

Licensing Committee

Friday, 31st July, 2015
2.00 - 3.15 pm

Attendees	
Councillors:	Roger Whyborn (Chair), Andrew Chard, Wendy Flynn, Adam Lillywhite, Anne Regan, Rob Reid, Pat Thornton, Jon Walklett and Helena McCloskey
Also in attendance:	Vikki Fennell and Phil Cooper

Minutes

1. APOLOGIES

Apologies were received from Councillor Seacome

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. PUBLIC QUESTIONS

There were no public questions

4. MINUTES OF LAST MEETING

The minutes of the last meeting held on 3 July were approved and signed as a correct record.

5. APPLICATION FOR PERMISSION TO PLACE AN OBJECT ON THE HIGHWAY - ON THE PROMENADE BY THE LONG GARDENS

The Licensing Officer, Phil Cooper, introduced the report regarding an application by Cheltenham North Rotary Club for permission to place an object on the highway.

The Licensing Officer explained that the object was a real Christmas tree to be placed on the Promenade by the Long Gardens and taxi rank, from 3rd to 29th December this year. He explained that the dimensions of the object were included in the report at paragraph 1.2 and pictures of the location were included in the report at pages 13 and 15. He highlighted that since the report was produced the applicants had revised the height of the tree from 20 feet to 13 feet. The Licensing Officer reported that objections had been received from consultees which were reproduced at paragraph 4 of the report. He commented on these as follows :

- the area highways representative had said the location was suitable, but had expressed concern about its proximity to the taxi rank and whether revellers may try to climb it. Members were advised that the queue at the taxi rank was marshalled by official taxi marshals, and also that the situation could be monitored and if a risk was observed then the permission could be withdrawn. The council's health and safety

representative had met the applicants on site and had discussed their plans and given them advice and did not object to the proposal

- the council's built environment team and trees officers had objected due to the branches and cables in the trees overhead, but Members were advised that the applicants had reduced the height of the tree from 20 feet down to 13 feet in order to address this issue.

The Licensing Officer advised that the applicant was present to answer questions. Having heard the information and read the submissions, Members were asked to approve the permission if they thought it was suitable or appropriate, or to refuse it if they thought it was not suitable or appropriate. He reminded Members that they did have the option of applying such conditions to the permission as they thought appropriate.

In response to questions from Members the Licensing Officer said that the built environment team had not provided any new comments further to the proposed reduction in height of the tree.

The applicant, Mr Roger Champness was invited to address the Committee. He explained that originally an application had been made to erect a tree in front of the war memorial as a prominent position in the Promenade from where to collect donations. This position had the added advantage of being close to a source of electricity. The new application was for a position opposite Ormond Place which would leave 5m clear for pedestrians. The footprint would be 2.5 x 2.5m. They proposed to lay down boarding and the tree would be secured in to a heavy drum. It would be surrounded by a crowd enforcement barrier which would be locked together. The Rotary Club would gain access to the tree once a week in order to hang mementos from the public. Mr Champness explained that they realised a 20ft tree would be too large to handle and 13 ft would be more acceptable. The tree would form part of the Christmas decorations in Cheltenham.

The Chair welcomed the proposal from the Rotary Club to erect a Christmas tree in the town and believed that the majority of the concerns raised in the report had been addressed by the decrease in height of the tree and the conventional steel railings. In terms of attaching the tree to the lamp post Mr Champness confirmed that this was no longer necessary with the reduced tree size as this would be well supported as it would be secured within the heavy steel drum. He explained that Christmas trees had been erected in other towns by the Rotary Club and these had been successful in terms of raising funds for charity.

Mr Champness and officers gave the following responses to questions raised by Members :

- money would only be collected in person on site (mostly on Saturdays) or online or via the Tourist Information Centre
- a banner advertising sponsors would be put up around the railings to improve their appearance
- the application was for the tree to be in position until 29 December as it was understood that planning permission would be required if it was for a longer period. Members asked whether Mr Champness would consider applying for planning permission if the tree was to be a regular

fixture over the festive period to avoid having to reapply each year. It was confirmed that public liability insurance was in place.

- The organisers of the farmers market had been contacted and did not object to the location of the tree
- Mr Champness was concerned about the time his application had taken as the original one had been submitted in February; he did not wish to see it deferred once again; he emphasised that this represented an ideal opportunity to start something ongoing. He had tried hard to meet the requirements of the council and believed with the reduction in height of the tree this had been achieved

Some members of the committee believed they had insufficient information to make a decision bearing in mind the lack of comment from the built environment team but the Chair believed whilst more information was desirable sufficient answers had been provided to members.

Upon a vote it was (8 for, 1 abstention)

RESOLVED THAT

The application be approved because Members are satisfied that the proposed object is within the scope of the Council's adopted policy in respect of objects placed on the highway

6. APPLICATION FOR STREET TRADING CONSENT - MR ADRIAN PAUL WOOD

The Licensing Officer, Phil Cooper, introduced the report regarding an application from Mr Adrian Wood for 2 street trading units to sell seasonal fruit, vegetables and salad. He explained that the first application related to the corner of Church Street and High Street as illustrated in the report. The second application related to the High Street near the entrance to Beechwood Shopping Centre as shown in the report.

The Licensing Officer explained that in relation to Church Street/High Street location, objections had been received from the area highways representative, the council's licensing team leader, and the council's built environment team. The objections related to the location of the unit and the safety of pedestrians due to the fact that the proposed unit would fill the pavement, meaning that pedestrians would need to walk in the street or on the pavement on the other side. He stated that Church Street was open to vehicles although it was not a busy road.

Members were advised that the applicant had stated his willingness to reduce the size of the trading unit if the Committee thought it necessary. He reported that the Council's public realm designer had also commented that that area of the High Street would be undergoing extensive roadway improvements from December this year and indeed works were already taking place. The Licensing Officer explained that if the committee were minded to grant street trading consent, it must be observed that trading would have to cease whenever roadway improvements were being carried out. He added that in relation to the High Street location near the entrance to Beechwood shopping centre, no objections had been received.

The Licensing Officer explained that in relation to each of the locations, the committee was asked to consider whether the proposed trading was appropriate given the policy requirement that such trading must be of a type that positively enhanced the enjoyment of the town as a leisure destination. He also highlighted that the committee should also give due to consideration to any effect the proposals may have on road safety and obstruction of the highway.

The Licensing Officer gave the following responses to Members' questions:-

- It was not known how long the traffic works would take, although this would be beyond December
- The height of the kerb had not been measured in the context of the policy in terms of trading near kerbs "no activity will be permitted within a minimum of 2 metres of a kerb". Although it was noted that Members may depart from the policy if there were clear and defensible reasons to do so.

Members noted that there was very little traffic on Church Street and that the specific location had been used in the past by a flower seller.

Speaking on behalf of Mr Adrian Wood, Mr Knightly explained that Mr Wood had to leave his current premises by 4 September due to the commencement of the Brewery Phase 2 development. He said that Mr Wood was the only independent grocer in Cheltenham and was a major draw in terms of footfall to his current location in the Lower High Street. He now had to search for an alternative site within his budget. The Licensing team had been consulted in terms of finding a street trading pitch which would be potentially suitable for the High Street. Two potential locations were being applied for –the High Street in front of the Beechwood Arcade which was a wide street and the second was in Church Street where Mr Wood was keen to work with Licensing to find a suitable pitch where the stall would be set up on a daily basis.

Mr Knightly and Mr Wood gave the following responses to members' questions :

- the proposed hours of trading would be 8.30-5.30 Monday to Saturday with no trading on Sunday
- street trading pitches would be limited to 10 lines of produce due to the limited space
- having two trading pitches would add to the offer in the town
- it was confirmed that on the Church Street site customers would be served from Church Street and not the High Street. Members were concerned about pedestrian congestion from inside Church Street
- the presentation of the stall would not be detrimental to the street scene and there would be no bags or bowls of produce on the ground as there were on the current site; it was highlighted that in any case on a street trading site the same sort of stock could not be carried
- no flowers would be sold on site
- waste would be limited due to the lower levels of stock and any empty boxes would be stored under the tables; there would be higher specification produce sold and as the street trading pitch started fresh every day there would be no rubbish left on the pitch overnight

- it was accepted that no trade would take place during the roadworks
- when asked about the use of the car park in the Lower High Street Mr Wood explained that Woodys was the last stall to leave the market as it was the only one which had been trading well. He left the market to relocate to the shop on the Lower High Street.
- It was confirmed that currently a street pitch was the only affordable option for Woodys to be able to stay in Cheltenham. Going forward it would very much depend on the High Street in terms of the cost of renting and this would continually be reviewed based on turnover and profit. In the interim street trading pitches were viable options and it was understood that a street trading licence was for a one year period and unless there was an objection or any changes, this would not have to come before committee again.

Members acknowledged that Woodys brought life and vibrancy to the High Street and had a loyal clientele. One member believed that a street trading stall would not be appropriate at the Beechwood Arcade end of the High Street. Members highlighted that the site at Church Street should not encroach on the High Street as per the comments from the built environment team.

The following two votes were taken :

Application (1)-corner of Church Street and High Street

RESOLVED that (unanimous)

The application be approved because Members are satisfied that the application complies with the provision of the Street Scene policy and the location is deemed suitable in that it enhances the town's reputation as a tourist and leisure destination, and is in keeping with the streetscape

Application (2)-location on the pedestrianised High Street by Beechwood Arcade

RESOLVED that (8 in favour, 1 abstention)

The application be approved because Members are satisfied that the application complies with the provision of the Street Scene policy and the location is deemed suitable in that it enhances the town's reputation as a tourist and leisure destination, and is in keeping with the streetscape

7. LOCAL GOVERNMENT ACT 1972 - EXEMPT INFORMATION

8. EXEMPT MINUTES

The exempt minutes of the meeting held on July were approved and signed as a correct record with one amendment.

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

10. DATE OF NEXT MEETING
4 September 2015

Roger Whyborn
Chairman