

Minutes

Licensing Committee

9th November 2006



Present:

Councillors	Present	Councillors	Present
M J Banthorpe	Yes	M Lynch	Yes
K E Bigden	Yes	A F Millam [Chairman]	Yes
J C Collar	Apologies	Lady Newton	Yes
J H G Finbow	Apologies	Mrs J A Pell	Apologies
M J Green	Yes	D E A Rice	Yes
R M Haslam	Yes	Mrs J W Schmitt	Yes
P J Hughes	Yes	Mrs K E Tearle	Yes
E R Lynch	Yes		

Prior to the commencement of the meeting, the Chairman reminded Members that, as discussed at the last meeting of the Committee, Member training on the issues surrounding hearings would be held immediately after the meeting.

26 DECLARATIONS OF INTEREST

INFORMATION: There were no interests declared.

27 PUBLIC QUESTION TIME

There were no questions asked or statements made.

28 MINUTES

DECISION: That the minutes of the meeting of the Committee held on 14th September 2006 be confirmed as a correct record and signed by the Chairman.

29 APPLICATION FOR STREET TRADING CONSENT.

INFORMATION: The Committee was asked to determine an application made by Mr Darren Bugbee 3 Rose Green Cottage, Colchester Road, Chapel, Essex for the renewal of a Street Trading consent. Full details of the application were set out in the report contained in the agenda.

Mr Bugbee was present at the meeting and he was invited to speak on his application.

Mr Bugbee advised the Committee that he trades on Braintree Market throughout the year on both Wednesdays and Saturdays and no complaint had been made by any member of the public. He added that he was born, bred and educated in Braintree, a town which he fully supported. He advised the Committee that approximately 60-70%

of his annual turnover was during this seasonal time of the year and it was therefore really important for the success of his business to make the most of this time of year. With reference to concern expressed by local shops, he advised that, whilst he sold similar goods, he did not sell anything identical to the goods sold locally and therefore he was providing the consumer with a wider choice.

Members were invited to question the Mr Bugbee.

In answer to questions put to him, Mr Bugbee advised that the stall he has on Wednesdays and Saturdays sells the same goods and is sited in virtually the same location as that being requested. He also added that he, along with other market traders, had been asked to trade on two additional days over the Christmas period so, effectively, the number of days he was requesting his street trading consent was now two less as he had been invited to do these any way under the street market rules.

Mr Bugbee was asked to leave the Council Chamber whilst the Committee considered the application.

The Members of the Committee were rejoined by the applicant.

The decision was announced by the Chairman as follows:-

DECISION: That the application for a renewal of street trading licence at New Street, Braintree in respect of Mr Darren Bugbee 3 Rose Green Cottage, Colchester Road, Chapel, Essex be approved.

30

GAMBLING ACT 2005

INFORMATION: Members considered the adoption of the Braintree District Council Gambling Licensing Policy Statement in respect of the Gambling Act 2005 following public consultation. The Committee was asked to consider all the valid representations that had been received during the consultation period from 14th August to 9th October 2006 and to approve any changes to the revised Policy as necessary in response to these representations.

The Gambling Act 2005 places a statutory responsibility on all local authorities to be responsible for the issuing of various permissions, permits and notices relating to the use of premises for gambling activities. Full details were set out in the report contained in the agenda. Members were advised that each Authority is legally required to formulate its own Gambling Licensing Policy Statement which must be reviewed every three years. The policy must be based on the three licensing objectives. A draft Gambling Licensing Policy Statement, which was based upon the Essex Authorities generic framework, was issued for statutory consultation to members and the public with local additions. The first draft of the Braintree District Policy was issued for consultation on 14th August 2006. The Committee was reminded that an adopted policy must be in place prior to accepting any applications under the new Act and Government have specified this to be at least one month before it takes effect. Licensing authorities must have determined and published their first licensing policy statement by the 1st December 2006.

On discussing the Policy Statement Members welcomed the measures for the protection of children and felt that reference should be made to the Council's duties to have regard to Section 11 of the Children's Act. In answer to Members' questions it was confirmed that careful consideration would be given to the maximum stakes for gaming machines situated in places where children were present. It was also confirmed that gaming in Members' Clubs was required to be regulated and that a revised Code was due to be published shortly which would address the issue of the exemption of Members in considering applications within their own Wards.

The Committee was advised that an all-day joint training event with Chelmsford Borough Council on the Gambling Act 2005 had been arranged for 24th January 2007 here at Causeway House.

DECISION: That it be

Recommended to Council that the Braintree District Council Gambling Licensing Policy Statement in respect of the Gambling Act 2005 be adopted.

31 **BRAINTREE AND DISTRICT TAXI ASSOCIATION LIAISON PANEL.**

INFORMATION: Members noted that a meeting of the Braintree and District Taxi Association Liaison Panel had been held immediately prior to this meeting. There were no issues which had arisen for the attention of the Committee.

The meeting commenced at 7.15pm and closed at 7.45pm

A F MILLAM
(Chairman)