

Cheltenham Borough Council

Licensing Sub-Committee -

Miscellaneous

Minutes

Meeting date: 6 August 2025

Meeting time: 6.00 pm - 7.10 pm

In attendance:

Councillors:

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

Also in attendance:

Michelle Bignell (Licensing and Public Protection Manager) and Vikki Fennell (Senior Lawyer, One Legal)

1 Apologies

There were none.

2 Declarations of Interest

Councillor Willingham declared that he had made an independent site visit to the premises.

3 Business and Planning Act 2020: Determination of a Review of a Pavement Licence

The Licensing and Public Protection Manager introduced the report as published.

The responses to Member questions were as follows:

- The licence for Japes started in 2023, Bella Italia had a licence prior to that. The farmers market has been licensed since 2005 (with the current operator holding a licence since 2020), the Christmas market since 2007, the arts and

crafts market since 2006, the antiques market since 2021, the continental market since 2008 and the vegan market since 2023.

- It was confirmed that Bella Italia had a licence issued in 2003. There were conditions added to their licence in line with the street scene policy and could be varied at any time.

The applicant then addressed the committee and made the following points:

- The licence was issued on the 11th March 2025 with 64 covers within the area of the licence.
- He received a letter from Licensing stating that the antiques market should take precedence.
- He spoke to the person who runs the antiques market who worked with him to accommodate the tables and chairs.
- The Christmas and Cotswold markets have both agreed to work around the layout. They are not intending to use the outside area to its fullest at Christmas so that does not pose a problem to either party.
- Earlier in the year the market was set up early and encroached on their space, when he contacted licensing to ask for clarification he was informed that the tables and chairs would need to be moved to make way for the markets.
- There needs to be a way that the businesses and the markets work together.
- There has been an increase in reservations of 35% since the weather has turned nicer.
- There are huge pressures on the restaurant industry at the moment and the committee is in a position to assist with this.
- He concluded by asking Members to support a local business as there are already solutions in place.

Members thanked the applicant for addressing the committee, the responses to Member questions to the applicant were as follows:

- There was previously conflict between some of the markets and himself, however this has now been resolved and he has had discussions with Cotswold Markets and the antiques market operator. The other markets are now leaving gaps to accommodate the restaurants tables and chairs.
- The licence is for 64 covers, when the weather is very hot they have 40-44 under the tree area.

There was a final question to the Licensing and Public Protection Manager and the response was that when the markets apply there is a site layout plan, it has encroached on the area of Japes.

The applicant had nothing further to add. The Members then adjourned for debate and to make a decision.

The decision was as follows:

The Council is the arbitrator of the highway space and can only allocate that space to one licensee at any one time. To that end all relevant licences will need to be varied.

The applicant has been given a hearing tonight and it is unreasonable to remove space from any of the markets without giving them the opportunity to have a similar hearing.

The Committee, therefore, proposes to adjourn this matter in order for the Licensing Department to convene a meeting with all parties to try and secure an agreement on what each licence needs to be varied to include.

If this can be agreed at the meeting then the Committee delegates to the Chair of the Committee to sign the agreements. If this is not possible then the matter will be reverted back to the Committee so that all parties have the option to attend and make representations for the Committee to make a decision.

The Committee would like all parties to be given the opportunity to put forward their representations. Failure to attend or submit a response/representation will lead to a decision being made in their absence.

The Committee suggests that the agreement the applicant currently has with the various markets is honoured pending a decision.

The Committee propose a return date of the 1st October 2025 to the Committee if no agreement reached by the parties by the middle of September 2025

Irrespective of the above the applicant's licence is to have a condition imposed on it that the Christmas market takes precedence over anything else. The reason for that is that the land can only be allocated once and it needs to be unambiguous who needs to use it when.

The applicant was content with the decision of the Committee.

4 BRIEFING NOTES

There were none.

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

There were none.

The next meeting of the Miscellaneous committee will be 1st October