

# Minutes

## Licensing Committee

20<sup>th</sup> May 2009



Present:

| Councillors              | Present   | Councillors   | Present   |
|--------------------------|-----------|---------------|-----------|
| M J Banthorpe (Chairman) | Yes       | M Lynch       | Yes       |
| J C Collar               | Yes       | T McArdle     | Yes       |
| J G J Elliott            | Yes       | A M Meyer     | No        |
| R Elliston               | Yes       | Mrs J A Pell  | No        |
| J H G Finbow             | Yes       | A F Shelton   | Apologies |
| Mrs S A Howell           | Apologies | Mrs J A Smith | Yes       |
| P J Hughes               | Yes       | F Swallow     | No        |
| E R Lynch                | Yes       |               |           |

### 3 **DECLARATIONS OF INTEREST**

INFORMATION: There was one interest declared by Councillor T McArdle in Item 5 of the Agenda – Application for a pavement permit for The Bull Public House, Market Place, Braintree. Councillor McArdle declared a personal interest as he drinks in The Bull Public House. Councillor McArdle took part in the discussion and determination of this item.

### 4 **MINUTES**

DECISION: That the minutes of the meeting of the Licensing Committee held on 25<sup>th</sup> March 2009 be approved as a correct record and signed by the Chairman, subject to the following amendment:-

Councillor E R Lynch stated that reference had been made at the last meeting to an Unmet Demand Survey which was taking place and that an option arising from the outcome of this would be to de-regulate taxis. It had been reported at the meeting that a full report on the matter would be presented to a future meeting of the Committee.

### 5 **QUESTION TIME**

INFORMATION: There were no questions asked or statements made.

### 6 **PAVEMENT PERMIT APPLICATION – THE BULL PUBLIC HOUSE, MARKET PLACE, BRAINTREE**

INFORMATION: Consideration was given to an application submitted by DHA Planning on behalf of Greene King PLC for a one year Pavement Permit in respect of The Bull Public House, Market Place, Braintree for Monday to Sunday between the hours of 9.00am and 10.00pm.

In determining this application, the Committee followed a written procedure. Mr Steve Cunningham, Business Development Manager for Greene King PLC and Mr Shaun Dedman, Manager and Licence Holder for The Bull Public House, Market Place, Braintree attended the meeting to put forward their application and to answer Members' questions.

Mr Cunningham outlined the application and advised the Committee that they were keen to retain the café alfresco dining element of their trade, firstly to meet their customer needs, but also because they believed it enhanced Braintree and the café culture in the Market Place. Mr Cunningham advised the Committee also that in respect of previous permits granted there had been no issues, or problems and he believed that neither the Police, nor the Licensing Authority had any issues.

Mr Cunningham advised that they wished to amend their application. However, the applicants were advised by the Governance Lawyer that they could not amend the application for the pavement permit unless they were removing an element, or reducing down a provision of the application, as applications were subject to consultation. The applicants were advised further that should they wish to include something, a new application/variation would have to be made to the Licensing Department. The applicants confirmed that they would have to make a further application.

In response to questions from Members of the Committee, the applicants advised that there had been no problems with furniture and they had had meetings with the Highways Authority to clarify the area in which the furniture was to be stored at the front of the premises. The applicants advised that there had been a misunderstanding as to the extent of the land in the applicants' ownership and the extent of the highway. The misunderstanding had been cleared up with the Highways Authority and the issue of where the furniture was to be stored had been resolved.

Members of the Committee questioned whether the storage area was sufficient. The applicants advised that they believed the area to be sufficient for the storage of tables as the storage area was approximately 1 metre wide and the tables were 900mm (0.9 metres) wide.

Councillor McArdle informed the applicants that he had received a representation that tables and chairs were being left out overnight and he was concerned about this, as the Market Place was an area of low level anti-social behaviour. The applicants gave their reassurance that tables and chairs were not left out at night, but stored in the area at the front of the premises where they were stacked and chained up. The applicants advised the Committee that they were aware that there would be problems if the tables and chairs were not secured.

Members of the Committee asked the applicants if they were aware of any incidents of anti-social behaviour outside the premises. The applicants informed the Committee that they were aware that Market Place did suffer with anti-social behaviour, but they did not know of any arising out of the café culture. The applicants went on to advise the Committee that in their experience the café culture had a calming effect on anti-social behaviour rather than causing problems, as most customers using the outside dining area were females, it was more of a family affair, and there had been no incidents where the Police had been called to the alfresco area.

Members of the Committee referred to Pavement Permit Condition 14 and they asked the applicants what would happen to drinks in glass bottles and would they consider the use of plastic glasses. The applicants advised the Committee that they wouldn't want to use plastic and their customers wouldn't want to drink out of them. The applicants stated that there was a problem with decanting bottles of wine as there was nothing suitable on the market for decanting. The applicants went on to say that most people who drank wine were female and no problems had been incurred. Bottled beers were decanted into toughened glasses. The applicants considered that decanting wine into a plastic jug went against café culture. The applicants had concerns also with plastic glasses. The applicants explained that there was a plastic glass which could be used once then disposed of, but this had a cost implication for the business. There was also a toughened glass which could be used five to six times, but it became unhygienic. The applicants considered that there were no problems with the breakage of glass and they advised that any breakages would be dealt with in the same manner as broken crockery. The applicants advised that they ensured that any breakages were swept up and the area kept clean and tidy, as it was for their benefit to maintain the area.

Members of the Committee asked if staff were available to clear away tables and chairs, whether the area was supervised and what would happen if someone was drinking out of a bottle. The applicants advised that there was a dedicated member of staff who set out and put away the tables and chairs, and should anyone be seen drinking from a bottle, a member of staff would decant the drink into a glass.

Members of the Committee referred to paragraph 4 of the Pavement Permit Policy which indicated that there was an expectation that customers would be seated and waited upon. Members asked the applicants if people walked into the premises to place an order, then sat outside. The applicants advised that people did walk in to order their drinks and then took them outside, but that it was part of 'pub' culture to approach a bar and to order drinks. However, dedicated waiting staff were available to serve seated customers.

The applicants, in summing up their application, advised the Committee that previous permits had worked well for them and they had been a benefit for their business.

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Members of the Licensing Committee left the Committee area at 7.45pm to deliberate on the application and they returned at 8.10pm to announce their decision via the Chairman.

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At the request of the Chairman, the applicants were advised by the Governance Lawyer of the Committee's concern regarding the use of glass in the permit area and they were reminded that the Pavement Permit Conditions prevented the use of glass in the permit area. The applicants were advised further that should they be found to be breaching the conditions, the Pavement Permit could be revoked.

**DECISION:** That a Pavement Permit be granted in respect of The Bull Public House, Market Place, Braintree, subject to the standard Pavement Permit Conditions.

The Chairman agreed to consider the following additional items of business.

7 **APPOINTMENT OF MEMBERS TO THE TAXI ASSOCIATION LIAISON PANEL**

DECISION: That Councillors M J Banthorpe, Mrs S A Howell, E R Lynch, M Lynch, Mrs J A Pell, A F Shelton and Mrs J A Smith be appointed to the Braintree and District Taxi Association Liaison Panel for the 2009/10 Civic Year.

8 **APPOINTMENT OF MEMBERS TO THE DRIVERS' PANEL**

DECISION: That all Members of the Licensing Committee be appointed to the Drivers' Panel.

9 **DEPARTMENT FOR TRANSPORT CONSULTATION DOCUMENT – BEST PRACTICE GUIDANCE FOR TAXI AND PRIVATE HIRE VEHICLE LICENSING**

INFORMATION: The Licensing Officer advised Members that the Department for Transport had issued a consultation document on the revision of the Taxi and Private Hire Vehicle Licensing Best Practice Guidance, which had originally been published in October 2006. The consultation document would be discussed at the next meeting of the Committee with a view to formulating a response.

Due to the limited time available to respond to the consultation document it was agreed that the Licensing Officer should send details of the Department for Transport's website to Members by E-Mail to enable Members to view the document in advance of the next meeting. This would enable the Council to respond to the Department by the deadline of 28<sup>th</sup> July 2009.

10 **GAMBLING COMMISSION – GUIDANCE TO LICENSING AUTHORITIES – 3<sup>RD</sup> EDITION**

INFORMATION: The Governance Lawyer informed Members of the Licensing Committee that the Gambling Commission had issued a new Guidance document under the Gambling Act 2005. Members of the Committee who were present at the meeting were provided with a copy of the new Guidance and they were reminded that they were required to have regard to the Guidance when determining applications at Gambling Licence Hearings.

Copies of the Guidance would be sent to those Members of the Licensing Committee who were absent from the meeting and a copy would also be made available in the Members' Area.

At the end of the meeting, Members were reminded that they could attend any Licensing Hearings to observe and to use as a training opportunity, and they were also invited to suggest areas in which they wished to receive training.

The meeting closed at 8.25pm.

M J BANTHORPE  
(Chairman)