

Minutes

Licensing Committee

21st November 2012



Present:

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

18 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:

Councillor J S Allen declared a non-pecuniary interest in Agenda Item 5 – Application for a Pavement Permit - The Bull, Bridge Street, Halstead as a Member of Halstead Town Council which had submitted a written objection, and having submitted a written objection herself.

Councillor Allen left the meeting whilst this matter was discussed and determined.

Councillor M J Fincken declared a non-pecuniary interest in Agenda Item 5 – Application for a Pavement Permit - The Bull, Bridge Street, Halstead as a Member of Halstead Town Council which had submitted a written objection to the application. Councillor Fincken indicated that he left the room when the matter was considered by Halstead Town Council.

Councillor J A Pell declared a non-pecuniary interest in Agenda Item 5 – Application for a Pavement Permit - The Bull, Bridge Street, Halstead as a Member of Halstead Town Council and Halstead Residents' Association both of whom had submitted written objections to the application. Councillor Pell indicated that she abstained from voting when the matter was considered by Halstead Residents' Association of which she was Chairman and that she left the room when the matter was considered by Halstead Town Council.

Councillor Pell left the meeting whilst this matter was discussed and determined.

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

19 **MINUTES**

DECISION: That the Minutes of the meeting of the Licensing Committee held on 12TH September 2012 be approved as a correct record and signed by the Chairman.

20 **QUESTION TIME**

INFORMATION: There was one statement made. Details of the person 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.

21 **PAVEMENT PERMIT - THE BULL, BRIDGE STREET, HALSTEAD**

INFORMATION: The Committee was advised that an application had been received from Greene King PLC on 17 September 2012 for a pavement permit in respect of The Bull, Bridge Street, Halstead. The application sought permission to place four tables and 16 chairs on the pavement fronting The Bull from Monday to Sunday between 10.00 hours and 20.00 hours.

As part of the consultation process, consent had been received from the Highway Authority, subject to conditions. However, objections had been received from Halstead Town Council, Halstead Residents' Association, two local District Councillors, Essex Police and a local resident. Details of these objections were attached to the Agenda report.

In considering this matter, Members of the Committee had regard to a written representation submitted by the applicant's agent on 20th November 2012 in response to points raised in the objections.

Whilst having regard to the drawings and representations submitted on behalf of the applicant, Members concluded that a pavement permit at the site would be inappropriate. This view was based on the limited area available at the site and its location on a sharp bend at the bottom of Market Hill, which had been the scene of a recent road traffic accident. Furthermore, it was considered unlikely that tables and chairs could be contained within the barriers of the proposed area and that they would instead encroach upon the remaining area of pavement making safe passage by pedestrians, particularly those with prams, wheelchairs and mobility scooters, difficult. Members of the Committee were particularly cognizant of the concerns which had been expressed by local people and Essex Police.

DECISION: That, having regard to the location of the site and its limited area, as outlined above, and to the concerns expressed by local people including Halstead Town Council, Halstead Residents' Association, two local District Councillors and a local resident, and, in particular, the points raised by Essex Police in their objection namely potential increased risk of repeated public order offences and public safety issues relating to the supervision of patrons' behaviour, and the ability for pedestrians to gain safe passage passed the permit area, the application by Greene King PLC for a pavement permit in respect of The Bull, Bridge Street, Halstead be refused.

INFORMATION: The Committee was advised that the Gambling Act 2005 placed a statutory responsibility on all Local Authorities to issue various permissions, permits and notices for the use of premises for gambling activities.

Each Authority was legally required to formulate its own Gambling Licensing Policy Statement which had to be reviewed and re-published every three years. The Policy had to be based on three licensing objectives, which were to prevent gambling from being a source of crime and disorder; being associated with crime or disorder; or being used to support crime; to ensure that gambling was conducted in a fair and open way; and to protect children and other vulnerable people from being harmed or exploited by gaming.

Members were advised that the draft revised Gambling Licensing Policy Statement attached to the Agenda was based upon the Essex Authorities generic framework and it set out the principles which the Council would generally apply when making decisions on applications made under the Act. If approved by the Committee, the draft Policy Statement would be subject to public consultation for a period of 12 weeks.

DECISION: That the draft Gambling Licensing Policy Statement be approved for the purpose of public consultation.

The meeting closed at 8.05pm.

M J BANTHORPE

(Chairman)

APPENDIX
LICENSING COMMITTEE
21st NOVEMBER 2012
PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

1. Statements Relating to Agenda Item 5 – Application for a Pavement Permit – The Bull, Bridge Street, Halstead

Statement by Mr Robert Richmond, 2 Monklands Court, Halstead, Essex