

# Cheltenham Borough Council

## Licensing Committee –

### Local Government (Miscellaneous Provisions) Act 1982

#### Renewal Application for a Street Trading Consent

##### Barrow Little Donut Stall

#### Report of the Licensing Officer

### 1. Summary and recommendation

- 1.1 We have received a renewal application from Mr William Danter for a street trading consent to sell Hot & Cold Food & Drink from a Traditional English Barrow measuring 4.2m x 2.72m.
- 1.2 Mr Danter has applied to renew his existing consent to trade on the High Street outside Next & House of Tweed. **Appendix 1** shows the location of the proposed trading pitch.
- 1.3 Mr Danter has applied for annual consent on the following days and times:

Monday	09:30 - 18:00
Tuesday	09:30 - 18:00
Wednesday	09:30 - 18:00
Thursday	09:30 - 18:00
Friday	09:30 - 18:00
Saturday	09:30 - 18:00
Sunday	11:00 - 17:00

- 1.4 An image of the trading unit is shown in **Appendix 2**.
- 1.5.1 Cheltenham Borough Council's Street Trading policy states that 'Where a renewal application has been made and
1. there have been no significant complaints or enforcement issues;
  2. all fees have been paid on time; and
  3. there has been no significant change to the retail environment in the vicinity of the trading location
- the consent will normally be renewed.
- 1.5.2 A complaint has been received from the letting agent from the adjacent premises. An email was received on November 1<sup>st</sup> 2024 (Email chain listed at **Appendix 3**) having recently acquired 143-145 High Street – formerly Carphone Warehouse. The complaint stated that when attempting to market the unit to prospective tenants, the feedback provided from prospective tenants was that they would not take on the unit due to the presence of the donut stall outside. The complainant also highlighted that the lack of any tenants would mean that the council would not be receiving full business rates for the property.

The complainant has also raised concerns about public safety; however, it should be noted that the licensing team have not had any other complaints or reports of incidents from members of the public or relevant authorities such as Gloucestershire Highways or the police.



3. maintain the quality of the townscape and add value to the town; and
  4. encourage inward investment.
- 3.4 In doing so, the authority recognises the importance of licensed businesses to the local economy and the character of the area whilst trying to ensure that the activities do not cause public or statutory nuisance to the people in the area.
- 3.5 This policy will guide the authority when it considers applications for street trading consents. It will inform applicants of the criteria against which applications will be considered.

### Assessment Criteria

- 3.6 In considering applications for the grant or renewal of a consent, the following factors will be considered:
- **Needs of the Area** - The retail offer of each individual pitch. The goods complement and do not conflict with the goods sold by other established retailers within vicinity. This criterion permits the authority to undertake a qualitative assessment of the goods to be sold by each competing applicant against those on sale in the adjacent area. The authority does however recognise that the surrounding retail offer is subject to change, therefore, it will apply this criterion to applications for new or renewal applications.
  - **Public Nuisance** – Whether the street trading activity represents, or is likely to represent, a substantial risk of nuisance to the public, or properties in the vicinity, from noise, misbehaviour, emissions, smells etc.
  - **Public Safety** – Whether the street trading activity represents, or is likely to represent, a substantial risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions or danger that may occur when a trader is accessing the site.

The authority would expect a minimum of 6 feet (1.8m) of unobstructed highway/walkway on at least one side of the proposed trading unit/location.

- **Appearance of the Stall or Vehicle** – Trading units must enhance the visual appearance of the street and street scene rather than detract from it and be constructed in a suitable scale, style and using appropriate materials. It should also be designed to be fully accessible for all customers and advertising material must be limited to the name of the stall, the type of product sold and a simple price list and be professionally designed and printed.

The authority will generally not permit trading units where the unit fully, or substantially, blocks lines of sight to established retailers in the vicinity.

Any street trading operation which negatively impacts public access by walking, cycling or public transport will not generally be accepted.

- **Environmental Credentials** - The impact of the proposed operation on the local environment, including street surfaces, tree pits & materials, power supply, carbon footprint, supply chain, packaging, waste minimisation and recycling, waste disposal and waste created by customers.

The authority will encourage the use of sustainable products and will consider the trader's environmental credentials in respect of these when considering whether or not to approve applications. The authority will expect applicants to submit environmental statements setting out how the applicant will operate in an environmentally sustainable way.

## 4. Consultee Comments

- 4.1 Only one consultation comment was received from Cllr Barbara Clark included at 4.1.1

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#### 4.1.1 Dear Jake

As I was the Councillor who initiated the discussions between yourselves and the complainant, I don't feel I have the right to say anything as I have prejudged the situation. That is to say, I think we should go after as much in business rates as possible and the House of Tweed is let on a temporary pop-up basis.

More than that I should not say.

Kind regards

Barbara Clark  
Councillor All Saints Ward  
Cheltenham Borough Council

## 5. Licensing Comments

- 5.1 The Committee must determine the application with a view to promoting the council's adopted policy and Members should not arbitrarily deviate from the council's policy.
- 5.2 The policy takes into account a number of factors when determining the permitted trading types. These are outlined above ("Permitted Locations") and Members should take these into account when determining this application.
- 5.3 Whilst the policy creates a presumption against the grant of an application if the application does not comply with the policy, this position should not fetter the committee's discretion to take into account the individual merits of the application and any circumstances that may warrant a deviation from the policy.
- 5.4 Members are reminded that clear and thorough reasons should be given for decisions made by the committee particularly where the decision is contrary to adopted policy.

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**Background Papers**

Service Records

**Case Officer**

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