

Licensing Sub-Committee - Miscellaneous

Wednesday, 3rd January, 2018

6.00 - 6.45 pm

| Attendees | |
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| Councillors: | David Willingham (Chair), Adam Lillywhite, Diggory Seacome and Pat Thornton |

Minutes

1. APOLOGIES

Apologies were received from Councillor Parsons.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES OF THE LAST MEETING

A Member sought clarity on the outcome of the vote on agenda item 6 and the minutes were amended to clarify the exact section voted upon as follows:

“Members were then invited to vote upon section 1.5.1 that:

The Hackney Carriage driver’s licence be reinstated because the Committee is satisfied that he is a fit and proper person to hold such a licence.

Upon a vote, it was 4 against and 1 Member for”.

The minutes of the last meeting held on 6th December 2017 were then approved and signed as a correct record.

4. APPLICATION TO REPEAT STREET TRADING CONSENT

The Licensing Team Leader, Mr Louis Krog introduced the report and explained to the Committee that Mr Danter had made an application to repeat his street trading consent. The application was to trade in doughnuts and other hot and cold food and drinks at a location on the High Street as highlighted in Appendix A of the report. The timings that Mr Danter proposed to trade were also outlined in the report. The Licensing Team Leader informed Members that the location is identified in the council’s current street trading policy as being suitable for street trading, with the appropriate types of trading being confectionery/cakes. The case had been referred to Committee because objections had been made by Cheltenham Business Improvement District (BID) and another local business, the objections were outlined within the report. The Licensing Team Leader encouraged Members to be mindful of section 4.5 of the report where the overarching aims of Cheltenham Borough Council’s street trading policy were outlined.

In light of this the Committee were advised that they should decide whether to:

Approve the application because it is compliant with the council's policy and Members are satisfied that the location, size of unit and type of goods are suitable;

or;

Refuse the application because Members feel that the location, size of unit and / or type of goods are not suitable.

Following questioning the Licensing Team Leader informed Members that Mr Danter was proposing to trade for over quarter of the year, mainly during half term and other school holidays. He also confirmed that the dates Mr Danter intended to trade were similar to that which he had applied for in previous years. Mr Danter advised that he had previously traded at the Beechwood Arcade where he had received 1 complaint; he had however received no complaints at the current pitch where he had been trading for 3 years.

One Member raised the point that the main issue seemed to be the fact that Mr Danter was proposing to sell hot and cold drinks which would be in direct competition with local businesses. The Licensing Team Leader confirmed that High Street 4 was licensed for confectionery/cakes; buskers selling their merchandise; and traders offering sign-up services and not hot/cold drinks. It was acknowledged that the main issue with regards to this point was the fact that local businesses pay business rates and that Mr Danter, as a stallholder would not be required to pay. The Licensing Team Leader confirmed that Mr Danter would be trading legally as he would be paying for a street trading licence despite not paying business rates and therefore the objections raised were not material considerations.

Mr Danter proceeded to read out a statement in support of his case. He confirmed he had been trading for 11 years and only in the last 3 years had he been allowed to sell hot and cold drinks. He, however, advised that he sold very few drinks and would be willing to look at not selling drinks should this be an issue. He informed Members that he had a good reputation in the community and had a growing following on social media. With regards to issues over the planned works on the High Street, he advised that as highlighted in the report he would be willing to work with the licensing team and move his stall several meters in order to accommodate the works. He informed Members that he had done this previously when works were being carried out outside Marks and Spencer.

Several members felt that Mr Danter ran an exemplary operation and was well liked within the community. Members felt that encouraging competition was important and that by refusing Mr Danter's licence they would be suppressing competition. They also felt that the objection from the Cheltenham BID was an opinion and not a material consideration. Members agreed that the majority of shops within the immediate vicinity were not selling food and drink and those that were, were large chains, to which they felt there was no level of competition.

The members were then invited to vote on section 1.7.1 to: *approve the application because it is compliant with the council's policy and members are satisfied that the location, size of unit and type of goods are suitable.*

The Committee voted unanimously in favour of this notion.

Resolved That

Mr Danter's application be granted because the committee feel that it is compliant with the council's policy and members are satisfied that the location, size of unit and type of goods are suitable.

5. APPLICATION FOR PERMISSION TO PLACE TABLES AND CHAIRS ON THE HIGHWAY - DEFERRED TO FEBRUARY COMMITTEE

6. LOCAL GOVERNMENT ACT 1972- EXEMPT INFORMATION

7. EXEMPT MINUTES

The minutes of the last meeting held on 6th December 2017 were approved and signed as a correct record.

David Willingham
Chairman