

APPLICATION FOR A PAVEMENT PERMIT THE BULL MARKET PLACE BRAINTREE
Agenda Item 5.

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Background Papers:- Braintree District Council Pavement Permit Policy (Appendix 1)
Application made by Greene King Plc (Appendix 2)
Plan of proposed site (Appendix 3)
Essex County Council correspondence (Appendix 4)
Standard conditions to be attached if granted (Appendix 5)
Environmental Health correspondence (Appendix 6)
Pavement Permit Issued 2008 (Appendix 7)

Financial Implications:- None
Equalities Implications:- None
Legal Implications:- None
Options: Please see options in decision
Risks: None

EXECUTIVE SUMMARY

To consider the application made by Green King Plc for a Pavement Permit for the use of the pavement area outside The Bull, Market Place, Braintree, Essex.

The Councils Pavement Permit policy states that the hours of normal operation are between 9:00 and 18:00 from Monday to Sunday for all consents. Applications for a pavement permit beyond 18:00 hours and up to 22:00 hours must be referred to the Licensing Committee for determination.

DECISION

- 1. To GRANT the application for a Pavement Permit to Greene King Plc.**
- 2. To GRANT the application for a Pavement Permit to Greene King Plc for reduced hours than those detailed in 1.5.**
- 3. To GRANT the application for a Pavement Permit to Greene King Plc with additional conditions deemed necessary.**
- 4. To REFUSE the application for a Pavement Permit Greene King Plc.**

APPLICATION FOR A PAVEMENT PERMIT THE BULL MARKET PLACE BRAINTREE ESSEX

BACKGROUND

- 1.1 In February 2003 Members adopted the provisions under Section 115E(1)(a) and (b) of 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 this 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 states that the hours of normal operation are between 9:00 and 18:00 from Monday to Sunday for all consents. Applications for a pavement permit beyond 18:00 hours and up to 22:00 hours will be referred to the Licensing Committee for determination. In addition, the committee will once again determine any application that receives representations. (Appendix 1)
- 1.4 The existing permit which was granted by the Licensing Committee in January 2008, expired on the 15th January 2009, this permit allows the use of tables and chairs in this area Monday to Sunday inclusive until 22:00. (Appendix 7)
- 1.5 The department received and validated an application for a pavement permit on the 4th December 2008, from DHA Planning on behalf of Greene King Plc

for The Bull, Market Place, Braintree, Essex for a one year Pavement Permit to allow the following (Appendix 2);

21 Tables
84 Chairs
5 Parasols

Monday to Sunday 09:00 to 22:00

- 1.6 A plan of the area accompanies this report with the area covered by the application cross-hatched (Appendix 3).
- 1.7 As part of the regulatory procedure, the Council must prepare a notice and arrange for it to be displayed on site. An Officer visited the premises and can confirm that the appropriate notice was displayed in a prominent position on the premises. In addition notices were also served on “frontagers with an interest”, and owner and occupiers of any premises likely to be materially affected by the application.

CONSULTATION

- 2.0 As part of the consultation process the Council must seek consent of the Highway Authority (Essex County Council), frontagers with an interest, and the Local Planning Authority (Braintree District Council).
- 2.1 Essex County Council has given consent after discussions with the DHA Planning and agreement by the applicant (Appendix 4).
- 2.2 The Pavement Permit policy also requires additional consultation to be carried out with the following bodies:

Forward Plans	No response received
Development Control	No response received
Environmental Health	
- Health & Safety -	Comments received 23.12.08 (Appendix 6)
- Pollution	No Objection (response received)
Ward Members	No response received
Essex Police -	No Objection (response received)
Essex Fire and Rescue	Acknowledgement received No comments

- 2.3 During the consultation agreement has been made that the table and chairs will be stored on the land within the client’s ownership outside the front of the public house, and the umbrellas will be stored in the nightclub entrance area after 22:00.

ADDITIONAL INFORMATION

- 3.1 The licensing department sent a letter to Mr Shaun Dedman licensee and Green King Retailing Ltd on the 28th November 2008 following a complaint we received from a member of the public in respect of the tables and chairs being left on the highway over night. This letter reminded the permit of the holder the conditions of the permit and we have not received any correspondence in respect of this letter to date.