

18 October 2016

Licensing and Appeals Committee

Licensing Sub-Committee Hearing in respect of an Application for a Pavement Permit – Highways Act 1980

WILDWOOD, 9-11 HIGH STREET, BRENTWOOD CM14 4RG

Report of: Paul Adams – Principal Licensing Officer

Wards Affected: Brentwood North

This report is: Public

1. Executive Summary

- 1.1 This report provides information of an application for a new premises licence in respect of **Wildwood, 9-11 High St., Brentwood CM15 8PA.**
- 1.2 Members are requested to determine the application having regard to the Application, the representations received and the Council's Pavement Permits Policy.

2. Recommendation

- 2.1 Each application must be considered on its individual merits and, therefore, no recommendations may be made. However, the available options are:
 - i) To grant the application as applied for including the standard conditions of a permit; or
 - ii) To grant the application, modified to such extent as considered appropriate in order to satisfy any relevant representations; or
 - iii) To reject the application

3. Introduction and Background

- 3.1 Under the Highways Act 1980 (Part VIIA), Brentwood Borough Council (The Council) may grant a permit for the use of tables, chairs and associated furniture on the public highway for the purpose of providing refreshments.
- 3.2 The council has Pavement Permit Policy and application guidance, which sets out its approach to the processing and determining applications, and

the standard conditions that will be attached should a permit be granted. These are attached as **Appendix 5**

- 3.5 Any representation must be able to demonstrate that on the balance of probability the application in its current form will not comply with the policy or would be outside the guidelines set out by the Council.

4. The Application

- 4.1 This application was received on 31 August 2016 from Tasty plc in respect of Wildwood, 9-11 High Street, Brentwood CM14 4RG. A copy of the application is attached at **Appendix 1**.

- 4.2 The premises is a restaurant and delicatessen situated in the High Street. An OS map of the location with images is attached at **Appendix 4**.

- 4.3 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 o/s 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 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

- 4.5 There has been one representation received from the Responsible Authorities. Mrs Elaine Hanlon (Environmental Health - Health & Safety) has concerns from a public safety point of view that the minimum distance between the tables & chairs and a fenced in tree directly outside the premises is insufficient to allow safe passage and, indeed, fails to conform to Brentwood Borough Council's own Pavement Permit Policy. Mrs. Hanlon's representation together with her dialogue with the applicant is attached to **Appendix 2**.

- 4.6 The Essex Police Licensing Officer and the Essex County Fire & Rescue Service, whilst not making representation have both made observations and subsequent recommendations that are also attached to **Appendix 2**.
- 4.7 In accordance with the Highways Act 1980, the Council is 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 Street (represented by Mr Rajan Jhanjee) and B&M Cycles & Toys of 13 High Street (represented by Mrs Mary Monk) 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 will encourage them to circumvent the fenced tree thus taking potential customers away from their shops. A further representation, received from Councillor Mellissa Slade, cites the potential health issues caused from secondary smoking by those seated outside. All three representations are attached at **Appendix 3**.
- 4.8 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. A copy of the Brentwood Borough Council Pavement Permit Policy and Guidance Notes is attached at **Appendix 5**.

5 Reasons for Recommendation

- 5.1 These are the options that are available to the Committee.

6 Consultation

- 6.5 The application has been consulted on with:

- Planning Authority; Development Control;
- Environmental Health - Health & Safety Team; Environmental Health - Pollution Team;
- Ward Member;
- Essex Police;
- Essex Fire & Rescue Service;
- Those materially affected by the application.

For a period of 28 days. In addition a notice has been affixed outside the premises, and has been served on the occupier of any adjoining premises.

7 Policy Considerations

- 7.5 The application guidance provides 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".
- 7.6 The area is within a Designated Public Place Order, which evokes standard permit condition 15, which states 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".

8 Legal Considerations

- 8.5 Any action taken must be appropriate and relevant, and where the committee departs from is adopted policy, there must be a clear reason to do so.
- 8.6 Any question whether consent is unreasonably withheld or is given subject to reasonable conditions shall be referred to and determined by an arbitrator to be appointed, in default of agreement, by the President of the Chartered Institute of Arbitrators.

Appendices to this report

- Appendix 1 - Application Form
- Appendix 2 - Representations - Responsible Authorities
- Appendix 3 - Representations - Interested Parties
- Appendix 4 - OS Street Plan & frontage images
- Appendix 5 - Brentwood BC Pavement Permit Policy & Guidance

Report Author Contact Details:

Name: Dave Leonard

Telephone: 01277 312523

E-mail: dave.leonard@brentwood.gov.uk

WILDWOOD, 9-11 HIGH STREET, BRENTWOOD CM14 4RG

APPENDIX 1

APPLICATION FORM

18 OCTOBER 2016

Application for New/Renewal* PAVEMENT PERMIT
Under the Highways Act 1980 – Part VIIA

IMPORTANT – Notes to Applicant

Please read the guidance provided with this application before completing this form.
 Failure to supply any information requested may delay your application.

1. Applicant details

Name (including name of business if applicable):

Tasty plc

Full Postal Address:

32 Charlotte Street
 London
 W1T 2NQ

Daytime contact telephone number: 020 7637 1166

Mobile number:

E-mail address: Barbara@tastyplc.co.uk

2. Details of Application Site

Name of Establishment/Business:

Restaurant

Address of Application Site:

9 - 11 High Street Brentwood Essex CM14 4RG

01277 285000

Telephone Number:

E-mail address:brentwood@wildwood.co.uk

Premises Licence Number if applicable:

3. Days and Hours during which the tables and chairs will be on the street. (See note 2e)

Monday	From	11.30am	To	11pm
Tuesday	From	11.30am	To	11pm
Wednesday	From	11.30am	To	11pm
Thursday	From	11.30am	To	11pm
Friday	From	11.30am	To	11.30pm
Saturday	From	11.30am	To	11.30pm
Sunday	From	11.30am	To	10.30pm

4. Place of Storage

(Please specify the place of storage of the tables and chairs and other items when not on the highway)

INSIDE RESTAURANT DURING SUMMER AND STORAGE DURING WINTER

5. Number of tables applied for
8 tables 16 chairs


6. Number of persons to be seated
16 covers

LP No. 154

<p>7. Dimensions of area of street to be used (in metric) 10m x 2m</p>	
<p>8. Please give number and details of table and chairs and all other items of furniture including fencing, umbrellas, barriers etc. 8 two top tables 16 chairs 10 posts 8 Barriers No umbrellas</p>	

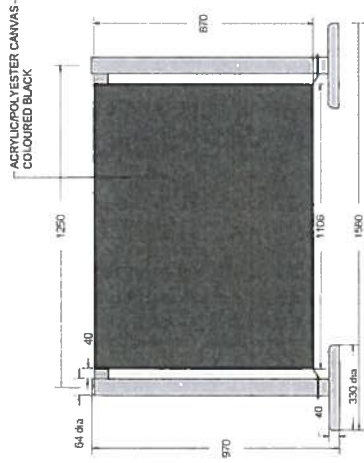
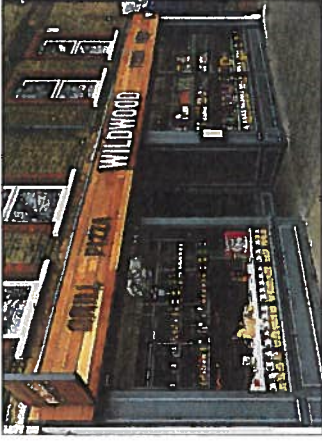
Checklist	
<ul style="list-style-type: none"> • I have made or enclosed payment of the fee £358/£205* <input checked="" type="checkbox"/> • I have enclosed a copy of an Ordnance Survey site plan Scale 1:1250 showing the location of the tables, chairs and other items to be placed on the highway. <input checked="" type="checkbox"/> • Plan not required for renewal <input type="checkbox"/> • Confirmation from the Highways Records of the status of the application site <input type="checkbox"/> • Evidence of public liability insurance <input checked="" type="checkbox"/> • Other associated permissions i.e. Planning and any appropriate licences under the Licensing Act 2003 <input type="checkbox"/> 	

5. Licence Fee Payable - £358 for 12 month permit/ £205 Renewal for 12 month permit*

Signature of Applicant	
Please print name	J PLANT
Name of Company (if applicable)	JASTY
Position in company (if applicable)	DIRECTOR

BRENTWOOD B.C.
31 AUG 2016
Received

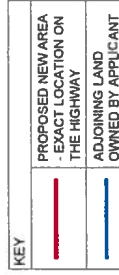
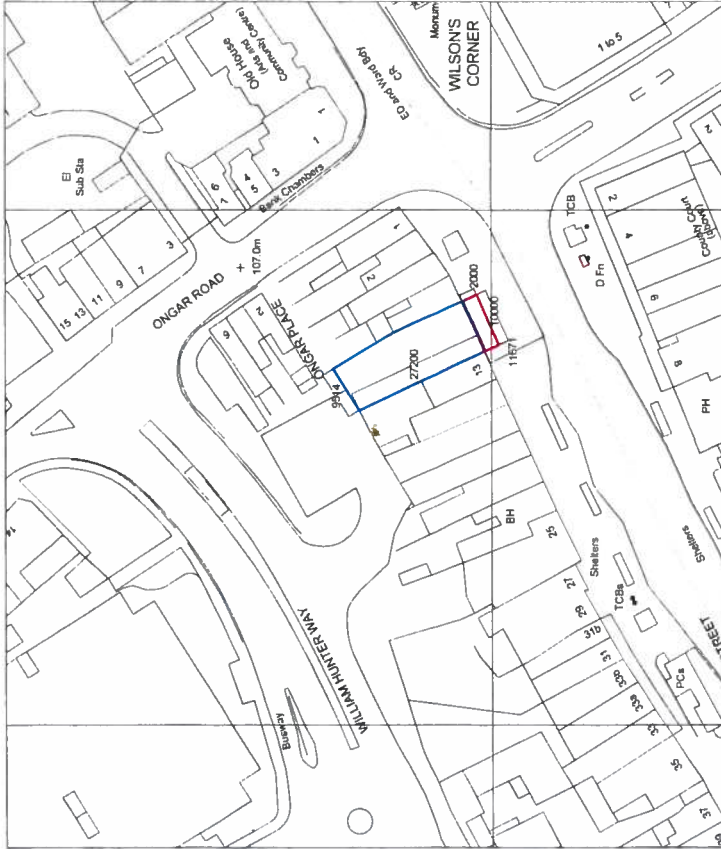
BRENTWOOD BOROUGH COUNCIL
31 AUG 2016
ENVIRONMENTAL HEALTH & LICENSING



ELEVATION
SCALE 1:10 @ A1

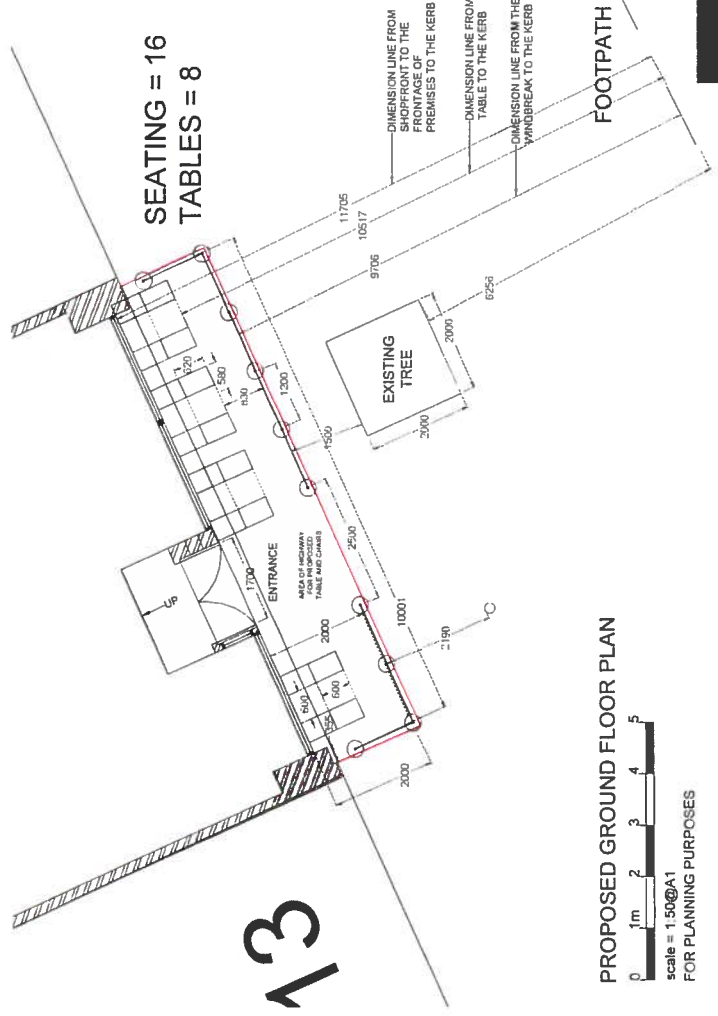


PLAN VIEW
SCALE 1:10 @ A1



SITE LOCATION PLAN 1:500 @A1

13

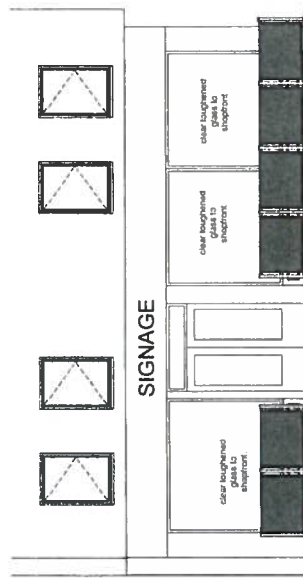


PROPOSED GROUND FLOOR PLAN

scale = 1:50 @ A1
FOR PLANNING PURPOSES

KEY

	AREA FOR NEW/EXTERNAL SEATING - 2M (D) X 10M (W)
	WINDBREAKERS
	CHAIR: ROUND SIDE CHAIR, COLOUR ANTHRACITE (P)
	TABLE: ROUND 1000mm DIA. TABLE (E) EXISTING SEATING TABLE IN BLACK POWDER COATED STEEL



PROPOSED SHOP-FRONT

scale = 1:50 @ A1
FOR PLANNING PURPOSES



Client: WILDWOOD	Project: BRENTWOOD	Title: OUTDOOR SEATING PROPOSAL	Drawing No: PL09	Scale: VARIES @ A1	Drawn: CM	Status: PL	Revision: Date: 25/04/16	DESIGN COMMAND
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Bluefin

Tasty Plc & Took Us a Long Time Ltd
32 Charlotte Street
London
W1T 2NQ

Commercial
Kingfisher House
12 Hoffmanns Way
Chelmsford
Essex CM1 1GU
t 01245 262 323
f 01245 291 291
bluefingroup.co.uk

19th July 2016

TO WHOM IT MAY CONCERN:

Dear Sirs,

RE: Tasty Plc & Took Us a Long Time Ltd

We act as Insurance Brokers to the above insured and have pleasure in confirming their insurance details.

EMPLOYERS LIABILITY:

Indemnity	£10million
Insurer	Barbican Protect Limited
Policy Number	BP00355-1601
Period	12months @ 20 th July 2016

PUBLIC/PRODUCTS LIABILITY:

Indemnity	£10million each every claim and in the aggregate for products
Insurer	Barbican Protect Limited
Policy Number	BP00355-1601
Period	12months @ 20 th July 2016

This document outlines details of an Insurance Policy effected by the above named Insured and does not confer, attribute or import, any rights to Third Parties or recipients and is therefore only a Summary of information. The Full Terms Conditions Exceptions and Exclusions of the clients Policy will prevail.

We trust that the above is sufficient for your purpose.

Your faithfully

Bluefin

Bluefin Insurance Services Limited
Kingfisher House, 12 Hoffmanns Way
Chelmsford, Essex CM1 1GU
Tel: 01245 262323 Fax: 01245 291291


Julie Glasson
Account Broker



Essex Legal Services
New Bridge House
60-68 New London Road
Chelmsford
Essex CM2 0PD

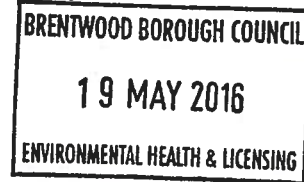


ELS
First for Public Law

Brentwood Borough Council
FAO Licencing Department
Town Hall
Ingrave Road
Brentwood
Essex CM15 8AY

Our Ref: LS/HIGH/9724

Date: 18 May 2016



Dear Sir/Madam

Re: Proposed Table and chairs outside Wildwood, High Street, Brentwood

With reference to your application to the Network Management Team at Essex Highways for the County Council's consent to your Council exercising its powers to grant permission for the authorisation of the placing of tables and chairs on the footway adjacent to number 13, High Street outside the premises known as Wildwood, for the purpose of providing refreshment facilities, the matter has now been considered.

Section 115E of the Highways Act 1980 authorises your Council to grant a person permission to do on, in or over certain highways anything which the Council under that legislation could do itself. Section 115C authorises the Council to provide, maintain and operate facilities for refreshment on such highways. Section 115H requires your Council to have the consent of the highway authority to your exercising your powers under section 115E.

I am pleased to advise that, subject to the completion of any other statutory procedures required, including but not limited to giving relevant notice under section 115G, consent is hereby given under section 115H of the Highways Act 180 to your Council granting permission under section 115E of the said Act to the proprietors of the premises at Wildwood, High Street, Brentwood (the 'Licensee') to provide and operate refreshment facilities involving the placing of tables and chairs within the highway. The seating area is within the High Street footway immediately abutting the premises on the south side.

Nothing in this consent shall limit the powers of the Council to fulfil its functions in monitoring the use of the highway for the provision of private commercial refreshment facilities.

Without prejudice to the ability of the County Council to remove the tables & chairs by reason of Statute, common law, and/or for breach of any of the terms and conditions of this consent, this consent shall remain in force until such time as the applicant seeks to amend its proposal, including, but not limited to, the location and/or number of the tables & chairs to be placed in the highway and/or such time as the Borough/District refuse to issue the related permission



This consent is granted subject to the following conditions:
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1. The Licensee to provide removable barriers (10.000 metres x 2.000 metres) to separate the table and chairs from the highway. The barriers must have a minimum overall height of 800mm and a gap of no more than 150 mm between the base or

ELS.Enquiries@essex.gov.uk
0333 013 2305
elslegal.org.uk

ELS



Essex County Council

tapping rail and the ground. They must be manoeuvrable enough to allow them to be removed from the highway into the main premises at the close of business. It is recommended that the barriers are in a contrasting colour to the highway surface to provide maximum impact for the visually impaired.

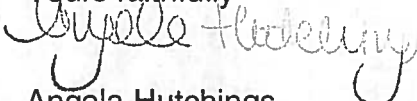
2. The table dimensions are 600 X 600 mm and the chair dimensions are H 810 X W 620 X D 580 mm can only be placed on the section of footway on the northern side of the carriageway outside Wildwoods along the entire frontage. An absolute minimum footway width of 1.5 metres must remain between the barriers and the fencing for the tree.
3. The permitted times are Monday – Thursday 11.30 am – 11.00 pm, Friday – Saturday 11.30 am – 11.30 pm and Sunday 11.30am – 10.30 pm.
4. The Licensee shall attach no fixtures to or make excavation of any kind in the surface of the highway which shall be left entirely undisturbed.
5. The Licensee shall make no claim or charge against the County Council in the event of the furniture or other objects being lost, stolen or damaged in any way from whatever cause.
6. The Licensee shall indemnify County Council as highway authority against all actions, proceedings, claims, demands and liability which may at any time be taken made or incurred arising out of the grant of this permission and for this purpose must take out at the Licensee's expense a policy of public liability insurance in the sum of at least five million pounds in respect of any one event.
7. The Licensee shall not place furniture on the highway outside the permitted area of use.
8. The Licensee shall remove from the highway the barriers tables and chairs to permit works in or the use of the highway by the County Council, the police, fire and ambulance services, any statutory undertaker or telecommunications code operator and shall make no claim against the County Council for any loss of revenue.
9. The Licensee shall at its own expense obtain any necessary consent from the local planning authority in respect of the Licensee's use of the permitted area.
10. The Licensee shall not place any furniture on the permitted area before 7.00 am and shall remove all furniture from the permitted area when the premises are closed for trading.
11. The Permission is a permission granted under Section 115E of the Highways Act 1980 and the holder(s) shall comply with and obtain all other necessary statutory consents and approvals required in connection with the exercise of a refreshment facility on the said highway and comply with the provisions of all such consents and approval and all statutes and other obligations imposed by law with regards to the provision, maintenance and operation of the refreshment facility.
12. No furniture is to be placed or kept on the permitted area when the premises are not open for trading, nor placed on the highway other than in the layout shown on the approved plan.

13. The permitted area shall be used solely for the purpose of consuming refreshments by persons seated at the tables provided within the permitted area.
14. No charge shall be made by the Licensee for the use of the furniture.
15. Waste from the Licensee's operations shall not be disposed of in the permanent litter bins situated on the highway for use by the general public provided by the Council.
16. Refuse and litter deposited on the highway in the vicinity of the chairs and tables must be collected and removed each day by the Licensee at the Licensee's expense at not less than hourly intervals, at close of business or at more frequent intervals as may be required by or under the Environment Protection Act 1990 and the Licensee shall comply with all requirements of any public health legislation for the time being in force.
17. The Licensee shall not permit or suffer the removal of any glassware used for the supply of the refreshment provided by the public from the permitted area. Glasses supplied for the consumption of drinks on the permitted area shall be made of toughened glass or plastic only.
18. The permitted area shall be supervised by competent staff of the Licensee at all times during the exercise of the Licence who shall take all reasonable steps to ensure compliance with these terms and conditions.
19. There must be an absolute minimum of 1.8 metres of footway left at all times and the tables and chairs are to be tight against the building of the above address.
20. The tables and chairs to be placed in the permitted area of highway should not exceed 8 tables and 16 chairs.

Your Council, quite separately, is required to monitor the use of the highway for the provision of private commercial refreshment facilities. The persons to whom the permission is granted by your Council under section 115E by virtue of this consent are to be responsible for indemnifying both your Council and the highway authority against any claims arising by virtue of the provision and operation by them of the refreshment facilities and are to be required to regularly maintain the area for which permission shall be given and the immediate surroundings of the highway clear of all waste and litter arising from the provision and operation by them of the refreshment facilities. There are to be no trailing cables across the highway, and all furniture is to be kept within the areas of highway the subject of this consent.

The County Council also asks that, upon the Council utilising its powers under s.115E granted by this consent, that a copy of any licence issued to the Licensee shall also be forwarded to the County Council; and that the County Council shall be informed promptly if this licence ceases to be utilised.

Yours faithfully



Angela Hutchings
Interim Director for Essex Legal Services

DX: 155940 Chelmsford 18 Telephone: 03330139676
Internet: www.essex.gov.uk Email: lloyd.simpson@essex.gov.uk

WILDWOOD, 9-11 HIGH STREET, BRENTWOOD CM14 4RG

APPENDIX 2

REPRESENTATION

RESPONSIBLE AUTHORITIES

Elaine Hanlon (Environmental Health Officer)

OBSERVATIONS & RECOMMENDATIONS

Peter Jones (Essex Police Licensing)

Garry Owles (Essex County Fire & Rescue Service)

18 OCTOBER 2016

Dave Leonard

From: Elaine Hanlon
Sent: 05 October 2016 09:21
To: Dave Leonard
Subject: FW: Wildwood Brentwood
Attachments: wildwood brentwood new.pdf; Brentwood planning 10-PL09 (2).pdf

Hello Dave

Please see visual

Kind regards

Elaine

Elaine Hanlon | PGDip, DMS, BSc (Hons), CMIOSH, MCIEH | Principal Environmental Health Officer
Brentwood Borough Council | Town Hall | Ingrave Road | Brentwood | Essex | CM15 8AY

T 01277 312667 | M 07809105486 | www.brentwood.gov.uk



MAKING
FOOD
BETTER

working with small food business to reduce fats, sugar, salt and calories

From: Shauna [<mailto:shauna@designcommand.co.uk>]
Sent: 15 September 2016 15:38
To: Elaine Hanlon
Subject: Wildwood Brentwood

Hi Elaine,

I called a couple of days ago concerning the proposed outdoor chairs and tables at Wildwood Brentwood. After speaking with the manager at the restaurant she has stated that the measurement from the shopfront to the fence of the tree is 2610mm I have updated the drawing to show this and also taken out the chairs and tables where the pedestrian crossing tiles run into the shopfront. You also asked for a visual which I got my visualizer to produce. Please note the fascia is being dealt with separately to us and this is just a schematic image to give an idea of what it could look like. I have proposed on the drawing that the windbreaks should be in line with the tree fence in order to block passers by trying to fit through the narrow gap as there is plenty of pavement space to the other side. Let me know your thoughts!

Kind Regards

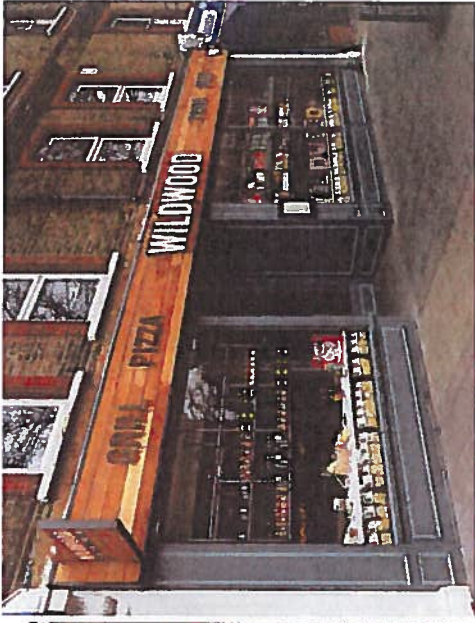
Shauna Sullivan
Interior Architect

Tel: 020 8616 6920
Mobile : 07482 275 415
www.designcommand.co.uk

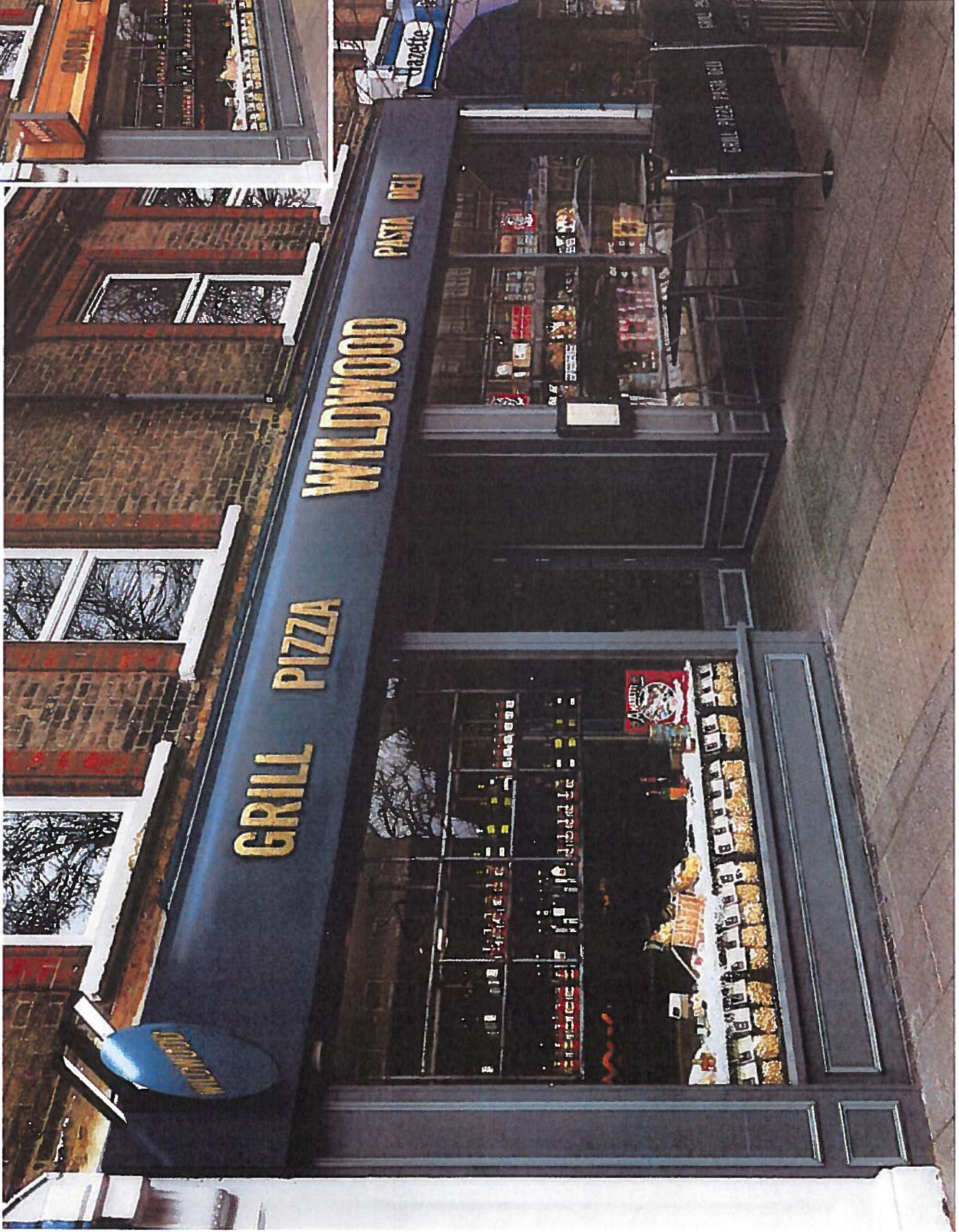
Unit 223 United House
North Road
London
N7 9DP



Click [here](#) to report this email as spam.



Existing



Proposed: Fret cut gold leaved letters spaced off a fascia panel finished F&B Stiffkey Blue illuminated by light trough

Revisions



TECHNICAL SIGNS

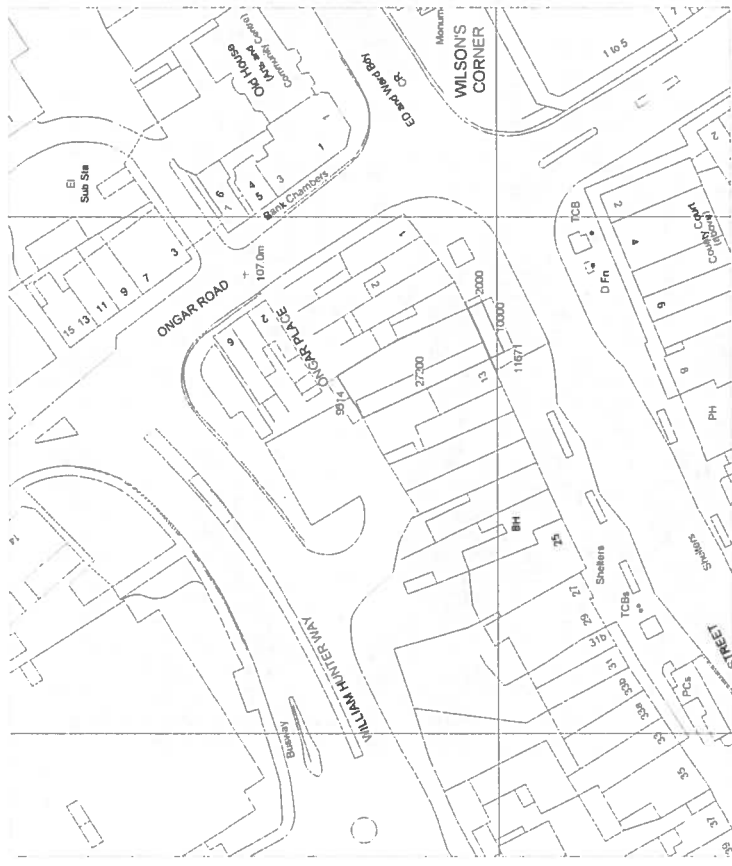
Drawn by Rob

Project

Wildwood
Brentwood

Date 15.9.16

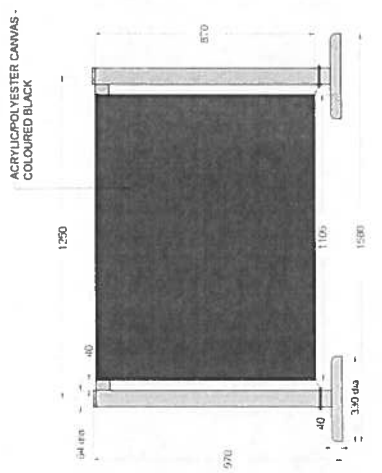
Revision B



SITE LOCATION PLAN 1:500 @A1

KEY

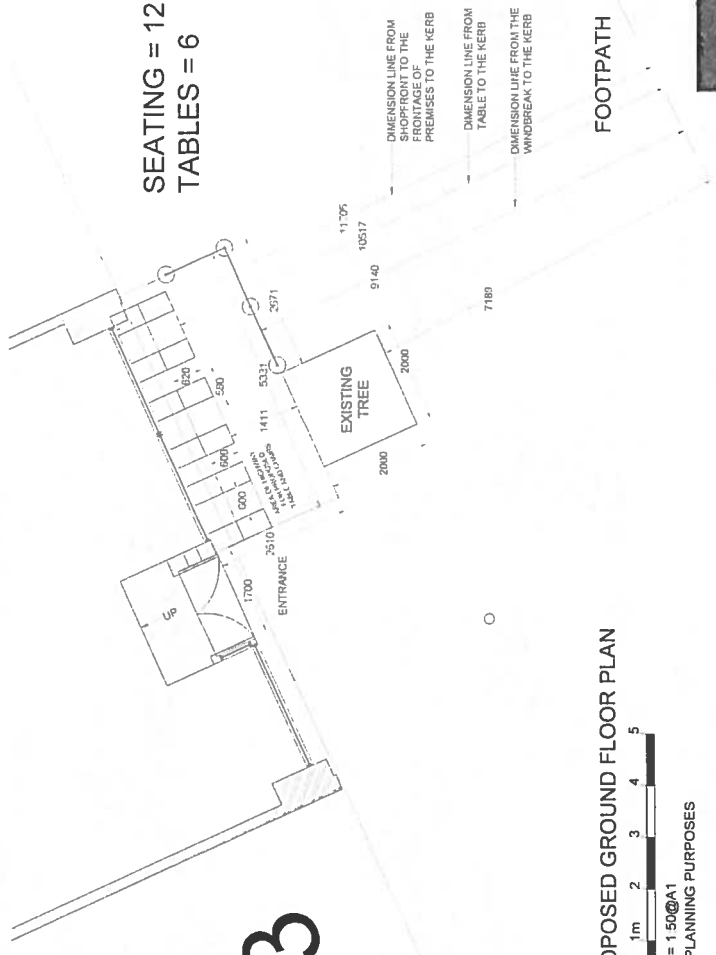
	PROPOSED NEW AREA - EXACT LOCATION ON THE HIGHWAY
	ADJOINING LAND OWNED BY APPLICANT



ELEVATION SCALE 1:10 @A1



PLAN VIEW SCALE 1:10 @A1



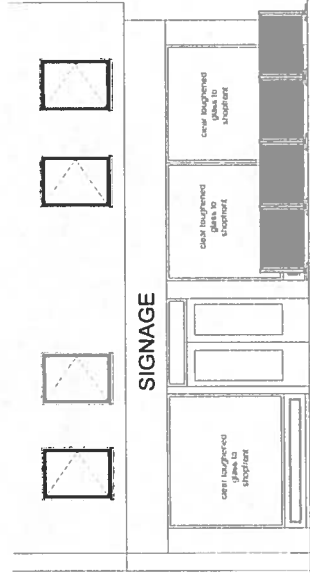
**SEATING = 12
TABLES = 6**

PROPOSED GROUND FLOOR PLAN

scale = 1:50 @A1
FOR PLANNING PURPOSES

KEY

	AREA FOR USE/EXTERNAL SEATING - 2M (D) X 10M (W)
	WINDBREAKS
	CLAMP ROUND SIDE CHAIR COLOUR ANTRACITE (H) 810 X (W) 620 X (D) 580MM
	CAMBI 600 X 600MM SQUARE TABLE IN BLACK POWDER COATED STEEL



PROPOSED SHOP-FRONT

scale = 1:50 @A1
FOR PLANNING PURPOSES

Client WILDWOOD	Project BRENTWOOD	Title OUTDOOR SEATING PROPOSAL	Drawing No PL09	Scale VARIES @ A1	Drawn CM	Status PL	Revision B	Date 25/04/16	DESIGN/COMMAND
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Dave Leonard

From: Elaine Hanlon
Sent: 16 September 2016 10:42
To: 'rachel.brooks@essex.gov.uk'
Cc: Dave Leonard
Subject: Wildwood 9-11 High Street

Hello Rachel

Your ref: LS/HIGH/9724

As discussed please can you pass my query to Lloyd Simpson.

I have been consulted on the application for pavement permission, by our licensing team, in my capacity as a representative on the grounds of public safety. I understand that the above letter was written by yourselves concerning this matter.

I have a query with condition 2. Where an absolute minimum of 1.5m between the barriers and fencing for the tree and condition 19. where an absolute minimum of 1.8 metres is stated. Can you explain if these refer to the same matter and if so how? What should the minimum distance be for footways and what legal reference determines the widths given as an absolute minimum?

I am concerned from a public safety viewpoint that 1.5 m will not be achieved between barriers and the tree fencing. Have any measurements been taken by you to determine if this can be achieved.?

Please can you point me to where these conditions have arisen from, what legal reference or standards have been applied.

Kind regards

Elaine

Elaine Hanlon | PGDip, DMS, BSc (Hons), CMIOSH, MCIEH | Principal Environmental Health Officer
Brentwood Borough Council | Town Hall | Ingrave Road | Brentwood | Essex | CM15 8AY

T 01277 312667 | M 07809105486 | www.brentwood.gov.uk



working with small food business to reduce fats, sugar, salt and calories

Dave Leonard

From: Rachel Brooks, Business Support Officer [Rachel.Brooks@essex.gov.uk]
Sent: 16 September 2016 10:56
To: Elaine Hanlon
Cc: Dave Leonard
Subject: RE: Wildwood 9-11 High Street

Hi Elaine

Thank you for your email below.

As discussed I have now forwarded this on to Lloyd Simpson who will be in touch with you.

Kind Regards

Rachel

Rachel Brooks | Business Support Officer
ELS | Essex County Council

T: 0333 013 9730 | Helpline no: 0333 013 9993

E: rachel.brooks@essex.gov.uk

W: essexlegalservices.gov.uk

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P Please consider the environment before printing this e-mail

From: Elaine Hanlon [<mailto:elaine.hanlon@brentwood.gov.uk>]

Sent: 16 September 2016 10:42

To: Rachel Brooks, Business Support Officer

Cc: Dave Leonard

Subject: Wildwood 9-11 High Street

Hello Rachel

Your ref: LS/HIGH/9724

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matter and if so how? What should the minimum distance be for footways and what legal reference determines the widths given as an absolute minimum?

I am concerned from a public safety viewpoint that 1.5 m will not be achieved between barriers and the tree fencing. Have any measurements been taken by you to determine if this can be achieved.?

Please can you point me to where these conditions have arisen from, what legal reference or standards have been applied.

Kind regards

Elaine

Elaine Hanlon | PGDip, DMS, BSc (Hons), CMIOSH, MCIEH | Principal Environmental Health Officer
Brentwood Borough Council | Town Hall | Ingrave Road | Brentwood | Essex | CM15 8AY

T 01277 312667 | M 07809105486 | www.brentwood.gov.uk



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Dave Leonard

From: Elaine Hanlon
Sent: 19 September 2016 15:00
To: Dave Leonard
Subject: FW: Wildwood 9-11 High Street

Elaine Hanlon | PGDip, DMS, BSc (Hons), CMIOSH, MCIEH | Principal Environmental Health Officer
Brentwood Borough Council | Town Hall | Ingrave Road | Brentwood | Essex | CM15 8AY

T 01277 312667 | M 07809105486 | www.brentwood.gov.uk



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From: Lloyd Simpson, Paralegal [<mailto:Lloyd.Simpson@essex.gov.uk>]
Sent: 19 September 2016 14:43
To: Elaine Hanlon
Subject: FW: Wildwood 9-11 High Street

Elaine,

I am writing in response to your email dated 16th September in relation to the above table and chairs licence.

I have been in contact with my client in relation to the points you have raised and accordingly detail below the information that they have provided me in relation to the wider context of how the length is determined generally and also in particular to this site.

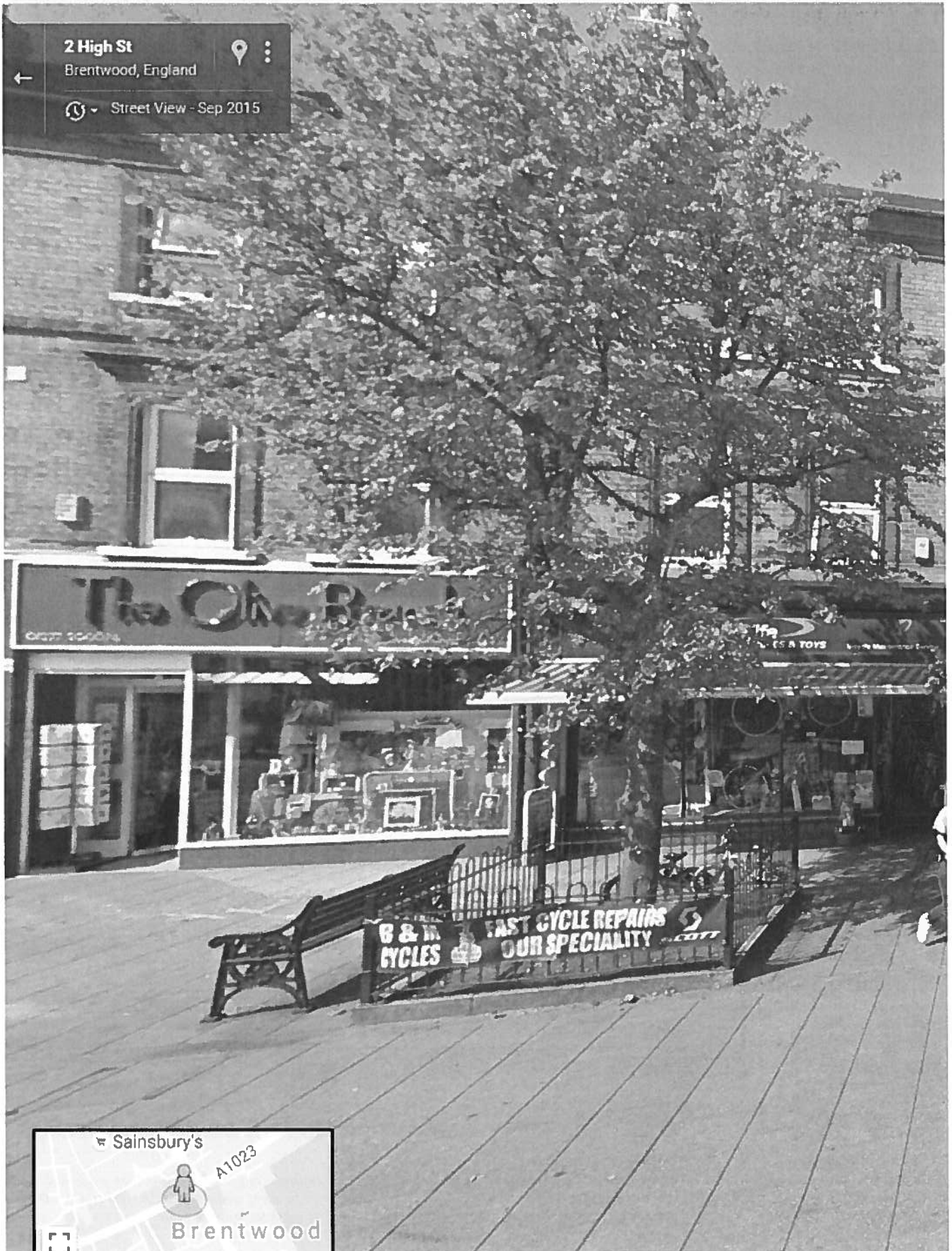
The absolute minimum width for a footway is 1.2 metres, this gives the opportunity for all highway users to use that section of footway, prams/pushchairs/wheelchairs, however we do cite 1.5 metres usually as the absolute minimum as this give leeway.

This location is a little different in that there is an exceptionally large section of footway between the tree and the carriageway so the public does not necessary have to walk between the barriers and tree, they have an option to go around the tree, as shown in the picture below.

This site was looked at by an officer, and if 1.5 metre footway width cannot be maintained between the barriers and the tree, then the restaurant owners will have to reduce the width of their outside area or perhaps have a smaller tables.

We use the standards of footways, but normally look at each site individually, when constructing a new footway we would like to see a 1.8 or 2.0 footway constructed but when we are dealing with existing it is a different matter altogether.

If there was not a footway on the other side of the tree, we would be looking for a 1.8 metre minimum width footway due to the pedestrian footfall in this area, but as there is an acceptable alternative where members of the public have options we can be a little bit more flexible.



I hope this is of assistance, if you have any further queries please let me know.

Kind regards

Lloyd Simpson | Paralegal
ELS | Essex County Council

T: 0333 013 9676 | Helpline no: 0333 013 9993

E: lloyd.simpson@essex.gov.uk

W: essexlegalservices.gov.uk

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P Please consider the environment before printing this e-mail

From: Rachel Brooks, Business Support Officer

Sent: 16 September 2016 10:55

To: Lloyd Simpson, Paralegal

Subject: FW: Wildwood 9-11 High Street

Hi Lloyd

Please see email below from Elaine of Brentwood BC who called this morning concerning the above matter regarding a letter they have received from you.

Regards

Rachel

Rachel Brooks | Business Support Officer
ELS | Essex County Council

T: 0333 013 9730 | Helpline no: 0333 013 9993

E: rachel.brooks@essex.gov.uk

W: essexlegalservices.gov.uk

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P Please consider the environment before printing this e-mail

From: Elaine Hanlon [<mailto:elaine.hanlon@brentwood.gov.uk>]
Sent: 16 September 2016 10:42
To: Rachel Brooks, Business Support Officer
Cc: Dave Leonard
Subject: Wildwood 9-11 High Street

Hello Rachel

Your ref: LS/HIGH/9724

As discussed please can you pass my query to Lloyd Simpson.

I have been consulted on the application for pavement permission, by our licensing team, in my capacity as a representative on the grounds of public safety. I understand that the above letter was written by yourselves concerning this matter.

I have a query with condition 2. Where an absolute minimum of 1.5m between the barriers and fencing for the tree and condition 19. where an absolute minimum of 1.8 metres is stated. Can you explain if these refer to the same matter and if so how? What should the minimum distance be for footways and what legal reference determines the widths given as an absolute minimum?

I am concerned from a public safety viewpoint that 1.5 m will not be achieved between barriers and the tree fencing. Have any measurements been taken by you to determine if this can be achieved.?

Please can you point me to where these conditions have arisen from, what legal reference or standards have been applied.

Kind regards

Elaine

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Dave Leonard

From: Elaine Hanlon
Sent: 20 September 2016 12:57
To: 'Shauna'
Cc: Dave Leonard
Subject: RE: Wildwood Brentwood

Hello Shauna

Thank you for the line drawing and visual. I note that you have removed the tables, chairs and barriers from the side of the building where the pedestrian crossing and tactile surface leads towards the building.

I have been in discussions with ECL, the legal services to Essex County Council regarding the letter sent to you from their Highways Department, and attached to your application for pavement permission. It appears that there are two conditions which have been highlighted in the letter

“Condition 2. There must be an absolute minimum of 1.5m between the barriers and fencing for the tree and Condition 19. where an absolute minimum of 1.8 metres is stated. ”

It appears that for the purposes of permitting all users access to the highway, prams/pushchairs and wheelchairs, there should be a minimum distance of 1.5 metres from the barrier to the tree fencing. The 1.8m distance applies to the area between the tree fencing and the highway, this is easily complied with as you do not intend to site tables and chairs on this section of the Highway.

Your drawing as supplied appears to show a maximum of 1411 mm remaining between the tables and the tree fencing. Taking in an allowance for the barrier that you have to install as part of the Brentwood Borough Council conditions, and an ability for staff to service the tables, I can not see how you can achieve a distance of 1.5 metres between the proposed barrier and the tree fencing. My concern is that not all public users of the highway will be able to pass safely through the remaining gap between the barrier and tree fencing, for this reason I am considering making a representation to your application.

Kind regards

Elaine

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From: Shauna [<mailto:shauna@designcommand.co.uk>]
Sent: 15 September 2016 15:38
To: Elaine Hanlon
Subject: Wildwood Brentwood

Hi Elaine,

I called a couple of days ago concerning the proposed outdoor chairs and tables at Wildwood Brentwood. After speaking with the manager at the restaurant she has stated that the measurement from the shopfront to the fence of the tree is 2610mm I have updated the drawing to show this and also taken out the chairs and tables where the pedestrian crossing tiles run into the shopfront. You also asked for a visual which I got my visualizer to produce. Please note the fascia is being dealt with separately to us and this is just a schematic image to give an idea of what it could look like. I have proposed on the drawing that the windbreaks should be in line with the tree fence in order to block passers by trying to fit through the narrow gap as there is plenty of pavement space to the other side. Let me know your thoughts!

Kind Regards

Shauna Sullivan
Interior Architect

Tel: 020 8616 6920
Mobile : 07482 275 415
www.designcommand.co.uk

Unit 223 United House
North Road
London
N7 9DP



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Dave Leonard

From: Shauna [shauna@designcommand.co.uk]
Sent: 20 September 2016 15:37
To: Elaine Hanlon
Cc: Dave Leonard
Subject: RE: Wildwood Brentwood
Attachments: Brentwood planning revised.pdf

Hi Elaine,

I have deleted the barriers and reduced the seating in order to achieve the 1500mm required. By removing the barriers by the tree this allows a better flow for pedestrians, customers and staff. I hope this will suffice.

From: Elaine Hanlon [mailto:elaine.hanlon@brentwood.gov.uk]
Sent: 20 September 2016 12:57
To: 'Shauna' <shauna@designcommand.co.uk>
Cc: Dave Leonard <dave.leonard@brentwood.gov.uk>
Subject: RE: Wildwood Brentwood

Hello Shauna

Thank you for the line drawing and visual. I note that you have removed the tables, chairs and barriers from the side of the building where the pedestrian crossing and tactile surface leads towards the building.

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Kind regards

Elaine

Elaine Hanlon | PGDip, DMS, BSc (Hons), CMIOSH, MCIEH | Principal Environmental Health Officer
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Interior Architect

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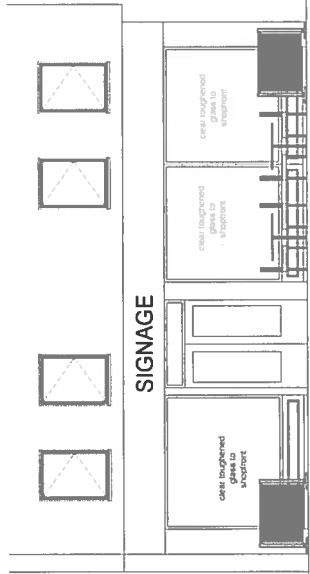
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SITE LOCATION PLAN 1:500 @A1

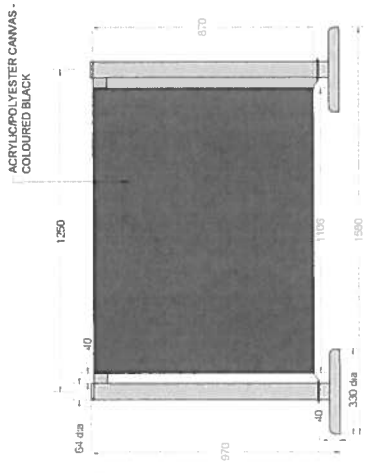
KEY

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



PROPOSED SHOP-FRONT

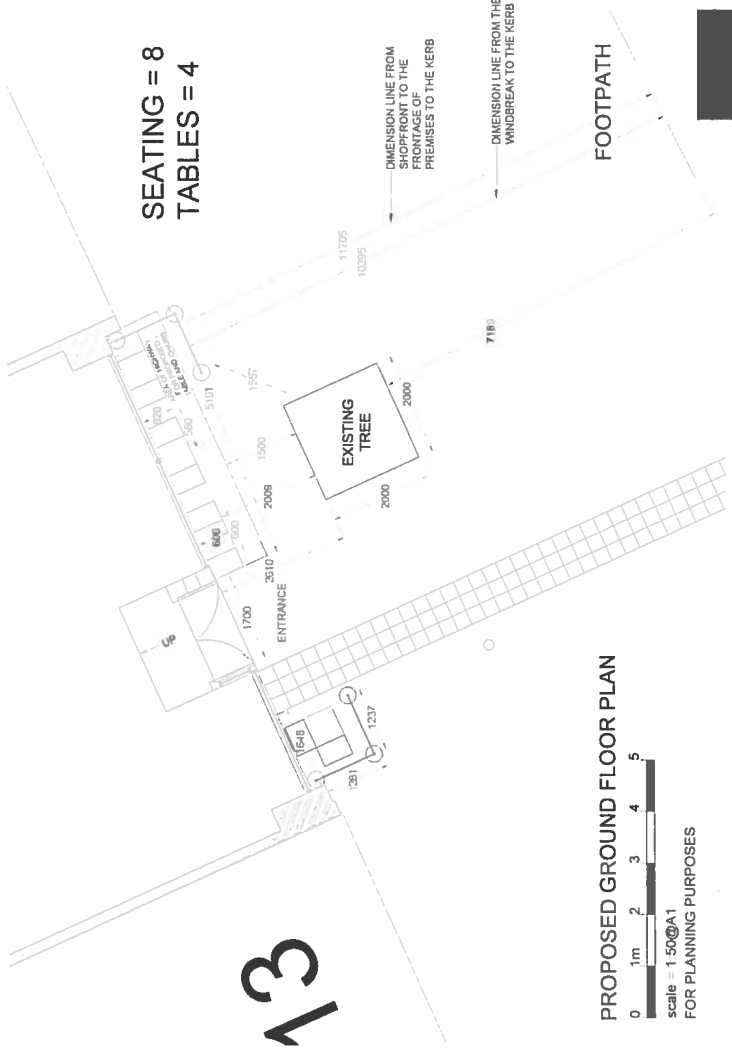
scale = 1:50@A1
FOR PLANNING PURPOSES



ELEVATION
SCALE 1:10 @ A1



PLAN VIEW
SCALE 1:10 @ A1



PROPOSED GROUND FLOOR PLAN

scale = 1:50@A1
FOR PLANNING PURPOSES

KEY

	AREA FOR NEW EXTERNAL SEATING - 2M (D) X 15M (W)
	WIND BREAKERS
	CHAIR, ROUND SIDE CHAIR, COLOUR ANTHRACITE (H) 810 X (W) 620 X (D) 560MM
	CAMBI 600 X 800MM SQUARE TABLE IN BLACK POWDER COATED STEEL

SEATING = 8
TABLES = 4

13

Dave Leonard

From: Elaine Hanlon
Sent: 30 September 2016 14:50
To: 'Shauna'
Cc: Dave Leonard; Paul Adams
Subject: RE: Wildwood Brentwood

Hello Shauna

I have made a representation regarding the tactile surface. In addition, the measurements do not comply with the requirements made by Essex County Council Highways for the safe use of the pedestrian highway for a minimum distance of 1.5 m between the barrier and the tree. Whilst I accept that your last set of drawings allowed for this by removal of the barriers, the Brentwood Council Policy is that barriers are put in place round any tables and chairs placed outside. I have therefore asked my licensing colleagues to consider this point as your proposal does not agree with our licensing policy.

I hope that this is helpful, please contact me again should you wish to discuss further.

Kind regards

Elaine

Elaine Hanlon |PGDip, DMS, BSc (Hons), CMIOH, MCIEH| Principal Environmental Health Officer
Brentwood Borough Council |Town Hall | Ingrave Road | Brentwood | Essex |CM15 8AY

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From: Shauna [mailto:shauna@designcommand.co.uk]
Sent: 30 September 2016 14:26
To: Elaine Hanlon
Cc: Dave Leonard
Subject: FW: Wildwood Brentwood

Hi Elaine,

Please can you give me an update on the attached and the below email??

Kind Regards

Shauna Sullivan
Interior Architect

Tel: 020 8616 6920
Mobile : 07482 275 415
www.designcommand.co.uk

Unit 223 United House
North Road
London
N7 9DP



From: Shauna [<mailto:shauna@designcommand.co.uk>]
Sent: 20 September 2016 15:37
To: 'Elaine Hanlon' <elaine.hanlon@brentwood.gov.uk>
Cc: 'Dave Leonard' <dave.leonard@brentwood.gov.uk>
Subject: RE: Wildwood Brentwood

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Cc: Dave Leonard <dave.leonard@brentwood.gov.uk>
Subject: RE: Wildwood Brentwood

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From: Shauna [<mailto:shauna@designcommand.co.uk>]

Sent: 15 September 2016 15:38

To: Elaine Hanlon

Subject: Wildwood Brentwood

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Kind Regards

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Interior Architect

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Dave Leonard

From: Elaine Hanlon
Sent: 05 October 2016 09:28
To: Dave Leonard; Paul Adams
Cc: Mark Stanbury; Anita Tandon
Subject: RE: WILDWOOD (PAVEMENT PERMIT) - LICENSING SUB-COMMITTEE HEARING - 18TH OCTOBER 2016

Hello Dave

Thank you for inviting me to attend the hearing for Wildwoods Pavement Permit, to which I have made representations concerning public safety. My concerns are that the width remaining between the tables/barriers and the tree planter will not permit safe pedestrian access as this will be restricted to a width less than that agreed by the enclosed Essex County Council requirement of 1.5 metres. Alternatively the architect has proposed that barriers are not added to this seating, this is in conflict with the Brentwood Borough Council Policy on Pavement Permissions.

Also I have concerns that the tactile surface for blind and partially sighted pedestrians extends to the window of the building and therefore putting a table/chairs and barrier in this area will be a hazard for those members of the public who have impaired vision.

Unfortunately I am on leave at the hearing date/time and will be unable to attend. My manager, Mark Stanbury is also on leave. My colleague Anita Tandon works Wednesday-Friday and therefore I am it is unlikely that another person will be able to represent me at the hearing.

Kind regards

Elaine

Elaine Hanlon | PGDip, DMS, BSc (Hons), CMIOSH, MCIEH | Principal Environmental Health Officer
Brentwood Borough Council | Town Hall | Ingrave Road | Brentwood | Essex | CM15 8AY

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From: Dave Leonard
Sent: 04 October 2016 15:49
To: Elaine Hanlon
Subject: WILDWOOD (PAVEMENT PERMIT) - LICENSING SUB-COMMITTEE HEARING - 18TH OCTOBER 2016

Dear Mrs Hanlon,

**Highways Act 1980 – Pavement Permit Application
o/s Wildwood, 9-11 High Street, Brentwood CM14 4RG**

I refer to your recent letter in which you make representations to the proposed pavement permit in respect of the above premises, in the light of which there must now be a hearing by the members of a Licensing Sub-Committee to determine this application.

The hearing will be held on Tuesday 18th October 2016, commencing at 10am, in the Council Chamber located in the Town Hall, Ingrave Road, Brentwood CM15 8AY.

You are invited to attend the hearing and may be assisted or represented by any other person, whether or not that person is legally qualified.

At the hearing a party shall be entitled to:

- (a) if given permission by the authority, question any other party; and
- (b) address the authority.

If a party has informed the authority that they do not intend to attend or be represented at a hearing, the hearing may proceed in his absence.

If a party who has not so indicated fails to attend or be represented at a hearing the authority may:

- (a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or
- (b) hold the hearing in the party's absence.

Where the authority holds the hearing in the absence of a party, the authority shall consider at the hearing the application, representations or notice made by that party.

There are no particular points on which this authority will want clarification at the hearing. You are advised that a full copy of your representation has been sent to the applicant.

You are required to give to this authority notice of whether you are intending to attend or be represented at the hearing or whether you consider a hearing to be unnecessary. Such notice should also indicate whether you wish any other person to appear at the hearing, together with the name of that person and a brief description of the points on which that person may be able to assist the authority with the application. I must be in receipt of this notice no later than five working days before the day of the hearing i.e. 11th October 2016.

You are advised that any party who wishes to withdraw any representations they have made may do so:

- (a) by giving notice to the authority no later than 24 hours before the day on which the hearing is to be held; or
- (b) orally at the hearing.

You are advised that the hearing will take place in public.

If you have any queries relating to this matter, please do not hesitate to contact me.

Yours Sincerely,

A handwritten signature in black ink, appearing to be 'C. [unclear]', written over a faint, illegible printed name.

Dave Leonard

From: Peter Jones 42007706 [Peter.Jones@essex.pnn.police.uk]
Sent: 09 September 2016 11:08
To: Dave Leonard
Cc: Licensing
Subject: Application for Pavement Permit - Wildwood, Brentwood
Attachments: ATT00001.txt

Dear Mr Leonard,

I have looked through this application and read judged it against the Councils Policy, along with any Policing concerns.

As such I am not objecting to this permit but wish to draw the following to the attention of the premises.

Point 10 of the General Criteria:

10. The Council will require that all glasses, crockery and other ancillary items used in the permitted area, are made of a toughened material. All glass-bottled drinks, including alcoholic drinks must be served in toughened drinking glasses. Glass bottles are not allowed in the permitted area.

and Condition 16:

16. 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.

Kind Regards,

Peter Jones MIOL, ABII (7706)

Epping & Brentwood Licensing Officer
Epping Forest & Brentwood Local Policing Hub
West LPA



Tel. 101 (Ext. 313604) or 01279 625405



Mobile. 07870 909762



<http://www.essex.police.uk>



Loughton Police Station, 158 High Road, Loughton, Essex, IG10 4BE

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Essex County Fire & Rescue Service

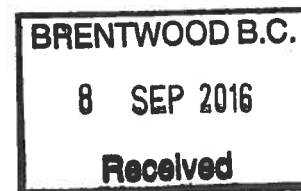
Mr Adam Eckley, MBA, M.I.Fire.E
Acting Chief Fire Officer and Acting Chief Executive

For the attention of Mr D. Leonard
Brentwood Borough Council
Licensing Department
Town Hall
Ingrave Road
Brentwood
Essex
CM15 8AY



BASILDON SERVICE DELIVERY POINT
Fire Station
Broadmayne
Basildon
SS14 1EH
☎ 01376 576700
✉ basildonsdp@essex-fire.gov.uk

Date: 6th September 2016
Our Ref: 580148-100091433906
Your Ref: N/a
Enquiries to: Fire Safety Officer Garry Owles



Dear Sir

HIGHWAY ACT 1980

Type of Licence: Pavement Permit (Application)

Re: "Wildwood Restaurant" 9-11 High Street Brentwood CM14 4RG

I refer to your correspondence regarding the above premises and consultation on the Pavement Permit Application.

As a result the application has now been considered and the following comments / observations are made:

- On the understanding that the use of the pavement area and furnishing arrangements will not impede the Means of Escape from the premises or that of any neighbouring property, this Fire Authority has no objection to the permit being granted.

Arrangements will however be made to carry out a fire safety audit of the premises under the Regulatory Reform (Fire Safety) Order 2005 in the near future to confirm the adequacy of all fire precautionary measures.

Should you wish to discuss this matter further please do not hesitate to contact the above named Officer.

Yours faithfully

A handwritten signature in black ink, appearing to be 'G. Owles', written over a horizontal line.

G. Owles
Fire Protection Inspecting Officer
West Area Command

WILDWOOD, 9-11 HIGH STREET, BRENTWOOD CM14 4RG

APPENDIX 3

REPRESENTATIONS

INTERESTED PARTIES

Mary Monk

Rajan Jhanjee

Councillor Mellissa Slade

18 OCTOBER 2016

B & M CYCLES & TOYS

Mobility Sales & Repairs
Cycle Repairs & Accessories
Toys & Games
Air Rifles & Pistols

13 High Street
Brentwood
Essex
CM14 4RG

T: 01277 214342
E: mary@bmcycles.plus.com
W: bmcycles.co.uk



BRENTWOOD BOROUGH COUNCIL
08 SEP 2016
ENVIRONMENTAL HEALTH & LICENSING

BRENTWOC
08 SEP 2016
ENVIRONMENT

7/9/16

Re: Application for a Pavement Permit
from Tasty Pie

Wildwood Restaurant
9-11 High St, Brentwood
CM14 4RG.

BRENTWOOD B.C.
8 SEP 2016
Received

Dear Sir,

I object to the above application.

Reasons:-

- ① There is not enough room in front of their premises, because there is a tree planter there. There is only 2.5 metres between their wall ~~at~~ and the tree planter. Table + chairs would make the remaining gap too restrictive for the public to pass by easily. Eg. as as Cafe Uno, further along the High St.
- ② Because passing room would be too small, shoppers would 'skirt' round the outside of the tree planter, which would take

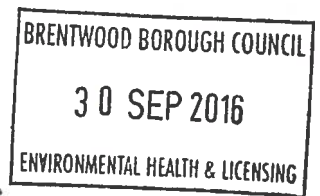
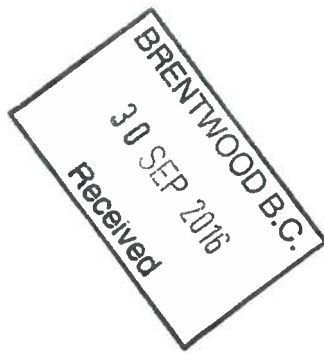
people away from the windows from the shops next to them. The shop window is a vital selling point for us all. This would be detrimental to our business.

In my opinion, permission should not be given.

If you want a site meeting here, please let me know.

Yours faithfully,
Mary E. Monk (Mrs).

To: THE LICENSING OFFICER
THE LICENSING DEPARTMENT
BRENTWOOD BOROUGH COUNCIL
INARAVE ROAD
BRENTWOOD CM15 8AY



28/9/16

RE: WILDWOOD, 9-11 HIGH ST., BRENTWOOD CM14 4RL

DEAR SIR,

MY WIFE AND I WHO JOINTLY RUN PARADISE STORES, 7 HIGH STREET IN BRENTWOOD, ADJACENT TO WILDWOODS OBJECT STRONGLY TO CONSENT BEING GIVEN TO WILDWOODS TO PLACE ANY CHAIRS/TABLES/POSTS/BARRIERS ON THE PAVEMENT DIRECTLY IN FRONT OF THE RESTAURANT.

OUR REASONS ARE

1. THIS WOULD DIRECTLY AFFECT OUR TRADE AS IT WOULD FORCE CUSTOMERS AND POTENTIAL CUSTOMERS TO WALK AROUND THE PROPOSED CHAIRS AND TABLES BUT ALSO AROUND THE BARRIER PUT ^{AROUND THE TREE} IN FRONT OF BOTH OUR PREMISES AS THE TABLES AND CHAIRS AND THEIR BARRIER WOULD BLOCK OFF CUSTOMERS' PATH ALONG THE PAVEMENT IN FRONT OF THE RESTAURANT AND OUR SHOP. CUSTOMERS MAY EVEN WALK AROUND ~~OUR~~ THE NEXT TREE WITH A BARRIER AROUND IT IN FRONT OF NOS. 3 + 5 HIGH STREET AND MISS OUR SHOP ALTOGETHER.
2. WILDWOOD ALREADY HAS SIGNIFICANT CHAIRS + TABLES INSIDE THE RESTAURANT ON THE GROUND FLOOR AND IN THE BASEMENT, AND ADDITIONAL CHAIRS AND TABLES OUTSIDE THE PREMISES WOULD NEED TO BE TAKEN A...

3. WHEN CONSENT WAS GRANTED BY THE ESSEX
COUNTY COUNCIL WHY WERE WE NOT CONSULTED?
THIS DECISION DIRECTLY AFFECTS OUR BUSINESS.

Yours FAITHFULLY



RAJAN SHANDEE

PARTNER

PARADISE STORES

7 HIGH ST

BRENTWOOD

ESSEX

CM14 4RG

Dave Leonard

From: Mellissa Slade
Sent: 05 September 2016 09:12
To: Dave Leonard
Subject: Re: WILDWOOD, 9-11 HIGH STREET, BRENTWOOD CM14 4RG - APPLICATION FOR A NEW PAVEMENT PERMIT

Good morning Dave,

Thank you for your email, I will try to call later today or pop in tomorrow.

I am actually against this, especially as I witnessed on Friday a mum and her three children leave Rossis due to the secondary smoke they were all inhaling due to a gentleman who had been sitting outside Greggs for over an hour constantly smoking.

The entrance to Rossis reeked of smoke.

I spoke to the owners of Rossis about this incident (I did not mention Wildwood) they feel powerless to stop this, apparently the same gentleman is there every day and sits and smokes for hours. The secondary smoke is causing the owner's wife severe migraines. I will contact Environmental to see if they can help.

As I drove past Wildwood yesterday, two customers were in the doorway of Wildwood smoking. I do think this area will become a primary smoking/coffee area, secondary eating area.

Thank you for your time and help,

Enjoy your day,
Mellissa.

From: Dave Leonard
Sent: 02 September 2016 09:59:00
To: Mellissa Slade
Subject: RE: WILDWOOD, 9-11 HIGH STREET, BRENTWOOD CM14 4RG - APPLICATION FOR A NEW PAVEMENT PERMIT

Good morning, Councillor,

Thank you for your enquiry. You are not the first to express concerns regarding this application and I'm pretty certain that the proprietors of both neighbouring units are going to be making a representation. Perhaps, if you would like to contact me in the Licensing Office on **01277 312523** I will be able to better appraise you of the process and of the options available. Many thanks.

I hope this helps.

Kind regards,

Dave

From: Mellissa Slade
Sent: 01 September 2016 21:27
To: Dave Leonard
Subject: Re: WILDWOOD, 9-11 HIGH STREET, BRENTWOOD CM14 4RG - APPLICATION FOR A NEW PAVEMENT PERMIT

Good evening Dave,

Thank you for the below, I have a few points to raise.

I walked past today, will the tables be directly outside the restaurant and go upto the trees? This will reduce the amount of pavement.

I also have concerns the bus stops will become a drop off/pick up zone for taxis, cars, etc.

I am assuming this area will also become a smoking area. With a number of smokers, this will not be pleasant to walk past or see. Is it possible for this to be a no-smoking area?

Kind regards,
Councillor Mellissa Slade.

From: Dave Leonard
Sent: 01 September 2016 12:05:02
To: 'trafficmanagement@essexhighways.org'; David Carter; Neil Haycock; Elaine Hanlon; 'Garry Owles'; Richard Bates; Planning Enforcement; 'Peter Jones 42007706'; 'Licensing Applications Essex'; Paul Adams; 'Andy Champ'
Cc: Alison Fulcher; Philip Mynott; Mellissa Slade
Subject: WILDWOOD, 9-11 HIGH STREET, BRENTWOOD CM14 4RG - APPLICATION FOR A NEW PAVEMENT PERMIT

Dear Colleagues,

Highway Act 1980 – Part VIIA – Section S115E
Application received from Tasty plc
Wildwood, 9-11 High Street, Brentwood CM14 4RG

The Council has received an application from Tasty plc to place eight tables & sixteen chairs together with ten posts & eight barriers in a marked area 10m by 2m for the use of customers of Wildwood on the highway outside ***WILDWOOD, 9-11 HIGH STREET, BRENTWOOD CM14 4RG*** on the following days and times:

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

You will note that Tasty plc has applied for a terminal hour of 23.00hrs on weekdays and 23.30hrs at weekends. However, the Brentwood Borough Council Pavement Permits Policy sets a terminal hour of 22.00hrs. This has been explained to the applicant and accepted.

I HAVE ATTACHED THE APPLICATION TOGETHER WITH THE PUBLIC NOTICE AND A COPY OF THE BRENTWOOD BOROUGH COUNCIL PAVEMENT PERMITS POLICY FOR YOUR EASE OF USE BUT THESE DOCUMENTS HAVE NOT BEEN REDACTED AND, THEREFORE, CONTAIN PRIVATE INFORMATION WHICH IS NOT FOR VIEWING BY THE PUBLIC. SHOULD YOU NEED TO RESPOND TO ANY PUBLIC ENQUIRIES I WOULD BE GRATEFUL IF YOU WOULD KINDLY REFER THEM TO ME IN THE LICENSING OFFICE. MANY THANKS.

The Council would be grateful to receive your observations/comments on the application by **Wednesday, 28th September 2016.**

Reference: 16/00050/PP

WILDWOOD, 9-11 HIGH STREET, BRENTWOOD CM14 4RG

APPENDIX 4

WILDWOOD, 9-11 HIGH STREET, BRENTWOOD CM14 4RG

OS Map

Images

18 OCTOBER 2016



Wildwood, 9-11 High Street, Brentwood



Drawing No. :
 Scale at A4 : 1:500
 Drawn by : OSJ
 Service : ICT
 Date : 3rd October 2016

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Philip Ruck
 Chief Executive
 Brentwood Borough Council
 Town Hall, Ingrave Road
 Brentwood, CM15 8AY
 Tel: (01277) 312500



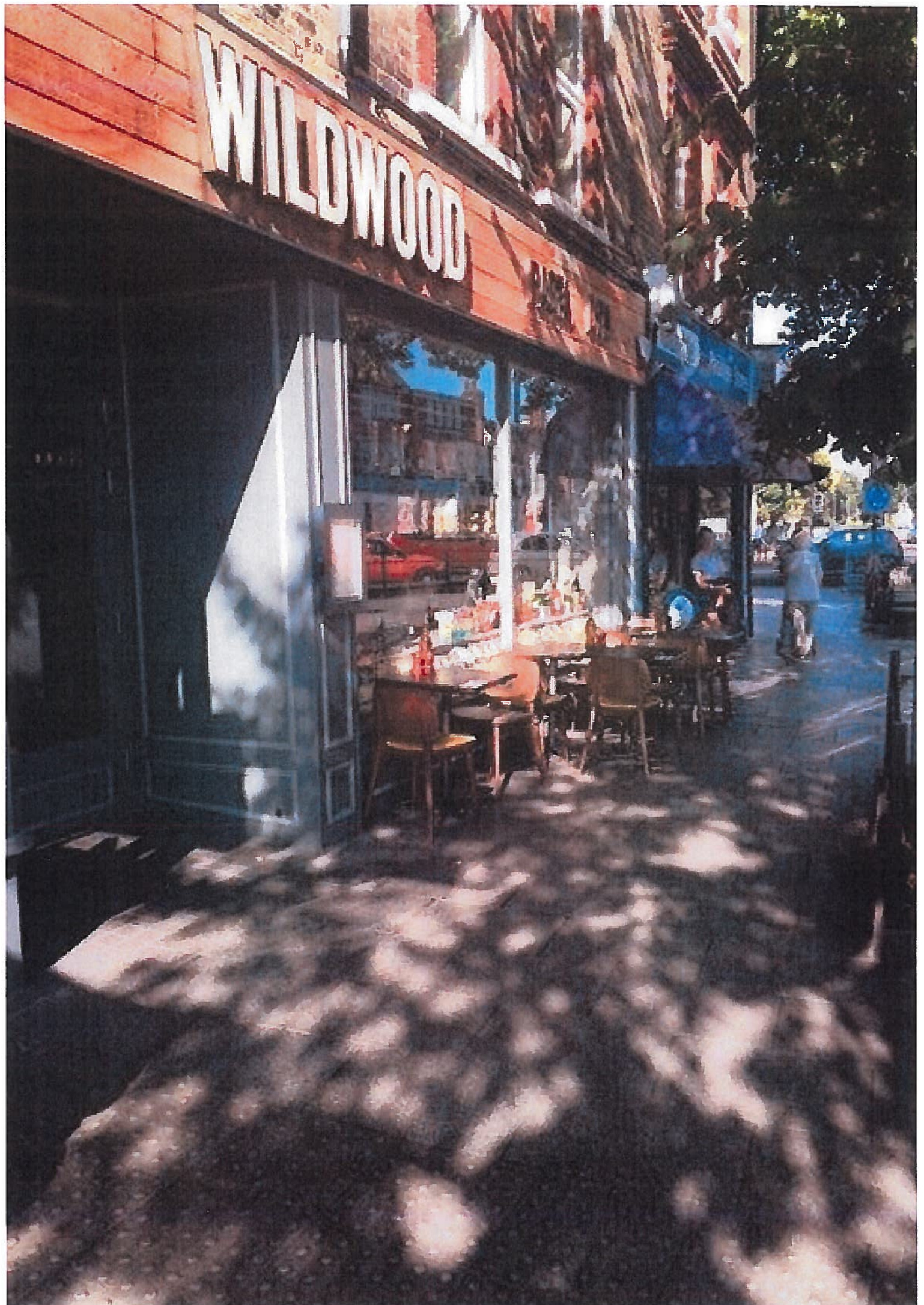
Wildwood, 9-11 High Street, Brentwood



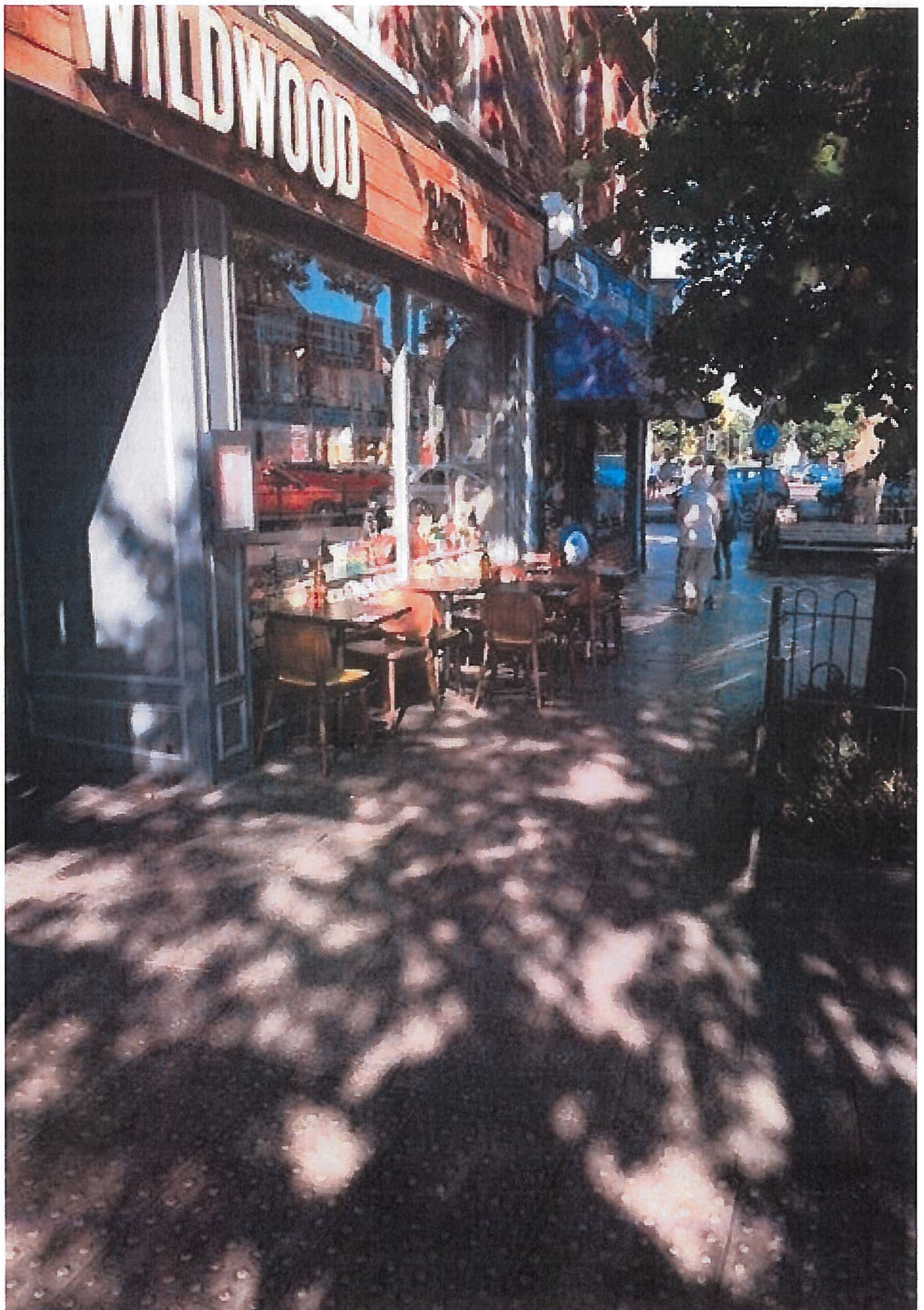
Drawing No. :
 Scale at A4 : 1:1250
 Drawn by : OSJ
 Service : ICT
 Date : 3rd October 2016

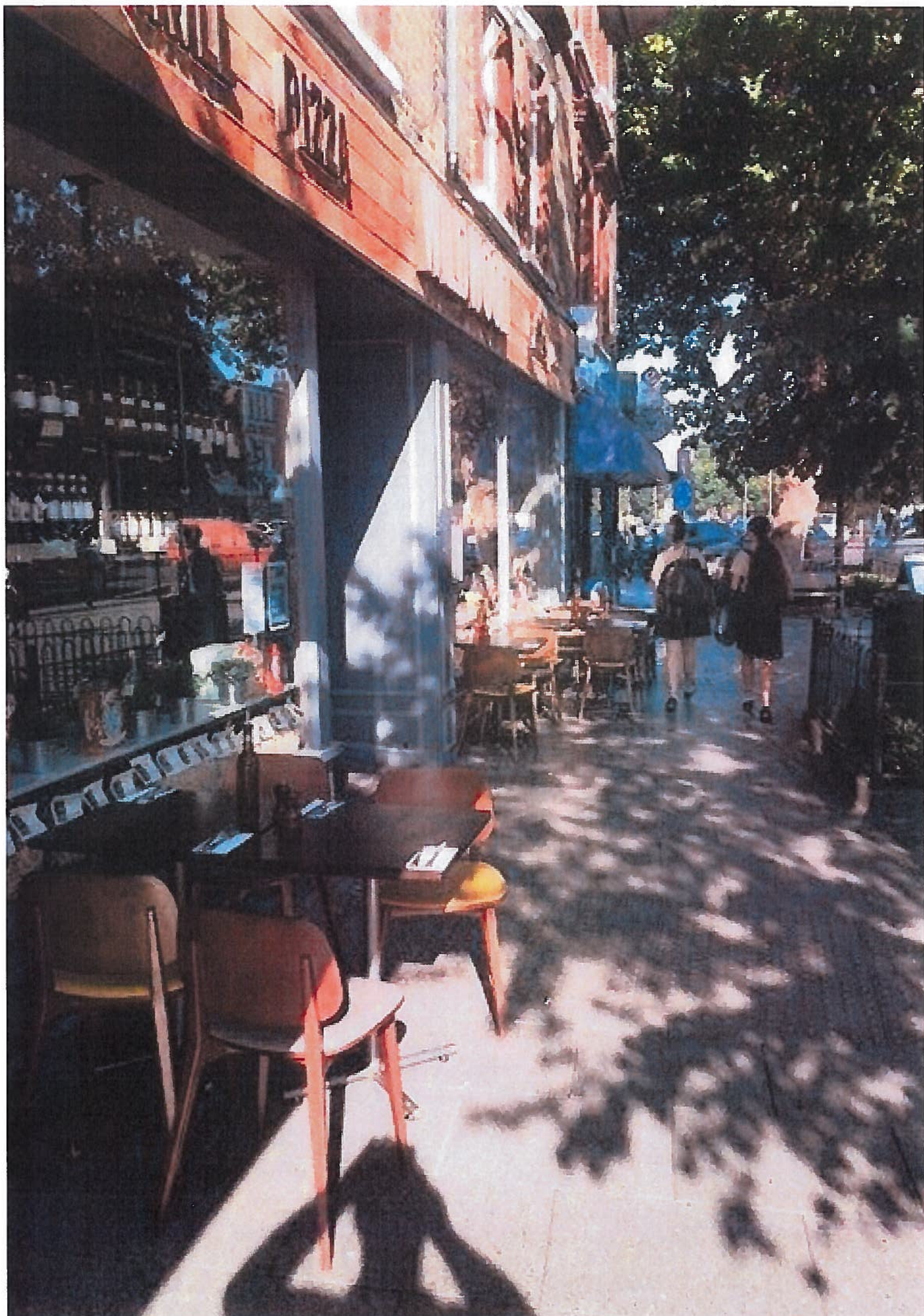
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Philip Ruck
 Chief Executive
 Brentwood Borough Council
 Town Hall, Ingrave Road
 Brentwood, CM15 8AY
 Tel: (01277) 312500















WILDWOOD, 9-11 HIGH STREET, BRENTWOOD CM14 4RG

APPENDIX 5

BRENTWOOD BOROUGH COUNCIL

Pavement Permit Policy

Pavement Permit Guidance Notes

18 OCTOBER 2016

BRENTWOOD BOROUGH COUNCIL PAVEMENT PERMITS POLICY

Brentwood Borough Council supports and encourages the provision of street cafés in town centres and the larger villages within the district, as they make a positive contribution by adding vitality, colour, life and interest to the street scene. They can help maximize the use of public spaces, aid the local economy and add to the facilities offered to people who visit, live and work in the district.

This policy is intended to help businesses understand where street cafes might be encouraged and whilst the provision of street cafes is encouraged, it is important that they are properly administered and managed to ensure that they meet the legal requirements and the high standards expected by the Council.

Anyone wishing to apply for a Pavement Permit should read this policy and the associated guidance and detailed conditions to check that their proposal meets all the criteria.

Although each application will be considered on its own merits this policy contains key points that must be considered in every case.

General Criteria

1. The area for which a pavement permit is sought must be highway as defined by S115A Highways Act 1980, namely:
 - a highway in relation to which a pedestrian planning order is in force;
 - a restricted byway;
 - a bridleway;
 - a footpath (including a walkway as defined in section 35(2) of the Highways Act 1980);
 - a footway;
 - a subway constructed under section 69 of the Highways Act 1980;
 - a footbridge constructed under section 70 of the Highways Act 1980;
 - a highway whose use by vehicular traffic is prohibited by a traffic order but whose use by other traffic is not prohibited or restricted or regulated by such an order; and
 - to a local Act walkway.

Applicants for pavement permits are required to confirm with Essex County Council (Highway Records) the highways status of the application site before making their application.

2. Before considering a pavement permit Brentwood Borough Council must carry out consultations and publish a Notice in accordance with the Highway Act 1980. The Council must take into consideration all representations made to them when considering an application for a pavement permit The Council is also required by the Highways Act 1980 to obtain the consent of the Highway Authority, frontagers with an interest and if appropriate obtained walkway consent.
3. The Council will not permit any objects to be placed on the highway, which will cause a hazard or an obstruction to the free flow of pedestrians, prevent the normal access to premises adjoining the highway, access by emergency or service vehicles or to prevent statutory undertakers and operators of electronic communications code network having access to any apparatus in, on or over the highway.
4. Pavement Permits will only be issued to cafes, restaurants, public houses or other catering establishments that serve food and drink within the premises and employ sufficient staff to provide table service to the outside area and have sufficient provision of sanitary conveniences for use by the public.

5. In considering such applications the Council will give particular consideration to Section 17 of the Crime and Disorder Act 1998 therefore prior to granting any consent for tables and chairs within the highway, the Council will pay particular regard to any potential for crime or disorder arising either directly or indirectly from the consent and will give significant weight to the views of the local police.
6. The Council will ensure before issuing a pavement permit that Health & Safety, Food Hygiene and other Environmental legislation are not compromised.
7. To protect the attractiveness of the streets, the council will require:-
 - The appearance of the tables and chairs must ideally enhance, or at least not be detrimental to the street scene.
 - The tables and chairs and their associated activity must not cause environmental problems or detract from the amenities of adjacent retailers/occupiers. For example, there must be no litter problem, smells from food sales, or noise, so as to cause nuisance or annoyance.
8. The Council will ensure that the layout of the furniture will provide adequate access and circulation space for all customers including wheelchair users and those with push chairs, buggies, and members of the public with mobility problems etc.
9. The Council will generally apply hours of operation between 9am to 6pm from Monday to Sunday for all consents. Applications for pavement permits will be accepted beyond 18:00 hours and up to 22:00 hours. The Licensing Committee in approving such applications will have regard to an applicant's previous track record of compliance with the conditions attached to any previous consent or compliance with other associated conditions controlling their trade.
10. The Council will require that all glasses, crockery and other ancillary items used in the permitted area, are made of a toughened material. All glass-bottled drinks, including alcoholic drinks must be served in toughened drinking glasses. Glass bottles are not allowed in the permitted area.
11. The Council will not permit music to be broadcast on to the permitted area.
12. The Council will not accept an application unless the following have been provided:
 - A completed application form
 - Correct fee
 - Plans
 - Confirmation from the Highway Records of the status of the application site
 - Evidence of public liability insurance
 - Other associated permissions i.e. Planning & any appropriate licences under the Licensing Act 2003.
13. The Council's standard conditions will be applied to all "Pavement Permits". In addition to the standard conditions the Council may also impose special conditions on individual pavement permits

Enforcement

Tables and chairs placed on the highway without permission are an obstruction of the Highway. Any person who has placed tables and chairs on the highway without a valid pavement permit issued by Brentwood Borough Council will be referred to the Highway Authority for enforcement action

Conditions

The following standard conditions shall apply to all licenses. Further additional conditions may be applied to licences.

1. This permission is not transferrable.
2. The tables, chairs and umbrellas shall only be placed outside the premises between the hours of 10 am and 6 pm.
3. The area so permitted to be used solely for the purpose of consuming food and drink purchased on the premises. It is strictly forbidden to prepare any food and drink in the area so permitted by this licence.
4. The tables chairs and umbrellas shall be of such a design as may be approved by the Council in writing and be kept in good repair and condition at the Permit Holder's expense.
5. Nothing contained in this permit gives the holder permission to make fixtures to or excavations of any kind in the surface of the highway which shall be left entirely undisturbed.
6. The Permit Holder shall make no claim or charge against the Council in the event of the chairs or tables or other objects being lost, stolen or damaged in any way from whatever cause
7. The Permit Holder shall indemnify the Council against all actions, proceedings, claims demands and liability which may at any time be taken, made or incurred in consequence of the use of the chairs & tables & other objects and for this purpose must take out at the Permit Holder's expense a policy of insurance approved by the Council in the sum of at least £5,000,0000 (FIVE MILLION POUNDS) in respect of any one event and must produce to the Council on request the current receipts for premium payments and confirmation of the annual renewals of the policy.
8. No charge shall be made by the Permit Holder for the use of the chairs and tables and other objects
9. Waste from the Permit Holder's operations must not be disposed of in the permanent litterbins provided by the Council.
10. Refuse and litter deposited on the highway in the vicinity of the chairs and tables and other objects must be removed each day by the Permit Holder at the their expense or at more frequent intervals as may be required by or under the Environmental Protection Act 1990
11. The Permit Holder shall remove the tables, chairs and windbreaks from the highway outside the hours permitted by Clause 2 hereof and immediately if required to do so as to permit works in or the use of the highway by:
 - 1) The Council, County Council, the police, fire & ambulance services, any utility operator, or
 - 2) Builders' vehicles, hearses and furniture removal vans
12. The Permit Holder shall be responsible for any rates, taxes and other outgoings which may be charged
13. The permission shall run from the date of this Permit for a term of one year.
14. The Council reserves the right to revoke this Permit forthwith if the Permit Holder breaches any of the conditions contained herein.
15. 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.

GUIDANCE NOTES FOR MAKING AN APPLICATION FOR A PAVEMENT PERMIT

Under the Highways Act 1980 – Part VIIA
(Provision of Amenities on Certain Highways)

Please also be advised that these guidance notes are only intended to assist with the making of an application for a permit under the Highways Act 1980 and to bring certain information/obligations to the applicant's attention.

It is not intended to be legal advice to the Applicant.

Applicant is advised to take independent legal advice from their own Solicitor

WARNING: If you currently have tables and chairs on the highway without a permit issued by the Council, you may be committing an offence and are liable to prosecution and should be removed immediately.

The submission of an application for a permit does not entitle you to place or retain tables & chairs on the highway whilst your application is being considered

Introduction

Under the Highways Act 1980 (Part VIIA), Brentwood Borough Council may grant a permit for the use of tables, chairs and associated furniture on the public highway for the purpose of providing refreshments.

Any person wishing to make an application for a permit is advised to read these guidance notes before completing and submitting an application.

Before considering making an application to Brentwood Borough Council, you should make enquires of Essex County Council's Highway Records to confirm the highway status of the land, for which you are seeking a Permit for as permits granted under the Highways Act 1980 do not apply to private land or land which is **not** the following highway:

- to a highway in relation to which a pedestrian planning order is in force;
- to a footpath (including a walkway as defined in section 35(2));
- to a footway;
- to a highway whose use by vehicular traffic is prohibited by a traffic order; and
- to a local Act walkway.

Enquires should be made in writing to Traffic Management at Essex Highways at the following address enclosing an Ordnance Survey base plan showing the land in question:

Essex Highways
Essex County Council
County Hall
Duke Street
Chelmsford
CM1 1QH

E-mail: trafficmanagement@essexhighways.org

Please be advised that should you fail to include evidence of the status of the Highway the Council will return your application for you, the applicant to confirm the status of the Highway.

IMPORTANT NOTE:

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.

In all cases dropped kerbs must be kept clear to allow unhindered access at all times.

Any application that cannot provide the minimum width of unobstructed highway will be automatically refused.

Permits

The starting times for the placing of tables and chairs will vary according to the individual circumstances. The earliest time that the Council will consider is 9am, with a finishing time of 6pm Monday to Sunday.

Applications for hours beyond 6pm but no later than 10pm will be accepted. However the Licensing Committee in approving such application will have regard to an Applicant's previous record. The council will not grant permits for hours beyond 10pm.

Permits are valid for 1 year from the date of issue and only for the area of the highway as applied for.

Permits may be granted with standard conditions, and any further conditions the Council considers necessary.

Application Process

The forms to make an application for a Pavement Permit can be found on Brentwood Councils website.

Any person wishing to make application for a permit must submit a completed application together with the correct fee, plans, other permissions and evidence of insurance to the Council's Licensing Department.

Cheques should be made payable to "Brentwood Borough Council". Please do not send cash.

Before considering an application, the Council is required by the Highway Act 1980 to:

1. **Seek to the consent of:**
 - The Highway Authority – Essex County Council;
 - Frontagers with an Interest – if a highway;
 - Network Rail (is maintained by them).
 - If Highway is a walkway – the Council must also seek walkway consent.

2. **Consult with:**
 - Planning Authority;
 - Development Control;
 - Environmental Health - Health & Safety Team;
 - Environmental Health - Pollution Team;
 - Ward Member;
 - Essex Police;
 - Essex Fire & Rescue Service;
 - Those materially affected by the application

There is a 28 day period for seeking consent and consultation.

CONSENT MUST BE OBTAINED BEFORE CONSIDERING THE APPLICATION FURTHER

Consent may be given with reasonable conditions. Any question of whether consent is unreasonable, withheld or given with unreasonable conditions, the Council must refer the matter to Arbitration for determination. Arbitration is an independent body to the Council.

3. To publish a Public Notice by:-

Affixing it in a conspicuous position at or near the place to which the application relates; and

Serving a copy of the Notice on the owner and occupier of any premises appearing to the Council to be likely to be materially affected and frontager with an interest.

The Public Notice must contain details of the application and give 28 days to allow representations to be made to the Council.

If representations are made within the specified period and subject to the appropriate consents being given, the application will be referred to the Council's Licensing Committee for determination. The Council is obligated by the Highway Act 1980 to take into consideration all representation when determining an application.

Permit Area and Furniture

You must include a plan with the application clearly showing the boundary of the area for which you are seeking the permit. The plan accompanying the application must be Ordnance Survey based – scale 1:1250. The plan should show the location of the furniture within the application site.

Details should be provided of all the furniture intended to be used within the permitted area. Furniture cannot be stored on the highway and Applicants must ensure that there is sufficient storage for the furniture off the highway.

No Permanent items or patio heaters are permitted within the application site.

Planning Permission

Planning permission is a separate legal matter and applicants are advised to contact the Council's Planning Department to be advised if planning consent is required.

The granting of a permit under the Highway Act 1980 is not proof that planning permission has been granted.

Licensed Premises – Licensing Act 2003

Applicants are advised that granting of the permit to use the highway does not alter your premises license. If any licensable activity i.e. the sale of alcohol is to take place within the permit area the Applicant should contact the Council's Licensing Department to make appropriate application to vary the existing Premises License to include the permit area.

If there is no premises licence, the Applicant is advised that they must apply for a Premises License in accordance with the Licensing Act 2003.

Designated Public Places Orders (DPPO's)

Designated public places orders (DPPO's) are a tool that can be used by local

authorities to deal with the problems of anti-social alcohol drinking in public places.

Once a DPPO is in place the police can use their confiscation powers to enforce the restriction. It is not an offence to consume alcohol within a designated area, but failure to comply with officer's requests to stop drinking and surrender alcohol without reasonable excuse is an offence.

DPPO's are available in areas that have experienced alcohol-related anti-social behaviour problems. They have been used across the country in areas ranging from a single street or park, to town centre or city-wide areas.

If a premises licence issued under the Licensing Act 2003 covers the area outside the premises or a pavement licence has been granted then a DPPO does not apply to that section of the highway which is clearly delineated for the consumption of alcohol.

Environmental Health

Applicants are advised to contact the Council's Environmental Services Department to receive guidance/information for the compliance of Environmental Health legislation and considerations they must have when providing facilities for customers for the consumption of food and drink. e.g. provision of a toilet and hand washing facilities.

The granting of a permit under the Highway Act 1980 is not proof that Environmental Health legislation/considerations have been satisfied.

Crime and Disorder

In considering such applications the Council will give particular consideration to Section 17 of the Crime & Disorder Act, 1998. Therefore, prior to granting any consent for tables and chairs within the highway, the Council will pay particular regard to any potential for crime or disorder arising either directly or indirectly from the consent and will give significant weight to the views of the local police.

Insurance

It is a requirement that Applicants for Pavement permits hold Public Liability Insurance which would indemnify both the Council and Essex County Council as Highway Authority against all actions, proceedings, demands and liability, which may at any time be taken, made or incurred arising out of the grant of the permit. The policy must be for a sum of at least £5million. A copy must be supplied to the Council at the time of application.

A condition of the permit will require a copy of the Public Liability Insurance.

Completed application should be sent to:

Brentwood Borough Council,
Licensing Department
Town Hall
Ingrave Road
Brentwood
Essex
CM15 8AY

Should you have any further queries please email the Licensing Department at licensing@brentwood.gov.uk