

LICENSING COMMITTEE AGENDA

Wednesday, 10 May 2017 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)

www.braintree.gov.uk

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 R van Dulken
Councillor J Elliott	Councillor Mrs L Walters
Councillor J Goodman	Councillor Mrs S Wilson
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 by 3pm on the day of the meeting.

N BEACH
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 no later than 2 working days prior to 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

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

PUBLIC SESSION

Page

- 1 Apologies for Absence**
- 2 Member Declarations**
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.
- 3 Minutes of the Previous Meeting**
To approve as a correct record the Minutes of the meeting of the Licensing Committee held on 24th January 2017 (copy previously circulated).
- 4 Public Question Time**
(See paragraph above)
- 5 Application for a Pavement Permit - The Swan, 22-24 Bank Street, BRAINTREE** **4 - 17**
- 6 Application for a Pavement Permit - Picture Palace, Fairfield Road, BRAINTREE** **18 - 30**
- 7 Application for a Pavement Permit - Prezzo, 70 Newland Street, WITHAM** **31 - 40**
- 8 Urgent Business - Public Session**
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.
- 9 Exclusion of the Public and Press**
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.

At the time of compiling this Agenda there were none.

PRIVATE SESSION

Page

- 10 Urgent Business - Private Session**
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.

APPLICATION FOR PAVEMENT PERMIT – THE SWAN, 22-24 BANK STREET, BRAINTREE, ESSEX CM7 1UL		Agenda No: 5
Portfolio	Environment and Place	
Corporate Outcome:	<p>A sustainable environment and a great place to live, work and play</p> <p>A prosperous district that attracts business growth and provides high quality employment opportunities</p> <p>Residents live well in healthy and resilient communities where residents feel supported</p>	
Report presented by:	Daniel Mellini, Environmental Health Manager (Food, Health & Safety and Licensing)	
Report prepared by:	John Meddings, Principal Licensing Officer	
Background Papers:		Public Report
<ol style="list-style-type: none"> 1. Application made by Admiral Taverns Limited with respect to The Swan, 22- 24 Bank Street, Braintree (Appendix 1) 2. Representation received during consultation from a materially affected consultee (Appendix 2) 3. Consent from Essex County Council 		Key Decision: No
Executive Summary:		
<p>To consider an application by Admiral Taverns Limited for a Pavement Permit for the use of the pavement area outside The Swan, 22-24 Bank Street, Braintree. The Council's Pavement Permit Policy specifies that, if representations are made within the consultation period and subject to the appropriate consents being given, the application will be referred to the Council's Licensing Committee for determination.</p>		
Decision: To determine one of the following options:-		
<ol style="list-style-type: none"> 1. To GRANT the application for a Pavement Permit 2. To GRANT the application for a Pavement Permit for reduced hours than those detailed. 3. To GRANT the application for a Pavement Permit with additional conditions deemed necessary. 4. To REFUSE the application for a Pavement Permit 		
Purpose of Decision:		
<p>Members of the Licensing Committee are requested to consider an application made by Admiral Taverns Limited with respect to The Swan, 22-24 Bank Street, Braintree.</p>		

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

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, if representations are made within the specified consultation period and subject to the appropriate consents being given, the application will be referred to the Council's Licensing Committee for determination.
- 1.4 The application by Admiral Taverns Limited for a Pavement Permit for The Swan, 22- 24 Bank Street, Braintree was received and validated on 2nd March 2017. The Permit, if granted, will allow the following for a period of one year:
- 3 tables
9 chairs
- Monday, Tuesday, Thursday, Friday and Sunday 10:00hrs to 18:00hrs
- 1.5 A plan of the area accompanies this report (Appendix 1).

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 was received from Essex Highways, on 6th March 2017.

- 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

- 2.5 During the consultation period the Council received a representation from a materially affected consultee (Appendix 2).

3 **Miscellaneous**

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

Council Use
Application ref:

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):

ADMIRAL TAVERNS LIMITED

Full Postal Address:

MILTON GATE
60 CHISWELL STREET
LONDON
EC1Y 4AG

Daytime contact telephone number: 01244 505402

Mobile number:

E-mail address:

rebecca.farley@admiraltaverns.co.uk

2. Details of Application Site

Name of Establishment/Business:

THE SWAN

Address of Application Site:

22-24 BANK STREET
BRAINTREE
CM7 1LL

Telephone Number:

E-mail address:				
Premises Licence Number if applicable: B11/776				
3. Days and Hours during which the tables and chairs will be on the street. (See note 2a)				
Monday	From	10:00	To	18:00
Tuesday	From	10:00	To	18:00
Wednesday	From		To	
Thursday	From	10:00	To	18:00
Friday	From	10:00	To	18:00
Saturday	From		To	
Sunday	From	10:00	To	18:00


4. Place of Storage (Please specify the place of storage of the tables and chairs and other items when not on the highway)
THE STREET FURNITURE WILL BE STORED IN AN OUTBUILDING AT THE REAR OF THE PREMISES.

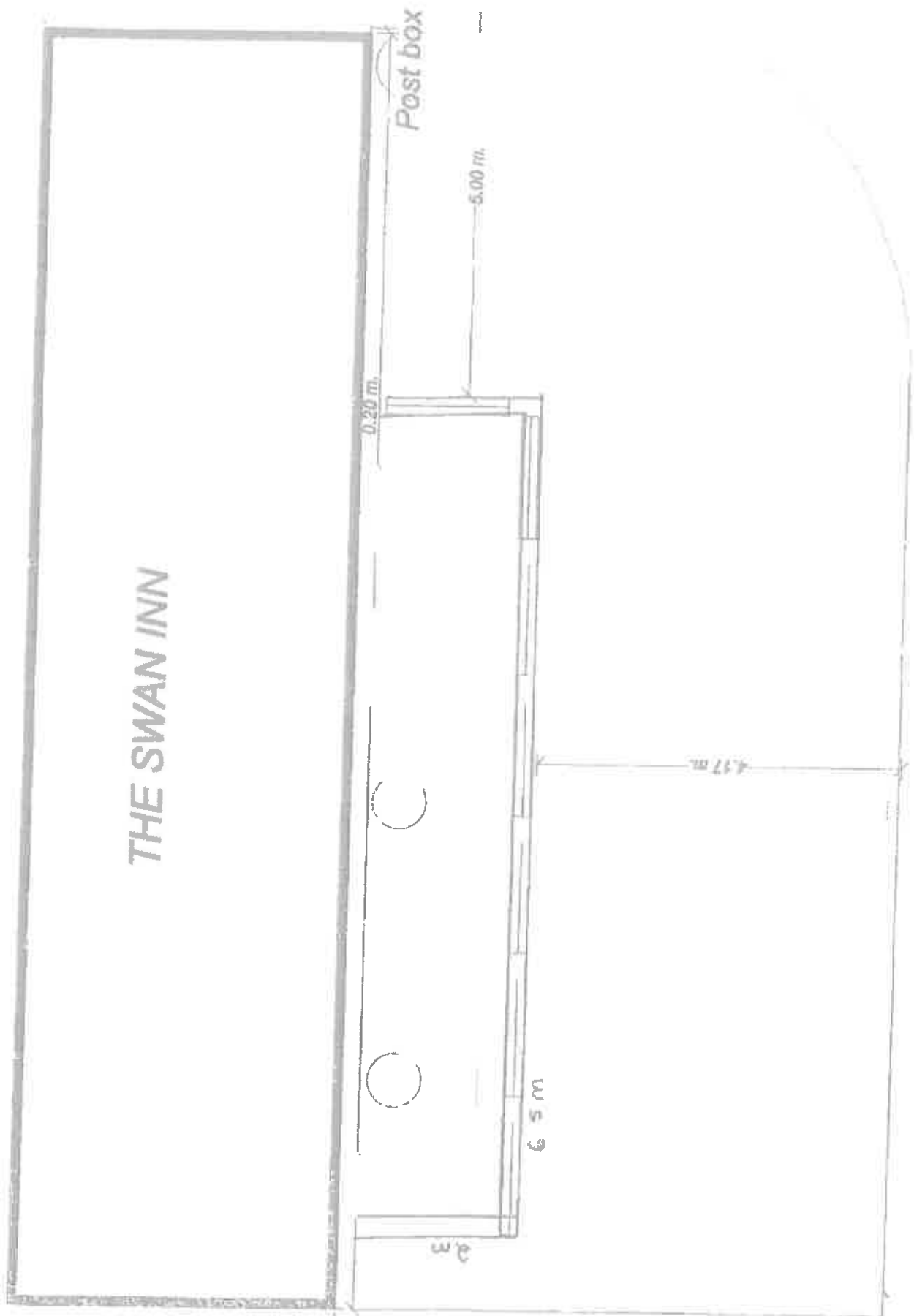
5. Number of tables applied for	3
6. Number of persons to be seated	9 (3 CHAIRS PER TABLE)

<p>7. Dimensions of area of street to be used (in metric)</p>	<p>6.5 M (LENGTH) 2m (WIDTH) FROM THE SECOND DOOR TO THE STAGE DOOR. THERE WILL BE NO OBSTRUCTION TO THE DROP KERB OR POSTBOX.</p>
<p>8. Please give number and details of table and chairs and all other items of furniture including fencing, umbrellas, barriers etc.</p>	<p>3 TABLES - 60cm x 60cm 3 CHAIRS PER TABLE - 54cm x 58cm x 74cm BARRIERS - 700m x 1430m x 20mm</p>

<p>Checklist</p>	
<ul style="list-style-type: none"> • I have made or enclosed payment of the fee £265.00 • 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. • Confirmation from the Highways Records if the status of the application site • Evidence of public liability insurance • Other associated permissions i.e Planning and any appropriate licences under the Licensing Act 2003 	<p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p>

<p>5. Licence Fee Payable - £263.00 for 12 month permit</p>

<p>Signature of Applicant</p>	
<p>Please print name</p>	<p>R. FARLEY</p>
<p>Name of Company (if applicable)</p>	<p>ADMIRAL TAPERNS</p>
<p>Position in company (if applicable)</p>	<p>LICENSING COORDINATOR</p>



Certificate of Employers' Liability Insurance (a)

(Where required by regulation 5 of the Employers' Liability (Compulsory Insurance) Regulations 1996 (the Regulations), one or more copies of this certificate must be displayed at each place of business at which the policy holder employs persons covered by this policy).

1. Policy number 

2. Name of policy holder Mr Dean Morter Trading As The Swan

3. Date of commencement of insurance policy 16/06/2016

4. Date of expiry of insurance policy 16/06/2017

We hereby certify that subject to paragraph 2:-

1. the policy to which this certificate relates satisfies the requirements of the relevant law applicable in Great Britain, Northern Ireland, the Isle of Man, the Island of Jersey, the Island of Guernsey and the Island of Alderney (b); and
2. (a) the minimum amount of cover provided by this policy is no less than £5 million (c).
(b) ~~the cover provided under this policy relates to claims in excess of £~~ but not exceeding £

Signed on behalf of Allianz Insurance plc

Authorised insurers



Jonathan Dye
Chief Executive

Notes

- (a) Where the employer is a company to which Regulation 3(2) of the regulations applies, the certificate shall state in a prominent place, either that the policy covers the holding company and all its subsidiaries, or that the policy covers the holding company and all subsidiaries except any specifically excluded by name, or that the policy covers the holding company and only the named subsidiaries.
- (b) Specify applicable law as provided for in regulation 4(b) of the Regulations.
- (c) See regulation 3(1) of the Regulations and delete whichever of paragraphs 2(a) or 2(b) does not apply. Where 2(b) is applicable, specify the amount of cover provided by the relevant policy.

Account number: 

Date printed: 27/05/2016

Statement of Fact

The Policy, Schedule and Statement of Fact should be read together as they form your Insurance Contract.

They have been prepared in accordance with information that we have received from you or on your behalf through Premierline.

It is important that you check all the information immediately as this forms part of the basis of the contract between you and Allianz, irrespective of who supplied the information. If any of the information is incorrect you must contact Premierline immediately. Failure to do so could invalidate the policy from inception or result in a claim being repudiated.

We strongly recommend that you keep a record of all information you have provided to Premierline.

Policy No:	
The Insured:	Mr Dean Morter Trading As The Swan
Effective Date:	16/06/2016
Business Description:	Public House (Independent)

Basis of Acceptance

All the Premises insured including outbuildings are self contained, occupied solely by you, or occupied by you with the remaining parts occupied by others solely as offices or private dwellings and will be maintained in a good state of repair and are either of:-

- fire resisting or non combustible construction

Or

- constructed of brick, stone, concrete or other incombustible materials
- roofed with slate, tile, metal, concrete, corrugated asbestos or felt on timber.

If subsidence has been requested all properties are free from any sign of damage caused by subsidence, ground heave or landslip and have no history of such damage.

You do and will continue to maintain machinery and equipment in accordance with manufacturers recommendations

Where you are required to do so under Health and Safety legislation you must:

- have and will continue to have a nominated person responsible for Health and Safety
- have and continue to have an induction and on-going training programme which is reviewed and recorded
- have and continue to have a Health and Safety Policy in place
- undertake Risk Assessments in order to identify hazards

Has the business been established for less than 12 months?	No
What percentage of Turnover is derived from the sale of hot food takeaway?	0%
Is there a frying range at the Premises?	No

Total Sum Insured

£9,416

Section 2 Money

Property at Premises 22-26 Bank Street, Braintree, Essex, United Kingdom, CM7 1UL

1. Crossed cheques and other non-negotiable items **£500,000**

Money other than in 1. above

a) in transit/in bank night safe **£3,000**

b) in registered post **£500**

c) within Insured's Premises during Business Hours **£3,000**

d) within Insured's Premises out of Business Hours not contained in a locked safe **£500**

e) in a locked safe within the Premises out of Business Hours **£1,500**

f) in the Insured's personal custody **£1,000**

Safe Make/Model: Unknown/Other

Section 3 Goods In Transit

Limit per Vehicle **£2,500**

Section 4 Deterioration of Stock

Property at Premises 22-26 Bank Street, Braintree, Essex, United Kingdom, CM7 1UL

Goods In Cold Chamber - Sum Insured **£2,000**

Section 5 Business Interruption

Gross Profit **£600,000**

Outstanding Debit Balances **£50,000**

Maximum Indemnity Period (in months) **24**

Section 6 Public/Products Liability

Limit of Indemnity **£5,000,000**

Section 6 Employers Liability

Limit of Indemnity **£10,000,000**

Section 7 Buildings

Not Insured

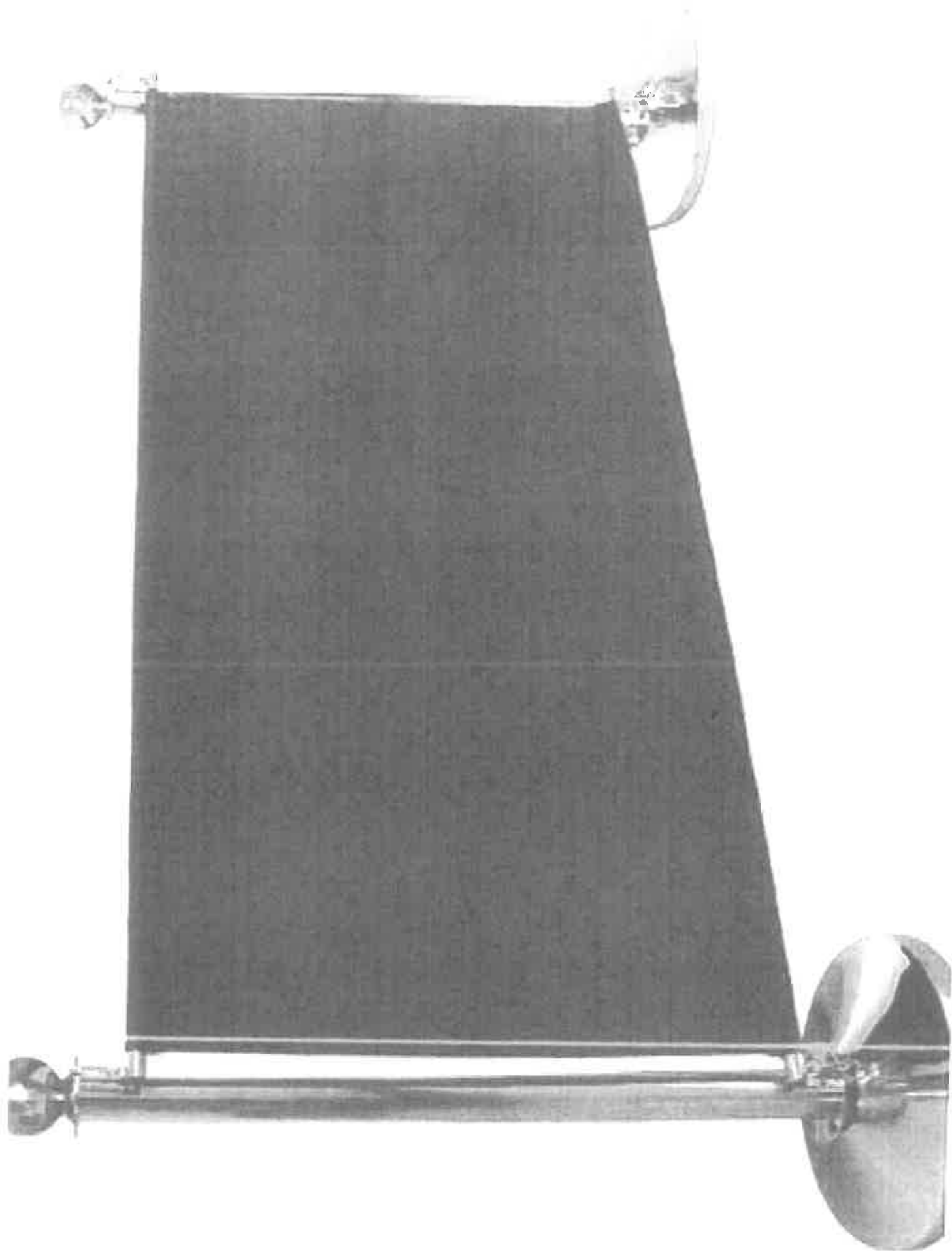
Section 8 Loss of Licence

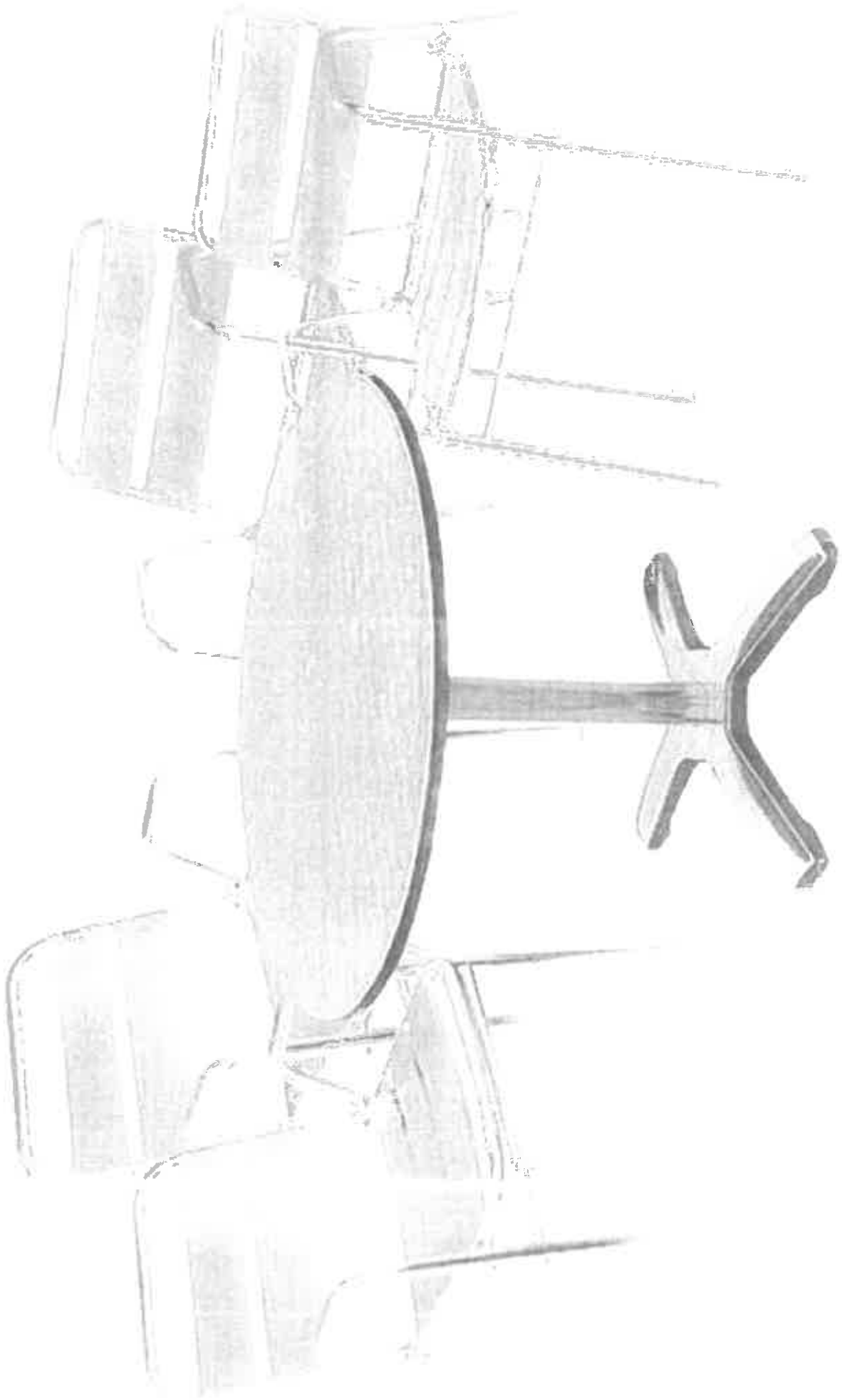
Property at Premises 22-26 Bank Street, Braintree, Essex, United Kingdom, CM7 1UL

Policy number: 68/RX/23663535/06

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27/05/2016





Swan. Brantree.

14 March, 2017
Our Ref: CCW/2017
Your Ref: 17/00309/PP

ENVIRONMENTAL
15 MAR 2017
HEALTH



18 – 20 Bank Street,
Braintree, Essex CM7 1UP
E property@joscelynechase.co.uk
W www.joscelynechase.co.uk
T 01376 322222

Braintree District Council
Environmental Health
Causeway House
Braintree
Essex
CM7 9HB

Dear Sirs,

Re: Admiral Taverns Ltd – application 17/00355/PP
Land in front of The Swan, 22,24 Bank Street, Braintree

Thank you for your letter informing us of the above application.

We object very strongly to the proposals for the following reasons:

1. The area proposed is public footpath/highway over which the public have a right to pass and repass. The proposals will frustrate this and are bound to cause problems with the blind.
2. We have to put up with considerable alcohol related anti-social behaviour (not actually directed at us from within the Public House.)
We do not want this behaviour being brought onto the pavement which will inevitably have a downward effect on the desirability of Bank Street for shopping. Braintree has had enough bad publicity just lately and does not need anymore.
3. The Public House had a large carpark to the rear and if they wish to have Alfresco drinking arrangements there is more than adequate room for them to do so in this area.

I trust that these proposals will be firmly rejected in the interests of making the town a more attractive proposition for the public generally to shop and do their business.

Yours faithfully,

CC Woodhouse FRICS

Joscelyne Chase is the trading name of Joscelyne Chase Ltd (Company Reg. No. 4742040), Joscelyne Chase Commercial Ltd (Company Reg. No. 5228730) and Joscelyne Chase Holdings Ltd (Company Reg. No. 7517859)
Registered Address: 3 Warners Mill, Silks Ways, Braintree, Essex CM7 3GB
Regulated by RICS



APPLICATION FOR PAVEMENT PERMIT – PICTURE PALACE, FAIRFIELD ROAD, BRAINTREE, ESSEX, CM7 3HA		Agenda No: 6
Portfolio	Environment and Place	
Corporate Outcome:	<p>A sustainable environment and a great place to live, work and play</p> <p>A prosperous district that attracts business growth and provides high quality employment opportunities</p> <p>Residents live well in healthy and resilient communities where residents feel supported</p>	
Report presented by:	Daniel Mellini, Environmental Health Manager (Food, Health & Safety and Licensing)	
Report prepared by:	John Meddings, Principal Licensing Officer	
Background Papers:		Public Report
<ol style="list-style-type: none"> 1. Application made by J D Wetherspoon plc with respect to Picture Palace, Fairfield Road, Braintree (Appendix 1) 2. Consent from Essex County Council 3. Braintree District Council Pavement Permit 2016 		Key Decision: No
Executive Summary:		
<p>To consider an application by J D Wetherspoon plc for a Pavement Permit for the use of the pavement area outside Picture Palace, Fairfield Road, Braintree. 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>		
Decision: To determine one of the following options:-		
<ol style="list-style-type: none"> 1. To GRANT the application for a Pavement Permit 2. To GRANT the application for a Pavement Permit for reduced hours than those detailed. 3. To GRANT the application for a Pavement Permit with additional conditions deemed necessary. 4. To REFUSE the application for a Pavement Permit. 		
Purpose of Decision:		
<p>Members of the Licensing Committee are requested to consider an application made by J D Wetherspoon plc with respect to Picture Palace, Fairfield Road, Braintree.</p>		

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

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 J D Wetherspoon plc for a Pavement Permit for the Picture Palace, Fairfield Road, Braintree was received and validated on 27th February 2017. The Permit, if granted, will allow the following for a period of one year:
- 6 tables
12 chairs
- Monday to Sunday 09:00hrs to 20:00hrs
- 1.5 A plan of the area accompanies this report (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.

Council Use

Application ref:

17/00307/pp

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):

J D Wetherspoon plc

Full Postal Address:

Legal Department, Wetherspoon House, Reeds Crescent, Watford, WD24 4QL

C/o Emma Fallon

Daytime contact telephone number: 01923 477948

Mobile number:

E-mail address: efallon@jdwetherspoon.co.uk

2. Details of Application Site

Name of Establishment/Business:

Picture Palace

Address of Application Site:

Fairfield Road, Braintree, CM7 3HA

Telephone Number: 01376 550 255

E-mail address:				
Premises Licence Number if applicable: 15/01364/LADPS				
3. Days and Hours during which the tables and chairs will be on the street. (See note 2e)				
Monday	From	0900	To	2000
Tuesday	From	0900	To	2000
Wednesday	From	0900	To	2000
Thursday	From	0900	To	2000
Friday	From	0900	To	2000
Saturday	From	0900	To	2000
Sunday	From	0900	To	2000


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

5. Number of tables applied for	Six
6. Number of persons to be seated	Twelve

7. Dimensions of area of street to be used (in metric)	1.2m x 11m = 13.2m sq
8. Please give number and details of table and chairs and all other items of furniture including fencing, umbrellas, barriers etc.	Six tables and twelve chairs as existing. Post and canvas banner barrier as existing.

Checklist	
<ul style="list-style-type: none"> • I have made or enclosed payment of the fee £265.00 • 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. • Confirmation from the Highways Records if the status of the application site • Evidence of public liability insurance • Other associated permissions i.e Planning and any appropriate licences under the Licensing Act 2003 	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>

5. Licence Fee Payable - £263.00 for 12 month permit

Signature of Applicant	
Please print name	Emma Fallon
Name of Company (if applicable)	J D Wetherspoon plc
Position in company (if applicable)	Licensing Administrator

02/08/2016

Website www.willistowerswatson.com

Direct Line +441473222496

E-mail joen.walke@willistowerswatson.com

TO WHOM IT MAY CONCERN

Our Reference: [REDACTED]

Dear Sirs

As Insurance Brokers to J D Wetherspoon PLC we are writing to confirm that our clients hold the following policies:

Cover	Public and Products Liability
Insurer	CNA Insurance Company Limited
Policy Number	[REDACTED]
Period	31 July 2016 to 30 July 2017 both days inclusive
Limit of Liability	Public Liability GBP 10,000,000 any one occurrence or series of occurrences arising out of any one event unlimited in the period of Insurance Products Liability GBP 10,000,000 any one occurrence or series of occurrences arising out of any one event and in the aggregate in the period of Insurance

Subject otherwise to the terms, conditions, exceptions and exclusions of the policy.

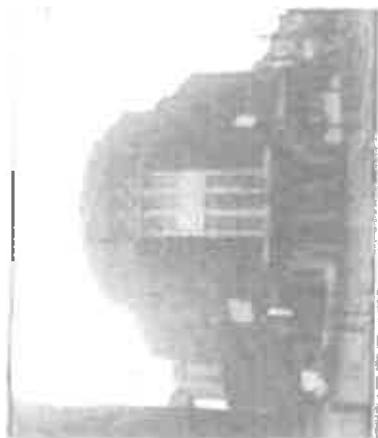
This letter is provided as a courtesy to our client as a matter of information only and confers no rights on the holder. Our duties in relation to this insurance are to our client and we accept no duty of care or responsibility to you or any other third party and any liability to you or any third party is excluded. This letter does not amend, extend or alter the coverage afforded by the policies, nor does it purport to set out all of the policies' terms, conditions and exclusions. The policy terms, conditions, limits and exclusions may alter after the date of this document or the insurance may terminate or be cancelled, and the limits shown may be reduced by paid claims. We have no obligation to advise you of any changes which may be made to the policies or to advise you of their cancellation or termination.

Signed on behalf of WILLIS LIMITED

Authorised Signatory

[REDACTED]
Authorised Signatory

Willis Limited
51 Lime Street
London
EC3M 7DQ
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FRONT ELEVATION AT JUNCTION OF
FAIRFIELD ROAD WITH VICTORIA STREET



SIDE ELEVATION



PROPOSED DEVELOPMENT



PROPOSED DEVELOPMENT

Braintree District Council

Town and Country Planning Act 1990 (as amended)

Application No.: 13/01215/FUL

Date 24th October 2013
Received:

APPLICANT:

J D Wetherspoon PLC
Wetherspoon House
Reeds Crescent
Watford
WD24 4QL

AGENT:

DESCRIPTION :

Placing of tables and chairs on public highway on Fairfield Road to form an external eating and drinking area for the Picture Palace

LOCATION :

J D Wetherspoons Fairfield Road Braintree Essex CM7 3HA

APPROVED PLAN(S):

Location Plan

Plan Ref: L.01

Proposed Elevations

Plan Ref: 11039-100

The Braintree District Council as local planning authority hereby gives notice of its decision to **GRANT** planning permission in accordance with the above plan(s) and subject to the following conditions and reasons:

- 1 The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.

Reason

This Condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed above.

Reason

For the avoidance of doubt and in the interests of proper planning.

- 3 There shall be 2.5 metres of clear unobstructed footway at all times.

Reason

In the interest of highway safety to ensure accordance with Policy DM 1 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

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4 There shall be no tables and chairs in the designated area outside the following hours:-

Monday - Sunday 09:00 - 22:00 including Bank and Public Holidays. Outside of these hours the site shall be kept clear.

Reason

In the interests of residential neighbour amenity

Policies:

The Development Plan policies taken into account when deciding this application are listed below. The policies can be viewed in full at Causeway House or on the Council's website – www.braintree.gov.uk

Braintree District Local Development Framework Core Strategy

CS9 Built and Historic Environment

Braintree District Local Plan Review

RLP49 Pedestrian Networks
RLP90 Layout and Design of Development
RLP95 Preservation and Enhancement of Conservation Areas
RLP112 Town Centre Uses

In forwarding the decision for this application, I have to draw your attention to the following:-

- 1 Please be aware that the granting of planning permission for this development does not eliminate the requirement to apply to the Environmental Services Department for a Pavement Permit. You are advised to seek advice on the requirements for a Pavement Permit from the Licensing Department, Mr. John Meadings on 01376 551414.**
- 2 All works affecting the highway must be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made to the Essex County Council on 0845 603 7631.**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and has granted planning permission in accordance with the presumption in favour of sustainable development, as set out in the National Planning Policy Framework.

Dated: 12th December 2013

Signed: 

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Tessa Lambert
Development Manager
Causeway House, Bocking End, Braintree, Essex CM7 9HB

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Appeals against conditions

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- If this is a decision to refuse planning permission for a minor commercial application, and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at www.planningportal.gov.uk/pca
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Land Purchase

If proposals are refused, whether by the Local Planning Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the District Council for the area in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 as amended.

Compensation

In certain circumstances, a claim may be made against the Local Planning Authority for compensation where permission is refused by the Secretary of State on appeal or on a reference of an application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990 as amended.

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APPLICATION FOR PAVEMENT PERMIT – PREZZO, 70 NEWLAND STREET, WITHAM, ESSEX, CM8 1AH		Agenda No: 7
Portfolio	Environment and Place	
Corporate Outcome:	<p>A sustainable environment and a great place to live, work and play</p> <p>A prosperous district that attracts business growth and provides high quality employment opportunities</p> <p>Residents live well in healthy and resilient communities where residents feel supported</p>	
Report presented by:	Daniel Mellini, Environmental Health Manager (Food, Health & Safety and Licensing)	
Report prepared by:	John Meddings, Principal Licensing Officer	
Background Papers:		Public Report
<ol style="list-style-type: none"> 1. Application made by Prezzo Plc with respect to Prezzo, 70 Newland Street, Witham (Appendix 1) 2. Consent from Essex County Council 3. Braintree District Council Pavement Permit 2016 		Key Decision: No
Executive Summary:		
<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>		
Decision: To determine one of the following options:-		
<ol style="list-style-type: none"> 1. To GRANT the application for a Pavement Permit 2. To GRANT the application for a Pavement Permit for reduced hours than those detailed. 3. To GRANT the application for a Pavement Permit with additional conditions deemed necessary. 4. To REFUSE the application for a Pavement Permit. 		
Purpose of Decision:		
<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>		

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

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 and validated on 9th March 2017. 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 (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.

Council Use
Application ref:



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

ENVIRONMENTAL
- 8 MAR 2017
HEALTH

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):

Prezzo Plc.

Full Postal Address:

208 Horseshoe Park
Langbourne
Berk
RG8 7JW

Daytime contact telephone number:

0118 9844 944

Mobile number:

E-mail address:

utilities@prezzo.co.uk

2. Details of Application Site

Name of Establishment/Business:

Prezzo

Address of Application Site:

70 Newland Street
Witham
Essex
CM8 1AH

Telephone Number:

01376 510 171

E-mail address:				
Premises Licence Number if applicable: 13/02384/LA MINV W5/100				
3. Days and Hours during which the tables and chairs will be on the street. (See note 2a)				
Monday		From	09:00	To 22:00
Tuesday		From	09:00	To 22:00
Wednesday		From	09:00	To 22:00
Thursday		From	09:00	To 22:00
Friday		From	09:00	To 22:00
Saturday		From	09:00	To 22:00
Sunday		From	09:00	To 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 restaurant

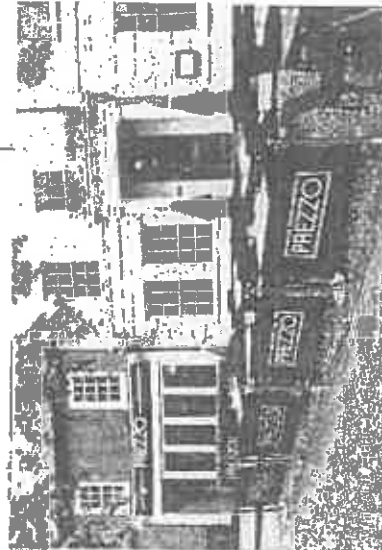
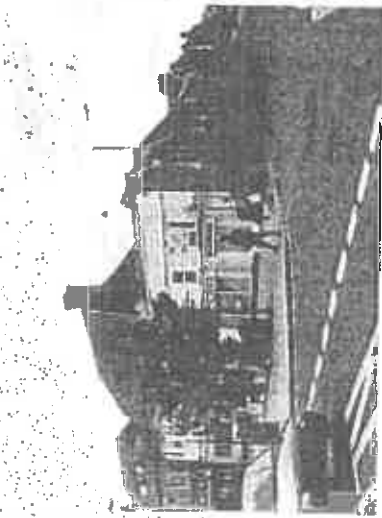
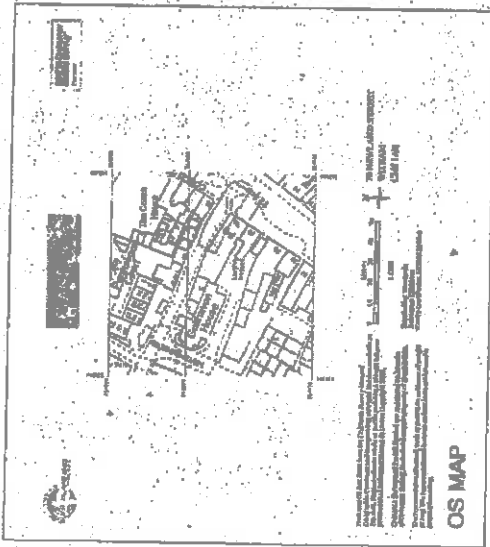
5. Number of tables applied for	3
6. Number of persons to be seated	12

<p>7. Dimensions of area of street to be used (in metric)</p>	<p>2350 x 6375</p>
<p>8. Please give number and details of table and chairs and all other items of furniture including fencing, umbrellas, barriers etc.</p>	<p>3 tables x 12 chairs 3 barriers + 4 metal posts.</p>

<p>Checklist</p>	
<ul style="list-style-type: none"> • I have made or enclosed payment of the fee £265.00 • 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. • Confirmation from the Highways Records if the status of the application site • Evidence of public liability insurance • Other associated permissions i.e Planning and any appropriate licences under the Licensing Act 2003 	<p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p>

5. Licence Fee Payable - £263.00 for 12 month permit

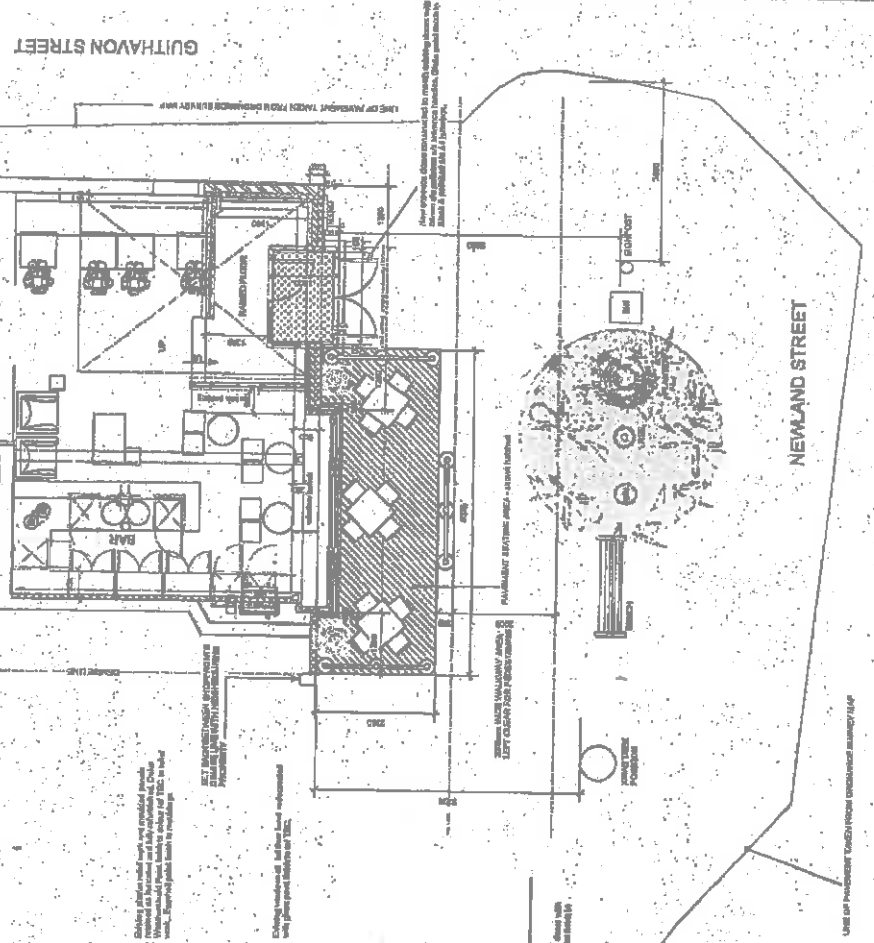
<p>Signature of Applicant</p>	<p>[Redacted Signature]</p>
<p>Please print name</p>	<p>[Redacted Name]</p>
<p>Name of Company (if applicable)</p>	<p>Prezzo Ltd.</p>
<p>Position in company (if applicable)</p>	<p>Property Accounts Assistant.</p>



OS MAP

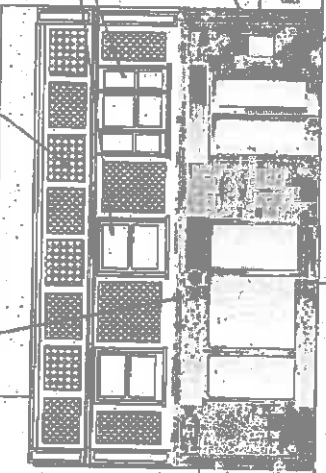
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PLAN OF SHOPFRONT AREA



GUTHAVON STREET

NEWLAND STREET



PROPOSED FRONT ELEVATION

SCALE BAR

1 meter

5 meters

NOTES

1. ALL MATERIALS MUST BE OF THE HIGHEST QUALITY AND MUST BE SUITABLE FOR THE PURPOSES OF THE PROJECT.

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PIZZO PLC

70 NEWLAND STREET,
WITHAM, CM8 1AH

PROPOSED SHOPFRONT & WORKS TO
FRONT ELEVATION

257 C21

100% 100% 100%

100% 100% 100%

AS BUILT

PIZZO PLC

**70 NEWLAND STREET,
WITHAM, CM8 1AH**

**PROPOSED SHOPFRONT & WORKS TO
FRONT ELEVATION**

257 C21

100% 100% 100%

100% 100% 100%

AS BUILT



Eastwood House
Chelmsford
Essex
CM1 1QW
t +44 (0)1246 706006

21 July 2016

Alan Millar
Finance Director
Prezzo Limited

Dear Alan,

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,



Chris Goss
Client Manager
For and on behalf of Aon UK Limited



The Insurances

Policy:	Public/Products Liability
Insurer:	Liberty Mutual Insurance
Policy Number:	[REDACTED]
Policy Period:	21 July 2016 to 30 June 2017
Limit of Indemnity:	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
Remarks:	The Liability Insurance applies to the Prezzo Limited operation and includes indemnity for their legal liability arising from outside seating and furniture arrangements.