

Minutes

Licensing Committee



16th November 2016

Present:

Councillors	Present	Councillors	Present
Mrs J Allen	Yes	H Johnson	Yes
M Banthorpe (Chairman)	Yes	Mrs J Money	Yes
J Baugh	Yes	Mrs J Pell	Yes
S Canning	No	R van Dulken	Yes
J Elliott	Apologies	Mrs L Walters	Yes
J Goodman	Apologies	Mrs S Wilson	Yes
A Hensman	Yes		

Councillor Barlow was also in attendance.

17 **DECLARATIONS OF INTEREST**

INFORMATION: There were no interests declared.

18 **MINUTES**

DECISION: That the Minutes of the meeting of the Licensing Committee held on 14th September 2016 be approved as a correct record and signed by the Chairman.

19 **QUESTION TIME**

INFORMATION: There were two statements made. Details of the people who spoke at the meeting are contained in the Appendix to these Minutes.

Principally, these Minutes record decisions taken only and, where appropriate, the reasons for the decisions.

20 **APPLICATION FOR A STREET TRADING CONSENT – WITHAM RAILWAY STATION, ALBERT ROAD, WITHAM**

(Mr Flynn (the applicant) and Mr Murphy (an objector) each made a statement during Question Time and they answered questions put to them by Members of the Committee during the consideration of this Item).

INFORMATION: Consideration was given to an application made by Mr Brendan Flynn for a Street Trading Consent to sell newspapers, magazines, confectionery, soft drinks, cut flowers, tea, coffee, hot chocolate (Saturdays and Sundays) pre-packed sandwiches from a 'business permit location', outside Witham Railway Station, Albert Road, Witham. Mr Flynn wished to trade on Mondays, Tuesdays, Wednesdays, Thursdays and Fridays between the hours of 4.30am and 4.00pm and on Saturdays and Sundays between the hours of 4.30am and 11.00pm.

Following consultation, the Council had received five objections to the application. Two of these were from businesses in the vicinity selling similar products. The other three had been submitted by Braintree District Council's Property Management Team, a Braintree District Ward Councillor, and Essex County Council – Highways. The objections related to the sale of similar commodities, and in its objection, Essex County Council – Highways had indicated that the proposed location was a lay-by for use for the 'pick up/drop off' of passengers and for emergency vehicles. In accordance with the Council's Street Trading Policy, where representations are received, the application must be referred to the Licensing Committee for determination.

Mr Flynn attended the meeting and spoke in support of his application. Mr Murphy, the proprietor of 'Get It Fresh', Braintree Road, Witham who had objected to the application attended the meeting also and spoke. Both Mr Flynn and Mr Murphy answered questions put to them by Councillors.

Members of the Committee were advised that a Street Trading Consent had previously been granted for the site. However, the last application had been refused by the Licensing Committee on 18th November 2015. The site was currently occupied by an unlicensed Street Trader, who had been prosecuted in the Magistrates' Court for unlicensed trading. The Court's decision had been upheld by the Crown Court on appeal and the Council was currently taking action against the trader.

Mr Flynn explained that as a businessman he had identified an opportunity to purchase the street trading business and possibly take it forward. Mr Flynn stated that if his application was granted, he intended to allow the current trader to continue trading from the site. However, Mr Flynn indicated that he would consider at a later date whether or not to trade from the site himself and to make an offer for the business.

Members of the Committee were advised of the specific sections of the Council's Street Trading and Collections Policy which were relevant to the application. It was stated also that there was no right of appeal against a refusal to issue a Consent, but that an applicant had the option to seek a Judicial Review of the decision. If an application was refused, the application fee would be refunded to the applicant.

DECISION: That the application submitted by Mr Brendan Flynn for a Street Trading Consent to sell newspapers, magazines, confectionery, soft drinks, cut flowers, tea, coffee, hot chocolate (Saturdays and Sundays) pre-packed sandwiches from a 'business permit location', outside Witham Railway Station, Albert Road, Witham on Mondays, Tuesdays, Wednesdays, Thursdays and Fridays between the hours of 4.30am and 4.00pm and on Saturdays and Sundays between the hours of 4.30am and 11.00pm and all subsequent applications for a Street Trading Consent at the same location be refused on the basis that it does not comply with Braintree District Council's Street Trading and Collections Policy on the following grounds:-

- The imposition of conditions will not be adequate to control potential problems.
- The granting of the Consent for the sale of goods or services would conflict with those provided by nearby shops and concessions granted to other traders.
- The proposed location of the Consent is a lay-by for use for the 'pick up/drop off' of passengers and for emergency vehicles.
- Evidence has been submitted in respect of previous applications to show that emergency vehicles have been obstructed from using the 'pick up/drop off' location due to the proposed Street Trading Consent vehicle being sited there.
- The parking of vehicles at Witham Railway Station is a problem and the siting of a Street Trader at the 'pick up/drop off' point will exacerbate the situation.

The meeting closed at 7.45pm.

Councillor M Banthorpe
(Chairman)

Following the close of the meeting, Members of the Committee attended a training session on the provisions of the Dangerous Wild Animals Act 1976.

APPENDIX

LICENSING COMMITTEE

16th NOVEMBER 2016

PUBLIC QUESTION TIME

Details of Questions Asked / Statements Made During Public Question Time

- 1 Statements Relating to Agenda Item No. 5 - Application for a Street Trading Consent - Witham Railway Station, Albert Road, Witham
 - (i) Statement by Mr Brendan Flynn, 19 Brunwin Road, Rayne (Applicant)
 - (ii) Statement by Mr Mark Murphy, 'Get It Fresh', Braintree Road, Witham (Objector)

(In addition, Mr Flynn and Mr Murphy answered questions put to them by Members of the Committee during the consideration of this Item).