

# **BOROUGH OF BARROW-IN-FURNESS**

## **LICENSING COMMITTEE**

Meeting, 10th September, 2009  
at 2.00 p.m.

### **A G E N D A**

#### **PART ONE**

1. To note any items which the Chairman considers to be of an urgent nature.
2. To receive notice from Members who may wish to move any delegated matter non-delegated and which will be decided by a majority of Members present and voting at the meeting.

3. **Admission of Public and Press**

To consider whether the public and press should be excluded from the meeting during consideration of any of the items on the agenda.

4. Disclosure of Interests.

A Member with a personal interest in a matter to be considered at this meeting must either before the matter is discussed or when the interest becomes apparent disclose

1. ***The existence of that interest to the meeting.***
2. ***The nature of the interest.***
3. ***Decide whether they have a prejudicial interest.***

A note on declaring interests at meetings, which incorporates certain other aspects of the Code of Conduct and a pro-forma for completion where interests are disclosed accompanies the agenda and reports for this meeting.

5. Apologies for Absence/Attendance of Substitute Members.
6. To confirm the Minutes of the meeting held on 30th July, 2009 (copy attached).

#### **Chief Environmental Health Officers' Reports**

#### **FOR DECISION**

- (D) 1. Appointment of Representatives to Working Groups etc.
- (R) 2. Application for Private Hire Vehicle/Hackney Carriage Licence – Charge for Change of Vehicles.
- (R) 3. Licensing Act 2003 – Update on amendments to Act and delegated authority for Minor Variations applications.
- (D) 4. Application for Street Collection Permit – Hope4Kidz.

**RECOMMENDED PART TWO**

- (D) 6. Request for Review of Conditions relating to Street Trading Consents.

**NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 2 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006**

- (D) 7. Application for Hackney Carriage/Private Hire Vehicle Drivers Licence.

**NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006**

- (D) 8. Private Hire Vehicle Driver.

**NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006**

## **Membership of Committee**

### **Councillors**

D. Roberts (Chairman)  
Unwin (Vice Chairman)  
Callister  
English  
Garnett  
R Hamezeian  
Irwin  
James  
Millar  
Murray  
Solloway  
Stephenson

### **For queries regarding this agenda, please contact:**

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# **BOROUGH OF BARROW-IN-FURNESS**

## **LICENSING COMMITTEE**

Meeting: 30th July, 2009  
at 2.00 p.m.

PRESENT:- Councillors D. Roberts (Chairman), Unwin (Vice-Chairman), Garnett, R. Hamezeian, James, Millar, Solloway and Stephenson.

### **12 – The Local Government Act, 1972 as amended by the Local Government (Access to Information) Act, 1985 and Access to Information (Variation) Order 2006**

Discussion arising hereon it was

RESOLVED:- That under Section 100A(4) of the Local Government Act, 1972 the public and press be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 3 (Minute No. 18) and Paragraphs 2 and 7 (Minute Nos. 19-22) of Part One of Schedule 12A of the said Act.

### **13 – Apologies for Absence/Attendance of Substitute Members**

Apologies for absence were received from Councillors Callister and English.

### **14 – Minutes**

The Minutes of the meeting held on 18th June, 2009 were taken as read and confirmed.

### **15 – Street Trading Application**

The Chief Environmental Health Officer reported on an application he had received for a Street Trading Consent from Taylors (Cumbria) Amusements to site amusements on Dalton Road near to Portland Walk on the day of the Christmas lights switch on.

Mr Taylor had indicated that he may consider re-siting in front of the Town Hall if the Town Centre Manager was agreeable.

The amusement sites proposed included:-

- (i) Kiosk 14' x 6' "Fun Sweets" selling only novelty sweets, candy floss and hot and cold drinks;
- (ii) Side stall 8' x 4' fairground prize game, everyone gets a prize; and

(iii) 2 x kiddie carousels 14' diameter.

RESOLVED:- To approve in principle to the issue of a Street Trading Consent to allow Taylors Amusements to trade on the date of the Christmas Lights Switch on (location to be confirmed).

### **16 – Application for Street Trading Consent – Town Square: French/Continental Market**

The Chief Environmental Health Officer reported on an application he had received from Mr Glen Dudley of Hove, Brighton, East Sussex for permission to hold a French/Continental Market in the Town Square on 11th to 13th September, 2009.

Members had been requested to agree in principle to the proposal and delegate authority to the Chief Environmental Health Officer to issue a Street Trading Consent, subject to no adverse representations being received from consultees and appropriate arrangements being put in place. It was noted that the consent would be issued subject to all documentation required by the consultees being provided by the applicant.

RESOLVED:- (i) To agree in principle to the issue of a Street Trading Consent; and

(ii) To agree to delegate authority to the Chief Environmental Health Officer to issue a Street Trading Consent, subject to no adverse representations being received from consultees and appropriate arrangements being put in place.

### **17 – Review of Statement of Licensing Policy for the Gambling Act 2005**

The Chief Environmental Health Officer submitted a report informing Members of arrangements for carrying out a review of the Council's Statement of Licensing Policy for the Gambling Act 2005.

Section 439 of the Gambling Act 2005 required all Licensing Authorities to prepare and publish a statement of the principles that they proposed to apply in exercising their functions under the Act during the three year period to which the policy applied.

The Council's current policy had been published in December, 2006 and was due for review. Statutory guidance required the reviewed policy to be published by 31st January, 2010.

He reported that all Cumbrian Authorities had worked in partnership in preparing the original Statement of Licensing Policy and had continued to work together to share best practice in an effort to ensure, so far as practicable, considering of approach across Cumbria and had drawn up a draft Statement of Licensing Policy for the Gambling Act 2005 which took into account changes in guidance and legislation since the original Statement had been produced.

Part of the review process required Licensing Authorities to consult with various bodies and interested parties. Cumbrian Authorities had been consulting centrally with bodies which were common to all Authorities and on a local basis where appropriate.

He advised that Members would be kept informed of developments regarding the consultation on the review of Statement of Licensing Policy for the Gambling Act 2005 over the coming months and it would be necessary for any changes to the current policy to be approved by Council.

For Members' information, copies of the Draft Statement of Licensing Policy for the Gambling Act 2005 would be placed in the Members' Room.

RESOLVED:- To note the information.

### **18 – Request for Review of Conditions relating to Street Trading Consent**

The Chief Environmental Health Officer reported on a request he had received from Mr D. for a review of the standard conditions attached to the issue of Street Trading Consent. Mr. D. had requested a review of the so-called "10 minute rule" in respect of parking of ice cream vans.

Mr D. attended the meeting and addressed the Committee.

RESOLVED:- To agree to defer consideration of this matter until the next meeting to allow the Chief Environmental Health Officer to consult with the Police in respect of this matter.

### **19 – Renewal Application for Hackney Carriage/Private Hire Vehicle Drivers Licence**

The Chief Environmental Health Officer reported on a renewal application he had received for a Hackney Carriage/Private Hire Vehicle Drivers Licence from Mr R. R. He submitted information which had been drawn to his attention concerning the applicant and set out details of the Committee's policy regarding such matters.

The applicant attended the meeting and addressed the Committee.

RESOLVED:- To agree to renew Mr R. R's Hackney Carriage/Private Hire Vehicle Driver's Licence on the understanding that he received a severe written warning as to his future conduct.

### **20 – Application for Hackney Carriage/Private Hire Vehicle Drivers Licence**

The Chief Environmental Health Officer reported on an application he had received for a Hackney Carriage/Private Hire Vehicle Drivers Licence from Mr P. S. S. He submitted

information which had been drawn to his attention concerning the applicant and set out details of the Committee's policy regarding such matters.

The applicant attended the meeting and addressed the Committee.

RESOLVED:- To agree to grant Mr P. S. S. with a Hackney Carriage/Private Hire Vehicle Drivers Licence on the understanding that he received a written warning as to his future conduct.

## **21 – Application for Hackney Carriage/Private Hire Vehicle Drivers Licence**

Referring to Minute No. 96 of the meeting held on 27th April, 2009 the Chief Environmental Health Officer resubmitted a report concerning an application he had received for a Hackney Carriage/Private Hire Vehicle Drivers Licence from Mr G. M. C. He submitted information which had been drawn to his attention concerning the applicant and set out details of the Committee's policy regarding such matters.

The applicant had been notified that should he fail to attend the Committee on two occasions a decision may be made by the Committee in his absence.

The Chief Environmental Health Officer informed the Committee that he had received a letter from the applicant explaining that he had been unable to attend the Committee on both occasions due to work commitments and had requested that a decision be made in respect of his application in his absence.

RESOLVED:- To agree to grant Mr G. M. C. with a Hackney Carriage/Private Hire Vehicle Drivers Licence on the understanding that he received a written warning as to his future conduct.

## **22 – Application for Hackney Carriage/Private Hire Vehicle Drivers Licence**

Referring to Minute No. 9 of the meeting held on 18th June, 2009 the Chief Environmental Health Officer re-submitted a report concerning an application he had received for a Hackney Carriage/Private Hire Vehicle Drivers Licence from Mr M. I. M. He submitted information which had been drawn to his attention concerning the applicant and set out details of the Committee's policy regarding such matters.

The applicant had been notified that should he fail to attend the Committee on two occasions a decision may be made by the Committee in his absence.

The applicant had failed to attend today's meeting also.

RESOLVED:- To agree to refuse the application and advise the applicant to re-apply in 2010.

The meeting closed at 3.15 p.m.

<b>LICENSING COMMITTEE</b>		<u>Part One</u> <b>(D)</b> <b>Agenda</b> <b>Item</b> <b>1</b>
<b>Date of Meeting:</b>	<b>10th September, 2009</b>	
<b>Reporting Officer:</b>	<b>Chief Executive</b>	
<p><b>Title: Appointment of Representatives to Working Groups etc.</b></p> <p><b>Summary and Conclusions:</b></p> <p>The Council on 21st July, 2009 gave delegated authority to Committees to make appointments to Outside Bodies, Working Groups etc. in accordance with the number and allocation of seats to political groups agreed at the meeting.</p> <p><b>Recommendations:</b></p> <p>To agree which Conservative Member would lose a seat and which Independent Member would gain a seat on the Licensing Policy Consultation Working Group.</p>		

### Report

Council on 21st July, 2009 agreed the allocation of seats on Outside Bodies, the number of seats and allocations in respect of Forums, Panels, and Workings Groups etc. in accordance with proportionality. Delegated Authority had been given to the appropriate Committees to make the necessary appointments.

For Members' information the current membership of this group is:-

#### Licensing Policy Consultation Working Group

(2 Conservative: 1 Labour: 1 Socialist People's Party)  
Councillors English, James, Irwin and R Hamezeian

In accordance with proportionality the Conservative Group would lose one seat and the Independent Group would gain one seat on the Group, the Committee would need to decide which Members. I have been advised that Councillor Stephenson wishes to represent the Independent Group.

(i) Legal Implications

Not Applicable.



(ii) Risk Assessment

Not Applicable.

(iii) Financial Implications

Not Applicable.

(iv) Health and Safety Implications

Not Applicable.

(v) Key Priorities or Corporate Aims

Not Applicable.

(vi) Equal Opportunities

Not Applicable.

Background Papers

Nil

<b>LICENSING COMMITTEE</b>		<b>Part One (R) Agenda Item 2</b>
<b>Date of Meeting:</b>	<b>10th September, 2009</b>	
<b>Reporting Officer:</b>	<b>Chief Environmental Health Officer</b>	
<p><b>Title: Application for Private Hire Vehicle/Hackney Carriage Licence – Change of Vehicle</b></p> <p><b>Summary and Conclusions:</b></p> <p>This report recommends the imposition of a charge for processing applications for change of vehicles for Hackney Carriage and Private Hire Vehicle licences.</p> <p><b>Recommendation:</b></p> <p>That Members agree the imposition of a fee of £12.50 for applications for change of vehicle for Hackney Carriage and Private Hire Vehicle licences at the earliest opportunity.</p>		

### **Report**

It is now approximately 18 months since the Borough Council introduced a new design of Hackney Carriage and Private Hire Vehicle licence plates which are unique to the vehicle and include the vehicle registration number on both the front and rear plate. At present the cost of the plates are included in the fee for the vehicle licence which runs for a years duration.

Since the introduction of the new plate design approximately 75 applications for change of vehicle have been made which has meant that new plates have had to be printed and issued at a cost to the Borough Council. While the Council does not wish to discourage proprietors from upgrading their vehicles it is expected that the Borough Council will recoup the administration cost and cost of replacement plates when applications for change of vehicle are made. Currently there is no provision in the licensing fee structure for the imposition of a charge for change of vehicle.

The present fee for a replacement set of plates, usually necessary if the plates have been damaged or lost, is £12.50 and I would suggest that this is an appropriate fee for a change of vehicle application. I therefore recommend that this fee is added to our existing fee structure at the earliest opportunity.

<b>LICENSING COMMITTEE</b>		<b>Part One (R) Agenda Item 3</b>
<b>Date of Meeting:</b>	<b>10th September, 2009</b>	
<b>Reporting Officer:</b>	<b>Chief Environmental Health Officer</b>	
<p><b>Title: Licensing Act 2003 – Amendments to Legislation and to Table of Delegated Functions</b></p> <p><b>Summary and Conclusions:</b></p> <p>This report updates Members on amendments made to the Licensing Act 2003 and requests that decisions on minor variation applications be delegated to Officers.</p> <p><b>Recommendation:</b></p> <ul style="list-style-type: none"> <li>(i) Members note the amendments to the Licensing Act 2003; and</li> <li>(ii) That decisions on minor variation applications be delegated to the Chief Environmental Health Officer.</li> </ul>		

### **Report**

The Licensing Act 2003 has recently been amended to allow a simplified process for making applications in the following cases:-

A change of name and address of someone named in the licence (section 33); an application to vary the licence to specify a new individual as a designated premises supervisor (section 37), an application in relation to a licence in respect of community premises that authorises the sale of alcohol to disapply the mandatory conditions concerning the supervision of alcohol sales by a personal licence holder and need for a Designated Premises Supervisor who holds a personal licence (section 25A and 41D), an application for minor variations of premises licences and club premises certificates (sections 41A to 41C).

Minor variations to premises licences and club premises certificates are those that will not impact adversely on the licensing objectives and are subject to a simplified process of application. The applicant is not required to advertise the variation in a newspaper or copy it to all responsible authorities; however, they must display it on a white notice for a period of ten working days starting on the day after the minor variation application was given to the licensing authority.

Guidance issued under Section 182D of the Licensing Act 2003 recommends that decisions on minor variations should be delegated to Officers.

When considering an application, the licensing authority must consult relevant responsible authorities if there is any doubt about the impact of the variation on the licensing objectives and they need specialist advice and take into account their advice in reaching a decision.

The Licensing Authority must also consider any relevant representations received from interested parties. In the case of minor variations, there is no right to a hearing, but licensing authorities must take any representations into account in arriving at a decision.

Minor variations will generally fall into four categories: minor changes to the structure or layout of premises; small adjustments to licensing hours; the removal of out of date, irrelevant or unenforceable conditions or addition of volunteered conditions; and the addition of certain licensable activities.

I would request that Members delegate authority to me to make decisions with regards to minor variation applications as recommended in the guidance.

#### Background Papers

Nil

<b>LICENSING COMMITTEE</b>		<u>Part One</u> <b>(D)</b> <b>Agenda</b> <b>Item</b> <b>4</b>
<b>Date of Meeting:</b>	<b>10th September, 2009</b>	
<b>Reporting Officer:</b>	<b>Chief Environmental Health Officer</b>	
<p><b>Title:     Application for Street Collection Permit</b></p> <p><b>Summary and Conclusions:</b></p> <p>This report deals with an application for a street collection permit for Hope4Kidz which is a charity based in Sunderland and appears to fall outside the Council's allocation policy.</p> <p><b>Recommendation:</b></p> <p>That the application be refused.</p>		

### **Report**

I have received an application for a Street Collection Permit from Miss Tracey Wade of 36 Geddes Road, Sunderland on behalf of Hope4Kidz.

The Charity is based in Sunderland and provides learning and medical equipment for children and young persons suffering from severe illness/disability and/or who are enduring extreme circumstances and for the relief of poverty and the advancement of education.

The Council's current allocation policy is "that preference be given to charities which use money collected locally".

The charity wants to raise awareness of their existence in this area so that local children may benefit from their services. The collection would appear to fall outside the allocation policy. At the time of writing this report I am awaiting information from the applicant detailing how they intend to provide services in this area.

### **Background Papers**

Nil

