

Cheltenham Borough Council

Full Licensing Committee

Minutes

Meeting date: 7 March 2024

Meeting time: 6.00 pm - 7.40 pm

In attendance:

Councillors:

Councillor Dr David Willingham (Chair), Councillor Tim Harman, Councillor Richard Pineger, Councillor Diggory Seacome, Councillor Izaac Tailford and Councillor Simon Wheeler

Also in attendance:

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

1 Apologies

Apologies were received from: Cllrs Boyes, Chidley, Fisher and Sankey.

2 Declarations of interest

There were none.

3 Public questions

There were none.

4 Minutes of the previous meeting

5 Minutes of sub-committee meetings

The minutes of all previous meetings were approved.

6 Application for Street Trading Consent

The Licensing Team Leader introduced the report as published.

There were no Member questions for the officer.

The applicant was then asked to address the committee. He made the following points:

- The family has been selling fast food for a long time and have previously been at a site in Bishops Cleeve.
- When they made the application they were 70% sure that the application would be refused.
- The applicant studied engineering at university and understands how generators work and the best type of generator that would work the best in the area.
- The applicant knows the area well and thinks that it would be appropriate.
- The applicant stated that he had provided a business plan with his application as he is not used to public speaking.

The Chair then stated that the committee would ask questions of the applicant and that those answers would supply the further information that they need to help with their decision.

The answers in response to Member questions were as follows:

- The applicant had read the report that had been made by environmental health in response to his application.
- There are water tanks in the van and it can dispense hot and cold water. It is an electric system for heating water.
- The applicant's home is very near to the proposed site and as it is a family run business there will be no problem using the toilet facilities in his home.
- There is a tank under the sink for the water and this can be emptied every day.
- The fryers are cleaned every 2-3 days. The oil is collected in buckets and stored, it will then be taken away by a company, therefore there is no oil that will be disposed of incorrectly.
- The positioning of the van will only take up about a quarter of the lane as it be parked close to the kerb. The cycle lane and bus stop will not be effected.
- The packaging that will be used for the food will be the standard packaging and there will be 2 bins on the site to ensure that there are plenty of opportunities to dispose of rubbish. The applicant will also ensure that the area is clear of any rubbish after he closes.
- The van will be parked on the road, mostly on the pavement side. There will be mats put down to avoid harm to the grass.
- The applicant stated that the area had changed and there were no longer problems with anti social behaviour but if the van attracted that type of behaviour he would call the police.
- He stated that as this is a particularly busy road during race week he would be happy not to trade then as his regular customers will return when the van does.

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

- Although this is a family run business and it is a commendable business and business plan, there are concerns that the park will suffer as a result from the van trading there, and however hard the applicant tries there will be a litter problem.
- There was some sympathy for the applicant, and a Member thought that a 6 month grant of the licence would be a compromise, the Licensing Team Leader explained that this would put the applicant under financial stress and authorities were no longer using a trial as an option.
- The Chair stated that he had more concerns than he did reasons to support the application ie the generator and litter.
- It was also pointed out that the Friends of Pittville Park would not be happy if there was litter that they had to deal with.
- Food smells and generator fumes will prevent people from enjoying the park.

Before the matter went to the vote, the applicant was given the final right to reply where he stated that he would be happy if he was granted a 6 month trial period.

The matter then went to the vote on 1.5.1

For – 1

Against – 5

REFUSED

7 Review of previous decisions

There were none.

8 Policy Review

There was discussion on the upcoming policy review which was agreed will be dealt with after the May election and the new member licensing training session. Ideally the policy review would start in late May or early June.

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

There were none.

10 Local Government Act 1972 Exempt Information

Member voted unanimously on the below:

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.

11 Exempt Minutes Approval

All minutes were approved as a true and correct record.

12 Purple Flag update

The Licensing Team Leader introduced the report as published.

There was a large amount of thanks given to Colin Pilsworth for all his hard work on the Purple Flag project, good wishes were passed to him for a happy retirement.

13 Date of next meeting

The next Full Licensing Committee will be held on 5th June 2024.