

# Cheltenham Borough Council Licensing Sub-Committee - Miscellaneous

**Meeting date:** 8 January 2025

**Meeting time:** 6.00 pm

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

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## **Membership:**

Councillor Angie Boyes, Councillor Dr Helen Pemberton, Councillor Julie Sankey, Councillor Simon Wheeler and Councillor Dr David Willingham

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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.

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

**Phone:** 01242 264 130

# **Agenda**

**1 Apologies**

**2 Declarations of Interest**

**3 Renewl Application for Street Trading Consent (Pages 5 - 24)**

**4 BRIEFING NOTES**

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

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## Licensing Committee –

### Local Government (Miscellaneous Provisions) Act 1982

#### Renewal Application for a Street Trading Consent

#### Barrow Little Donut Stall

#### Report of the Licensing Officer

### 1. Summary and recommendation

- 1.1 We have received a renewal application from Mr William Danter for a street trading consent to sell Hot & Cold Food & Drink from a Traditional English Barrow measuring 4.2m x 2.72m.
- 1.2 Mr Danter has applied to renew his existing consent to trade on the High Street outside Next & House of Tweed. **Appendix 1** shows the location of the proposed trading pitch.
- 1.3 Mr Danter has applied for annual consent on the following days and times:

Monday	09:30 - 18:00
Tuesday	09:30 - 18:00
Wednesday	09:30 - 18:00
Thursday	09:30 - 18:00
Friday	09:30 - 18:00
Saturday	09:30 - 18:00
Sunday	11:00 - 17:00

- 1.4 An image of the trading unit is shown in **Appendix 2**.
- 1.5.1 Cheltenham Borough Council’s Street Trading policy states that ‘Where a renewal application has been made and
  - 1. there have been no significant complaints or enforcement issues;
  - 2. all fees have been paid on time; and
  - 3. there has been no significant change to the retail environment in the vicinity of the trading location
 the consent will normally be renewed.
- 1.5.2 A complaint has been received from the letting agent from the adjacent premises. An email was received on November 1<sup>st</sup> 2024 (Email chain listed at **Appendix 3**) having recently acquired 143-145 High Street – formerly Carphone Warehouse. The complaint stated that when attempting to market the unit to prospective tenants, the feedback provided from prospective tenants was that they would not take on the unit due to the presence of the donut stall outside. The complainant also highlighted that the lack of any tenants would mean that the council would not be receiving full business rates for the property.

The complainant has also raised concerns about public safety; however, it should be noted that the licensing team have not had any other complaints or reports of incidents from members of the public or relevant authorities such as Gloucestershire Highways or the police.

- 1.5.3 Licensing has met with the letting agent to mediate concerns. However, his concerns regarding long term tenants remain.
- 1.5.4 One of the ward councillors also requested that a suitable compromise was sought for the benefit of CBC's business rates income.
- 1.5.5 Mr Danter has provided an email statement which can be read at **Appendix 4** providing some background information and further detail about his application.

**1.6 The Committee can:**

- 1.6.1 Approve the application because Members are satisfied that the location is suitable, or**
- 1.6.2 Approve the application with a variation to rotate the donut stall by 90 degrees counterclockwise to increase the visibility of the adjacent premises.**
- 1.6.3 To relocate the trader to another site, subject to consultation, and permit trading to continue until a new site has been granted.**
- 1.6.4 Refuse the application because it does not comply with the provision of the Street Trading Policy.**

**1.7 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)**  
**Tel no: 01684 272015**

**2. Background**

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 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 must be limited 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 Only one consultation comment was received from Cllr Barbara Clark included at 4.1.1

24/02219/STA		
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4.1.1 Dear Jake

As I was the Councillor who initiated the discussions between yourselves and the complainant, I don't feel I have the right to say anything as I have prejudged the situation. That is to say, I think we should go after as much in business rates as possible and the House of Tweed is let on a temporary pop-up basis.

More than that I should not say.

Kind regards

Barbara Clark  
Councillor All Saints Ward  
Cheltenham Borough Council

**5. Licensing Comments**

- 5.1 The Committee must determine the application with a view to promoting the council's adopted policy and Members should not arbitrarily deviate from the council's policy.
- 5.2 The policy takes into account a number of factors when determining the permitted trading types. These are outlined above ("Permitted Locations") and Members should take these into account when determining this application.
- 5.3 Whilst the policy creates a presumption against the grant of an application if the application does not comply with the policy, this position should not fetter the committee's discretion to take into account the individual merits of the application and any circumstances that may warrant a deviation from the policy.
- 5.4 Members are reminded that clear and thorough reasons should be given for decisions made by the committee particularly where the decision is contrary to adopted policy.

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**Background Papers**

Service Records

**Case Officer**

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





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## Email to licensing dated Friday November 1<sup>st</sup> 2024

Hi Jake

Sorry I missed your call and thank you for the email.

Yes, I wanted to talk about the donut stand that I believe is licenced by Cheltenham Borough Council. This is located immediately outside the shop unit 143-145 High Street. You may be aware that this shop has been vacant for several years since Carphone Warehouse vacated it. **Redacted** acquired this shop recently and have been actively marketing it to prospective tenants; local agents **Redacted** are appointed.

We have had conversations with a number of possible tenants and recurring feedback is that they would not take the unit due to the donut stand outside obscuring the façade. I have attached photos of the building showing the donut stand in front – in fact on the one photo I have highlighted our ownership in red because otherwise the donut stand completely obscures it!

It would be good to understand what the Council's plans are for this stand and whether you anticipate this is a permanent feature on the High Street? Please could you also provide information on how much rent and business rates are paid to the Council by this occupant?

I would note that the Rateable Value for our shop unit is £124,000 giving a current rates payable to the council of over £61,000 per annum (ignoring any reliefs that might be received by a trading occupant). Currently we are utilising Retail Hospitality & Leisure relief, giving 75% reduction, so the council are not receiving anything like the full rates they would do if the shop was occupied by the sort of high quality retailer we are looking to attract.

Thank you for your consideration and I look forward to discussing this further with you in due course.

## Licensing reply dated Monday 4<sup>th</sup> November

Good afternoon,

Thank you for your reply.

Street trading consents are issued for up to one year at a time. How long these may continue is dependent on an applicant submitting an application to renew their consents towards their end of their consent period. The licensing team do not invite applications or attempt to fill vacant pitches – so I would be unable to advise if this will be a permanent fixture on the High Street as that would be down to the applicant renewing their pitch.

*Regarding renewals of existing consents - where a renewal application has been made and:*

- 1. there have been no significant complaints or enforcement issues;*
- 2. all fees have been paid on time; and*
- 3. there has been no significant change to the retail environment in the vicinity of the trading location the consent will normally be renewed.*

*When assessing street trading applications or renewals – business rates are not a consideration.*

*Further information about the street trading process including fees are available on our street trading webpage.*

*Please advise if you have any further queries or any concerns/complaints about the street trader.*

### **Email to licensing dated Tuesday 5<sup>th</sup> November**

*Jake*

*Thank for your reply.*

*I note from your Street Trader licencing map that this stand is defined as a 'Seasonal Consent (confectionery)' and supposed to be in the school holidays. It is not currently the school holidays, and the stand is currently trading. Under the terms of the licence is this stand allowed to trade long term from such a location outside of your defined Licensing zones?*

*As shown on the attached plan extract (highlighting the contested stand) could the stand not be moved into the High Street licensing zone (outside shops 159 to 189), which would presumably then be compliant with the licensing policy? This area is of course significantly more suited for longer term street stalls because it is pedestrianised across the full width of the street.*

*We have had two possible tenants so far that do not want to take the retail unit directly citing the donut stand as being the reason. Complaints raised were that it restricts the width of the pavement outside the retail unit, it obscures the visibility of the retail unit and that it is not in keeping with the high-quality nature of what they sell. In addition, it forces pedestrians to walk in the road where cars are driving. In all, these issues are in breach of all aims 1, 2,3 and 4 of the council's Street Traders Policy as set out on page 3 of that document. Hence, I would like to raise this as a formal complaint and am seeking to have the unit removed as soon as possible.*

*Following a conversation with Jackie Chelin who is the councillor for the ward where I live, she mentioned that the councillors for this ward are Barbera Clark and Izaak Tailford and I have taken the liberty of copying them in because I think this issue needs wider consideration. If the town wishes to improve the appearance of it's High Street then a more comprehensive strategy should be employed for maintaining the public areas.*

*If you would like any further information, then please do give me call or alternatively I am happy to meet you on site to discuss.*

*Kind regards,*

**Following this email – a meeting was arranged. The summary of the meeting is as below.**

**Licensing email dated Wednesday 20<sup>th</sup> November 2024 summarising the meeting**

*Thank you for spending time to come and meet us yesterday.*

*Just to summarise the meeting:*

- We confirmed that Mr Danter holds an annual consent and is no longer a seasonal trader (we will update the plan)*
- We will meet on Tuesday 26 November at 2.30 to look at any possibilities for mediation e.g. moving the stall to face a different direction*
- Failing mediation, the renewal application (current consent expires 5 January) will be taken to a Licensing Sub Committee for determination. All parties will have chance to submit written representations so that members have a full appraisal*

*Please let me know if I have missed anything*

**Reply to Licensing dated Wednesday November 20<sup>th</sup> 2024**

*Hi Michelle, that sounds right!*

*Thank you for your time, it was good to chat and understand the background.*

*See you Tuesday.*

*Thanks*

**We then met with the complainant on site and discussed potential solutions they would be happy with. It was suggested that rotating the pitch 90degrees would alleviate their concerns.**

**Licensing email dated Wednesday November 27<sup>th</sup> 2024**

*Good to meet you yesterday.*

*Jake has been and measured the pitch and the stall would fit rotated between the drains. Please confirm that you would find this*

*as a compromise for us to approach Mr Danter with the proposal. If he is amenable to this, we will then consult on the renewal application based on this layout.*

**Licensing email dated Monday December 2<sup>nd</sup> 2024**

*Good morning,*

*Please could you confirm that you are happy for us to consult on the amended layout? We would need to seek Mr Danter's approval to this and for him to update his renewal application for consultation.*

**Reply to licensing dated Monday December 2<sup>nd</sup> 2024**

*Michelle,*

*Yes, this would be an improvement for the outlook of my retail unit and agree that it can be proposed to the licence holder.*

*But please note that I do still think that any positioning along this stretch of pavement is unsafe for pedestrians due to the passing vehicular traffic plus bikes going in the opposite direction. While I note that you have not had a negative consultee comment from highways, nor any injuries reported to date, I find it a shame that we have to wait for someone to get injured/killed before changing what is obviously a risk. I will raise this issue at the consultation meeting in any even*



**From:** William Danter <william@streatery.co>  
**Sent:** Friday, December 13, 2024 2:44 PM  
**To:** Licensing (CBC) <Licensing@cheltenham.gov.uk>  
**Cc:** Rebecca J Danter <rebecca.danter@icloud.com>; Billy Danter <billy.danter@icloud.com>  
**Subject:** Re: Jake & Michelle - The Little Coffee & Donut Stall license renewal information 24/02219/STA

Hi Jake,

Just going through list of our stall license renewal tasks to make sure they are all completed.

See the letting agent picked up on some of licensing admin errors.

I have pointed some of these out before to Phil Bowen who used to process our licences for a number of years.

We had permission to change the stall from a barrow style to a more contemporary and smarter stall back in 2019.

This had still not been updated this year.

I worked with the late Kevan Blackadder who was head of Chelt Bid at the time to make sure that the business community were happy with the design and look, even though this was up to licensing and the council.

Please also note:

- The Stall has been located in this position with out incident or complaint since 2014
- The position, style and shape of stall was chosen to minimise blocking sight lines to the shops
- The Stall seats between the grey line and road side kerb. This is in line with all the posts, post box, bike racks, lamp post, utility boxes and bin.
- Grey line to shop walk way is 16 feet wide as shown in diagram
- Belinda Hunt from Chelt Bid worked with the Scooter company last year to move their position to by the Utility Boxes and Bins as they were causing congestion around the bike rack and stall. They had been positioned overlapping the stalls licensed position and it had taken two years to address this problem. However, even though the App shows the NEW Parking spot, they still get dumped by the bike rack. This is something I have asked to be addressed.
- Attached loads of photos from different angles showing the sight lines to the shops
- **2025 trading dates from Sat 1 Feb 2025 to Sun Jan 4 2026 as usual. We have a few weeks off in January while everyone is healthy eating, restarting trading at the beginning of Feb and finishing after the Christmas holiday in 2026.**



Main photo.

Note we were asked to have a DeFib fitted to the stall at the start of 2024. As this is available 24 hours 7 days a week, it is deemed very valuable and been used a number of times this year. We clean and check it regular.



A Board connected to post form a queue lane to stop the public queuing across the pavement and so blocking the walkway.

We also have Order and Collect here signs above the window.



New Scooter position since Summer 2023. This was chosen so it does not cause any congestion with room for plenty of scooters.  
They still get parked and dumped all over the place mind.....





Barrier Fence extends past stall 7 f in either direction so the public can not walk out in to the road with a blocked line of sight.  
Barrier is attached to the stall.





Please confirm you have all the details and info you need for this renewal to proceed.

Thank you for your time as always.

Regards,

William, Rebecca & Billy Danter

Member of Cheltenham BID and Visit Cheltenham



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