

Minutes

Licensing Committee

12th December 2007



Present:

Councillors	Present	Councillors	Present
M J Banthorpe (Chairman)	Yes	M Lynch	Yes
K E Bigden	Apologies	T McArdle	Yes
J C Collar	Yes	A M Meyer	Apologies
J G J Elliott	Yes (from 7.25pm)	Mrs J A Pell	Yes
J H G Finbow	Yes	D E A Rice	Apologies
Mrs S A Howell	Apologies	A F Shelton	Yes
P J Hughes	Yes	F Swallow	Yes
E R Lynch	Yes		

Action by

23 **DECLARATIONS OF INTEREST**

INFORMATION:

Councillor Banthorpe declared a personal interest in Agenda Item 6 (Pavement Permit - The Bull Public House, Market Place, Braintree) in his capacity as a member of Braintree Town Centre Strategy Group. Councillor Banthorpe stated, that although the Strategy Group had objected to the proposed pavement permit he had not taken part in any discussion, or voted on this matter.

Councillor McArdle declared a personal interest in Agenda Item 6 (Pavement Permit - The Bull Public House, Market Place, Braintree) in his capacity as a Ward Member who had submitted an objection to the proposal. Councillor McArdle stated that he had also assisted Mrs S Thorogood of Hedingham Models and Collectables, who had objected to the proposal. Councillor McArdle indicated that he had taken advice prior to the meeting and that he had been informed that he could take part in the discussion and vote on this item.

24 **MINUTES**

DECISION: That the minutes of the meeting of the Licensing Committee held on 10th October 2007 be approved as a correct record and signed by the Chairman.

25 **QUESTION TIME**

There were no questions asked or statements made.

26 **STATEMENT OF LICENSING POLICY – RE-PUBLICATION**

INFORMATION: Consideration was given to a report on the proposed re-publication of the Council's Statement of Licensing Policy.

Members were advised, that in accordance with the Licensing Act 2003 the Council, as the Licensing Authority, was required to carry out a formal review of, consultation on and re-publication of its Statement of Licensing Policy every three years. The re-published Policy would set out the principles that the Licensing Authority would apply to promote the licensing objectives when determining applications submitted under the Act during the subsequent three year period.

The Statement of Licensing Policy had been subject to public consultation during the period 3rd September 2007 to 23rd November 2007. In response, letters of representation had been received from Greene King Pub Partners and the British Beer and Pub Association suggesting amendments to the Policy. A comment had also been submitted by the Council's Environmental Health Department.

The Committee considered in detail the representations submitted by Greene King Pub Partners and the British Beer and Pub Association, many of which were the same. These proposed a number of amendments. It was noted that the Policy had been updated to reflect the recent changes in legislation and Government strategies referred to. However, it was agreed that the Policy should not be amended further.

DECISION: **That it be Recommended to Council** that the Statement of Licensing Policy be adopted for re-publication.

27 **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 emphasised that the Public House was moving away from its traditional business and towards a family orientated concern.

Members were reminded that the Council's Pavement Permit Policy stated that the hours of normal operation should be between 9.00am and 6.00pm Monday to Sunday for all consents. Applications for a permit beyond 6.00pm and up to 10.00pm were to be referred to the Licensing Committee for determination.

The Committee was advised that the current Permit for The Bull Public House permitted use from Monday to Sunday between 9.00am and 6.00pm. As part of public notification of and consultation on the new application, objections had been received from Braintree Town Centre Strategy Group, Mr and Mrs Thorogood of Heddingham Models and Collectables, Councillors McArdle and McKee and Essex County Council Highways. Copies of their written representations were considered by the Committee. It was noted that Essex County Council Highways had subsequently withdrawn their objection following discussions with DHA Planning who had agreed to amend their initial plans to provide improved gangways and access to the tables and chairs and to the front of the building.

DECISION: That a Pavement Permit in respect of The Bull Public House, Market Place, Braintree be granted for Monday to Sunday inclusive between the hours of 9.00am and 10.00pm, subject to the layout plan agreed between the applicant and Essex County Council Highways as shown on Drawing No. DHA/5723/02 Rev B, to Braintree District Council's Pavement Permit Policy and standard conditions and to the following additional conditions:-

1. The applicant is requested to meet with the Licensing Officer to discuss the Pavement Permit Policy in order to ensure that the applicant is fully aware of the requirements of the Policy.
2. Heating and lighting supplied to the pavement area shall be as stipulated by the applicant during the meeting, namely the heaters will be attached to the parasols, being environmental friendly and movement sensitive and operated by touch, and the lighting will be low voltage halogen.

Councillor McArdle wished to have it recorded that he voted against the motion to approve the application.

The meeting commenced at 7.15pm and closed at 9.25pm.

At the close of the meeting the Chairman wished everyone a Merry Christmas and a Happy New Year.

M J BANTHORPE
(Chairman)