

Minutes

Licensing Committee

15th September 2010



Present:

Councillors	Present	Councillors	Present
M J Banthorpe (Chairman)	Yes	M Lynch	Apologies
J C Collar	Yes	T McArdle	Yes
J G J Elliott	No	A M Meyer	Yes
R Elliston	Yes	Mrs J A Pell	Yes
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	Yes
E R Lynch	Yes		

At the commencement of the meeting, the Chairman was pleased to welcome and introduce Mr Ladi Lapite, Principal Solicitor Essex County Council, who was attending the meeting to provide legal advice.

14 **DECLARATIONS OF INTEREST**

INFORMATION: There were no interests declared.

15 **MINUTES**

DECISION: That the Minutes of the meetings of the Licensing Committee held on 10th and 19th May 2010 be approved as a correct record and signed by the Chairman.

In discussing this item, it was agreed that the Notes of meetings of the Taxi Association Liaison Panel should in future be presented to the Licensing Committee for information.

16 **QUESTION TIME**

INFORMATION: There were no questions asked or statements made.

17 **STREET TRADING CONSENT – HIGH STREET, BRAINTREE**

INFORMATION: Consideration was given to an application for a street trading consent which had been submitted by Mr Roger Green. Mr Green wished to sell ice-creams and cold drinks from a van parked on the highway in the vicinity of David Connolly Jewellers, High Street, Braintree. Mr Green wished to trade on Mondays, Tuesdays, Thursdays and Fridays between the hours of 9.00am and 5.15pm. A previous application by Mr Green had been approved on 9th September 2009.

Following consultation, Essex County Council Highways had objected to the

application on the grounds that the trading site was a footway which vehicles should not park on and that bollards had been positioned around the site to stop vehicles entering. Furthermore, the footway had not been constructed to take the weight of a vehicle, which if permitted, could lead to maintenance problems as a result of paving slabs rocking, becoming loose and causing a trip hazard. The County Council had stated that the High Street was one-way and that the trader would be committing an offence if he parked his vehicle facing the wrong way, and that a Traffic Regulation Order stipulated that only buses and vehicles loading and unloading goods could enter the High Street. Members were advised that, in addition, a complaint had been received in May 2010 regarding Mr Green's ice-cream van on the grounds that it obscured the view of the Town Centre map; that unlike other traders in the town Mr Green did not have to pay annual business rates; that there were other, permanent traders in the town selling ice-creams; and that the vehicle breached the Council's rule requiring that stationary vehicles should not have their engines running.

Mr Green attended the meeting, presented his application and answered questions put to him by Members. Mr Green indicated that he wished to trade mainly in the Summer months during school holidays. Mr Green stated also that he looked after his vehicle and kept the trading site clear of litter. Mr Green stated that he was not aware that his vehicle had damaged the pavement, but that he was prepared to contribute towards the cost of any repairs required. Mr Green indicated that he had to keep the vehicle's engine running in order to make soft ice-cream and that it would not be possible to adapt the vehicle to take an alternative, external electric power supply. This would require considerable investment in a replacement vehicle.

Mr Green was excluded from the meeting whilst the Committee made its decision.

In determining this matter, the Committee had regard to the Council's Street Trading and Collections Policy and, in particular, the content of paragraph 1 - General Policy and paragraph 12 - Trading on Pedestrian Areas. The Committee considered, that despite the objection and complaint which had been submitted, Mr Green provided a valuable service to the public, including the sale of soft ice-cream that was not provided by other local retailers. The Committee acknowledged that Mr Green's vehicle operated quietly, was well looked after and that Mr Green kept the trading area very clean and tidy. In addition, Mr Green parked his vehicle against the direction of the one-way traffic to ensure that the hatch of the vehicle faced the adjacent buildings rather than the road and thus provided a safe area from which the public, particularly children, could make their purchases. It was not considered that the proposal would cause a nuisance.

DECISION: That the application submitted by Mr Green for a street trading consent to sell ice-cream and cold drinks from an ice-cream van located at the junction of Bank Street and High Street, Braintree adjacent to David Connolly Jewellers be granted for Mondays, Tuesdays, Thursdays and Fridays between the hours of 9.00am to 5.15pm, subject to the Council's Street Trading and Collections Policy and the standard conditions relating to street trading.

18 **STATEMENT OF LICENSING POLICY**

INFORMATION: Consideration was given to a report on the proposed re-publication of the Council's Statement of Licensing Policy.

Members were advised, that in accordance with the Licensing Act 2003 the Council,

as the Licensing Authority, was required to carry out a formal review of, consultation on and re-publication of its Statement of Licensing Policy every three years. The re-published Policy would set out the principles that the Licensing Authority would apply to promote the licensing objectives when determining applications submitted under the Act during the subsequent three year period.

Members were advised that the Policy had been updated to take account of changes made under Section 182 of the Licensing Act 2003 and issued as part of Home Office Guidance in March 2010. The Statement of Licensing Policy had been subject to public consultation during the period 18th June 2010 to 27th August 2010, during which time no comments had been received.

It was reported that one small amendment was required to the telephone number referred to in paragraph 2 (a) (Variation of a Premises Licence) of Appendix 6 (Details of Application Process – General Information). This was to be amended from 01255 686565 to 01376 557790.

DECISION: **That it be Recommended to Council** that the Statement of Licensing Policy, as amended, be adopted.

Notification of Premises Licence Applications, Decisions and Appeals

At the close of the meeting consideration was given to request submitted by two Members of the Committee that details of applications received and determined under the Licensing Act 2003 (but not including Temporary Event Notices), and any appeals lodged, should be made available on the Council's web site and updated on a weekly basis.

Whilst the Committee supported this request, it was noted that the provision of such information could have resource implications. In the circumstances, it was agreed that a report should be presented to the next meeting of the Committee setting out how the information might best be provided.

The meeting closed at 8.25pm.

M J BANTHORPE

(Chairman)