

# Minutes

## Licensing Committee

25<sup>th</sup> March 2013



Present:

Councillors	Present	Councillors	Present
J S Allen	Yes	C Gibson	Apologies
M J Banthorpe	Apologies	S A Howell	Apologies
J Baugh (Vice-Chairman in the Chair)	Yes	H D Johnson	Apologies
T G Cunningham	Yes	E R Lynch	Apologies
J G J Elliott	Yes	J A Pell	Yes
J H G Finbow	Yes	L S Walters	Apologies
M J Fincken	Yes	S A Wilson	Yes
M E Galione	Apologies	B Wright	Yes

### 23 **DECLARATIONS OF INTEREST**

**INFORMATION:** There were no interests declared.

### 24 **MINUTES**

**DECISION:** That the Minutes of the meeting of the Licensing Committee held on 21<sup>st</sup> November 2012 be approved as a correct record and signed by the Chairman.

### 25 **QUESTION TIME**

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

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

### 26 **NHS NORTH ESSEX PRIMARY CARE TRUST**

**INFORMATION:** Graham Seward and Alison Woolnough representing NHS North Essex Primary Care Trust attended the meeting and gave a presentation on the work of the Primary Care Trust.

Alison Woolnough explained that the Primary Care Trust became a Responsible Authority under the Licensing Act 2013 with effect from 1<sup>st</sup> April 2012. This meant that the Primary Care Trust was notified of all new licensing applications, could make representations on licence applications

with reference to one of the licensing objectives, and, if requested, could present health-related evidence to inform decision making on new or existing licences. The Responsible Authority's duties would transfer from the Primary Care Trust to Essex County Council's Director of Public Health on 1<sup>st</sup> April 2013.

The Chairman thanked Graham and Alison for their presentation and for attending the meeting.

27     **STREET TRADING CONSENT APPLICATION – MARKET PLACE, BRAINTREE**

**INFORMATION:** Consideration was given to an application for a street trading consent which had been submitted by Mr Anthony Varrow. Mr Varrow wished to sell hot food from a vehicle parked on the highway in Market Place, Braintree in the vicinity of the statue / feature adjacent to Tesco. Mr Varrow wished to trade on Mondays, Tuesdays, Thursdays and Fridays between the hours of 8.00am and 5.00pm.

Following consultation, seven representations had been received from local traders who sold similar commodities in the vicinity.

Mr Varrow attended the meeting, presented his application and answered questions put to him by Members.

Mr Varrow remained in the meeting whilst the Committee made its decision.

**DECISION:** That the application submitted by Mr Varrow for a street trading consent to sell hot food from a vehicle parked on the highway in Market Place, Braintree in the vicinity of the statue / feature adjacent to Tesco be granted for Mondays, Tuesdays, Thursdays and Fridays between the hours of 8.00am and 5.00pm, subject to the Council's Street Trading and Collections Policy and the standard conditions relating to street trading.

28     **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.

A draft, revised Statement of Licensing Policy had been published for public consultation between 5th December 2012 and 27th February 2013. Representations had been received from Essex Police, the Campaign for Fairer Gambling, Essex County Council Safeguarding Children and Adults Boards and Witham United Reformed Church requesting some amendments

to the Policy. Some of these amendments had been incorporated within a revised draft of the Policy which was attached to the Agenda at Appendix 3.

Witham United Reformed Church had requested that the Policy be modified in three ways, namely limiting the number of premises licensed for gambling within a single street or zone; limiting the number of premises licensed in a given street or zone where there is already a premises operated by the same entity, or an affiliate of the same entity located within one kilometre; and to strengthen paragraph 2.1 of the Policy to state that the Licensing Authority will not licence premises located within 250 metres of a Church, or a meeting place of a faith group. Guidance issued by the Gambling Commission stated that a Licensing Policy should not seek to restrict the number of premises in a particular street or zone. It was therefore proposed that no changes be made to the Policy in relation to this matter.

Witham United Reformed Church had requested also that all existing licences issued to premises located within 250 metres of a Church be reviewed and for the Licensing Authority to either withdraw such licences, or to apply conditions requiring that the interior of such premises are not normally visible from the street. Members were advised that there were currently 14 premises within the Braintree District which were licensed under the Gambling Act. Of these, 12 premises were within 250 metres of a Church. Whilst it was not appropriate to consider a consultation response as an application for the review of a licence, there was scope within the Guidance for a Licensing Authority to determine whether the location of a proposed gambling premises was acceptable. However, in noting the concerns which had been expressed by Witham United Reformed Church, Members of the Committee considered that it was premature to introduce an exclusion zone and it was agreed that this matter should be considered by the Committee at a future date.

#### **DECISION:**

- (1) That it be **RECOMMENDED to Council** that the Gambling Act 2005 - Revised Statement of Licensing Policy be adopted and published, as set out in Appendix 3 of the report.
- (2) That the Environmental Health Manager (Food, Health and Safety and Licensing) be authorised to make minor amendments to the Policy, as required, before its submission to Council.

The meeting closed at 8.50pm.

J BAUGH

(Vice-Chairman in the Chair)