

Licensing Sub-Committee - Miscellaneous

Wednesday, 25th April, 2018
6.00 - 6.40 pm

Attendees	
Councillors:	David Willingham (Chair), Dennis Parsons (Vice-Chair), Adam Lillywhite, Diggory Seacome and Pat Thornton
Also in attendance:	Vikki Fennel and Phil Cooper

Minutes

1. APOLOGIES

There were no apologies.

2. DECLARATIONS OF INTEREST

The Chair, Councillor Willingham declared that some of his financial services were provided by John Lewis but did not deem this a pecuniary interest but wanted it recorded nonetheless.

3. MINUTES OF THE LAST MEETING

The minutes of the last meeting held on 4th April 2018 were signed as a correct record.

4. APPLICATION FOR A STREET TRADING CONSENT

The Chair welcomed the group and Mr Howard Barber, the Council's lead Townscape Officer who the Chair had invited to discuss the proposed changes to the Public Realm and Street Scene on the High Street.

The Licensing Officer introduced the report regarding an application for a street trading consent from Mr Edward Danter to sell hot food and drink from a unit on the High Street. He explained that Mr Danter had applied for consent to trade from 09th November to 31st December 2018 and the timings were outlined at paragraph 1.3 of the report.

He advised that whilst the proposed trading location is one that is approved for street trading in the council's adopted policy, the type of goods being sold is not compliant with the policy as the area is permitted only for those functions outlined at paragraph 5.3 of the report. He further noted that the size of the trading unit exceeds the permitted size for trading units in that location.

He informed the sub-committee that during the consultation period an objection had been received from the Operations Manager at Cheltenham Business Improvement District (BID) who were acting on behalf of local businesses and this was included at paragraph 4.1 of the report.

The Licensing Officer advised the sub-committee that they could:

- Approve the application because Members are satisfied that the location is suitable; or
- Refuse the application because it does not comply with the provision of the Street Scene policy.

Mr Barber, the Townscape Officer was then invited to speak. He firstly began by handing around a High Street East Masterplan to the sub-committee. He noted the following:

- That the scheme was due to start in May and that the programme for completion was the end of September/early October.
- They planned significant improvements to the quality of the High Street and explained that they would be replacing the tarmac infills with natural Forest of Dean stone.
- He explained that the new public realm would include infrastructure improvements including drainage.
- He reiterated that it was not just about changing the physical space but changing how it is used and what activities take place there. They had a vision for it to be used for events, activities and performances.
- He claimed that such changes were not being made because John Lewis would be opening but improvements were being planned across the whole Town.
- Significant investment was being put into the project from both Cheltenham Borough Council and Gloucestershire County Council.
- He felt that if Mr Danter was granted an application it could compromise what they would be able to deliver in that area in terms of activities this coming Christmas and that the BID already had a number of ideas for the space.

Following questioning from Members, Mr Barber confirmed that:

- Given the proposed changes to the area Mr Danter's unit would still technically fit in to the space.
- That the infrastructure would be adequate to support the unit as they were looking to promote more activities in this space so it would need to be sufficient to support those needs.
- When questioned on whether there were other spaces that could be used for such activities, Mr Barber claimed he was unsure as this was something that the BID would manage. However, he noted that there were limited spaces that could be occupied on the High Street.
- He raised concerns over whether the food unit was the right first use of this space given the High Street project would have not long been completed.
- He reiterated that he was unsure what had been planned with regards to Christmas processions as this was dealt with by the BID, however, he felt as a result of the opening of John Lewis a lot more people would be attracted to this area, particularly over the Christmas period.

The Members proceeded to ask the Licensing Officer a series of questions. He confirmed that:

- There were no suitable areas that he was aware of that would accommodate this sized unit.
- He confirmed that on the High Street there were 2 locations which were deemed suitable for hot food units, which were near the junction with Pittville Street and near the Regent Arcade. He confirmed that at the time that the policy was approved these locations met the policy's requirement and so there were no other competing food and drink businesses in the immediate vicinity.
- He confirmed that the maximum permitted size for trading units in the Council's policy was 6 m sq, but that the maximum size is different in different locations.

Mr Danter was then invited to speak. He firstly questioned the Licensing Officer as to whether any complaints had been received last year to which he confirmed there hadn't been.

- He explained that his family had been trading in the High Street for over 30 years over the Christmas period.
- He informed the sub-committee that they used local suppliers for their produce and employed local staff.
- He claimed that his other business ended in November and so the food unit provided income for him and his family through the winter.
- He had been using the same trading unit for the past 14 years and he had refurbished it in 2016 to give it a new look.
- He felt that the opening of John Lewis was irrelevant as he was situated outside of New Look.

The Members proceeded to debate the application. The Chair felt that if the BID had any concerns regarding the use of the space for events then this should have been reflected in their objection letter. Members agreed that Mr Danter ran a popular service and was well liked in the community, although some agreed that the unit would be more suitable in a different location. One Member raised the point that the majority of shops between where the unit would be situated and John Lewis were vacant and so businesses should be encouraged. Others also agreed that it was a positive contribution to the street scene over Christmas and that it was their vision to have a prosperous Town Centre so by attracting more businesses this was surely a good thing. However, Mr Barber noted that the opening of John Lewis was attracting businesses to the area already and that the old HMV store was being refurbished and expected to open shortly ahead of the completion of the public realm. Other Members felt that it was irrelevant what was being planned on the High Street but that the issue was with the competition for local businesses. The Chair felt that the unit wouldn't impact upon the street scene and that it did not cause obstruction to pedestrians. He also reasoned that several of the food businesses in close proximity were multi national corporations who would not suffer as a result of the competition. He reminded the sub-committee that the Officer's recommendation was to refuse because the application did not comply with the policy, however, that the sub-committee had deviated from the policy on previous occasions by granting the application.

In his final right of reply, Mr Danter added that:

- He would appreciate if the sub-committee would grant the application this year and then he would look at a new location for 2019 and have a new unit designed which was much smaller.
- He claimed that many towns across the country had similar units over the Christmas period, including one on Gloucester High Street which was the same size and operated for 12 months of the year.

The Members then proceeded to vote on section 1.6.1 to *approve the application because Members are satisfied that the location is suitable.*

Councillors Willingham, Thornton and Lillywhite all voted in favour of section 1.6.1.

Councillor Seacome and Councillor Parsons voted against section 1.6.1.

Resolved That

The application be granted because the sub-committee are satisfied that the location is suitable.

The Chair strongly advised Mr Danter to reconsider the size of his unit and liaise with the Licensing team regarding the relocation of the unit for future applications. He also advised that the street trading policy was up for review by the end of the year and that input to the consultation would be strongly welcomed by Mr Danter and other residents.

David Willingham
Chairman