

## **Licensing Sub-Committee - Miscellaneous**

**Wednesday, 6th September, 2017**

**7.00 - 7.20 pm**

<b>Attendees</b>	
<b>Councillors:</b>	David Willingham (Chair), Adam Lillywhite, Dennis Parsons, Diggory Seacome and Pat Thornton
<b>Officers:</b>	Vikki Fennell, Phil Cooper

### **Minutes**

**1. ELECTION OF CHAIR AND VICE-CHAIR**

The Licensing Officer welcomed Members to the meeting and invited nominations for Chair and Vice-Chair.

Upon a vote Councillor David Willingham was elected as Chair and Councillor Dennis Parsons was elected as Vice-Chair.

Councillor David Willingham took his position as Chair.

**2. APOLOGIES**

There were no apologies.

**3. DECLARATIONS OF INTEREST**

Councillor Parsons declared that he had visited the proposed street trading location. Councillors Willingham and Thornton declared that the location was in the ward they represented. Councillors Seacome and Lillywhite declared that they were aware of the proposed trading location.

**4. DETERMINATION OF AN APPLICATION FOR A STREET TRADING CONSENT**

The Licensing Officer, Phil Cooper, introduced the report regarding an application received from Mr Stoyan Velez for street trading consent to sell hot spiral chips and sweetcorn from a catering cart from Collets Drive Cheltenham from 9am-6pm on Fridays and Saturdays, initially for a 4 week trial period.

The Licensing Officer informed Members that an objection had been received from the Gloucestershire County Council Area Highways Representative which was outlined in Section 4.1 of the report. He also briefed Members that the proposed trading location was not in the town centre and was therefore not one of the locations approved for street trading in the council's policy, however the application was fully compliant and was put before the committee due to an objection having been received.

Members were advised to determine the application based on its individual merits taking in to account the assessment criteria laid down in paragraph 3.2 of the report, the policy principles, aims and objectives and the comments

received in relation to the application. The Committee were advised that they could approve the application if Members were satisfied that the location and goods being sold were suitable or refuse the application because the location or goods being sold were not suitable.

Mr Velev was invited to address the committee. He informed Members that this was the third application he had made to trade with the previous two applications for the town centre. He was proposing to trade for a trial period of 4 weeks. He did not believe there was a problem with the proposed location due to the proximity of the 200 space car park at Tesco and the double yellow lines in the area which would prevent cars from parking.

In response to questions from Members Mr Velev confirmed that he had discussed his application with Tesco and that he intended to use a petrol generator to operate his handcart. When asked by the Chair if he had further comments he reminded Members that this application had been considered by the committee in respect of two different locations so Members should be familiar with his proposed application.

Members debated the application and the following points were made :

- The concept of the operation was welcomed
- The proposed location was still deemed not to be suitable as it could still cause traffic obstructions to other road users with vehicles stopping to buy goods so the objection from Gloucestershire Highways was pertinent
- A Member referred to a number of antisocial behaviour issues in close proximity to the proposed location and considered whether the facility could exacerbate the situation.
- Members asked whether the applicant could discuss with officers a more suitable location which would be acceptable. In response the Licensing Officer explained that whilst officers could not suggest an alternative location they could discuss where would be more suitable. A Member added that this had been done in the past with other street trading operators.

Upon a vote the sub committee was unanimously against approving the application as laid down in paragraph 1.5.1 of the report and as a consequence paragraph 1.5.2 fell. The Chair strongly urged the applicant to convene a meeting with the Licensing Team for further guidance on a suitable location outside the street trading policy zone.

David Willingham  
**Chairman**