

Email to licensing dated Friday November 1st 2024

Hi Jake

Sorry I missed your call and thank you for the email.

Yes, I wanted to talk about the donut stand that I believe is licenced by Cheltenham Borough Council. This is located immediately outside the shop unit 143-145 High Street. You may be aware that this shop has been vacant for several years since Carphone Warehouse vacated it. **Redacted** acquired this shop recently and have been actively marketing it to prospective tenants; local agents **Redacted** are appointed.

We have had conversations with a number of possible tenants and recurring feedback is that they would not take the unit due to the donut stand outside obscuring the façade. I have attached photos of the building showing the donut stand in front – in fact on the one photo I have highlighted our ownership in red because otherwise the donut stand completely obscures it!

It would be good to understand what the Council's plans are for this stand and whether you anticipate this is a permanent feature on the High Street? Please could you also provide information on how much rent and business rates are paid to the Council by this occupant?

I would note that the Rateable Value for our shop unit is £124,000 giving a current rates payable to the council of over £61,000 per annum (ignoring any reliefs that might be received by a trading occupant). Currently we are utilising Retail Hospitality & Leisure relief, giving 75% reduction, so the council are not receiving anything like the full rates they would do if the shop was occupied by the sort of high quality retailer we are looking to attract.

Thank you for your consideration and I look forward to discussing this further with you in due course.

Licensing reply dated Monday 4th November

Good afternoon,

Thank you for your reply.

Street trading consents are issued for up to one year at a time. How long these may continue is dependent on an applicant submitting an application to renew their consents towards their end of their consent period. The licensing team do not invite applications or attempt to fill vacant pitches – so I would be unable to advise if this will be a permanent fixture on the High Street as that would be down to the applicant renewing their pitch.

Regarding renewals of existing consents - 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.*

When assessing street trading applications or renewals – business rates are not a consideration.

Further information about the street trading process including fees are available on our street trading webpage.

Please advise if you have any further queries or any concerns/complaints about the street trader.

Email to licensing dated Tuesday 5th November

Jake

Thank for your reply.

I note from your Street Trader licencing map that this stand is defined as a 'Seasonal Consent (confectionery)' and supposed to be in the school holidays. It is not currently the school holidays, and the stand is currently trading. Under the terms of the licence is this stand allowed to trade long term from such a location outside of your defined Licensing zones?

As shown on the attached plan extract (highlighting the contested stand) could the stand not be moved into the High Street licensing zone (outside shops 159 to 189), which would presumably then be compliant with the licensing policy? This area is of course significantly more suited for longer term street stalls because it is pedestrianised across the full width of the street.

We have had two possible tenants so far that do not want to take the retail unit directly citing the donut stand as being the reason. Complaints raised were that it restricts the width of the pavement outside the retail unit, it obscures the visibility of the retail unit and that it is not in keeping with the high-quality nature of what they sell. In addition, it forces pedestrians to walk in the road where cars are driving. In all, these issues are in breach of all aims 1, 2,3 and 4 of the council's Street Traders Policy as set out on page 3 of that document. Hence, I would like to raise this as a formal complaint and am seeking to have the unit removed as soon as possible.

Following a conversation with Jackie Chelin who is the councillor for the ward where I live, she mentioned that the councillors for this ward are Barbera Clark and Izaak Tailford and I have taken the liberty of copying them in because I think this issue needs wider consideration. If the town wishes to improve the appearance of it's High Street then a more comprehensive strategy should be employed for maintaining the public areas.

If you would like any further information, then please do give me call or alternatively I am happy to meet you on site to discuss.

Kind regards,

Following this email – a meeting was arranged. The summary of the meeting is as below.

Licensing email dated Wednesday 20th November 2024 summarising the meeting

Thank you for spending time to come and meet us yesterday.

Just to summarise the meeting:

- We confirmed that Mr Danter holds an annual consent and is no longer a seasonal trader (we will update the plan)*
- We will meet on Tuesday 26 November at 2.30 to look at any possibilities for mediation e.g. moving the stall to face a different direction*
- Failing mediation, the renewal application (current consent expires 5 January) will be taken to a Licensing Sub Committee for determination. All parties will have chance to submit written representations so that members have a full appraisal*

Please let me know if I have missed anything

Reply to Licensing dated Wednesday November 20th 2024

Hi Michelle, that sounds right!

Thank you for your time, it was good to chat and understand the background.

See you Tuesday.

Thanks

We then met with the complainant on site and discussed potential solutions they would be happy with. It was suggested that rotating the pitch 90degrees would alleviate their concerns.

Licensing email dated Wednesday November 27th 2024

Good to meet you yesterday.

Jake has been and measured the pitch and the stall would fit rotated between the drains. Please confirm that you would find this

as a compromise for us to approach Mr Danter with the proposal. If he is amenable to this, we will then consult on the renewal application based on this layout.

Licensing email dated Monday December 2nd 2024

Good morning,

Please could you confirm that you are happy for us to consult on the amended layout? We would need to seek Mr Danter's approval to this and for him to update his renewal application for consultation.

Reply to licensing dated Monday December 2nd 2024

Michelle,

Yes, this would be an improvement for the outlook of my retail unit and agree that it can be proposed to the licence holder.

But please note that I do still think that any positioning along this stretch of pavement is unsafe for pedestrians due to the passing vehicular traffic plus bikes going in the opposite direction. While I note that you have not had a negative consultee comment from highways, nor any injuries reported to date, I find it a shame that we have to wait for someone to get injured/killed before changing what is obviously a risk. I will raise this issue at the consultation meeting in any even