and number of people outside at all times, to ensure it stays within the limits set out;
- the noise assessment is based on customers being directed to the Promenade to pick up a taxi if required; they will be accompanied if necessary or, if a private hire car is booked, will be kept inside until the car arrives.

The Chair gave the objectors the opportunity to make any further comments and ask more questions they may have. They asked for clarification of the noise levels outside the venue and what may be considered to constitute a public nuisance, and whether the provision of noise limiters means that no music at all will be audible outside. The applicant confirmed that the noise limiter setting is tested in all scenarios to ensure protection, with open and closed windows to neighbouring properties.

Member debate

In debate, Members made the following points:

- although there may be no requirement under the Licensing Act for members to sign in, some sort of ID, including a picture, may help maintain exclusivity and ensure the manager knows who is in at any given time;
- the papers state that the names and addresses of members will be kept on the premises at all times, and guests will also be included. These lists will be available on demand for inspection by the police;
- in race week, it may be advisable to have a card for ordering drinks – to avoid people who aren't signed in just standing outside and drinking without being signed in;
- it is assumed that there will be a rule for excluding or expelling anyone who is not behaving appropriately and damaging the club's reputation;
- it was helpful to visit the premises, which are very well fitted out, but the rear is very close to residents of Imperial Lane – hopefully the condition about access and egress will mitigate neighbours' concerns;
- some of the objections fall under planning policy, and cannot be considered under this licensing application;
- conditions to cover waste and recycling – particularly of glass bottles – at the rear of the premises are essential;
- Environmental Health can help with conditions on noise level setting to prevent any nuisance – taking into account the town centre location;
- every application must be considered on its own merits, and this club is very different from a standard nightclub. The applicant has every intention of operating in such a way as to not cause any public nuisance or upset the

neighbours, and adding to the conditions already mentioned should give reassurance without impinging on the applicant's business;

- if the licence is granted with extra conditions, and issues directly attributable to the premises arise, Environmental Health and the police can be contacted. There is no evidence yet as to how the premises will operate under the models; it is unfortunate that the acoustics report was produced so late, but the professional reputation of the sound engineer is at stake.

Before Members retired to consider the application, the Licensing Team Leader reminded them that any decision must make clear reference to the statutory guidance, and the Chair reiterated that any issues around planning or civil matters were not material to a licensing application. The applicant's barrister hoped that Members understood that the applicant aspired to providing a good venue and being a good neighbour.

The Committee adjourned for 25 minutes.

On their return, the Chair made the following observations:

- Imperial Lane is narrow and close to the premises, but is in the core town centre area, so there must be some expectation of noise in the vicinity. Other licensed premises in the area cannot be taken into account, and this application complies with licensing policy, proposing shorter opening hours than it could. Members have some sympathy with the neighbours, but there is no evidence to substantiate the objections;
- the applicant has introduced measures to mitigate concerns about noise, and objectors will need to take independent advice, or contact planning enforcement, local councillors and environmental health officers if any issues arise.
- the outside area to the front is private and not highly-trafficked; any issues here would be a civil or planning enforcement matter and cannot therefore be conditioned.

He said Members voted unanimously to grant the licence with mandatory conditions, plus the following additional conditions:

- no customers to enter or leave via Imperial Lane, except in an emergency;
- no more than eight customers to be permitted on the outside terrace after 22:00;
- for non-members, there will be no less than 24 hours between their application and admission being granted;
- deliveries and collection of waste/recycling should be between 08:00 and 19:30 only;
- no glass recycling between 23:00 and 07:00.

Finally, he suggested that as an advisory the applicant provide neighbours with a phone number, available 24 hours when the premises are open, and offer them a guided tour, as this could be helpful.

He advised that the applicant would receive the decision in writing within five working days, and that all parties had the right to appeal to the Magistrate's Court within 21 days.

4 23/00745/PRMA 33 Prestbury Road

The Licensing Team Leader introduced the report as published.

He explained at the Chairs request that planning and licensing issues are two different issues. A planning issue cannot be decided at the licensing committee.

The applicant was then asked if they had questions for the officer, which they did not.

The Chair explained to the applicant that this was their opportunity to address the objections that had been received.

The applicant then spoke and made the following points:

- If there is any anti social behaviour customers will be asked to leave the premises.
- They have good CCTV installed that records both sound and pictures.
- Acoustic panelling has been fitted.
- There will be clear signage asking people to leave quietly and with respect for the neighbours.
- They may hold quiz and board game nights but there will be no party nights.
- Bottles will be put in the recycling during office hours only as this can be noisy and disturb the neighbours.
- Drinks will not be allowed to be taken outside to the smoking area.
- For times when the establishment will be particularly busy there will be door staff employed.
- They are considering a parking scheme – ie a small discount when certain car parks are used, this will hopefully prevent a problem with local parking.
- The applicant made it clear that the premises will be a cocktail bar and will not be an all-night drinking establishment.
- The applicant has owned a business on the Prestbury Road for over ten years and is sensitive to the concerns of the objectors.
- The staff that will be employed have all got experience of working in busy town centre pubs and are confident in dealing with any issues.
- If there is any live music at the venue it will be played in the basement which is soundproofed.
- One of the objections addressed the amount of noise coming from the property during the renovations, the applicant stated that there is nothing that he could have done about that as it was due to the builders being noisy.
- The applicant is happy for their telephone number to be openly available so that they can be contacted if people want to.
- The aim of the establishment is to have a professional controlled bar where people can enjoy rums from around the world.

The responses to Member questions to the applicant are as follows:

- The race meetings that the applicant will be extending opening hours are January, March, October and November.
- The closing time of the establishment will be 01.00 during those times with drink up time being 00.30.

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

- The applicant is clearly known to the residents so is not a stranger.
- There was a thought that perhaps the objectors had misunderstood what type of premises the application is for.
- Parking is not a material matter that the committee can give due regard to.
- The downstairs of the premises is far more insulated against noise.
- The objection in the bundle 1c has quoted the planning documents and these cannot be taken into account.
- Conditioning the recycling of the glass bottles seems to be the correct way to go.
- The suggested hours are well within the policy and the hours of race week are unlikely to cause a problem. The hours had been clarified so there is no issue there.
- The application has attracted both concern and support – the objectors will need to speak to their Ward Councillors and/or planning enforcement about the matters that they have mentioned in their representations.
- There have not been any representations from any responsible authorities.

The applicant was then given the final right of reply where he stated that there will be no football shown at the bar.

The Members then adjourned to consider the application.

On return the Chair announced that the licence was granted unanimously with the following additional conditions to be added:

- Door staff during race weeks.
- No drinks outside.
- Glass recycling between the hours of 08.30 and 17.30.

5 Any other items the Chairman determines to be urgent and which requires a decision

There were none and the meeting ended at 9pm.

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.

Cheltenham Borough Council

Licensing Committee – 6th September 2023

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 Senior Licensing Officer

1. Executive Summary

1.1 Mr Dan Chuter based at, The Chip Shed, Cheltenham has made an application to place an advertising board at Front of shop on Montpellier Street. The proposed advertising board is 960mm x 1560mm x 610mm.

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

Monday	11:30 - 22:00
Tuesday	11:30 - 22:00
Wednesday	11:30 - 22:00
Thursday	11:30 - 22:00
Friday	11:30 - 22:00
Saturday	11:30 - 22:00
Sunday	11:30 - 22:00

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.

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

1.5 Width of footpath available is 230cm.

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

1.7 The Committee can:

1.7.1 Approved the application because Members are satisfied that the location is suitable, 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@onelegal.org.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 844mm (32") in any one direction and a maximum height of 1100mm (43") 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"*.
- 3.4 Cheltenham Borough Council's Outdoor Advertising Protocol states:
- "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."
- 3.5 Permission to place an A-board on the highway is subject to the following standard conditions:

Conditions of Consent

- a) A minimum of 1.8 metres of footway remains along the line of the board between the edge of the object and either the kerb or other highway boundary.
- b) Where there are existing consents in place in the vicinity of the application, there must be a minimum distance of 4 metres (either way) between 'A' boards.
- c) The size of the 'A' board does not exceed 1100mm (43") in height (inc feet) and 844mm (32") in width.
- d) The 'A' board is placed directly outside the premises, immediately adjacent to the front of the premises or in the case of premises that do not have a street frontage, immediately adjacent to the entrance to the premises.
- e) The 'A' board must not contain any visual or written material that could be construed as inappropriate or offensive. *(Any breach of this condition will result in the immediate removal of any such signs.)*
The 'A' board must not cause an obstruction to access by emergency or service vehicles.
- f) The 'A' board must not interfere with sight lines for any road users. *(For example 'A' boards placed on street corners, central reservations, roundabouts, pedestrian safety refuges and junctions, or pedestrian crossing facilities.)*
- g) The 'A' board must be sufficiently weighed down to avoid falling over. *(It will not be sufficient that 'A' board is attached to fixed structures. The applicant must be able to demonstrate that the*
- h) *'A' board has been sufficiently weighed down and the Council reserves the right to inspect the 'A' board prior to issuing a consent.)*
- i) The 'A' board must relate to the trade of the premises.
- j) The 'A' board must be constructed in such a way that it does not have any moving parts (i.e.

rotating or swinging 'A' boards).

- k) The object does not obstruct the safe passage of users of the footway or carriageway in any other way not mentioned above.

4. Consultee Comments

- 4.1 One objection received and can be seen in **Appendix C**.

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 members' attention as prescribed in the scheme of delegation set out in the adopted policy, whereby all applications for A-boards which do not comply with the policy requirements are referred to the Licensing Committee for determination..
- 5.3 The application does not comply with the policy requirements in that the premises has direct street frontage on Montpellier Street. The location is in the conservation area.
- 5.4 The application does not comply with the policy requirements in that the height (1560mm) and width (960mm) of the A-board both exceed the maximum permitted dimensions set out in the adopted policy (respectively 1100mm and 844mm).
- 5.5 This application must be determined on individual merits taking into account the information received and in accordance with the Council's current adopted policy with respect to objects being placed on the highway.
- 5.6 Whilst the policy and officer recommendation should not fetter the committee's discretion, the committee should only depart from the policy where there are clear and defensible reasons for doing so.
- 5.7 Mr Chuter has been sent a copy of this report and invited to attend the meeting and advised that he may be represented if he so chooses.

6. Officer recommendation

- 6.1 The officer recommendation is that this application be refused

Reason(s): The application does not comply with the adopted policy in the following respects:

- (1) Its size exceeds the maximum permitted dimensions;
- (2) The Council's Outdoor Advertising Protocol permits the use of A-boards in the conservation area only where premises are disadvantaged due to their location, for example where they have no shop front at street level, or where they are positioned in a side alleyway or away from a public thoroughfare. In this case, the premises benefit from street-level shop frontage on Montpellier Street, and are therefore not disadvantaged by their location.

Background Papers

Service Records

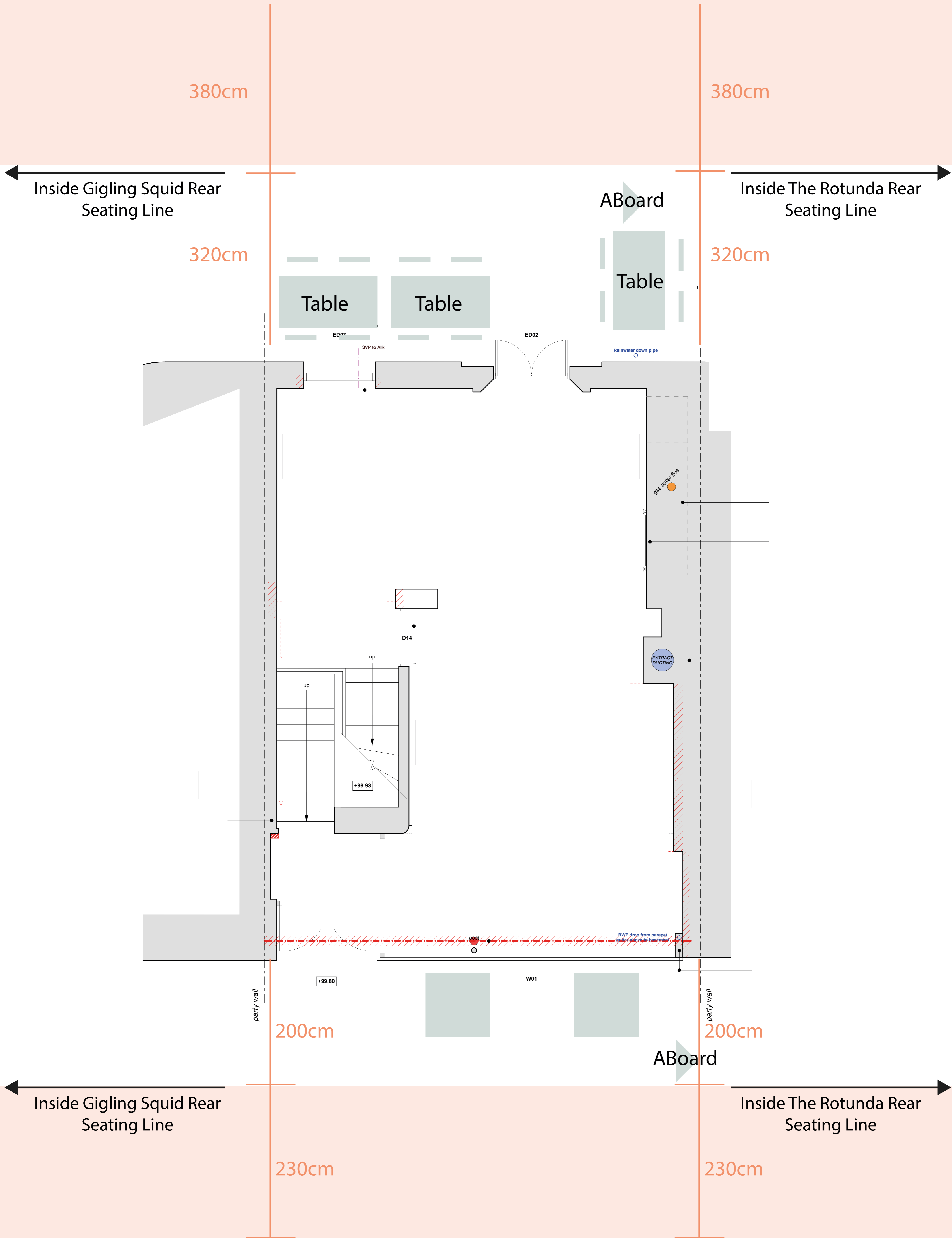
Case Officer

Contact officer: Mr Phillip Bowen
E-mail: licensing@cheltenham.gov.uk
Tel no: 01242 775200

This page is intentionally left blank



This page is intentionally left blank



Inside Gigling Squid Rear Seating Line

Inside The Rotunda Rear Seating Line

380cm

380cm

320cm

320cm

Table

Table

Table

ABoard

200cm

200cm

Inside Gigling Squid Rear Seating Line

Inside The Rotunda Rear Seating Line

230cm

230cm

Road

Parking Bays

Parking Bays

Parking Bays

This page is intentionally left blank

Appendix C

Objection 1

I am not convinced that A boards are necessary. Both sides of the building have narrow uneven paving which don't need any more pavement hazards taking up room for passage of pedestrians.

Not convinced A boards fit in with the look of the buildings.

The comments concerning the A board are an objection. This is because unnecessary objects on the pavement constitute a hazard to passers by because of those with sight loss and those who use things such as wheelchairs or pushchairs. Aesthetically A boards add to clutter on the walkway for no apparent reason. This is a busy area used by and surrounded by hospitality premises.

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank