

Licensing Committee

Friday, 5th June, 2015

2.00 - 2.40 pm

Attendees	
Councillors:	Roger Whyborn (Chair), Diggory Seacome (Vice-Chair), Andrew Chard, Wendy Flynn, Adam Lillywhite, Anne Regan, Jon Walklett and Helena McCloskey (Reserve)
Also in attendance:	Vikki Fennell and Louis Krog

Minutes

1. APOLOGIES

Apologies were received from Councillors Barnes, Reid and Thornton. Councillor McCloskey was in attendance as substitute for Councillor Barnes.

2. DECLARATIONS OF INTEREST

None

3. PUBLIC QUESTIONS

None

4. MINUTES OF THE LAST MEETING

The minutes of the Licensing Committee held on 10 April 2015 were approved and signed as a true record.

5. MINUTES OF SUB COMMITTEE MEETING

The minutes of the Licensing Sub Committee meeting held on 1 May 2015 were approved and signed as a true record.

6. APPLICATION FOR PERMISSION TO PLACE TABLES AND CHAIRS ON THE HIGHWAY - THE COUNTY KITCHEN, 6 GROSVENOR STREET, CHELTENHAM

The Business Support and Licensing Team Leader, Louis Krog, introduced the report regarding a new application from Mr Richard Warwick in respect of The County Kitchen, 6-8 Grosvenor Street, Cheltenham, seeking permission to place 2 tables and 4 chairs on the pavement outside the premises. In addition, the applicant had also requested that the requirement for barriers around the tables and chairs be disapplied due to pavement width constraints. The Officer informed members that it was intended that the tables and chairs be put out Monday to Saturday from 08:00 to 17:00 and advised that the proposed structures could be seen at Appendix A, with a location plan at Appendix B.

The officer informed members that no objections had been received from interested parties or neighbours and that the Planning Enforcement Officer, whilst making some comments, supported this licence request which he felt would benefit business in this part of the town.

Members were advised that having considered all the relevant information, they needed to decide, in accordance with the current Street Scene Policy, whether to approve this application, together with the request not to have barriers.

To clarify questions from members, the officer confirmed that if a canvas barrier was put up all around, this would reduce the width of the pavement to less than the recommended 1.8 metres, however the applicant was happy to partially comply by putting barriers at each end. One member did observe that barriers would show that there was an obstruction on the highway.

The applicant, Mr Warwick was invited to address the committee. He informed members that County Kitchen opened in April 2015, was a privately owned business, not a franchise, and that as a resident of Cheltenham for over 37 years, he was committed to working for the good of the town and part of his corporate social responsibility would be to source local suppliers and enhance the local community by providing a family friendly venue. Mr Warwick also informed members that he donated food to Cheltenham Open Door and meals to the voluntary sector and YMCA. He was keen to create a vibrant community and hub of retailers in this area of town and felt that tables and chairs outside his premises would give a welcoming and good first impression for people using the nearby car park and for day trippers being dropped off at that end of town. Mr Warwick was aware that previous businesses at this address had not been successful, but he was determined to make this work and since opening only six weeks ago, he could already report business growth and felt that if the committee would support his application this would help to accelerate his business turnover.

He referred to the pictures of the tables and chairs that had been temporarily placed on the highway for the sake of the photographs and, in his opinion, he felt there was plenty of room to pass even with a pram and a pedestrian. He confirmed that barriers would reduce the width to below the recommended 1.8m, but said he would ensure that without barriers, chairs would not stray into that 1.8m area. He said the bases of the tables would be suitably heavy so they could not easily move into the highway, but would be put away when the premises was closed.

In reply to a question from a member, Mr Warwick confirmed that the tables and chairs in the photos were ones from inside the café, but that he was happy to make an investment in providing more suitable outdoor furniture.

Another member questioned whether Mr Warwick had analysed why previous businesses had failed. Mr Warwick informed members that he had spoken to previous occupants and he felt there were obvious reasons why their businesses had failed. He reiterated that the early signs were good showing growth, that his business was well funded and that with his 17 years' experience in sales he had a good idea of sales and marketing and that families were his target market. He also had experience working as a chef. He confirmed that there were 22 covers inside the premises and that he would like to put advertising on the barriers at each end.

Members were happy to support advertising on the barriers, however a member questioned the use of two chalk boards that were shown near the doorway on

the photos. The Officer informed the committee that the use of these boards was a grey area between licensing and planning enforcement and was not part of this application as such.

The applicant confirmed that he would like to continue to use the chalk boards as these highlighted specials of the day and produce available, as well as having end barriers with advertising.

A member questioned the width of the end barriers, to which Mr Warwick replied that they would be a similar width to the chairs which was approximately 40 cms. He also confirmed that the tables would be the same width as the chairs.

The Chairman proposed to move an amendment to 1.5.1, so that it read "the application be approved because members feel the application with the addition of end barriers and the two chalk boards as shown in the illustration is compatible with the current Street Scene Policy".

Upon a vote, it was unanimous that the amendment be approved.

One member commented that if a chair was moved out or shopping bags were on the pavement, that this would greatly hinder people getting past especially with double buggies, wheel chairs etc. Other members however pointed out that further up the road there were other restrictions on the highway and that this was a much quieter street than another street in the town centre that the committee had recently given approval to for tables and chairs outside their premises.

The Chairman advised the applicant that it was his responsibility to ensure that chairs were not moved into the highway and thereby cause an obstruction.

The Chair then took a vote on the substantive that the application for two tables and four chairs be approved in line with the amendment to 1.5.1 as approved above.

Upon a vote, it was 7 for, 1 abstention.

RESOLVED THAT, the application for two tables and four chairs be approved, together with end barriers and two chalk boards as per the illustration, as members felt the application was compatible with the current Street Scene Policy.

7. **LOCAL GOVERNMENT ACT 1972 - EXEMPT INFORMATION**
RESOLVED THAT in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining items of business 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, 2 and 7, part 1 Schedule 12A (as amended) Local Government Act 1972, namely:

- **Information relating to any individual,**

- Information which is likely to reveal the identity of an individual,
- Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

8. EXEMPT MINUTES

The exempt minutes from the Licensing Committee held on 10 April 2015 were approved and signed as a true record.

9. ANY OTHER ITEMS THE CHAIRMAN DETERMINES TO BE URGENT AND WHICH REQUIRES A DECISION

None

10. DATE OF NEXT MEETING

3 July 2015

Roger Whyborn
Chairman