

Minutes

Licensing Committee

16th March 2022



Present:

Councillors	Present	Councillors	Present
J Baugh (Chairman)	Yes	Mrs J Pell	Apologies
Mrs J Beavis	Yes	S Rehman	Yes
Mrs M Cunningham	Yes	B Rose (Vice-Chairman)	Yes
P Euesden	Yes	P Schwier	Yes
A Hensman	Yes	Mrs L Walters	Yes
S Hicks	Yes	B Wright	Apologies
H Johnson	Yes	Vacancy	

14 **DECLARATIONS OF INTEREST**

INFORMATION: There were no interests declared.

15 **MINUTES**

DECISION: That the Minutes of the meeting of the Licensing Committee held on 28th July 2021 be approved as a correct record and signed by the Chairman.

16 **QUESTION TIME**

INFORMATION: There were two statements made by Mrs S Johnstone, an objector and Mr C Bantounas, the applicant regarding Agenda Item 5 – 'Street Trading Consent Application – Second Avenue, Bluebridge Industrial Estate, Halstead'. Mrs Johnstone and Mr Bantounas made their statements immediately prior to the Committee's consideration of the Item. They also answered a question put to them by a Member of the Committee during the consideration of the Item.

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

17 **STREET TRADING CONSENT APPLICATION – SECOND AVENUE, BLUEBRIDGE INDUSTRIAL ESTATE, HALSTEAD**

INFORMATION: Consideration was given to an application for a street trading consent submitted by Mr Christos Bantounas. Mr Bantounas wished to sell hot and cold food and drinks from a van parked on the highway at Second Avenue, Bluebridge Industrial Estate, Halstead. Mr Bantounas wished to trade on

Mondays, Tuesdays, Wednesdays, Thursdays, Fridays and Saturdays between the hours of 7.00am and 11.00pm. The application was attached at Appendix 1 to the Agenda report.

It was reported that Mr Bantounas had held a street trading consent to trade from the site at Second Avenue since 2020. The most recent consent had been granted by the Council following the submission of an objection by Mr S Johnstone and consideration by the Licensing Committee on 26th May 2021. An extract from the Minutes of the Committee's meeting was attached at Appendix 4 to the report. The current consent would expire on 25th May 2022.

In accordance with Braintree District Council's Street Trading Policy, the application had been subject to public consultation following which an objection had been submitted by Mr Sam Johnstone. Mr Johnstone was authorised to trade from a site located at Third Avenue, Bluebridge Industrial Estate, Halstead. In his objection, Mr Johnstone stated that he had purchased his street trading business from Mr Bantounas and he objected to Mr Bantounas trading in close proximity to his own site and selling similar commodities. The objection was attached at Appendix 2 to the report. In accordance with the Council's Street Trading Policy, where representations are received, the application must be referred to the Licensing Committee for determination.

In discussing the application, Members of the Committee were advised that street trading was controlled in accordance with Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and that following adoption of this Schedule by the Council all streets within the Braintree District had been designated as consent streets. As such, anyone wishing to trade on a street, highway, or other area to which the public had access without payment must hold a street trading consent. Where a person wished to trade from private land, he/she must enquire whether planning permission was required and seek the landowner's permission to trade. In accordance with Braintree District Council's Street Trading Policy, the Council could grant a street trading consent subject to reasonable conditions being imposed to prevent obstruction, nuisance or annoyance and where the imposition of conditions was not adequate to control potential problems, applications would be refused. Members of the Committee were advised that there was no right of appeal against a refusal to issue a consent, but that an applicant had the option to seek a Judicial Review of the decision. If an application was refused, the application fee would be refunded to the applicant.

In discussing this item Members of the Committee were advised that the Council's Street Trading Policy did not stipulate a minimum distance between licensed street traders, but relevant local traders selling similar commodities within 500m of a proposed trading site were consulted about any applications submitted. It was noted that the sale or transfer of a business and any restrictions imposed on its re-establishment were private matters between individual parties, which were not for consideration by the Committee.

DECISION: That the application submitted by Mr C Bantounas for a street trading consent to sell hot and cold food and drink from a van parked on the highway at Second Avenue, Bluebridge Industrial Estate, Halstead be granted for Mondays, Tuesdays, Wednesdays, Thursdays, Fridays and Saturdays between the hours of 7.00am and 11.00pm, subject to the Council's Street Trading and Collections Policy and the standard conditions relating to street trading.

18 **GAMBLING ACT 2005 - REVISED STATEMENT OF LICENSING POLICY**

INFORMATION: The Committee was advised that the Gambling Act 2005 authorised the Council to approve the use of premises for various gambling activities. The Council was also required to publish a Statement of Licensing Policy setting out the principles that it would generally apply when determining applications in order to ensure that the three licensing objectives of the Act were promoted. These objectives were to prevent gambling from being a source of crime and disorder, being associated with crime or disorder, or being used to support crime; to ensure that gambling was conducted in a fair and open way; and to protect children and other vulnerable people from being harmed or exploited by gaming. The Council was required to review its Policy every three years.

Members were advised that the draft revised Statement of Licensing Policy attached to the Agenda at Appendix 1 was based upon the Essex Authorities generic framework and it set out the principles which the Council would generally apply to promote the licensing objectives when making decisions on applications made under the Act. It was noted that the revised Statement had not been amended significantly and there had been no changes to legislation or guidance. However, it was anticipated that the Gambling Commission would be reviewing its guidance during 2022, which might necessitate changes to the Council's policy.

The draft, revised Statement of Licensing Policy had been published for public consultation between 4th January 2022 and 6th March 2022. No representations had been submitted during the consultation period. The draft Statement would be presented to Full Council for approval.

DECISION:

- (1) That it be **RECOMMENDED to Council** that the Gambling Act 2005 - Revised Statement of Licensing Policy 2022-2025, as set out in the Appendix to the report, be approved.
- (2) That Officers be authorised to make minor amendments to the Policy, as required, before its submission to Council.

19 **LICENSING COMMITTEE UPDATE**

INFORMATION: Members of the Committee received an update on applications determined by the Drivers' Panel and the Licensing Sub-Committee and on current licensing matters.

In considering this Item, Members acknowledged the diverse range and high volume of work dealt with by the Council's Licensing Team. Members also acknowledged the work of the Committee's Legal Advisor in relation to a Licensing Hearing which had taken place over a period of three days in December 2021.

DECISION: That the Licensing Committee update be noted.

The meeting closed at 8.17pm.

Councillor J Baugh
(Chairman)