

# LICENSING COMMITTEE AGENDA

Wednesday, 18 July 2018 at 07:15 PM

Committee Room 1, Braintree District Council, Causeway House,  
Bocking End, Braintree, CM7 9HB

**THIS MEETING IS OPEN TO THE PUBLIC**  
*(Please note this meeting will be audio recorded)*

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Members of the Licensing Committee are requested to attend this meeting to transact the business set out in the Agenda.

**Membership:-**

Councillor Mrs J Allen	Councillor H Johnson
Councillor M Banthorpe (Chairman)	Councillor Mrs J Pell
Councillor P Barlow	Councillor B Rose
Councillor J Baugh (Vice Chairman)	Councillor Mrs L Walters
Councillor J Elliott	Councillor Mrs S Wilson
Councillor J Goodman	Vacancy
Councillor A Hensman	

Members unable to attend the meeting are requested to forward their apologies for absence to the Governance and Members Team on 01376 552525 or email [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk) by 3pm on the day of the meeting.

A WRIGHT  
Chief Executive

## **INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS**

### **Declarations of Disclosable Pecuniary Interest, Other Pecuniary Interest or Non-Pecuniary Interest**

Any member with a Disclosable Pecuniary Interest, other Pecuniary Interest or Non-Pecuniary Interest must declare the nature of their interest in accordance with the Code of Conduct. Members must not participate in any discussion of the matter in which they have declared a Disclosable Pecuniary Interest or other Pecuniary Interest or participate in any vote, or further vote, taken on the matter at the meeting. In addition, the Member must withdraw from the chamber where the meeting considering the business is being held unless the Member has received a dispensation from the Monitoring Officer.

### **Question Time**

The Agenda allows for a period of up to 30 minutes when members of the public can speak. Members of the public wishing to speak are requested to register by contacting the Governance and Members Team on 01376 552525 or email [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk) no later than 2 clear working days before the day of the meeting. The Council reserves the right to decline any requests to register to speak if they are received after this time. Members of the public can remain to observe the public session of the meeting.

Please note that there is public Wi-Fi in the Council Chamber, users are required to register in order to access this. There is limited availability of printed agendas.

### **Health and Safety**

Any persons attending meetings in the Council offices are requested to take a few moments to familiarise themselves with the nearest available fire exit, indicated by the fire evacuation signs. In the event of an alarm you must evacuate the building immediately and follow all instructions provided by officers. You will be assisted to the nearest designated assembly point until it is safe to return to the building.

### **Mobile Phones**

Please ensure that your mobile phone is switched to silent during the meeting in order to prevent disturbances.

### **Webcast and Audio Recording**

Please note that this meeting will be audio recorded only.

### **Documents**

Agendas, reports and minutes for all the Council's public meetings can be accessed via [www.braintree.gov.uk](http://www.braintree.gov.uk)

We welcome comments from members of the public to make our services as efficient and effective as possible. If you have any suggestions regarding the meeting you have attended, you can send these via [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk)

<b>PUBLIC SESSION</b>		<b>Page</b>
<b>1</b>	<b>Apologies for Absence</b>	
<b>2</b>	<b>Declarations of Interest</b> To declare the existence and nature of any Disclosable Pecuniary Interest, other Pecuniary Interest, or Non-Pecuniary Interest relating to Items on the Agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.	
<b>3</b>	<b>Minutes of the Previous Meeting</b> To approve as a correct record the Minutes of the meeting of the Licensing Committee held on 9th May 2018 (copy previously circulated).	
<b>4</b>	<b>Public Question Time</b> (See paragraph above)	
<b>5</b>	<b>Pulse and Cocktails, A12 Northbound, Rivenhall End - Application for a Sex Establishment</b>	<b>4 - 25</b>
<b>6</b>	<b>Prezzo, 70 Newland Street, Witham - Application for a Pavement Permit</b>	<b>26 - 35</b>
<b>7</b>	<b>Urgent Business - Public Session</b> To consider any matter which, in the opinion of the Chairman, should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.	
<b>8</b>	<b>Exclusion of the Public and Press</b> To agree the exclusion of the public and press for the consideration of any Items for the reasons set out in Part 1 of Schedule 12(A) of the Local Government Act 1972.	
	<i>At the time of compiling this Agenda there were none.</i>	
<b>PRIVATE SESSION</b>		<b>Page</b>
<b>9</b>	<b>Urgent Business - Private Session</b> To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.	

<b>Application for a Sex Establishment (Sex Shop) Licence under the Local Government (Miscellaneous Provisions) Act 1982</b>		<b>Agenda No: 5</b>
<b>Portfolio</b>	<b>Environment and Place</b>	
<b>Corporate Outcome:</b>	<b>A prosperous district that attracts business growth and provides high quality employment opportunities Residents live well in healthy and resilient communities where residents feel supported</b>	
<b>Report presented by:</b>	<b>Alex Maschas, Licensing Officer</b>	
<b>Report prepared by:</b>	<b>John Meddings, Principal Licensing Officer</b>	
<b>Background Papers:</b>	<b>Public Report</b>	
<ul style="list-style-type: none"> <li>• Local Government (Miscellaneous Provisions) Act 1982</li> <li>• Braintree District Council Sex Establishment Policy</li> <li>• Application (Appendix 1)</li> <li>• Objection (Appendix 2)</li> <li>• Supporting Correspondence (Appendix 3)</li> </ul>	<b>Key Decision: No</b>	
<b>Executive Summary:</b>		
To consider and determine the application made by Cocktails Limited for Pulse & Cocktails, A12, Northbound London Road, Rivenhall End, Rivenhall, CM8 3HB for a Sex Establishment (Sex Shop) Licence under the Local Government (Miscellaneous Provisions) Act 1982.		
<b>Decision:</b> To determine one of the following options:-		
<ol style="list-style-type: none"> <li>1. To <b>Grant</b> the application, with or without amendment, subject to the standard conditions for Sex Establishments and any other additional special conditions which the Licensing Committee deem appropriate.</li> <li>2. To <b>Refuse</b> the application on the discretionary grounds listed in the main body of the report.</li> </ol>		
<b>Purpose of Decision:</b>		
To determine the application in accordance with Braintree District Council's Sex Establishment Policy.		

<b>Corporate Implications</b>	
<b>Financial:</b>	There may be a financial impact on the applicant's business.
<b>Legal:</b>	Appeal only exists for mandatory refusals, which is not relevant in this instance. Limited rights of appeal to the Magistrates' Court exist against decisions made on discretionary grounds as set out in Paragraph 12 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. Appeals must be made within 21 days from the date of the decision of the Council  In the event of the application being refused, the Licensing Committee is required to give reasons for its decision.
<b>Safeguarding:</b>	The decision making process takes into consideration the protection of children and vulnerable adults.
<b>Equalities/Diversity:</b>	None arising from this report.
<b>Customer Impact:</b>	The decision made will have an impact on the applicant's business.
<b>Environment and Climate Change:</b>	None arising from this report.
<b>Consultation/Community Engagement:</b>	There has been statutory public consultation detailed in the main report.
<b>Risks:</b>	There is a limited right of appeal against decisions made on discretionary grounds as set out in Paragraph 12 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.
<b>Officer Contact:</b> John Meddings	
<b>Designation:</b> Principal Licensing Officer	
<b>Ext. No:</b> 2213	
<b>E-mail:</b> john.meddings@braintree.gov.uk	

## 1. Application

1.1 The application for a new Sex Establishment (Sex Shop) Licence was received on 17th May 2018 (Appendix 1) and subsequently validated on 22nd May 2018.

1.2 Applicant details:

Cocktails Ltd  
Canklow Meadows Industrial Estate  
Rotherham  
South Yorkshire  
S60 2XL

1.3 Premises Address:

Pulse & Cocktails  
A12 Northbound

London Road  
Rivenhall End  
Rivenhall  
Essex  
CM8 3HB

1.4 Trading times:

Monday to Friday	09:00hrs to 21:00hrs
Saturday	10:00hrs to 20:00hrs
Sunday	11:00hrs to 17:00hrs

1.5 The Applicant is also requesting an amendment to a standard condition which would allow the premises to operate in line with their other stores.

Condition 1, specific to Sex Shops states:

*It is permitted to play music or words either via national or local radio stations or any pre-recorded means, but no material whatsoever of an adult theme or nature can be played or broadcast, whether by means of sound or moving picture.*

The proposed amendment to the condition is as follows:

*It is permitted to play music or words either via national or local radio stations or any pre-recorded means, but no material of an adult theme or nature can be played or broadcast, except on a single screen in the DVD section of the licensed area. This will only show trailers (maximum of 3 minutes in length) on a loop and will be inaudible.*

1.6 The applicant has also requested that the current signage and window displays (see application photos) be approved. If the licence is granted changes to the above, after initial grant, will be approved by Officers.

1.7 The applicant has also submitted correspondence (Appendix 3) from the adjoining business, Clearwater Automotive Ltd, to support their application.

## 2. Consultation

2.1 The application was advertised in accordance with paragraph 10(8),(9) and (10) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. A notice was displayed on the premises and in the local newspaper circulating in the appropriate area.

2.2 The 21 day consultation period started from the date the application was validated. The Chief Officer of Police (Essex Police) was also consulted once the application was validated.

## 3. Objections

3.1 One objection was received during the consultation period. The objection is set out in Appendix 2 to this report.

- 3.2 The Act works to protect the anonymity of objectors. The details of the objector cannot be revealed without the consent of the person making the objection.
- 3.3 The Act allows for persons objecting to an application to do so in writing no later than 28 days after the date of application. The Act imposes no pre-qualifications on who may be objectors. It is not necessary that they live within the vicinity or that they are likely to be affected by the operation of the establishment.
- 3.4 The applicant has been notified of the objection and provided with its content prior to determination at this Licensing Committee.

#### **4. Options**

- 4.1 The Licensing Committee is invited to consider the application made by Cocktails Ltd for Pulse & Cocktails, A12 Northbound, London Road, Rivenhall End, Rivenhall, CM8 3HB for a Sex Establishment (Sex Shop) Licence under the Local Government (Miscellaneous Provisions) Act 1982.
- 4.2 The Licensing Committee is not constrained to limit its consideration of the application to those grounds which have been set out in the letter of objection.
- 4.3 The Licensing Committee is required to give reasons for its decision if minded to refuse the application.
- 4.4. The options available to the Council are:-
  - 4.4.1 To **Grant** the application, with or without amendment, subject to the standard conditions for Sex Establishments and any other additional special conditions which the Licensing Committee deem appropriate.
  - 4.4.2 To **Refuse** the application on the discretionary grounds listed below.

The discretionary grounds for refusal are:-

- (a) That the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
- (b) That if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- (c) That the number of sex establishments in the relevant locality that the application is made is equal to or exceeds the number which the Council considers is appropriate for that locality;
- (d) That the grant or renewal of the licence would be inappropriate having regard to:-
  - i. The character of the relevant locality;

- ii. The use to which any premises in the vicinity are put; or
- iii. The layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

- 4.5 The mandatory grounds, as set out in Paragraph 12 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, for refusal are not relevant in relation to this application.
- 4.6 In respect of the discretionary ground for refusal as set out in paragraph 4.4.2 (c) of this report, the Council does not have a limit on the number of Sex Establishments including Sex Shops.
- 4.7 The Authority is entitled to attach individual conditions to the grant of a licence. These would be in addition to the standard conditions as set out by the Council's Sex Establishment Policy.

## **5. Appeals**

- 5.1 The applicant has the right to appeal against refusal on mandatory grounds and a limited right of appeal against refusal under discretionary grounds to the Magistrates' Court. Appeals must be made within 21 days of the date of notification of the Council's decision.
- 5.2 The right of appeal under discretionary grounds is limited to those set out in paragraph 12 (3) (a) and (b) of Schedule 3 as set out below:-
  - (a) That the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason.
  - (b) That if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself.
- 5.3 An applicant who finds themselves unable to appeal will therefore have to look to judicial review as a remedy.
- 5.4 There is no right of appeal for objectors.





**Braintree District Council**

**Application for Grant or Renewal of Licence for Sex Establishment**

**Local Government (Miscellaneous Provisions) Act 1982**

**1. If the application is made on behalf of an individual, please state:-**

Full Name: N / A.....

Permanent Address: .....  
.....  
.....  
.....

Date of Birth..... Place of Birth.....

**2. If the application is made on behalf of a corporate or unincorporated body, please state:-**

Full name of body: Cocktails Ltd

Address of registered or principal office Canklow Meadows Industrial Estate  
Rotherham, South Yorkshire, S60 2XL

.....  
.....

**3. Give full names and private addresses of all directors or other persons responsible for management of the establishment:**

**i) Name & Address** Please see separate sheet

.....  
.....

Date of Birth..... Place of Birth.....

**ii) Name & Address** .....

.....  
.....

Date of Birth..... Place of Birth.....

4. Have you any convictions recorded against you? Or, if a corporate or unincorporated body, has that body or any of its directors or other persons responsible for its management? If so please detail below. Please note that all convictions (other than spent convictions) must be disclosed.

No

Person/Body Convicted	Date of Conviction	Offence	Sentence (including suspended sentence)

5. Have you been resident in the United Kingdom throughout a period of six months immediately preceding the date of this application? YES
6. If the application is made on behalf of a corporate body is that body incorporated in the United Kingdom? YES
7. Full address of premises proposed for use as a Sex Establishment  
Pulse & Cocktails, A12 Northbound, Rivenhall End, Witham, Essex, CM8 3HB
8. On which days do you wish to trade?
9. During which hours do you wish to trade?  
Monday, Tuesday, Wednesday, Thursday & Friday 9am–9pm, Saturday 10am–8pm, Sunday & Bank Holidays 11am-5pm
10. Are the premises to be used as a sex shop? YES  
Are the premises to be used as a sex cinema? NO  
Are the premises to be used as a sex encounter establishment? NO
11. Have you ever been refused a licence for a Sex Establishment? YES

If YES, please give details:

Grant of a licence refused at premises in Sunderland, Huddersfield and St Helens on 'location'

12. Have you ever held a licence for a Sex Establishment? YES  
If YES, please give details:

Please see separate sheet

I hereby certify that the details given in this application are correct to the best of my knowledge and belief. This application is accompanied by the prescribed fee.

Signed. ....

Status (e.g. Director, Manager) Director

Date...22.05.18.....

Notes

1. This application must be accompanied by the prescribed fee  
New applications £1,735  
Renewal applications £590  
Transfer applications £258
2. Please return the completed application form to Licensing Services Manager,  
Braintree District Council, Causeway House, Bocking End, Braintree,  
Essex CM7 9HB

**Cocktails Ltd – Sex Establishment Licences (for a sex shop) held at:**

	<b>District Council</b>	<b>Address of Licensed Premises</b>
1	Barnsley	Doncaster Road
2	Bradford	Tong Street
3	Cheltenham	Runnings Road
4	East Riding	A63, Brough
5	Gateshead	27-28 Tundry Way, Blaydon Business Park
6	North Hertfordshire	24 Cam Square, Wilbury Way, Hitchin
7	Hull	Courtney Street, Mount Pleasant
8	Ipswich	68 Upper Orwell Street
9	Leeds	Armley Road
10	Wakefield	A1, Wentbridge
11	Rotherham	Canklow Meadows Industrial Estate
12	West Lindsey	Gainsborough Road, Saxilby
13	North Lincolnshire	Trafford Street, Scunthorpe
14	Sheffield	Penistone Road, Hillsborough
15	Stoke-On-Trent	King Street
16	South Kesteven	A1 South-bound, Stoke Rochford
17	Bassetlaw	Dukeries Industrial Estate, Worksop
18	Wolverhampton	Church Lane
19	Huntingdonshire	Great North Road, Sawtry
20	Lichfield	A38, Northbound, Fradley

**Cocktails Ltd - Directors / Persons responsible for management**

Forename(s)	Surname	Former Name (if any)	Address	Capacity	Date of Birth	Place of Birth
Linda Margaret	Boothby	Roddis		Director		
Graham Rodney	Kidd			Director		
Clair Elizabeth	Chapman	Boothby		Director		
Sally Charlene	Boothby			Director		
Davy Jonathon	Boothby			Director		

In the interest of personal privacy, the private addresses are not to be disclosed to any member of the public or Council member outside of the licensing committee.

FRONT ELEVATION  
WEST



SIDE ELEVATION ROAD SIDE



REAR ELEVATION  
EAST



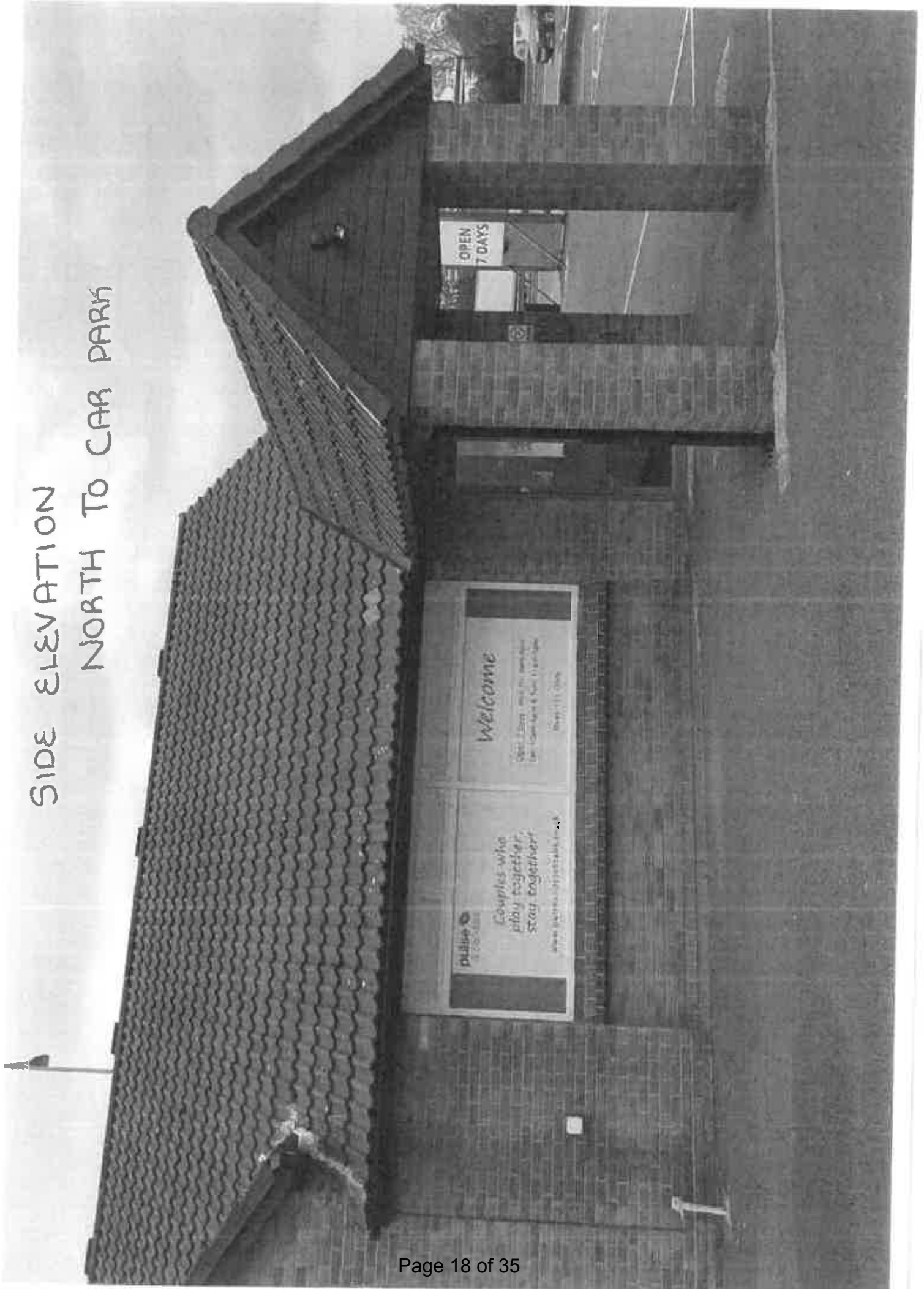


SIDE ELEVATION

NORTH



SIDE ELEVATION  
NORTH TO CAR PARK



FRONT ELEVATION  
TOTEM SIGN

ADULT SUPERSTORE pulse

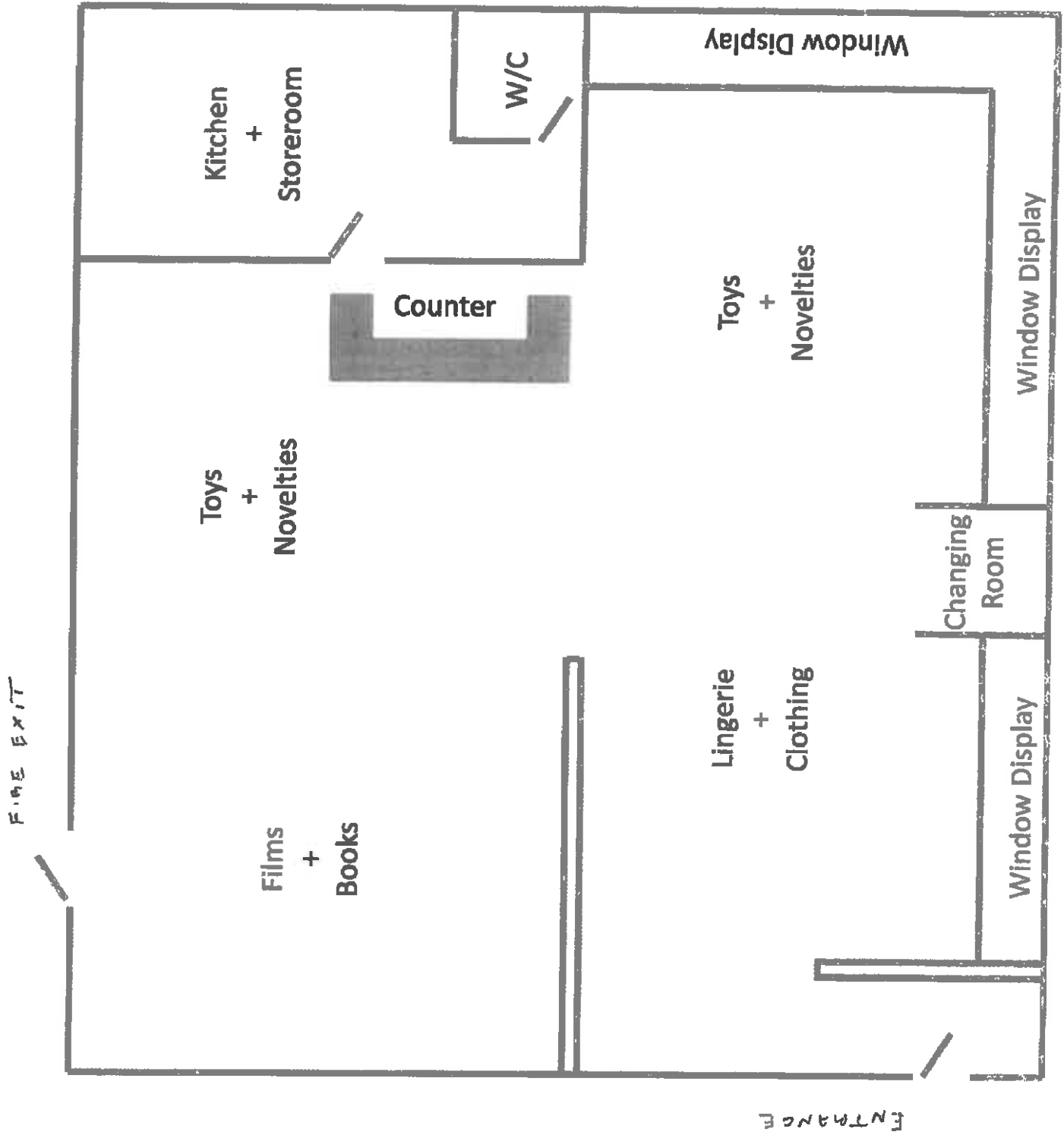
**pulse**   
& cocktails

**ADULT  
STORE**

**OPEN  
7 DAYS**

**CAR PARK  
ENTRANCE**





Scale 1:100

Client Name :

Project Title : The Empire Diner, A12 London Road, Rivenshall End, Wisbech, Cambs SHB

Drawing Name : Existing Site Plan

Scale : 1:500 @ A3

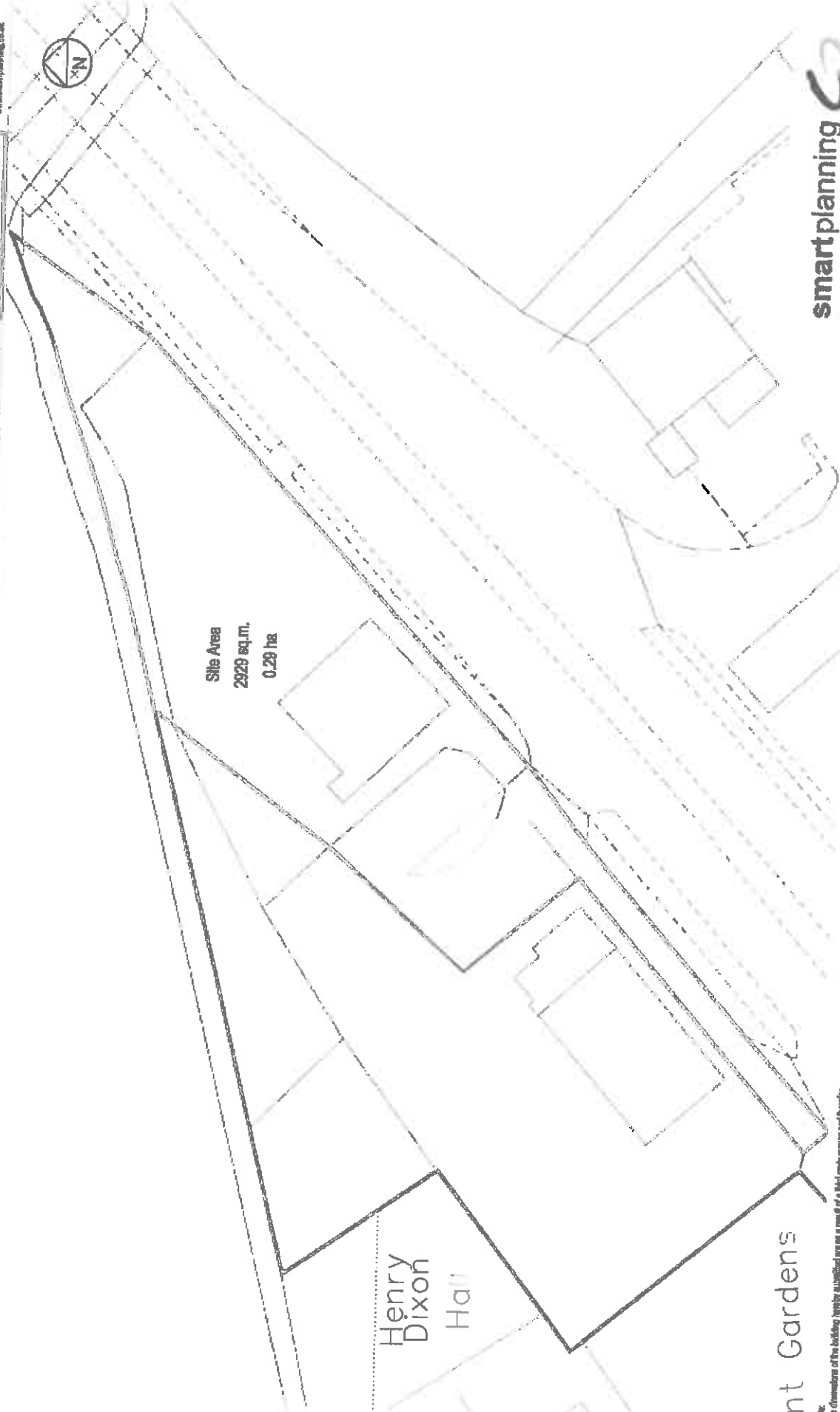
Checked : TS

Date : 28 Nov 2017

Print Date : 28 Nov 17 17:51

Scale : Application  
Dwg No : 17\_4637/E107

Smart Planning Ltd  
1400 130 00 8115  
www.smartplanning.co.uk



Site Area  
2929 sq.m.  
0.28 ha

Henry  
Dixon  
Hall

ent Gardens

Note:  
The dimensions of the building, walls by submitted are as a result of a third party survey and position.  
Smart Planning Ltd accept no responsibility for any discrepancies that may arise. All dimensions  
should be checked on site before the commencement of any works or creating of materials.



No	Date	Amendment	Initials

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# *Cocktails Ltd*

Unit 11, Canklow Meadows Industrial Estate, Rotherham, S60 2XL  
Tel: 01709 835147 Fax: 01709 374906

Mr J Meddings  
Principal Licensing Officer  
Braintree District Council  
Causeway House  
Bocking End  
Braintree  
Essex  
CM7 9HB

22nd May 2018

Dear Mr Meddings,

**Application for the Grant of a Sex Establishment Licence at Pulse & Cocktails,  
A12 Northbound, Rivenhall End, Witham, CM8 3HB.**

We write to make an application for the grant of a sex establishment licence and herewith enclose the required documentation. In addition, we kindly request the Council consider the contents of this covering letter.

We, Cocktails Ltd operate a chain of licensed sex shops, under the name of Pulse & Cocktails and since opening our first store in 1997 in Rotherham, we have expanded to open 21 stores.

Our target customers are couples and our stores are specially designed to create a modern, spacious and female friendly atmosphere for couples to shop together.

The majority of our stores are at road-side locations, out of town and non-residential with six of our licensed premises very similar in style and location to these premises, which were also restaurants formerly.

- (1) A57, Lincoln – licence held since 2006
- (2) A1 South-bound motorway, Grantham - licence held since 2009
- (3) A1 South-bound motorway, Sawtry - licence held since 2010
- (4) A38 North-bound carriageway, Lichfield licence held since 2011
- (5) A1 North-bound motorway, Barnsdale Bar - licence held since 2013
- (6) A63 West-bound motorway, Brough - licence held since 2013

We have an excellent relationship with all the local authorities where we trade and an equally good relationship with businesses, residents and other associations who are our neighbours, objections to licence renewals are none existent.

Our stores and our customers have a positive impact all round. We provide employment within the local area and other businesses and services benefit from our custom.

From a licensing perspective, this type of property is very suitable for a sex establishment licence, as it is on a road with little pedestrian use and most customers will be travelling by vehicle to visit the store which ensures minors will not simply be passing-by.

We have invested greatly in the refurbishment of the premises and immediate surroundings to improve the general appearance of the area by transforming the premises into a modern, retail outlet.

The store has been open for over four weeks and has been well received within the area with positive feedback from the public and media.

As we have been running our business for over 20 years with stores that all have a Sex Establishment Licence, it is important that this store is also licenced to enable us to operate it in the same way.

The external appearance and layout of the store will not change with a licence, the only fundamental change will be the amount and variety of stock available which will include the addition of adult films and an increase in the choice of adult toys.

After consultation with Braintree Licencing Department, it is our understanding that the Council would prefer the store to be licenced and under local authority control.

In order for this store to trade in line with our other stores, we kindly request amendments be considered to the following condition.

#### **Condition Part 3, 1**

We propose this be altered to allow a trailer film to be played on a loop, which contains short clips of the films for sale and will be shown on a screen within the films section of the store. The trailer film will purely be for demonstration purposes and is standard practice in the majority of our stores.

#### **External Appearance**

We request approval of the existing signage and windows displays (photographs enclosed).

We will be more than happy to provide any further information if requested to assist the Council in considering this application.

Yours faithfully

Graham Kidd

Director  
Cocktails Ltd

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**From:**  
**Sent:** 23 May 2018 23:49  
**To:** Meddings, John;  
**Subject:** RE: Sexual Entertainment Venue (Sex Shop) for Pulse & Cocktails on the A12, Kelvedon/Feering (formerly Empire Diner).

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Mr Meddings

I object on the following grounds:

This is not an isolated site. It is close to the village of Rivenhall End and I have received several complaints from residents who have asked why BDC or the parish council has allowed it. I have explained that no planning is required and that to date the PC has not been consulted and it is not within the gift of the PC to decide anyway

As already advised to BDC, people have been seen walking across the A12 to access the venue from the petrol station on the southbound side. This is highly dangerous.

Notwithstanding the established use of the site for commercial purposes, the access on/off the A12 is grossly substandard.

Yours sincerely



**Webb, Alison**

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**From:** Kevin Walter  
**Sent:** 04 July 2018 11:36  
**To:** Meddings, John  
**Cc:** Kevin Walter; Tom Walter  
**Subject:** Pulse and Cocktails-A12 Rivenhall

Dear Licensing

I have today learnt there is an objection to the premises Pulse and Cocktails who trade next door to my business Clearwater Automotive Limited, on the grounds of the premises causing a problem due to traffic flow and customers running over the carriage way .

Pulse and Cocktails have been trading for 3 months next door to my business. We have traded from this site for five years for which the majority of this time next door has been a restaurant, which incidentally has now failed 3 times in the last few years.

I can confirm the vehicular flow to the premises is a fraction of what it was when the premises traded as a restaurant and at no time have I nor my staff seen customers running over the carriageway from Starbucks.

We have found Pulse and Cocktails to be an excellent neighbour and find both staff and customers very courteous and have had no issues with either.

Kind regards

Kevin Walter  
Clearwater Automotive Limited  
A12 London Road  
Rivenhall  
Witham  
Essex  
CM8 3HB

<b>APPLICATION FOR PAVEMENT PERMIT – PREZZO, 70 NEWLAND STREET, WITHAM, ESSEX, CM8 1AH</b>		<b>Agenda No: 6</b>
<b>Portfolio</b>	<b>Environment and Place</b>	
<b>Corporate Outcome:</b>	<p><b>A sustainable environment and a great place to live, work and play</b>  <b>A prosperous district that attracts business growth and provides high quality employment opportunities</b>  <b>Residents live well in healthy and resilient communities where residents feel supported</b></p>	
<b>Report presented by:</b>	<b>Alex Maschas, Licensing Officer</b>	
<b>Report prepared by:</b>	<b>John Meddings, Principal Licensing Officer</b>	
<b>Background Papers:</b>	<b>Public Report</b>	
<ol style="list-style-type: none"> <li>1. Application made by Prezzo Plc with respect to Prezzo, 70 Newland Street, Witham (Appendix 1)</li> <li>2. Consent from Essex County Council</li> <li>3. Braintree District Council Pavement Permit 2017</li> </ol>	<b>Key Decision: No</b>	
<b>Executive Summary:</b>		
<p>To consider an application by Prezzo Plc for a Pavement Permit for the use of the pavement area outside Prezzo, 70 Newland Street, Witham. The Council's Pavement Permit Policy specifies that applications requesting hours beyond 18:00hrs will be referred to the Council's Licensing Committee for determination.</p>		
<b>Decision:</b> To determine one of the following options:-		
<ol style="list-style-type: none"> <li>1. To <b>GRANT</b> the application for a Pavement Permit.</li> <li>2. To <b>GRANT</b> the application for a Pavement Permit for reduced hours than those detailed.</li> <li>3. To <b>GRANT</b> the application for a Pavement Permit with additional conditions deemed necessary.</li> <li>4. To <b>REFUSE</b> the application for a Pavement Permit.</li> </ol>		
<b>Purpose of Decision:</b>		
<p>Members of the Licensing Committee are requested to consider an application made by Prezzo Plc with respect to Prezzo, 70 Newland Street, Witham.</p>		

<b>Corporate Implications</b>	
<b>Financial:</b>	No implications arising from this report.
<b>Legal:</b>	Section 115E(1)(a) and (b) of Highways Act 1980
<b>Safeguarding:</b>	No implications arising from this report.
<b>Equalities/Diversity:</b>	No implications arising from this report.
<b>Customer Impact:</b>	The decision made may have an effect on the applicant's business.
<b>Environment and Climate Change:</b>	No implications arising from this report.
<b>Consultation/Community Engagement:</b>	Application subject to a 28 day public consultation period in accordance with Braintree District Council's Pavement Permit Policy.
<b>Risks:</b>	No implications arising from this report.
<b>Officer Contact:</b> John Meddings	
<b>Designation:</b> Principal Licensing Officer	
<b>Ext. No:</b> 2213	
<b>E-mail:</b> <a href="mailto:john.meddings@braintree.gov.uk">john.meddings@braintree.gov.uk</a>	

## 1 **Background**

- 1.1 In February 2003, Members adopted the provisions under Section 115E(1)(a) and (b) of the Highways Act 1980 which empowers a Council to grant permission to local businesses that wish to use objects or structures on, in, or over a highway to which this part of the Act applies-
- (I) for a purpose which will result in the production of income;
  - (II) for the purpose of providing a centre for advice or information; or
  - (III) for the purpose of advertising
- 1.2 This effectively enables the Council to grant a permit for the use of tables and chairs on the public highway.
- 1.3 The Council's Pavement Permit Policy specifies that applications requesting hours beyond 18:00hrs are required to be determined by the Licensing Committee.
- 1.4 The application by Prezzo Plc for a Pavement Permit for Prezzo, 70 Newland Street, Witham was received on 10th May 2018 and validated on 11th May 2018. The Permit, if granted, will allow the following for a period of one year:
- 3 tables
  - 12 chairs
- Monday to Sunday 09:00hrs to 22:00hrs
- 1.5 A plan of the area accompanies this report as part of the application (Appendix 1).
- 1.6 This application has been submitted to allow for the continuation of an existing Pavement Permit issued to the premises. There are no changes proposed in

the application from that granted in the previous permit.

## 2 **Consultation**

- 2.1 As part of the regulatory procedure, the Council must prepare a notice and arrange for it to be displayed in a clear position on the premises for a period of 28 days. In accordance with the Council's Policy, an Officer visited the premises and confirmed that the appropriate notice was displayed in a prominent position on the premises.
- 2.2 The Council must also identify and serve a notice on any "frontagers with an interest" and the owners and occupiers of any premises likely to be materially affected by the application.
- 2.3 As part of the consultation process, the Council must seek the consent of the Highway Authority (Essex Highways). Consent has been received from Essex Highways.
- 2.4 The Council's Pavement Permit Policy requires additional consultation to be carried out with the following bodies:

Braintree District Council

- Forward Plans
- Development Control
- Environmental Health
  - Health & Safety
  - Pollution
- Ward Members

Essex Police

Essex Fire and Rescue

## 3 **Miscellaneous**

- 3.1 If the Permit is granted standard conditions will be attached.

Payment Ref  
058270 £300

'18 / 00818 / PP.

Council Use  
Application ref:  
PP2

**Braintree**  
District Council

The Licensing Section  
Causeway House  
Bocking End  
Braintree  
Essex  
CM7 9HB

**Application for PAVEMENT PERMIT**  
**Under the Highways Act 1980 – Part VIIA**

**IMPORTANT – Notes to Applicant**

Please read the guidance provided with this application before completing this form.  
Failure to supply any information requested may delay your application.

**1. Applicant details**

Name (Including name of business if applicable): Presso limited

Full Postal Address:

Johnston House, 8 Johnston Road, Woodford Green  
Essex, IG8 0XA

Daytime contact telephone number: /

Mobile number: /

E-mail address: /

**2. Details of Application Site**

Name of Establishment/Business:

Presso

Address of Application Site:

7- Newland Street, Braintree, Essex, CM7 1AH

Telephone Number: /

E-mail address:

Premises Licence Number if applicable: 13 / 02150 / LADPS WS / 100

**3. Days and Hours during which the tables and chairs will be on the street. (See note 2a)**

Day	From	To
Monday	09:00	22:00
Tuesday	09:00	22:00
Wednesday	09:00	22:00
Thursday	09:00	22:00
Friday	09:00	22:00
Saturday	09:00	22:00
Sunday	09:00	22:00

**4. Place of Storage**  
(Please specify the place of storage of the tables and chairs and other items when not on the highway)

In room in restaurant

5. Number of tables applied for	3
6. Number of persons to be seated	12

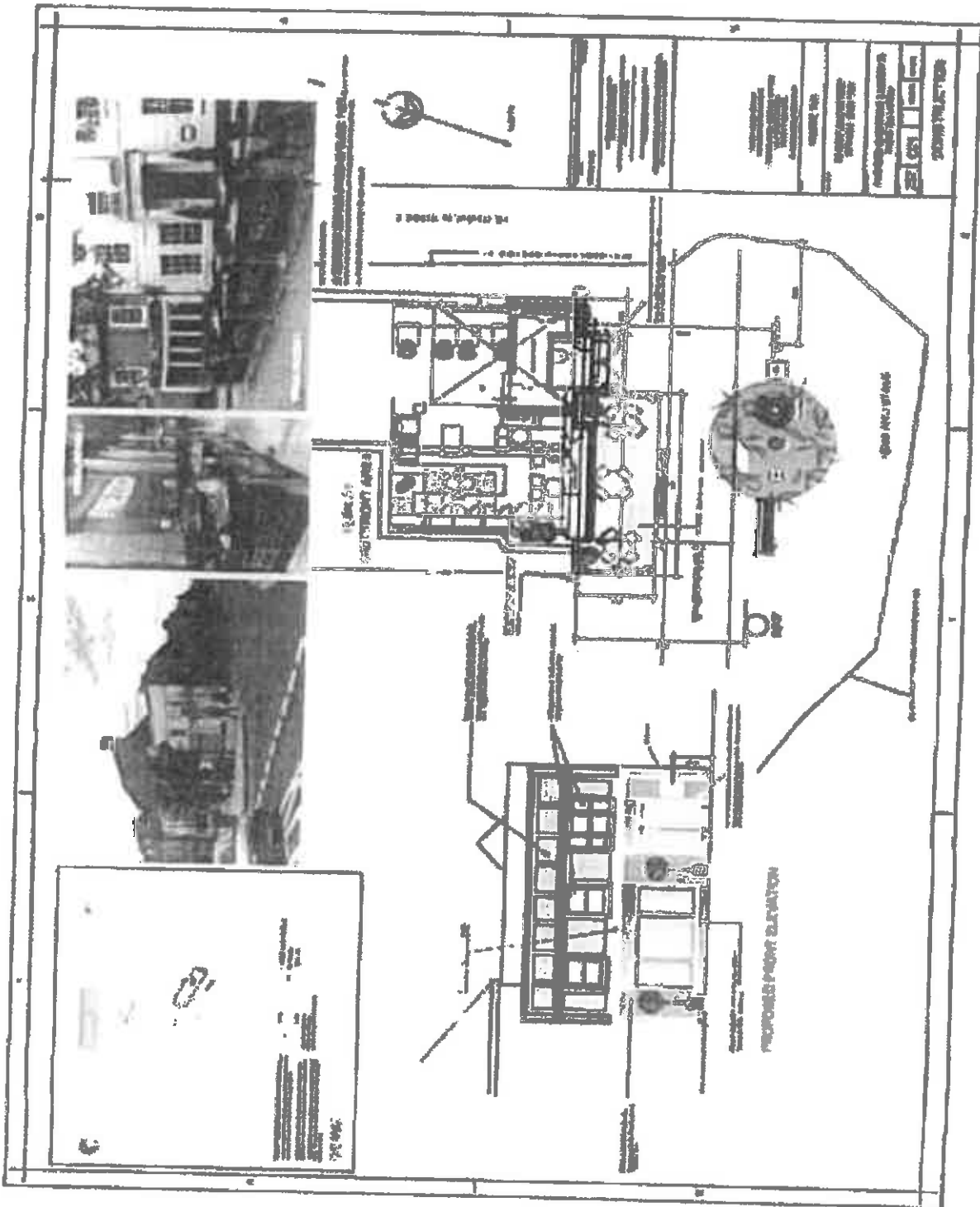
7. Dimensions of area of street to be used (in metric)	2.5m x 5m
8. Please give number and details of table and chairs and all other items of furniture including fencing, umbrellas, barriers etc.	5 x tables 17 x chairs 8 chairs 3 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

<b>Checklist</b>	
<ul style="list-style-type: none"> <li>• I have made or enclosed payment of the fee £265.00 <input checked="" type="checkbox"/></li> <li>• I have enclosed a copy of an Ordnance Survey site plan Scale 1:100 showing the location of the tables, chairs and other items to be placed on the highway. <input checked="" type="checkbox"/></li> <li>• Confirmation from the Highways Records if the status of the application site <input type="checkbox"/></li> <li>• Evidence of public liability insurance <input type="checkbox"/></li> <li>• Other associated permissions i.e Planning and any appropriate licences under the Licensing Act 2003 <input type="checkbox"/></li> </ul>	

5. Licence Fee Payable - £265.00 for 12 month permit

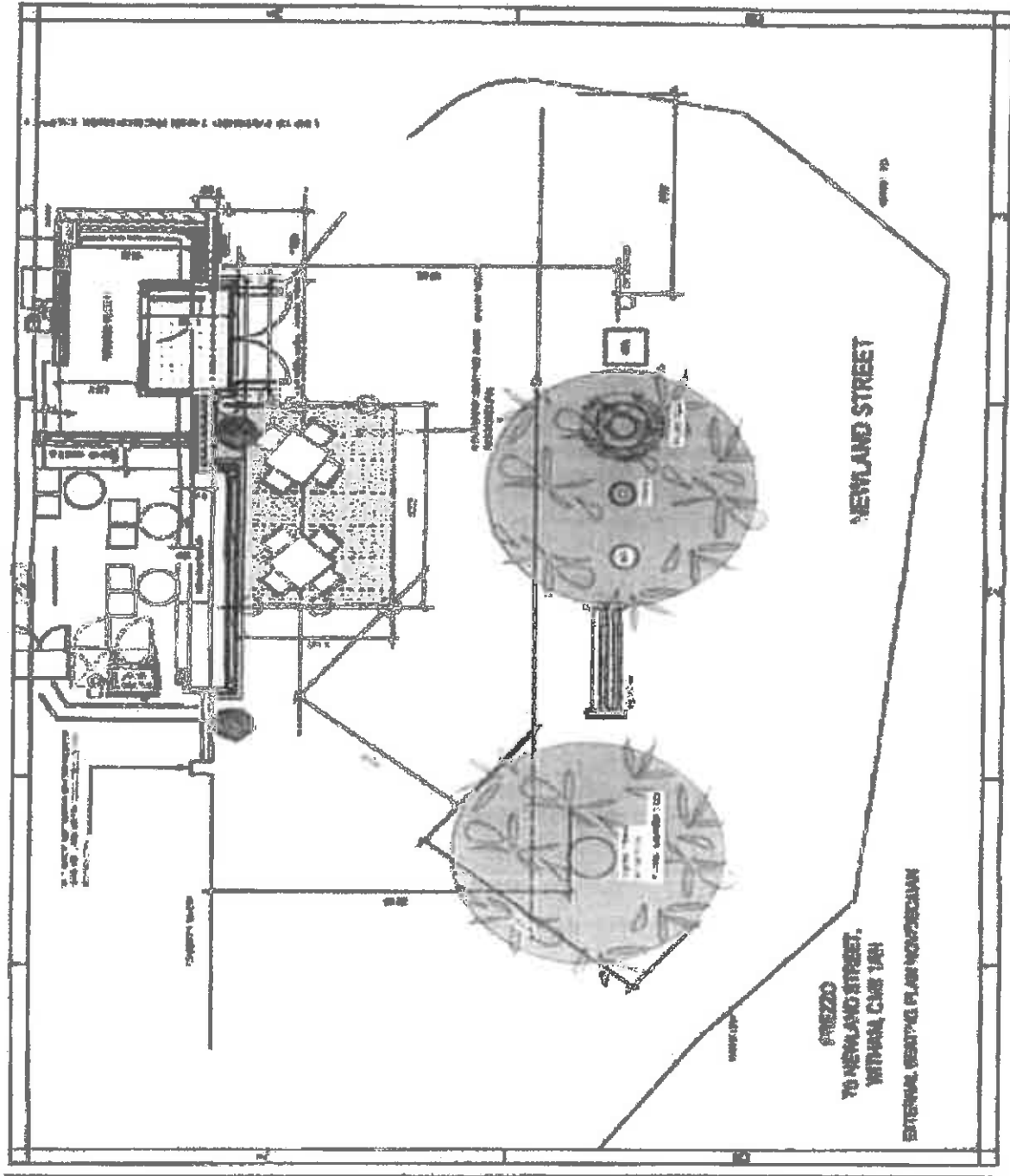
Signature of Applicant	
Please print name	for and on behalf of the applicant
Name of Company (if applicable)	
Position in company (if applicable)	

**Seating Layout January to November**





**Seating Layout November to December**





Eastwood House  
Chelmsford  
Essex  
CM1 1QW  
t+44 (0)1245 708006

12th July 2017

Wayne Arthur  
Finance Director  
Prezzo Limited

Dear Wayne

**Client Information Letter**

We, Aon UK Limited, are insurance brokers acting on your behalf only in accordance with our terms of business agreement. We have agreed to provide this letter to confirm that the contract(s) of insurance described on the attached pages (the 'Insurances') are in force at the date of this letter.

All of the Insurances are subject to their specific policy terms, conditions and exceptions, not all of which may be summarised on the attachment. Please refer to the actual policies if full terms and conditions are required.

We accept no obligation to inform any other person or entity should any of the Insurances be cancelled, assigned or changed in such manner as to affect the accuracy of this document. Unless we specifically agree otherwise in writing, and to the fullest extent permitted by law, we do not accept any liability to anyone other than you, our client (and any such liability to you will be subject to the limitations contained in our terms of business agreement, and/or any other agreement, with you) for the content of this letter and its attachments.

Yours sincerely,

Richard Parker  
Client Service Advisor  
For and on behalf of Aon UK Limited

Aon UK Limited  
Registered office | The Aon Centre | The Leadenhall Building | 122 Leadenhall Street | London | EC3V 4AN  
Registered in England & Wales No. 210726 | VAT Registration No. 480 8401 48

Aon UK Limited is authorised and regulated by the Financial Conduct Authority



## The Insurances

<b>Policy:</b>	<b>Public/Products Liability</b>
<b>Insurer:</b>	<b>Liberty Mutual Insurance</b>
<b>Policy Number:</b>	
<b>Policy Period:</b>	<b>01 July 2017 to 30 June 2018</b>
<b>Limit of Indemnity:</b>	<b>Public Liability – GBP 25,000,000 any one event Products Liability – GBP 25,000,000 any one event in the aggregate for the period of insurance</b>
<b>Remarks:</b>	<b>The Liability Insurance applies to the Prezzo Limited operation and includes indemnity for their legal liability arising from outside seating and furniture arrangements.</b>

This letter is provided for information only and is not to be understood as providing advice to you or anyone else on any decision that is under consideration. Under no circumstances shall any person or entity to whom/which this letter is disclosed be entitled to rely on its contents, or become insured, nor does such disclosure modify the Insurances in any way. The reader of this letter is responsible for any assumptions they make as to the coverage afforded by the Insurances which may be subject to important conditions and/or exclusions.