

Cheltenham Borough Council Licensing Sub-Committee - Miscellaneous Minutes

Meeting date: 18 June 2024

Meeting time: 5.30 pm - 9.05 pm

In attendance:

Councillors:

Julie Sankey, Simon Wheeler (Chair), Dilys Barrell, Tabi Joy and Dr Steve Steinhardt

Also in attendance:

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

1 Apologies

There were apologies received from Councillors Willingham and Boyes.

2 Declarations of Interest

There were none.

3 Request to revert to saloon vehicle from WAV - WITHDRAWN

This item was withdrawn from the agenda prior to the start of the meeting.

4 Application for Street-Trading Consent

The Licensing Officer introduced the report as published.

A representative from Cheltenham BID then addressed the committee and made the following points:

- Reiterated the points that had been made by the Licensing Team Leader and the importance of Cheltenham having had Purple Flag status for 8 years.

- It is important that public safety is taken into account with regard to the application.
- The proposed site will attract anti social behaviour due to its proximity to the pubs, clubs and taxi rank. There does not need to be an increase in anti-social behaviour in the town.
- A number of restaurants in the area have contacted the BID and have raised concerns that the ambience of the promenade would be spoilt and for people going to and from the theatre.
- The proposed application is not suitable for the suggested area of town.
- The vehicle is not suitable and there may be a problem with access for emergency vehicles.

The applicant then addressed the committee and made the following points:

- Has been in the business for 20 years.
- Traded in Bristol City from 2008-2012.
- He uses a power bank and not a generator.
- There will be a minimum of 3 people working with the applicant each evening.
- He will make sure that all the rubbish is removed from the site at the end of every evening.
- He also confirmed that he has public liability insurance.

The responses to Member questions from both the BID and the applicant were as follows:

- The BID confirmed that the anti-social behaviour that had been occurring in the area were things like flowers that had been planted being ripped out, bins have been tipped over, there is a large amount of vomit on the streets leading from the end of Regent Street and by Yates'.
- The applicant confirmed that he previously had been trading from Evesham Road for approximately 3 months but did not make any money in that area. He has had experience of working in town centres before and has never had any trouble.
- The applicant stated that he would improve the area by having a nice looking trailer that would only open at night time.
- The applicant stated that he could be flexible with the hours if 18:00-04:00 is not considered appropriate.
- It was explained to the applicant that the position of the trailer is an issue and although it was appreciated that the applicant needed to make an income this is not the right place for it.
- The applicant re iterated that there will be a minimum of 3 people working and if needed will employ security.
- The applicant stated that although he had applied for a 365 day a year licence he would be happy to closed at Christmas or maybe relocate.
- The Chair informed the applicant that if the application is refused he will have to find a new location and come back to the committee.

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

- There was a question as to whether the applicant had understood what was being discussed, it is important that there is clarity in the discussion. It was

confirmed that the applicant had had the opportunity to bring representation with him.

- There was sympathy that the applicant wanted to build the business but the location that he wanted to use was not suitable.
- Anti – Social behaviour is a real issue in the area and there is a real concern that it will increase if the application is granted.
- The trailer might cause damage to the Promenade which is also a concern.
- There are no exceptional circumstances to deviate from the policy, the application will not add or enhance the area.
- The application would also not be fair to other businesses in the area.
- It is unfair to blame anti-social behaviour on the application, however there is a real concern that the anti-social behaviour will increase.
- There will be conflicts with the other traders and there will be problems during race week and Christmas markets.
- It was explained to the applicant that if he wants to persist with this site he will have to come back to the committee with answers to the concerns that the committee have.

The applicant was then given the right to reply:

- He stated that he had checked the area and found this to be the best spot, he thought that it would be good for his trading. He stated that he would be flexible with times and would like to be given an opportunity to try it for 6 months. If there were any issues he would close the site himself.

The matter went to the vote to grant:

For: 0

Against : 5

Refused.

5 Review of Hackney Carriage Driver's Licence

Prior to this item the following was voted on :

That in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining agenda items 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 and 2, Part (1) Schedule (12A) Local Government Act 1972, namely:

Paragraph 1; Information relating to any individual

Paragraph 2; Information which is likely to reveal the identity of an individual

This was carried unanimously. The public broadcast was then ended and the remainder of the meeting was held in closed session.

The Licensing Team Leader introduced the report.

After the driver addressed the committee and Member Questions and Member debate the matter went to the vote.

The matter then went to the vote on 1.5.1 to take no further action:

For : 5 UNANIMOUS – no further action

6 Review of Hackney Carriage Driver's Licence

The Licensing Team Leader introduced the report.

After the driver addressed the committee and Member Questions and Member debate the matter went to the vote.

UNANIMOUS for the driver to receive a written warning and to undertake safeguarding training at his own expense within 6 weeks of the hearing.

7 Application for Hackney Carriage Driver's Licence

The Licensing Team Leader presented the report.

After a statement from the applicant, Member questioning and debate the matter went to the vote to grant.

For : 5 – granted unanimously.

8 Briefing Notes

There were none.

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

There were none.