

Cheltenham Borough Council Licensing Sub-Committee - Miscellaneous Minutes

Meeting date: 11 July 2024

Meeting time: 6.00 pm - 8.15 pm

In attendance:

Councillors:

Helen Pemberton, Simon Wheeler, Dr David Willingham, Richard Pineger and Steve Harvey

Also in attendance:

Sarah Farooqi (Head of Law), Jason Kirkwood (Licensing Team Leader) and Jake Johnston (Licensing Officer)

1 Apologies

Apologies were received from Cllrs Boyes and Sankey.

2 Declarations of Interest

Cllr Willingham declared an interest in agenda item 4. As a County Councillor he had assisted the school in their representation. Cllr Wheeler took the Chair for that item.

3 Public Questions

There were none.

4 Application for Street Trading Consent

The Licensing Team Leader introduced the report as published.

There were no questions for the Licensing Team Leader from either the Committee or the applicant.

The applicant addressed the committee and made the following points:

- He has lived in the town all of his life and has been an ice-cream seller for over 30 years.
- The representative that he bought with him to the committee has now taken over the running of the business from him.
- During Covid he bought and delivered food to people who couldn't get out. He didn't charge more than he paid and he saw it as a good deed for the community.
- He stated that he thought that an ice cream van put a smile on most people's faces, it's a treat and makes people think of summer.
- He has had cases when a group of children come to the van and one of the group can't afford an ice cream he will give them one. One of the great things in life is that kindness is free.
- He had only received 8 complaints in 6 years, with regards to the chimes he has now trained his staff not to play their chimes too loud.
- His vans are doing children's parties at the end of the month, his staff really want to work.

The applicants representative was then given the opportunity to address the committee, he made the following points:

- There has been additional training for the staff since complaints were received.
- Each member of staff has been given a training sheet telling them what roads they can go down. There were separate sheets with regards to the chimes.
- They have also brought into effect that all vans must display their licence to trade within Cheltenham.
- They have reinforced with their drivers that they have to park 75 meters away from any school gates and they are not allowed to use the chimes outside schools as they are very visible,
- As soon as the vans arrive at the schools they must turn their engines off and the engines will only be turned back on when they need to use the Mr Whippy machine.
- They only attend a school once or twice a week (they only visit a second time if there is the business)

In response to a Member Questions the Licensing Team Leader confirmed that there are special conditions for mobile ice cream traders and that the chimes should last no longer than 12 seconds and can be used once on the way to the location and once when the van was stationary. Chimes cannot be used near places of sensitivity such as hospitals and churches.

Members then had the opportunity to ask questions of the applicant, the responses are as follows:

- The sanctions that the applicant has in place is a more thorough monitoring the driver, there is a possibility that they will put a tracker on their vans. If a driver is breaking the rules then the applicant will look at a warning system,

they will remove people from the area they are working from and look to put them in a different part of town.

- The vans are 20-24 years old, they are insured for around £20,000 if you buy one new they are about £100,000. In regards to pollution there are big battery packs being developed to power the Mr Whippy machine. The chair then pointed out that green credentials cannot be taken into consideration at the meeting.
- It was confirmed that the vans go out between the hours of 2-7, they have 4 vans and have split the town into 4 so that the driver know exactly where to go.

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

- Although the report recommends refusal, it doesn't feel that there is sufficient grounds. There was the issue that operated without a licence but they have addressed the issue and it was felt that it was unlikely to be repeated.
- Initially had concerns about non compliance and rule breaking, but it seems that you have put in place some stringent training and monitoring regime with the drivers. Felt that this would be carried on and wasn't just for show. If the vendors flout the rules it will be the applicant that will lose the business. Confident to agree the licence.

The applicant was then given the right to reply where he stated that this has been a wakeup call to him, the drivers know that this is a serious issue and are now in no doubt what is expected of them.

The matter then went to the vote on 1.5.1 to grant the licence

For: 3

Abstention: 1 GRANTED

5 Local Government Act 1972 Exempt Information

The committee took the vote on the below and unanimously voted to enter exempt session.

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

6 Application for a New Hackney Carriage Drivers Licence

The Licensing Officer introduced the report.

There were no Member questions or questions from the applicant for the Licensing Officer. The applicant then addressed the committee, then there was a Member debate.

The matter went to the vote on resolution 1.5.1 to grant:

For : 4

Against : 1

Granted.

7 BRIEFING NOTES

There were none.

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

There were none.