

REPORT TO: LICENSING SUB-COMMITTEE

DATE: 17 OCTOBER 2017

TITLE: APPLICATION FOR RENEWAL OF LICENCE
TO PLACE TABLES AND CHAIRS OUTSIDE
WILLIAM AYLMER PUBLIC HOUSE

LEAD OFFICER(S): DAVID TAYLOR, PRINCIPAL
ENVIRONMENTAL HEALTH OFFICER
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**CONTRIBUTING
OFFICER(S):** DEBBIE WRIGHT, LICENSING
ADMINISTRATOR
(01279) 446005

RECOMMENDED that:

- A** Members of the Licensing Sub-Committee approve, reject or approve with amendments, a licence application (renewal) to place tables and chairs on the highway outside of the premises known as William Aylmer Public House, Kitson Way, Harlow, Essex. CM20 1DG.

BACKGROUND

1. A local authority may under the provisions of the Highways Act 1980 Section 115 (E) grant to a person permission to use objects or structures on, in or over a highway for a purpose which will result in the production of income.
2. The William Aylmer Public House is located on Kitson Way CM20 1DG within the town centre. The public entrance is from a pedestrianised area on the south side of the building. A Highways Act licence has previously been issued for the benefit of the William Aylmer to occupy a space approximately 23m long by 4m wide for 22 tables and 88 chairs.
3. J D Wetherspoon PLC, the licensee, has made an application to renew the licence. The application may be viewed in Appendix 1.
4. Following receipt of the application to renew the 'tables and chairs' permission, the Council consulted interested parties and received one representation.

ISSUES/PROPOSALS

5. The representation received by the Council makes reference to the following concerns;
 - 1) The applicant has consistently failed to enclose the allocated area with an appropriate barrier,
 - 2) The applicant has disregard for the safety of pedestrians,
 - 3) That the Council should not renew the licence unless the applicant undertakes to adhere fully to licence conditions,
 - 4) The presence of unguarded tables and chairs creates a no-go area for vulnerable persons,
 - 5) Street clutter serves to exclude vulnerable persons from fully participating in the community.

The representations may be seen in Appendix 2.

6. The Licensing Sub-Committee may,
 - 1) Grant the permission in accordance with the application,
 - 2) Refuse the application or,
 - 3) Grant permission for the use of a different number of tables and chairs or attach conditions to any permission as the Council thinks fit.
7. The Council may not unreasonably withhold consent. 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 in accordance with Highways Act 1980 Section 115(J).
8. The applicant and respondent have been invited to attend the meeting.

IMPLICATIONS

Regeneration (includes Sustainability)

None specific.

Author: **Graeme Bloomer, Head of Place**

Finance (Includes ICT)

None specific.

Author: **John Dyson, Principal Finance Manager, on behalf of Simon Freeman, Head of Finance**

Housing

None specific.

Author: **Andrew Murray, Head of Housing**

Community Wellbeing (includes Equalities and Social Inclusion)

As contained in the report and accompanying appendices.

Author: **Simon Pipe, Customer and Media Services Manager, on behalf of Jane Greer, Head of Community Wellbeing**

Governance (includes HR)

The Sub-Committee must have due regard to the representation received when determining the application. Additional legal advice will be provided at the meeting, as required.

Author: **Dimple Roopchand, Assistant Solicitor, on behalf of Brian Keane, Head of Governance**

Background Papers and Links

Highways Act 1980 Section 115 (E) may be found here:

<http://www.legislation.gov.uk/ukpga/1980/66/section/115E>