

Cheltenham Borough Council Licensing Sub-Committee - Miscellaneous Minutes

Meeting date: 8 November 2023

Meeting time: 6.00 pm - 6.55 pm

In attendance:

Councillors:

David Willingham (Chair), Angie Boyes (Vice-Chair), Diggory Seacome and Simon Wheeler

Also in attendance:

Vikki Fennell (Senior Lawyer) and Jason Kirkwood (Licensing Team Leader)

1 Apologies

Apologies received from Councillor Chidley.

2 Declarations of Interest

There were none.

3 Public Questions

There were none.

4 Application for permission to place an object on the highway – ‘A’ Board

The Licensing Team Leader introduced the report as published.

There was one Member question to the licensing team leader which confirmed that in the appendix of the report it would be width of 1.65m between the edge of the ‘A’

board and the kerb. The policy does mention a requirement of 1.8m between the kerb and the edge of the 'A' board.

The applicant was given the opportunity to speak and made the following points:

- The 'A' boards are a real necessity for advertising due to its location and that the business is still recovering from side effects of lockdown policies.
- The business has had the 'A' boards for 10 years and have never experienced any problems with prams or wheelchairs going past them.
- The business is happy to move the 'A' board to the other entrance where the pavement is wider.
- It would damage the business not to have the 'A' boards.

The applicant provided the following responses to Member questions:

- They have tried advertising in the windows but considers it not as effective as 'A' boards. They considered that it detracts from and is not in keeping with the building.
- They have only been at the Strand since 2021 and was not aware that a license was required.

The matter then went to debate where Members raised the following issues:

- The 'A' boards do not comply with the policy and as the business already has street frontage and is in a prominent position, There was no reason to deviate from the policy.
- 'A' boards are difficult for people with sight issues.
- Passing trade is limited as there is greater footfall on other side of the street. However, there is street frontage and large windows. Feel the 'A' boards are unnecessary.
- Objection from Chair of Cheltenham Access Forum which raises the Councils Public Equality Sector Duty (PESD). The policy is there for accessibility and to avoid street clutter which effects the visually impaired.
- The 'A' boards being fitted to the building itself would take it into planning territory.

The matter then went to the vote to refuse.

Refuse: Unanimous

5 Application for a Street Trading Consent

The Licensing Team Leader introduced the report as published.

The Licensing Team Leader gave the following responses to Members questions:

- The needs of the area are something that the licensing team look at and the objection needs to be considered. The objection was not from any businesses

in the area which would have received notification and would have had opportunity to object.

- A similar street trading license was granted for the same spot but that licensee is no longer there.

The Applicant was given the opportunity to speak and made the following points:

- There is no allocated street trading license in the area. They are looking to utilise the location used by the previous street trader.
- The horse box can be locked and left if it is unsafe to move it whilst events are going on due to footfall. Would not like conditions to require them to close earlier as this would reduce their hours of trading.
- Would bring to the committee's attention a letter of support for their application and offer from Chair of Business Improvement District.

The matter then went to debate where Members made the following points:

- Previously agreed to licence a street trader in the same location so would be difficult to refuse this one.
- Application is well presented and giving back to Cheltenham is a nice touch.
- The horse box itself will fit well in the area and there is nothing else in the park like it and there is no substantial risk of nuisance or risk to the public. Therefore, see no reason to refuse.
- The gardens are consistently used for events throughout the year, not sure this is needed and would detract from the beautiful gardens and cannot support it for aesthetic reasons. There are also coffee shops in close proximity to park already.
- The objection is weak, it would not be directly outside any of the other businesses and have previously granted a license in the same location.
- Have minor concerns about public safety in regards to the tow hitch but do not see this as a reason to refuse.
- No issue with horse box being left in location if they are unable to move it due to an event or footfall provided it is safe.

Applicant confirmed the following:

- There was no 'A' board with the application, it was only in test photo and tow hitch is painted luminous yellow.
- The LPG canister is in a cage and was installed by engineers. It has a camera on it at all times with appropriate signage.

Vote to delegate to officers the safety of the tow hitch and moving of horse box during events:

Unanimous

The matter went to the vote to permit:

For: 3

Against: 1

6 BRIEFING NOTES

There were none.

7 Any Other Items the Chairman Determines Urgent and Which Requires a Decision

There were none.