

# Minutes

## Licensing Committee

10th September 2014



Present:

Councillors	Present	Councillors	Present
J S Allen	Yes	C Gibson	Yes
M J Banthorpe (Chairman)	Yes	M Green	No
J Baugh	Apologies	S A Howell	Yes
T G Cunningham	Apologies	H D Johnson	Yes
J G J Elliott	Yes (from 8.00pm)	J A Pell	Apologies
J H G Finbow	Yes	L S Walters	No
M J Fincken	Yes	S A Wilson	Yes
M E Galione	Apologies	R Wright	Yes

Councillor Dr R L Evans attended the meeting for the consideration of Item 6 - Application for a Street Trading Consent – 'Business Permit Location', Outside Witham Railway Station, Albert Road, Witham

### 20 **DECLARATIONS OF INTEREST**

**INFORMATION:** The following interests were declared:-

Councillor J S Allen declared a non-pecuniary interest in Item 6 - Application for a Street Trading Consent – 'Business Permit Location', Outside Witham Railway Station, Albert Road, Witham as she had had contact with the applicant prior to the meeting.

Councillor S A Howell declared a non-pecuniary interest in Item 6 - Application for a Street Trading Consent – 'Business Permit Location', Outside Witham Railway Station, Albert Road, Witham in her capacity as a Councillor representing Witham Chipping Hill and Central Ward. The applicant and the application site were known to her.

In accordance with the Code of Conduct, Councillors remained in the meeting and took part in the discussion when the item was considered.

### 21 **MINUTES**

**DECISION:** That the Minutes of the meeting of the Licensing Committee held on 23rd July 2014 be approved as a correct record and signed by the Chairman.

## 22 **QUESTION TIME**

**INFORMATION:** There were no questions asked or statements made during Question Time.

It was agreed that people attending the meeting for the consideration of Item 5 – Application for a Street Trading Consent – Layby at Dicketts Hill, A1017 Sible Hedingham to Great Yeldham and Item 6 – Application for a Street Trading Consent – ‘Business Permit Location’, Outside Witham Railway Station, Albert Road, Witham be invited to speak whilst the items were being considered. Details of the people who spoke at the meeting are contained in the Appendix to these Minutes.

Principally, these Minutes record decisions taken only and, where appropriate, the reasons for the decisions.

## 23 **APPLICATION FOR A STREET TRADING CONSENT – LAYBY AT DICKETTS HILL, A1017 SIBLE HEDINGHAM TO GREAT YELDHAM**

**INFORMATION:** Prior to the consideration of this item Mr John Ewers, speaking on behalf of Mr Gary Bentley the applicant, stated that the application for a Street Trading Consent had been withdrawn.

**DECISION:** As the application for a Street Trading Consent had been withdrawn, the Committee was unable to determine this matter.

## 24 **APPLICATION FOR A STREET TRADING CONSENT – ‘BUSINESS PERMIT LOCATION’, OUTSIDE WITHAM RAILWAY STATION, ALBERT ROAD, WITHAM**

**INFORMATION:** Consideration was given to an application made by Mr Suryakant Rao for a Street Trading Consent to sell newspapers, tobacco, confectionery, soft drinks, cut flowers and Indian hot drinks from a ‘business permit location’, outside Witham Railway Station, Albert Road, Witham. Mr Rao wished to trade on Mondays, Tuesdays, Wednesdays, Thursdays, Fridays, Saturdays and Sundays between the hours of 4.30am and 4.00pm.

Following consultation, two objections had been received from local traders who sold similar commodities in the vicinity. A further objection had been received from Braintree District Council’s Asset Management Service in respect of a Council-owned property which was held on lease by one of the objectors. The main objection related to the sale of similar commodities. In accordance with the Council’s Street Trading Policy, where representations are received, the application must be referred to the Licensing Committee for determination.

Mr Rao was represented at the meeting by Mr Goodey who presented the application and answered questions put to him by Councillors. Mr Rao’s son was also in attendance. Mr Goodey indicated in his presentation, and in response to questions, that the term ‘Indian hot drinks’ referred to ‘dal’ which was an Indian lentil-based product. Mr Goodey stated that only ‘Indian hot drinks’ referred to as ‘dal’ would be sold and not tea and coffee. The Committee determined the application on this basis.

**DECISION:** That the application submitted by Mr Rao for a Street Trading Consent to sell newspapers, tobacco, confectionery, soft drinks, cut flowers and hot Indian dal from a 'business permit location', outside Witham Railway Station, Albert Road, Witham be granted for Mondays, Tuesdays, Wednesdays, Thursdays, Fridays, Saturdays and Sundays between the hours of 4.30am and 4.00pm, subject to the Council's Street Trading and Collections Policy and the standard conditions relating to street trading, and subject to the sale of all other hot beverages, including tea and coffee, being excluded from the Consent.

The decision has been made on the basis that the only hot beverage to be sold will be hot Indian dal and that all other hot beverages, including tea and coffee, are specifically excluded from the Consent in accordance with the submission of the applicant's representative.

25     **THE LEGISLATIVE REFORM (ENTERTAINMENT LICENSING) ORDER 2014**

**INFORMATION:** Consideration was given to a report on the Legislative Reform (Entertainment Licensing) Order 2014.

Members were advised that the Order would amend Schedule 1 and Section 177A of the Licensing Act 2003 and that it would deregulate certain types of regulated entertainment in defined circumstances. Details of the proposed changes were highlighted in the report. It was anticipated that the Order would take effect from 6<sup>th</sup> April 2015.

**DECISION:** That the report be noted.

The meeting closed at 8.22pm.

Councillor M J Banthorpe  
(Chairman)

APPENDIX  
LICENSING COMMITTEE  
10th SEPTEMBER 2014  
PUBLIC STATEMENTS

Details of People Who Spoke at the Meeting

- 1 Speakers Relating to Item 5 - Application for a Street Trading Consent – Layby at Dicketts Hill, A1017 Sible Hedingham to Great Yeldham
  - (i) Mr Stephen Jales, Old Drawell Cottage, Hedingham Road, Great Yeldham (against the application)
  - (ii) Mr John Ewers, c/o 61 Hawkwood Road, Sible Hedingham (for Applicant)
  
- 2 Speakers Relating to Item 6 - Application for a Street Trading Consent – 'Business Permit Location', Outside Witham Railway Station, Albert Road, Witham
  - (i) Councillor Dr Robert Evans, 17 Forest Road, Witham (for Applicant)
  - (ii) Mr Christopher Goodey, 46 Braintree Road, Witham (for Applicant)