

Minutes

Licensing Committee

10th April 2007



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	Apologies
J H G Finbow	Apologies	Mrs J A Pell	Apologies
M J Green	Apologies	D E A Rice	Yes
P J Hughes	Yes	Mrs J W Schmitt	Yes
E R Lynch	Yes	Mrs K E Tearle	Apologies

41 **DECLARATIONS OF INTEREST**

INFORMATION: There were no interests declared.

42 **PUBLIC QUESTION TIME**

There were no questions asked or statements made.

43 **MINUTES**

DECISION: That the minutes of the meeting of the Committee held on 15th March 2007 be confirmed as a correct record and signed by the Chairman.

44 **PAVEMENT PERMIT POLICY**

INFORMATION: The Committee considered a report on the adoption of the Pavement Permit Policy. The Chief Environmental Health Officer, Mr Lee Crabb, highlighted various parts of the Policy, particularly the Council's obligations under the Crime & Disorder Act 1998 and health and safety legislation. He explained that the Policy had been updated and made clearer for both applicants and officers. Mr Crabb advised that applications for permits beyond 18:00 hours and up to 22:00 hours would be considered where premises had shown a previous good track record and that such applications would be brought before the Licensing Committee. However, he stressed that enforcement where premises had tables and chairs out on the highway and did not hold a permit would be the responsibility of the County Council as the premises was effectively obstructing the highway, permits were not required where the tables and chairs were placed on private land. The Legal Executive advised Members that the Policy was a working document and purposefully not too restrictive in order that appropriate Conditions could be added and that each application could be treated on its own merits. Standard conditions would also be included on each Permit.

The Chairman thanked Mr Crabb and invited the Committee to comment on the

Policy. Members welcomed the Policy, particularly point 4, requiring sufficient staff to be employed to wait on tables, but felt this could be made more robust. The following issues were also raised:

- Public standing around rather than sitting at the tables, particularly once the new smoking legislation becomes law.
- The dangers of glassware, including ashtrays, raised by a consultee.
- Colour coding of neighbouring premises.

The following amendments to the Policy were agreed:

- Paragraph 1 to be amended to read "... the provision of street cafés in the town centres of Witham, Braintree & Halstead and the villages within the district, ...".
- The expectation is that customers were to be seated and waited on by staff;
- Ashtrays to be made of a toughened material;
- No patio heaters to be used.

DECISION: That it be Recommended to Council that the Pavement Permit Policy, as set out in the report, together with the amendments detailed above, be adopted by the Council.

45 **WHEELCHAIR SAFETY**

INFORMATION: The Chairman advised that 10% of all private hire/hackney carriage vehicles must be wheelchair accessible by the year 2010 and it was vital that all operators implemented this requirement although there appeared to be some reluctance to comply. The Chairman considered it to be important that the Licensing Committee keep a watching brief on developments to ensure that the travelling public were transported in the safest possible vehicles.

DECISION: That the Democratic Services Officer makes the necessary arrangements for the issues of Wheelchair Safety/Accessibility together with a review of Licensing policies and conditions to be placed on the agenda of the next Licensing Committee due to be held on 6th June 2007.

46 **BRAINTREE DISTRICT TAXI ASSOCIATION LIAISON PANEL**

INFORMATION: Members received the minutes of the meeting of the Braintree and District Taxi Association Liaison Panel held on 19th March 2007, a copy of which had been previously circulated.

DECISION: That the minutes of the meeting of the Braintree and District Taxi Association Liaison Panel held on 19th March 2007 be received and noted, subject to the amendment of Minute 33 – Any Other Business – Access to the Tesco Store, Market Square, Braintree as follows: "... a pick-up bay be established outside the Tesco store."

At the close of the meeting, the Committee thanked Councillor Millam for his leadership, particularly throughout the difficult period when the Licensing Act came into force.

The meeting commenced at 7.15pm and closed at 8.05pm.

A F MILLAM
(Chairman)