

## Licensing Committee

Friday, 5th February, 2016  
2.15 - 2.28 pm

Attendees	
<b>Councillors:</b>	Roger Whyborn (Chair), Diggory Seacome (Vice-Chair), Andrew Chard, Wendy Flynn, Adam Lillywhite, Anne Regan, Rob Reid, Pat Thornton, Jon Walklett and Helena McCloskey
<b>Also in attendance:</b>	Phil Cooper and Peter Lewis

### Minutes

**1. APOLOGIES**

None

**2. DECLARATIONS OF INTEREST**

Cllr Whyborn declared an interest in relation to agenda item 3.

**3. PUBLIC QUESTIONS**

The Chair, Councillor Roger Whyborn, had declared a personal interest relating to the question asked, so the Vice Chair Councillor Diggory Seacome took the Chair for this item.

**Question from Mr Will Capstick to the Licensing Committee**

In 2015 my business partner (Mr Bambas Shaouna) and I attended a council Licencing meeting where we discussed the possibility of locating an ice cream selling bicycle in the promenade. I would like to raise another question in the hope the council will change their view on a current issue.

We run Mr Whippy Cheltenham and we attend many events in Cheltenham both large and small, from weddings to festivals with our ice cream vans. We have held street trading licences for many years and donate lots of money to local schools and charity's every year.

My request is simple. Over the years we have petitioned to be allowed to trade just outside Pittville park but have been unsuccessful, we have accepted this decision and have moved on. But I am now asking permission to be allowed to attend events inside that park where we have been invited. A prime example is the National Play Day event held every July, this is a large event where many different caterers and entertainers set up in the park and provide a fun day for the people of Cheltenham. I have attended this event as a member of the public and have spotted quite a variety of caters including burger vans, candy floss sellers and coffee vendors but for some reason ice cream vans are not permitted to attend. I have emails from the organisers saying they would be happy for us to attend but have been told that due to some rule have been told we are not allowed.

My concern is why all these other caterers are allowed to attend when we, who are local and provide a great deal to our area are not. I kindly ask that the council review this rule and allow us to attend events held in the park when invited.

**Officers prepared a response that was read out by the Vice Chairman**

The licensing of mobile ice-cream sellers in Cheltenham is subject to a number of conditions. These are set out in the Council's street trading policy under Appendix B (Special Conditions for Mobile Ice Cream Traders).

The abovementioned conditions restrict access to most roads adjacent to the Town's parks including Pittville Park.

The restrictions on the licence does not restrict trading in the parks for mobile ice-cream sellers because parks are council owned property and therefore access rights are subject to permission from the council.

Addressing the specific issue raised by Mr Capstick, there is no restriction on his street trading licence that prohibits him from trading in parks as part of special events. However, access and the ability to trade in a park will be subject to the express consent of the council either directly or indirectly (via the event organiser who will have the permission).

**4. MINUTES OF LAST MEETING**

The minutes of the last meeting held on 8 January 2016 were approved and signed as a true record.

**5. APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE**

The Licensing Officer, Phil Cooper, introduced the report regarding an application from Mr Dean Makey for a private hire driver's licence. Mr Makey's certificate from the Disclosure and Barring Service showed a number of convictions and a caution and these were outlined in the background papers together with an explanation of how the current policy treated each conviction. A report of the interview with Mr Makey was also contained in the background papers, which provided an explanation of the circumstances surrounding each conviction.

The Officer advised members that due to the time that had elapsed, none of the convictions alone would normally result in an applicant being refused a licence, but due to the number of convictions the Officer recommended the application be brought to committee for members to decide whether Mr Makey was a fit and proper person to hold such a licence.

There being no questions to the Officer, the Chair invited Mr Makey to address the committee. Mr Makey informed members that he had been between 16-18 years of age for all but one of the offences and that he had not been in any trouble for a long time since. He said he was not that person any longer. He was 35 years of age and married with two children.

In reply to a question from a member, Mr Makey said that he was a full time house husband looking after the children, whilst his wife worked, but now that the children were at school he was looking to do something else. He explained that being a taxi driver would give him the flexibility of being able to work around

his wife's hours of work and family life and that although he had not driven for a living before, he had been driving for ages and was always driving the family around.

There being no further questions, the Chair asked members to consider the circumstances and conclude whether they considered Mr Makey a fit and proper person to hold a private hire driver's licence.

Upon a vote it was unanimous, (10 for, 0 against)

**RESOLVED THAT, that Mr Dean Makey's application for a private hire driver's licence be granted, subject to Mr Makey completing all the relevant tests and assessments, because the Committee was satisfied that he was a fit and proper person to hold such a licence.**

**6. BRIEFING NOTE**

The Licensing Officer, Phil Cooper, explained the briefing note that had been circulated showing data relating to new Private Hire Driver applications, following concern about the drop in the number of new private hire drivers applying for licences. Members were advised this could be discussed with the Officer at the conclusion of the meeting.

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

As a result of the decision to use the Pittville Room instead of the Council Chamber for Licensing meetings, it had been necessary to alter the start time of the meetings to 2.15pm. The chair asked members if they were happy with this time and all were in agreement.

**8. DATE OF NEXT MEETING**

4 March 2016.

Roger Whyborn  
**Chairman**