

Minutes

Licensing Committee

7th October 2009



Present:

Councillors	Present	Councillors	Present
M J Banthorpe (Chairman)	Yes	M Lynch	Yes
J C Collar	Apologies	T McArdle	Yes
J G J Elliott	Yes	A M Meyer	No
R Elliston	Yes	Mrs J A Pell	Apologies
J H G Finbow	Yes	A F Shelton	Yes
Mrs S A Howell	Yes	Mrs J A Smith	Yes
P J Hughes	Yes	F Swallow	Apologies
E R Lynch	Apologies		

28 **DECLARATIONS OF INTEREST**

INFORMATION: There were no interests declared.

29 **MINUTES**

DECISION: That the Minutes of the meeting of the Licensing Committee held on 9th September 2009 be approved as a correct record and signed by the Chairman.

30 **QUESTION TIME**

INFORMATION: There were no questions asked or statements made.

31 **STREET TRADING CONSENT – 1 BRADBURY DRIVE, BRAINTREE**

INFORMATION: Consideration was given to an application by Mr Bradley Barraclough for a street trading consent to sell food and soft drinks. Mr Barraclough wished to trade from land at 1 Bradbury Drive, Braintree from Monday to Saturday between the hours of 6.00am and 11.00pm.

Following consultation on the proposal, an objection had been submitted by a street trader who was currently authorised to sell similar commodities to those applied for from a site in Elliot Drive, Braintree from Monday to Saturday between the hours of 7.00am and 3.00pm. This site was within 500 metres of Bradbury Drive. The objector stated that his business had a good reputation and that he had regular, loyal customers. However, he indicated that many companies on the Springwood Industrial Estate were struggling and their staff were working reduced hours. This was having an effect on the objector's trade and he also had to compete with the cafe and sandwich vans which also operated on the estate. The objector had stated that this was his sole source of income and he considered that if the application was approved he would be put out of business.

Members were advised that the Council's Street Trading Policy stipulated that only one trader would normally be permitted to hold a consent in a specific location unless the second applicant wished to trade in a different commodity to the first. In cases where the second applicant wished to trade in the same commodity the matter had to be determined by the Licensing Committee.

Mr Barraclough had been invited to attend the meeting to put forward his application, but he did not attend and the application was therefore determined in his absence.

The Committee was advised that the application site was approximately 270 metres from the site of an existing trader who sold similar goods to those applied for. In accordance with the Council's Street Trading Policy, and in the interest of the existing trader, it was considered that the application should be refused.

DECISION: That the application submitted by Mr Barraclough for a street trading consent to sell food and soft drinks from a site at 1 Bradbury Drive, Braintree be refused in view of the likely impact on an existing trader selling the same commodities nearby.

32 **GAMBLING ACT 2005 – REVISED STATEMENT OF LICENSING POLICY**

INFORMATION: The Committee was advised that the Gambling Act 2005 authorised the Council to approve the use of premises for various gambling activities. The Council was also required to publish a Statement of Licensing Policy setting out the principles that it would generally apply when determining applications in order to ensure that the three licensing objectives of the Act were promoted. The Council was required to review its Policy every three years and the adoption and publication of a Revised Policy was due before January 2010.

A draft, revised Statement of Licensing Policy had been published for public consultation between 17th July 2009 and 18th September 2009 and a representation dated 25th August 2009 had been received from the British Beer and Pub Association. The Association had requested some amendments to the Policy.

DECISION: That it be **RECOMMENDED to full Council** that the Gambling Act 2005 - Revised Statement of Licensing Policy be published, subject to the inclusion of amendments put forward by the British Beer and Pub Association and to the minor amendment of the District Council Licensing Officer's contact E-Mail address.

The meeting closed at 7.35pm.

M J BANTHORPE
(Chairman)