

## Licensing Committee

Friday, 29th July, 2016  
2.15 - 3.45 pm

Attendees	
<b>Councillors:</b>	Wendy Flynn (Chair), David Willingham (Vice-Chair), Mike Collins, Adam Lillywhite, Dennis Parsons, Diggory Seacome, Max Wilkinson and Pat Thornton
<b>Also in attendance:</b>	Vikki Fennell and Phil Cooper

### Minutes

**1. APOLOGIES**

Apologies were received from Councillors Harman and McCloskey.

**2. DECLARATIONS OF INTEREST**

None

**3. PUBLIC QUESTIONS**

None

**4. MINUTES OF LAST MEETING**

The minutes of the last meeting held on 1 July 2016 were approved and signed as a true record.

**5. APPLICATION FOR A STREET TRADING CONSENT**

The Licensing Officer, Phil Cooper, introduced the report regarding an application from Mr Angel Andreev for a street trading consent to sell hot spiral chips and sweet corn from a catering unit measuring 1.2m long, 0.6m wide and 2.0m high on The Promenade adjacent to Long Gardens. The council has determined this location to be suitable for street trading, with restrictions on the type of goods to be sold limited to ice cream, confectionary/cakes, busking (when also selling merchandise) and sign up services. The applicant had previously been refused consent to trade on the highway outside 202 High Street Cheltenham. The applicant has applied to trade on Fridays and Saturdays from 10.00 to 18.00 hours. Appendices 1 and 2 show the location, with a photograph of the unit at Appendix 3.

The Officer reported that one objection had been received from the council's planning enforcement officer, on the grounds of the visual appearance of the trading unit and it not enhancing the streetscape. Members were advised they were to consider granting the application because they were satisfied that the location was suitable or to refuse it.

In response to questions from members, the Officer confirmed that although the objector had indicated that it did not comply with the street trading policy, the matter had to come before committee in relation to the type of goods to be sold.

The Officer also advised, that whereas the applicant's previous application was for a 3 month trial period, this was not the case this time and a standard 12 month trading period would apply if granted. However members could restrict the consent to a 3 month trial period.

The Chair invited the applicant to speak in support of his application. Mr Andreev said he would be happy to accept a 3 month trial period in this location. His application was refused last time and he would be happy to get the chance to trade his products in the town centre at this site.

In reply to a question from a member, Mr Andreev said that he was in negotiation with Cheltenham Borough Council property section about use of electricity.

During the ensuing debate, many members said they liked the product, it being interesting, inventive and different and members also wished to support this business initiative. However, members also felt that the appearance of the trading unit was too garish, unsuitable and out of character for this location in the Promenade where it didn't enhance the street trading scene. Some felt it was more suitable for location in other parts of the town or appropriate later at night, but as this application had already been refused in a different town centre location, members questioned the Officer on the policy and the guidance that had been given to the applicant.

The Officer informed members that the town centre area covered by the policy only had 2 locations approved for the sale of hot food; one was permanently occupied and one was only occupied during the school holidays. The Officer suggested that if the applicant wished to use the latter site during term time, then this could be discussed and, as it was an approved site for the sale of hot food, the applicant would not have to come before the committee again. The Officer also informed members that there were locations outside of the town centre area where street trading units could sell hot food. The Chair confirmed that the partially used site was opposite the Next store and was seasonally used by Danters selling crepes and donuts. The Officer did not know if there was an electricity supply to this location or whether there was space for the 2 units to trade side by side. Members recommended that as it would be beneficial to have an electricity supply to these locations, this matter be taken up with the Council.

If the applicant was unsuccessful, one member asked if his application fee could be waived or reduced should he wish to make a further application. The Officer advised that he did not have the authority to grant this, but stressed that the applicant had been advised against this location, but he had still applied to be in the town centre.

Members felt trading units should enhance not detract from the street scene landscape, but again questioned the policy on the restriction of locations for selling hot food, as members were keen to support business set-ups.

As the applicant had nothing further to add, the chair moved to vote on granting the application.

Upon a vote, it was 2 for, 5 against, 1 abstention

On voting for refusal of the application, it was 5 for, 1 against, 2 abstentions

**RESOLVED THAT, Mr Angel Andreev's application for a street trading consent be refused as it did not comply with the provision of the street trading policy.**

6. **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.**

7. **REVIEW OF A PRIVATE HIRE DRIVER'S LICENCE**

Members were advised that they had the following recommendation to vote on:

Whether the licence holder's Private Hire driver's licence be continued with no further action, because the Committee was satisfied that he was a fit and proper person to hold such a licence: or

Whether the licence holder's Private Hire driver's licence be revoked as the Committee considered him not a fit and proper person to hold such a licence.

Upon a vote that the driver's licence be continued with no further action,

It was for 0, against 8.

Upon a vote that the driver's licence be revoked with immediate effect,

It was for 8, against 0.

**RESOLVED THAT, the Private Hire driver's licence be revoked with immediate effect, as the members considered him not a fit and proper person to hold such a licence.**

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

A member requested that when the review of licensing committees is undertaken that it includes a review of the street trading policy, as new members now sit on the committee. The Chair replied that there is a policy in place which has to be adhered to, but maybe it could be looked at again.

Another member questioned the lack of substitutes on the committee with only 8 out of 10 members being present. The Democracy Assistant informed members that substitutes had been requested, but the sub for the conservative party had not attended the licensing training and no one had been able to sub for the Lib Dems.

The committee requested that a non-personal press release be issued regarding the private hire driver's licence being revoked.

The Chair confirmed that Licensing meetings would now be held at 6pm in the evening on the dates as set out in the Information note that went to council on 18 July, which for ease of reference are:-

2016

Wed 7 September

Wed 12 October

Wed 9 November

Wed 7 December

2017

Thur 12 January

Wed 8 February

Wed 8 March

Wed 12 April

Wed 10 May

Wed 7 June

Mon 10 July

Wed 2 August

**9. DATE OF NEXT MEETING**

Wednesday 7 September at 6pm.

Wendy Flynn  
**Chairman**