

Minutes

Licensing Committee

15th May 2013



Present:

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

Councillor Dr R L Evans attended the meeting for the consideration of Item 5 - Application for a Street Trading Consent – Albert Road, Witham.

Change in Committee Membership

At the commencement of the meeting, the Chairman indicated that at the Annual General Meeting of the Council Councillor M Green had been appointed to the Committee. As a new Member to the Committee, Councillor Green would be required to undertake training on licensing legislation before taking part in the decision-making process.

The Chairman indicated also that Councillor E R Lynch was no longer a Member of the Committee. The Chairman wished to record his appreciation for Councillor Lynch's significant commitment to the work of the Committee over several years.

1 DECLARATIONS OF INTEREST

INFORMATION: Councillor T G Cunningham declared a non-pecuniary interest in Item 5 - Application for a Street Trading Consent – Albert Road, Witham as he had been a former, regular customer of the proprietor of 'Get it Fresh' who had objected to the application.

2 **MINUTES**

DECISION: That the Minutes of the meeting of the Licensing Committee held on 25th March 2013 be approved as a correct record and signed by the Chairman.

3 **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 – Albert Road, Witham be invited to speak whilst the item was 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.

4 **APPLICATION FOR A STREET TRADING CONSENT – ALBERT ROAD, WITHAM**

INFORMATION: Consideration was given to an application made by Mr Rao for a Street Trading Consent to sell newspapers, tobacco, confectionery, soft drinks, cut flowers, coffee and pre-packed sandwiches from a purpose-built vehicle positioned on Albert Road, Witham located immediately outside Witham Railway Station. 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. The main objection related to the sale of coffee and pre-packed sandwiches. 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 attended the meeting, and was represented by Mr Goodey who presented the application and answered questions put to him by Councillors. Mr Murphy, the proprietor of 'Get it Fresh' who had objected to the application, attended the meeting also, spoke on the application, and answered questions put to him by Councillors.

Mr Rao, Mr Goodey, Mr Murphy and all members of the public in attendance left the meeting whilst the Committee made its decision. All parties were re-admitted to the meeting and the Chairman announced the Committee's decision as follows:-

DECISION: That the application submitted by Mr Rao for a Street Trading Consent to sell newspapers, tobacco, confectionery, soft drinks, cut flowers, coffee and pre-packed sandwiches from a purpose-built vehicle positioned on Albert Road, Witham located immediately outside Witham Railway Station 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 coffee and pre-packed sandwiches being excluded from the Consent.

Reason for Decision:- The grant of a consent for the sale of coffee and pre-packed sandwiches would conflict with goods and services provided by nearby retailers.

5 **APPLICATION FOR A PAVEMENT PERMIT – THE BULL PUBLIC HOUSE, MARKET PLACE, BRAINTREE**

INFORMATION: Consideration was given to an application submitted by DHA Planning on behalf of Greene King PLC for a Pavement Permit in respect of The Bull Public House, Market Place, Braintree for Monday to Sunday between the hours of 9.00am and 10.00pm.

Members were advised that the Council's Pavement Permit policy stated that the normal hours of operation were 9.00am and 6.00pm from Monday to Sunday and that applications for a permit beyond 6.00pm and up to 10.00pm had to be referred to the Licensing Committee for determination.

A letter of objection had also been received from the occupier of a property which was likely to be 'materially affected' by the proposal.

DECISION: That a Pavement Permit be granted in respect of The Bull Public House, Market Place, Braintree, subject to the standard Pavement Permit conditions.

The meeting closed at 8.59pm.

M J Banthorpe

(Chairman)

APPENDIX
LICENSING COMMITTEE

15th MAY 2013

PUBLIC STATEMENTS

Details of People Who Spoke at the Meeting

- 1 Speakers Relating to Item 5 - Application for a Street Trading Consent –
Albert Road, Witham
 - (i) Mr Christopher Goodey, 46 Braintree Road, Witham (for Applicant - Mr Rao)
 - (ii) Mr Mark Murphy, Trading as 'Get it Fresh', Braintree Road, Witham (Objector)