



Minutes

Licensing/Appeals Sub-Committee Tuesday, 18th October, 2016

Attendance

Cllr Mrs Hubbard
Cllr Mrs Middlehurst

Cllr Newberry

Also Present

Cllr Mrs Slade (Ward Councillor)

Officers Present

Paul Adams	-	Principal Licensing Officer
Dave Leonard	-	Licensing Officer
Chris Pickering	-	Principal Solicitor
Jean Sharp	-	Governance and Member Support Officer

173. Appointment of Chair

The Sub-committee resolved that Cllr Newberry should chair the meeting.

174. Administrative Function

Members were respectfully reminded that, in determining the matters listed below, they were exercising an administrative function with the civil burden of proof, i.e. 'on the balance of probabilities'. The matter would be determined on the facts before the Sub-Committee and the rules of natural justice would apply.

175. Declarations of Interest

There were no declarations of interest.

176. Highways Act 1980 - Application for Pavement Permit: Wildwood, 9-11 High Street, Brentwood, CM14 4RG

The report before members provided information of an application for a new premises license in respect of **Wildwood, 9-11 High Street, Brentwood CM14 4RG**.

Members were requested to determine the application having regard to the Application, the representations received and the Council's Pavement Permits Policy.

The application was received on 31 August 2016 from Tasty plc in respect of Wildwood, 9-11 High Street, Brentwood CM14 4RG and a copy was before the sub-committee. The applicant initially sought a pavement permit to place 8 two-top tables, 16 chairs, 10 posts and 8 barriers on the public footway directly outside Wildwood, 9-11 High Street, Brentwood CM14 4RG in an area measuring 10m x 2m for the following hours:

11:30hrs - 23:00hrs Monday-Thursday
11:30hrs - 23:30hrs Friday & Saturday
11:30hrs – 22:30hrs Sunday

Following consultation prior to the sub-committee meeting with the Licensing Office and Mrs Elaine Hanlon (Environmental Health), and in accordance with the Brentwood Borough Council Pavement Permit Policy, it was agreed that the number of tables and chairs, and the hours applied for, were reduced to;

4 two-top tables, 8 chairs and no barriers in an area measuring 10m x 2m for the following hours;

11:30hrs – 22:00hrs on Monday - Sunday

One representation was received from the Responsible Authorities: Mrs Hanlon (Environmental Health - Health & Safety) had concerns from a public safety point of view that the minimum distance between the tables and chairs and a fenced in tree directly outside the premises was insufficient to allow safe passage and failed to conform to Brentwood Borough Council's own Pavement Permit Policy. Mrs. Hanlon's representation together with her dialogue with the applicant and observations and recommendations from the Essex Police Licensing Officer and the Essex County Fire & Rescue Service were attached as Appendix 2.

Members noted that, in accordance with the Highways Act 1980, the Council was required to seek the consent of the frontagers with an interest in the application. In this instance, both neighbouring premises, Paradise Stores of 7 High and B&M Cycles & Toys of 13 High Street were notified and both made representation against the application citing that the available distance between Wildwood, the proposed tables, chairs & barriers and the fenced off tree would be insufficient for convenient pedestrian access and that this in turn would encourage them to circumvent the fenced tree thus taking potential customers away from their shops. A further representation, received from Ward Councillor Mrs Slade, cited the potential health issues caused from secondary smoking by those seated outside. These representations were attached as Appendix 3.

The Licensing Officer attended the location and recorded the distances from the tree planter fence to the frontage of the Wildwood restaurant with a laser

measurement device. The readings were 2.571m at the greater distance and 2.481m from the narrowest point. The Brentwood Borough Council Pavement Permit Policy and Guidance Notes were attached at Appendix 5.

The application guidance provided that "it is essential in all cases that an absolute minimum width of 1.8 metres of unobstructed highway is kept free for safe and convenient pedestrian movement".

The area was within a Designated Public Place Order, which evoked standard permit condition 15, which stated that " If the area to be licensed is contained within a Designated Public Places Order Zone then the area shall be clearly delineated by the use of barriers of a suitable nature to be agreed with the Licensing Authority".

A few days before the Sub-committee meeting, the applicant submitted two alternative seating plans (Options 1 and 2) and during the Sub-committee meeting two additional alternatives (Options 3 and 4) were submitted.

The Sub-committee considered in detail the written materials presented to it in the agenda and the photos and alternative seating plans presented to it at the meeting as well as the oral representations made. The Sub-committee had concerns over the flow of pedestrian traffic along the shop fronts, a point brought up in the objections from the neighbouring businesses. However, the Sub-committee was satisfied that Option 2 with tables away from the shop front and arranged around the fenced tree dealt with all the legitimate concerns from objectors. This option allowed for pedestrian flow along the shop fronts and would keep any cigarette smoke well away from neighbouring businesses.

The Sub-committee therefore resolved to grant the application based on the plan submitted as Option 2 (attached for information).

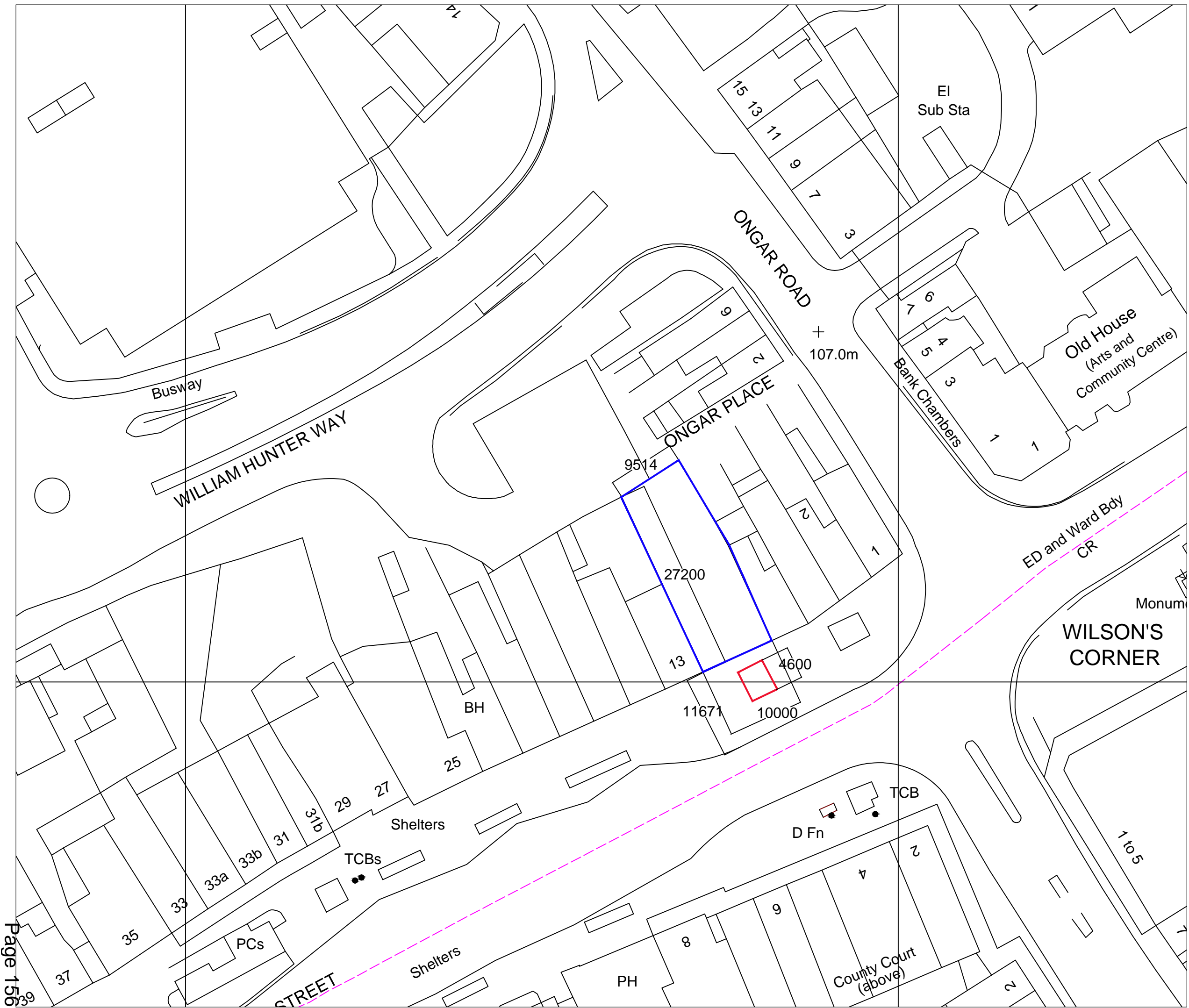
177. Determination of an application for Hackney Carriage & Private Hire Driver's Licence

The Sub-committee considered this matter in private session by virtue of Part 1 of Schedule 12 Local Government Act because it contained information relating to an individual.

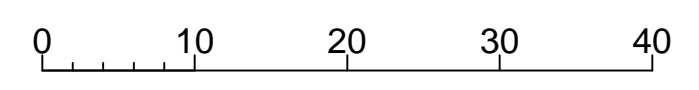
An application had been received for a combined Hackney Carriage and Private Hire Drivers Licence. The application fell outside the Council's Pre-Licensing Conditions as the applicant had not held a DVLA Licence for longer than three years.

The Sub-committee considered in detail the written and oral information available to it. As a licensing authority, the Sub-committee recognised its position in ensuring the safety of residents when taking a taxi. Speeding offences were relevant to this consideration and might lead to a review of a

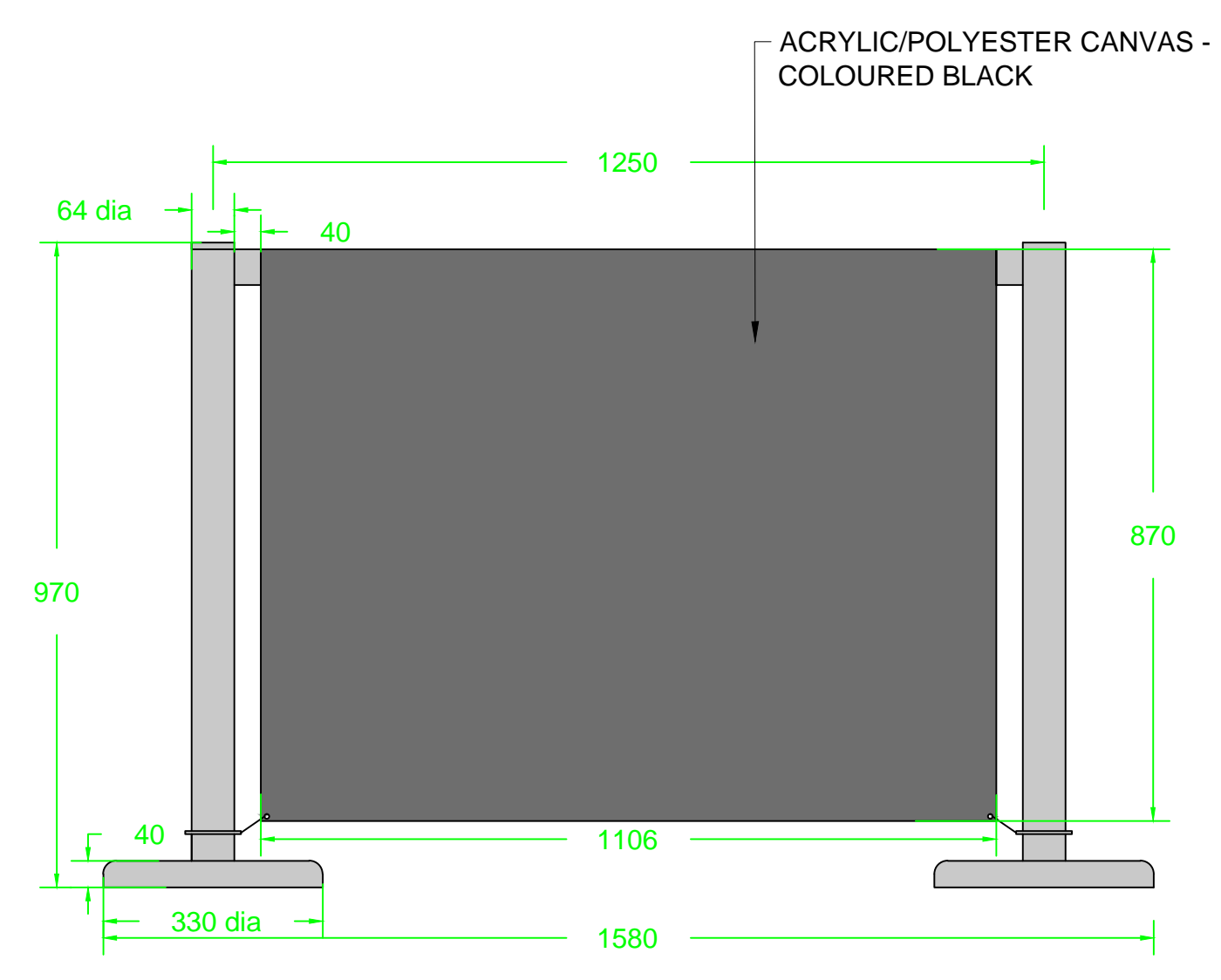
licence with further offences. However the Sub-committee decided to exercise its discretion and resolved to grant this application as applied for.



SITE LOCATION PLAN 1:500 @A1



KEY	
	PROPOSED NEW AREA - EXACT LOCATION ON THE HIGHWAY
	ADJOINING LAND OWNED BY APPLICANT



ELEVATION SCALE 1.10 @ A1



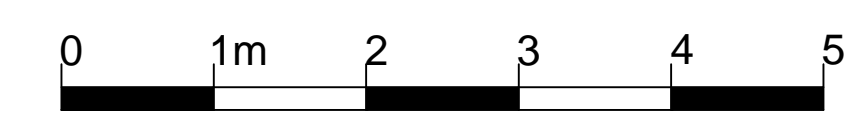
PLAN VIEW SCALE 1.10 @ A1



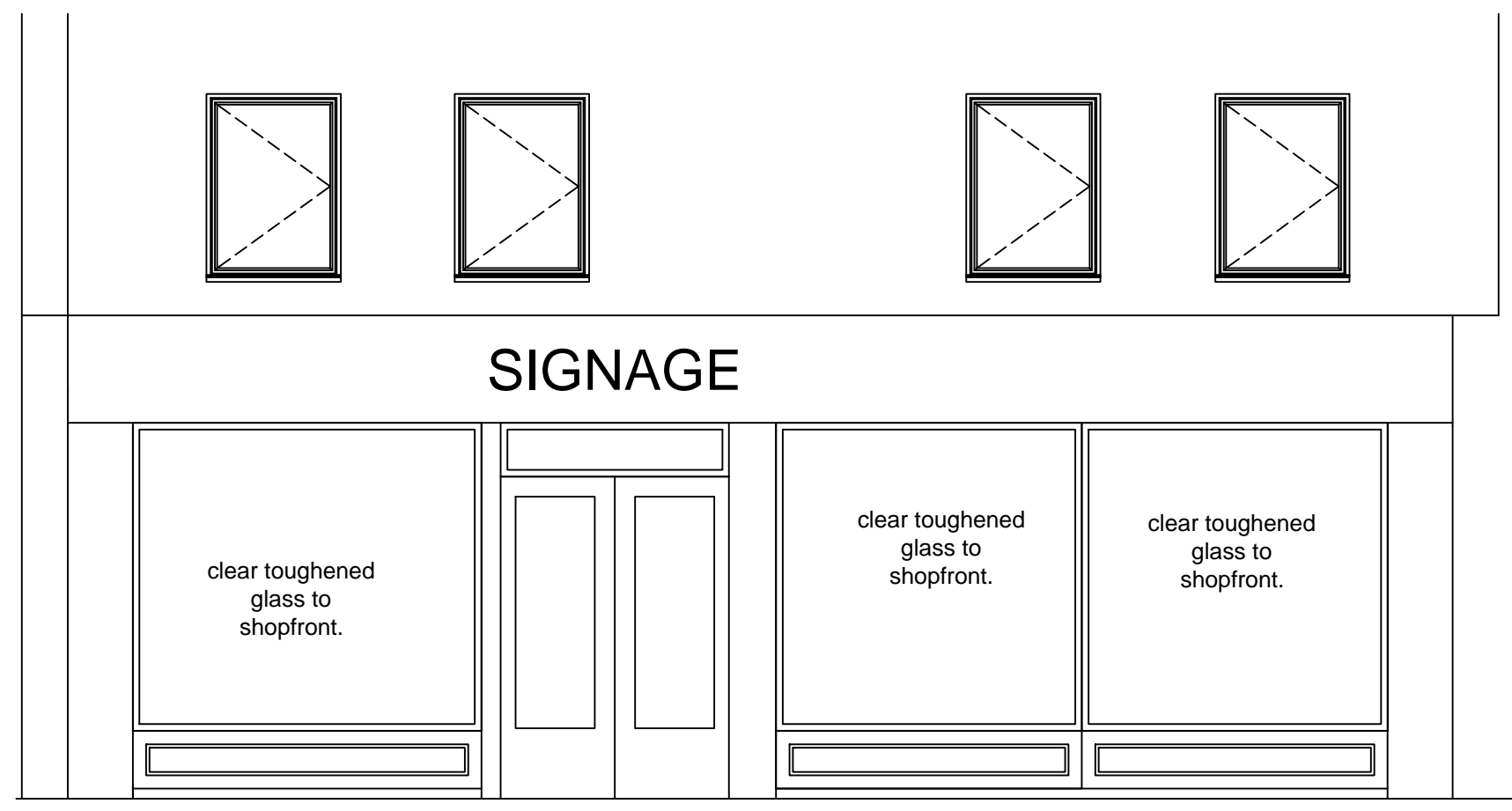
13

SEATING = 12
TABLES = 6

PROPOSED GROUND FLOOR PLAN



scale = 1:50@A1
FOR PLANNING PURPOSES



PROPOSED SHOP-FRONT



scale = 1:50@A1
FOR PLANNING PURPOSES

KEY	
	AREA FOR NEW EXTERNAL SEATING - 2M (D) X 10M (W)
	WINDBREAKS
	CHAIR: ROUND SIDE CHAIR, COLOUR ANTHRACITE . (H) 810 X (W) 620 X (D) 580MM
	CAMBI 600 X 600MM SQUARE TABLE IN BLACK POWDER COATED STEEL



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