

# Cheltenham Borough Council Licensing Sub-Committee - Miscellaneous

**Meeting date:** 9 August 2023

**Meeting time:** 6.00 pm

**Meeting venue:** Council Chamber - Municipal Offices

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## **Membership:**

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

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**Contact:** [democraticservices@cheltenham.gov.uk](mailto:democraticservices@cheltenham.gov.uk)

**Phone:** 01242 264 246

## **1 Apologies**

## **2 Declarations of Interest**

## **3 Application for a Street Trading Consent (Pages 3 - 12)**

## **4 BRIEFING NOTES**

### **5 Local Governemnt 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

## **6 Application for a Hackney Carriage Vehicle Proprietor's Licence (Pages 13 - 18)**

## **7 Request to revert to saloon vehicle from WAV (Pages 19 - 36)**

## **8 Review of a Hackney Carriage Driver's Licence (Pages 37 - 78)**

## **9 Review of a Hackney Carriage Driver's Licence (Pages 79 - 100)**

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

Gareth Edmundson  
Chief Executive

## Licensing Sub-Committee – 9<sup>th</sup> August 2023

### Local Government (Miscellaneous Provisions) Act 1982

#### Application for a Street Trading Consent

**Mr Matthew McGinn**

#### Report of the Senior Licensing Officer

### 1. Summary and recommendation

- 1.1 We have received an application from Mr Matthew McGinn for a street trading consent to sell locally ground coffee, teas, cakes and pastries from a Horse Box measuring 2.1m W x 4.2m L.
- 1.2 Mr McGinn has applied to trade on Pittville Street close to the junction of the High Street. **Appendix 1** shows the location of the proposed trading pitch.
- 1.3 Mr McGinn has applied for an annual consent on the following days and times:

|           |               |
|-----------|---------------|
| Monday    | 06:30 - 19:00 |
| Tuesday   | 06:30 - 19:00 |
| Wednesday | 06:30 - 19:00 |
| Thursday  | 06:30 - 19:00 |
| Friday    | 06:30 - 19:00 |
| Saturday  | 06:30 - 19:00 |
| Sunday    | 06:30 - 19:00 |

- 1.4 An image of the trading unit is shown in **Appendix 2**.
- 1.5 **The Committee can:**
  - 1.5.1 **Approved the application because Members are satisfied that the location is suitable, or**
  - 1.5.2 **Refuse the application because it does not comply with the provision of the Street Trading Policy.**
- 1.6 **Implications**

Legal

The Local Government (Miscellaneous Provisions) Act 1982 provides that a local authority can grant a trading consent for an individual within their area. Under the legislation consent can be granted for a period not exceeding 12 months. Consent must therefore be reviewed every 12 months. A local authority can apply reasonable conditions to the consent.

Any application should be considered in line with the Council's policy on Street Trading.

**Contact officer: One Legal**  
**E-mail: [legalservices@onelegal.org.uk](mailto:legalservices@onelegal.org.uk)**

2.1 The current street trading policy was adopted by Council on 11 February 2020. A copy of the policy has previously been circulated to Members and extracts are included in the application pack that was given to the applicant.

3. Purpose of the Policy

3.1 This policy sets out Cheltenham Borough Council’s (“the authority”) framework and approach for the management of street trading in the borough.

3.2 Through the street trading scheme the authority aims to control:

- 1. the location of street traders;
- 2. the number of street traders; and

3.3. The scheme also aims to:

- 1. prevent unnecessary obstruction of the highway by street trading activities;
- 2. sustain established shopkeepers in the town;
- 3. maintain the quality of the townscape and add value to the town; and
- 4. encourage inward investment.

3.4 In doing so, the authority recognises the importance of licensed businesses to the local economy and the character of the area whilst trying to ensure that the activities do not cause public or statutory nuisance to the people in the area.

3.5 This policy will guide the authority when it considers applications for street trading consents. It will inform applicants of the criteria against which applications will be considered.

Assessment Criteria

3.6 In considering applications for the grant or renewal of a consent, the following factors will be considered:

- **Needs of the Area** - The retail offer of each individual pitch. The goods complement and do not conflict with the goods sold by other established retailers within vicinity. This criterion permits the authority to undertake a qualitative assessment of the goods to be sold by each competing applicant against those on sale in the adjacent area. The authority does however recognise that the surrounding retail offer is subject to change, therefore, it will apply this criterion to applications for new or renewal applications.
- **Public Nuisance** – Whether the street trading activity represents, or is likely to represent, a substantial risk of nuisance to the public, or properties in the vicinity, from noise, misbehaviour, emissions, smells etc.
- **Public Safety** – Whether the street trading activity represents, or is likely to represent, a substantial risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions or danger that may occur when a trader is accessing the site.

The authority would expect a minimum of 6 feet (1.8m) of unobstructed highway/walkway on at least one side of the proposed trading unit/location.

- **Appearance of the Stall or Vehicle** – Trading units must enhance the visual appearance of the street and street scene rather than detract from it and be constructed in a suitable scale, style and using appropriate materials. It should also be designed to be fully accessible for all

customers and advertising material mPage 5ed to the name of the stall, the type of product sold and a simple price list and be professionally designed and printed.

The authority will generally not permit trading units where the unit fully, or substantially, blocks lines of sight to established retailers in the vicinity.

Any street trading operation which negatively impacts public access by walking, cycling or public transport will not generally be accepted.

- **Environmental Credentials** - The impact of the proposed operation on the local environment, including street surfaces, tree pits & materials, power supply, carbon footprint, supply chain, packaging, waste minimisation and recycling, waste disposal and waste created by customers.

The authority will encourage the use of sustainable products and will consider the trader's environmental credentials in respect of these when considering whether or not to approve applications. The authority will expect applicants to submit environmental statements setting out how the applicant will operate in an environmentally sustainable way.

#### 4. Consultee Comments

- 4.1 There are three objections to the proposed application held within **Annex 3**.
- 4.2 LI - GCC Streetworks, LI- GCC Highways / Amey, Planning Enforcement, Public Spaces CBC, Townscape CBC, Ubico and Environmental Health - No Objections Received.

#### 5. Licensing Comments

- 5.1 The committee must determine the application with a view to promoting the authority's adopted policy and Members should not arbitrarily deviate from the council's policy. Where the committee is minded to deviate from the policy provisions, it must provide clear and robust reasons for doing so.
- 5.2 The adopted street trading policy identifies a number of trading zones in the town centre where street trading is permitted. These zones are set out in the policy under **Annex 1** of the street trading policy.
- 5.3 The street trading policy is not prescriptive on the type of trading that the authority will permit within these zones. Instead, the policy provides applicants flexibility to submit proposals for consideration. The correct approach is for the Licensing Committee to consider trading proposals taking into account the assessment criteria set out above.
- 5.4 As outlined in the report, this application does not comply with the provisions of the adopted street trading policy because the proposed location is situated outside the permitted locations.
- 5.5 In coming to a determination, the committee must also take into consideration the representations received. For this application, the objections received are outlined in this report under **Annex 3**.
- 5.6 The committee may take into consideration the possible trip hazard from the tow bar of the proposed horse box.

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**Case Officer**

**Contact officer: Mr Phillip Bowen**  
**E-mail: [licensing@cheltenham.gov.uk](mailto:licensing@cheltenham.gov.uk)**  
**Tel no: 01242 775200**

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# The Box Coffee Ltd Proposed location Slanted up the pavement

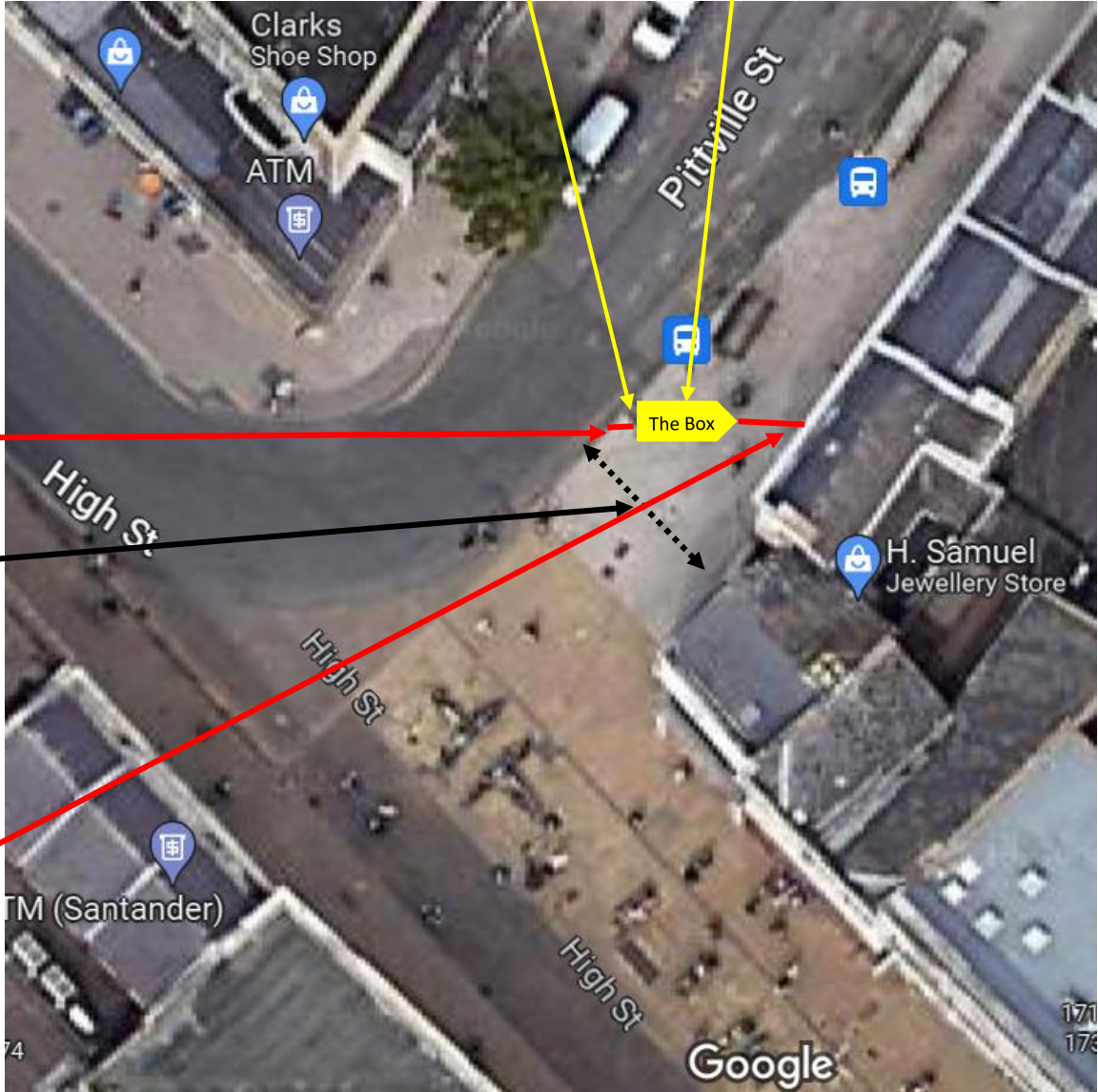
The Box - 2.1 meters width

The Box - 4.2 meters length

Pavement  
1.8 meters gap

Pavement full length  
7.48 meters

Gap from The Box  
to pavement  
End = 2.75 meters due  
to the slant



Previous stall holder at  
this location

**Trading Location:**

The Box Coffee Ltd proposed trading location is pictured below – showing the corner of Pittville Street and High Street in the Cheltenham town centre. The Flower Man has previously traded in this location, which is also pictured below.

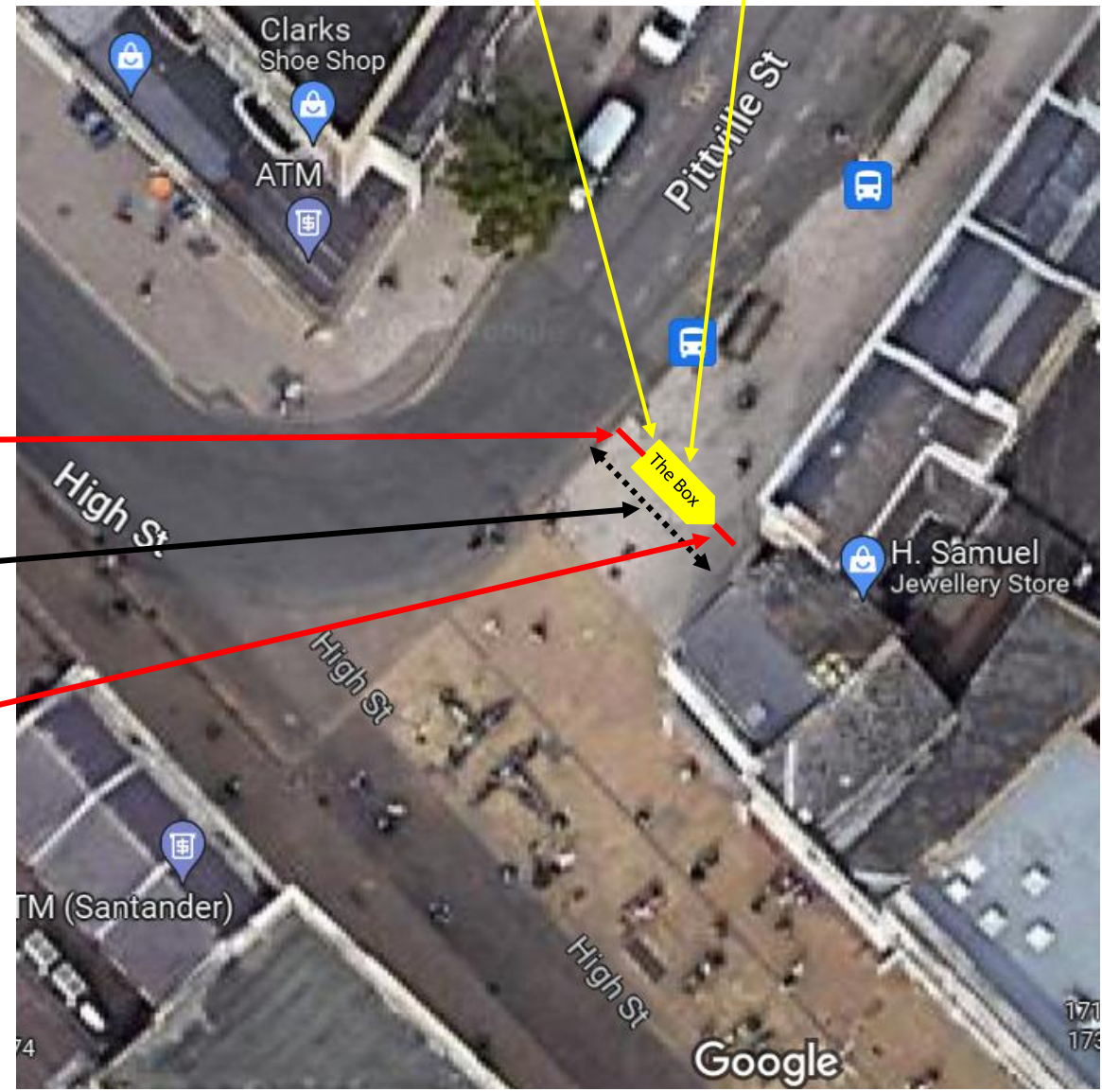


# The Box Coffee Ltd Proposed location

The Box - 2.1 meters width

## Straight across the pavement

The Box - 4.2 meters length



Pavement  
1.8 meters gap

Pavement full length  
7.48 meters

Gap from The Box  
to pavement  
End = 1.48 meters



Previous stall holder at  
this location





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## Objection 1

Cheltenham Business Improvement District - Subject: Objection to Licence Application for The Box Coffee Horse Box

I am writing to formally object to the licence application for a horse box selling coffee and other hot drinks on the corner of Pittville Street and the High Street by the applicant The Box Coffee Ltd. The proposed location of the horse box, as indicated in the application, is within a couple of minutes' walk of a multitude of establishments that already specialise in serving coffee and other hot drinks as a core part of their business.

I would like to draw your attention to the fact that the following establishments, all within a short distance of the proposed horse box location, are already actively engaged in the sale and distribution of coffee and other hot drinks:

Black Gold Coffee - High Street  
Caffe Nero - High Street  
Guilt Trip Coffee And Donuts Ltd - Ormond Terrace  
Soho Coffee - Brewery Quarter  
The Coffee Dispensary - Regent Street  
The Find - Regent Street  
Woodkraft - Regent Street  
Costa - Promenade  
Huffkins - Promenade  
Starbucks - Promenade  
Little Green Coffee Company - Promenade  
Pret A Manger - High Street  
Cake Alchemist - Regent Arcade  
Café Nero - Regent Street  
Soho Coffee - Regent Arcade  
Black Sheep Coffee - Regent Arcade - opening soon  
The Cornish Bakery - High Street / Pittville Street - opening soon and the horse box will be located with feet of their outdoor seating.

Furthermore, it should be noted that other businesses, such as McDonald's, Marks & Spencer, Subway, Greggs, KFC, and even Londis, also offer takeaway coffee as part of their broader product range.

Our concern primarily lies in the potential negative impact that the introduction of another coffee/hot drink vendor in such close proximity to established businesses would have. By not paying business rates or contributing to the Business Improvement District (BID) levy, the proposed horse box would enjoy an unfair advantage over the existing businesses that have invested in the local community.

The direct competition created by the horse box could result in a significant loss of revenue for these businesses. It would be detrimental to their ability to sustain their operations, maintain staffing levels, and make their own contributions to the local economy. Additionally, the introduction of a new competitor may lead to oversaturation of the market, potentially reducing footfall for all coffee vendors in the area.

Given the already substantial presence of coffee vendors in close proximity to the proposed horse box location, we urge you to consider the potential negative implications for the existing businesses. We believe that approving this licence

application would be unfair and detrimental to the economic sustainability of our establishments.

We kindly request that you carefully evaluate the objections raised in this letter and take them into account when making a decision on the licence application. We trust that you will consider the best interests of the local businesses and the community as a whole.

### **Objection 2**

It has come to my attention that a mobile coffee business wish to park and trade on the High Street.

I would to object about this! This is enough coffee shop on the street. Plus there is not enough foot fall at the moment. Businesses on Regent Street and High Street paying high rent, rates, utilities etc.

It's rude and absolutely a disgrace from this company to think it's acceptable to ask permission on this location. On behalf of my friends and business owners, I would like you to take in consideration our strong objection against this application.

### **Objection 3**

I feel the town area has a few coffee vendors already so maybe add more diverse snacks or street food to the area.

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