

Minutes

Licensing Committee

5th January 2017



Present:

Councillors	Present	Councillors	Present
Mrs J Allen	Yes	H Johnson	Yes
M Banthorpe (Chairman)	Yes	Mrs J Money	No
P Barlow	Yes	Mrs J Pell	Apologies
J Baugh (Vice-Chairman)	Apologies	R van Dulken	Yes
J Elliott	Yes (until 8.55pm)	Mrs L Walters	Yes
J Goodman	Yes	Mrs S Wilson	Yes
A Hensman	Yes		

21 **DECLARATIONS OF INTEREST**

INFORMATION: The following interests were declared:-

Councillor Mrs L Walters declared a non-pecuniary interest in Item No. 5 - Application for a Street Trading Consent – Eastways, Witham as Mr N Jesse who was speaking during Question Time on behalf of Witham Industrial Watch was known to her in connection with her term of office as Chairman of Braintree District Council. Councillor Mrs Walters left the meeting when the Item was considered and determined.

On behalf of Members of the Committee, Councillor M Banthorpe, the Chairman of the Licensing Committee, declared a joint non-pecuniary interest in Item No. 7 - Dangerous Wild Animals Act 1976 - Application for a Licence to Keep Dangerous Wild Animals as the applicant's father was a former elected Member of Braintree District Council and was known to them.

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

22 **MINUTES**

DECISION: That the Minutes of the meeting of the Licensing Committee held on 16th November 2016 be approved as a correct record and signed by the Chairman.

23 **QUESTION TIME**

INFORMATION: There were ten statements made. 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.

24 **APPLICATION FOR A STREET TRADING CONSENT – EASTWAYS, WITHAM**

INFORMATION: Consideration was given to an application made by Mr Mehmet Ali Gul for a Street Trading Consent to sell burgers, bacon, sausages, chips, chicken and hot and cold drinks from a site (near to Compass House) at Eastways, Witham. Mr Gul wished to trade on Mondays, Tuesdays, Wednesdays, Thursdays and Fridays between the hours of 7.00am and 4.00pm.

Following consultation, the Council had received four objections to the application. Three of these were from businesses in the vicinity of the proposed site. The other objection had been submitted by Witham Industrial Watch. The objections related to traffic congestion; access by Heavy Goods Vehicles; parking issues; smells; litter; and unsightly impact on adjoining business premises. In accordance with the Council's Street Trading Policy, where representations are received, the application must be referred to the Licensing Committee for determination.

Members of the Committee were advised that there was no right of appeal against a refusal to issue a Consent, but that an applicant had the option to seek a Judicial Review of the decision. If an application was refused, the application fee would be refunded to the applicant.

Mr Gul attended the meeting and spoke in support of his application during Question Time. Mr Jesse attended the meeting also and spoke on behalf of Witham Industrial Watch.

In discussing the application, Members of the Committee considered that the proposed location of the Street Trading Consent was inappropriate due to traffic issues, limited parking and the impact on adjoining business premises. It was noted that alternative sites may be available nearby. Consent to trade from such sites would require the submission of an application and consultation.

DECISION: That the application submitted by Mr Mehmet Ali Gul for a Street Trading Consent to sell burgers, bacon, sausages, chips, chicken and hot and cold drinks from a site (near to Compass House) at Eastways, Witham on Mondays, Tuesdays, Wednesdays, Thursdays and Fridays between the hours of 7.00am and 4.00pm be refused as it does not comply with Braintree District

Council's Street Trading and Collections Policy on the grounds of traffic congestion, limited parking and impact on adjoining business premises.

25 **APPLICATION FOR A STREET TRADING CONSENT – HATFIELD ROAD, WITHAM**

INFORMATION: Consideration was given to an application made by Mr Haci Cayir for a Street Trading Consent to sell kebabs, chicken, chips, burgers and soft and hot drinks from a site at Hatfield Road (B1389), Witham. Mr Cayir wished to trade on Mondays, Tuesdays, Wednesdays, Thursdays, Fridays, Saturdays and Sundays between the hours of 5.00pm and 11.00pm.

Following consultation, the Council had received three objections to the application. Two of these were from an existing Street Trading Consent holder in the vicinity selling similar products. The other objection had been submitted by Essex County Council – Highways. The objections related to highway dangers, which were currently exacerbated by worn yellow line markings; the parking of the towing vehicle and catering unit in the nearby lay-by; trading after 10.30pm; the sale of similar commodities; and noise and litter late at night. In its objection, Essex County Council – Highways had indicated that the serving hatch of the proposed burger van would be against the running lane of traffic, which could lead to members of the public queuing unsafely. In accordance with the Council's Street Trading Policy, where representations are received, the application must be referred to the Licensing Committee for determination.

Members of the Committee were advised that there was no right of appeal against a refusal to issue a Consent, but that an applicant had the option to seek a Judicial Review of the decision. If an application was refused, the application fee would be refunded to the applicant.

Mr Cayir attended the meeting and he was represented by Mr Gul who spoke in support of the application during Question Time.

In discussing the application, Members of the Committee considered that the Street Trading Consent should be refused on the basis that there was an existing Street Trading Consent holder in the vicinity selling similar products. In addition, the proposed site was located on an unlit, two-way stretch of the B1389, close to the exit point from the A12 where vehicles could be travelling at 60mph. It was noted also that the nearby lay-by was often occupied by Heavy Goods Vehicles, which restricted access.

DECISION: That the application submitted by Mr Haci Cayir for a Street Trading Consent to sell kebabs, chicken, chips, burgers and soft and hot drinks from a site at Hatfield Road (B1389), Witham on Mondays, Tuesdays, Wednesdays, Thursdays, Fridays, Saturdays and Sundays between the hours of 5.00pm and 11.00pm be refused as it does not comply with Braintree District Council's Street Trading and Collections Policy on the grounds that there is an existing Street Trading Consent holder in the vicinity selling similar

products; and the proposed site is located on a stretch of unlit road where vehicles travel at speed, making use of the proposed van dangerous for customers.

26 **DANGEROUS WILD ANIMALS ACT 1976 - APPLICATION FOR A LICENCE TO KEEP DANGEROUS WILD ANIMALS**

(This Item was taken as the first main Item of business at the meeting).

(Mr Bolton, the applicant, and six objectors made statements during Question Time. Mr Bolton answered questions put to him by Members of the Committee during the consideration of this Item).

(The Chairman of the Licensing Committee stated that Members of the Committee had received correspondence from some objectors in advance of the meeting and that he had also received three letters of support prior to the start of the meeting).

INFORMATION: Consideration was given to an application by Mr J Bolton for a licence under the Dangerous Wild Animals Act 1976 to keep wild boar at Pitt Wood, Sturmer Road, New England.

It was reported that the applicant currently held a licence, which had been issued on 10th February 2016 to keep Dangerous Wild Animals on a smaller part of the site. This licence allowed the licence holder to keep up to 55 wild boar comprising 15 adults and 40 young boars up to the age of eight months. However, the applicant wished to expand his business into the remaining area of woodland and to increase the number of animals kept to a maximum of 131 (1 adult male, 10 adult females and 120 rearing/fattening boars up to the age of 20 months). The new licence, if granted would cover the entire site, including the existing licensed area, the proposed extension and the increase in the number of animals. If granted, the licence would be in force from the date of issue for a period of two years. It was proposed that conditions should be attached to the licence in order to meet the requirements of the Act and to provide additional public safety safeguards and to help minimise public nuisance. The applicant had indicated that, subject to the grant of the new licence and its commencement, the existing licence would be surrendered.

Members were advised that the determination of applications to keep dangerous wild animals was delegated to the Council's Environmental Health Department. However, this application had been referred to the Licensing Committee for determination as there was significant interest from neighbouring residents.

It was reported that a veterinary surgeon appointed and authorised by the Council had inspected the premises on 18th November 2016. The inspection report had not highlighted any concerns with the current operation at the site and had recommended that a licence be granted under the Act.

DECISION: That the determination of the application submitted by Mr J Bolton for a licence under the Dangerous Wild Animals Act 1976 to keep wild boar at Pitt Wood, Sturmer Road, New England be deferred to enable Members of the Licensing Committee to attend an accompanied visit to the site.

Post Meeting Note:- The site visit for Members of the Committee has been arranged for Tuesday, 24th January 2017. A meeting of the Licensing Committee will also be held on Tuesday, 24th January 2017 at Causeway House, Braintree starting at 7.15pm at which the application will be determined.

The meeting closed at 9.45pm.

Councillor M Banthorpe
(Chairman)

APPENDIX
LICENSING COMMITTEE
5TH JANUARY 2017
PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

- 1 Statements Relating to Agenda Item No. 5 - Application for a Street Trading Consent - Eastways, Witham
 - (i) Statement by Mr Mehmet Ali Gul (Applicant)
 - (ii) Statement by Mr Neil Jesse for Witham Industrial Watch (Objector)
- 2 Statement Relating to Agenda Item No. 6 - Application for a Street Trading Consent - Hatfield Road, Witham

Statement by Mr Mehmet Ali Gul (for Applicant)
- 3 Statements Relating to Agenda Item No. 7 - Dangerous Wild Animals Act 1976 - Application for a Licence to Keep Dangerous Wild Animals
 - (i) Statement by Mr Toby Wilson Waterworth (Objector)
 - (ii) Statement by Mr Adrian Fell (Objector)
 - (iii) Statement by Mr Aubrey Chinnery (Objector)
 - (iv) Statement by Mrs Daphne Hanson (for an Objector)
 - (v) Statement by Mrs Teresa Newman (Objector)
 - (vi) Statement by Mr Nicholas Newman (Objector)
 - (vii) Statement by Mr James Bolton (Applicant)
(In addition, Mr Bolton answered questions put to him by Members of the Committee during the consideration of this Item).