

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

## **LICENSING COMMITTEE**

Meeting, Thursday 17th October, 2013  
at 2.00 p.m. (Committee Room No. 4)

### **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. **Declarations of Interest**  
  
To receive declarations by Members and/or co-optees of interests in respect of items on this Agenda.  
  
Members are reminded that, in accordance with the revised Code of Conduct, they are required to declare any disclosable pecuniary interests or other registrable interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).  
  
Members may however, also decide, in the interests of clarity and transparency, to declare at this point in the meeting, any such disclosable pecuniary interests which they have already declared in the Register, as well as any other registrable or other interests.
5. Apologies for Absence/Attendance of Substitute Members.
6. To confirm the Minutes of the meeting held on 5th September, 2013 (copy attached).

#### **FOR DECISION**

##### **Environmental Health Manager's Reports**

- (D) 7. European Market, Street Trading.
- (D) 8. Street Trading Application.

## **PART TWO**

- (D) 9. Application for Private Hire Vehicle Driver's Licence.

**NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006**

- (D) 10. Application for Hackney Carriage Driver's Licence.

**NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006**

- (D) 11. Renewal of Private Hire Vehicle Driver's Licence.

**NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006**

### **Membership of Committee**

Callister (Chairman)  
Irwin (Vice Chairman)  
Biggins  
Derbyshire  
Graham  
W. McClure  
Maddox  
Opie  
Pemberton  
Roberts  
Seward  
Wall

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

Paula Westwood  
Democratic Services Officer (Member Support)  
Tel: 01229 876322  
Email: [pwestwood@barrowbc.gov.uk](mailto:pwestwood@barrowbc.gov.uk)

Published: 9th October, 2013

**BOROUGH OF BARROW-IN-FURNESS**  
**LICENSING COMMITTEE**

Meeting: Thursday 5th September, 2013  
at 2.00 p.m.

PRESENT:- Councillors Callister (Chairman), Irwin (Vice-Chairman), Biggins, Maddox, Opie, Pemberton, Roberts and Wall.

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

RESOLVED:- That by reason of the special circumstances outlined below the Chairman is of the opinion that the following item of business not specified on the agenda should be considered at the meeting as a matter of urgency in accordance with Section 100B(4)(b) of the Local Government Act, 1972.

<u>Item</u>	<u>Reason</u>
Hackney Carriage and Private Hire Driver (Minute No. 26)	Information had been drawn to the attention of the Environmental Health Manager which required the Committee's immediate attention.

**18 – 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 Paragraphs 2 and 7 (Minute Nos. 24, 25 and 26) of Part One of Schedule 12A of the said Act.

**19 – Declaration of Interest**

Councillor Maddox declared an other interest in Agenda Item 7 – Application for Licensed Premises Gaming Machine Permit under the Gambling Act 2005 – The KillOne, 193-195 Duke Street, Barrow-in-Furness, LA14 1XS (Minute No. 22) as she had many dealings with the applicant (Mr Blackburn) during 2012/13 when she was Mayor. She left the meeting during consideration of the item.

## **20 – Apologies for Absence/Attendance of Substitutes**

Apologies for absence were received from Councillors Derbyshire, Graham, W. McClure and Seward.

## **21 – Minutes**

The Minutes of the meeting held on 25th July, 2013 were taken as read and confirmed and the Minutes of the Licensing Sub-Committees held on 24th July and 22nd August, 2013 had been noted.

## **22 – Application for Licensed Premises Gaming Machine Permit under the Gambling Act 2005 – The KillOne, 193-195 Duke Street, Barrow-in-Furness, LA14 1XS**

The Environmental Health Manager considered a report concerning an application she had received for a Gaming Machine Permit from Mr Matt Blackburn in relation to The KillOne, 193-195 Duke Street, Barrow in Furness, Cumbria, LA14 1XS. The number of gaming machines Mr Blackburn would like to provide was five.

She reported that Premises such as the KillOne that were licensed under the Licensing Act 2003 for on-sales of alcohol had an automatic entitlement to have two gaming machines (Category C or D). Category C gaming machines allowed a maximum stake of 50p and a maximum prize of £25.00. Category D gaming machines allowed a maximum stake of 10p or 30p (non-monetary) and a maximum prize of £5 cash (£8 non-monetary). To take advantage of that entitlement, Premises Licence holders must provide notice to the Licensing Authority and pay the prescribed fee (currently £50).

In addition, a Premises licensed as above could apply for a Premises Gaming Machine Permit to allow them to make available any number of Category C or D machines. Officers had delegated authority to determine applications for up to a maximum of four machines in any individual premises (Minute No. 8 Licensing Committee 22nd May, 2008 refers). As Mr Blackburn was asking for five machines, it had been necessary to bring the application before this Committee for a decision.

It was noted that Licensing Authorities were required to consider applications for a permits based on the licensing objectives, the Guidance issued to Licensing Authorities and “such matters as they thought relevant”.

Appended to the report was a copy of the Gambling Commission – Gaming Machine Code of Practice along with a copy of the Council’s Statement of Gambling Policy which also needed to be taken into account.

It was noted that the Police Authority had been consulted and had confirmed that they had no objection to the application.

Mr Blackburn attended the meeting to address the Committee.

RESOLVED:- To agree to approve the application for a Licensed Premises Gaming Machine Permit to allow five Category C or D gaming machines to be operated at the KillOne, 193-195 Duke Street, Barrow-in-Furness, LA14 1XS.

### **23 – South Lakes Wild Animal Park – Zoo Licensing Act 1981 – Periodical Inspection**

The Environmental Health Manager submitted a report which detailed the findings of a Periodical Inspection at South Lakes Wild Animal Park which had been carried out under the provisions of the Zoo Licensing Act 1981. The Inspection report made recommendations for modifications to the Zoo Licence.

She reported that the Inspection had been undertaken by two Secretary of State nominated Inspectors, namely Mr A. Greenwood and Mr C. Gough as well as Mr M. Fielding (acting as a Veterinary Surgeon for the Local Authority) and two Officers of the Council. The Inspection had been carried out on 20th May, 2013. Appended to the report was a copy of the Inspection report along with a copy of the current Zoo Licence.

She reported that the Inspectors had recommended that four additional conditions be attached to the Licence as follows:-

1. The delivery of Veterinary services to and in the Zoo, was still unclear and in some areas un-coordinated. The operator must, in conjunction with the Zoo's Veterinary Advisor and/or other such professional advice as deemed necessary, develop to the modern standards of good Zoo practice and implement, an improved and clearly defined programme, for the delivery of Veterinary services to the collection. (This must include the additional and extended collection).

This programme must detail: the frequency of routine visits, duties expected of the Vet, routine prophylaxis (vaccination, etc.), agreed surveillance policy – to include screening, post mortem protocols, transmission and recording of p.m. records and pathological results. All relevant information must be integrated into the animal records system, such that, information on any individual animal could be quickly and easily retrieved. Agreed protocols for relevant Veterinary cover when the principal Vet was unavailable, must be clear.

A written copy of the final procedures must be lodged with the Licensing Authority within 3 months & clear evidence of implementation provided within 6 months.

2. Freezers in which animal food was stored must be operated at the recommended temperatures for such storage (approximately -18oC). Official guidelines for such storage were available and must be complied with.

(One month timescale)

3. In the free flight African grey parrot enclosure, the public had direct access to the perching area, food and drink supplied for those birds. That specific area must be separated from the public by a barrier sufficient to deter or prevent public access and to reduce the risk of any injury to the public.

(One month timescale)

4. In cases where animals abandoned by the public had been taken in by the Zoo and would be displayed and where they may come into contact with other Zoo animals or the public, basic screening for significant pathogens must be undertaken and direct, or indirect contact, only permitted after such screening proves negative.

(Immediate implementation)

Mr David Gill (Licence holder) had been consulted on the report and comments from his colleague, Karen Brewer, had been appended to the report. It was noted that Mr Gill had been invited to attend today's meeting but had submitted his apologies by e-mail. The comments received advised that a number of the Licence conditions recommended in the report had been complied with. An Officer from the Local Authority had visited the Park on 12th August, 2013 to assess compliance and the following had been noted:-

1. The park was in the process of employing a Veterinary Surgeon to work there. The new appointment would have responsibility for devising a Veterinary programme. (The Environmental Health Manager reported at today's meeting that she had received notification that a Vet had now been appointed);
2. Staff were now monitoring the freezer regularly and recording daily temperatures. The previous month's records showed acceptable temperatures being achieved;
3. A stand-off barrier had been installed in the aviary; and
4. The Inspecting Officer had been given an assurance that all abandoned animals would be screened as necessary depending on the species. No animals had been abandoned since the Periodical Inspection so there had been no records to check. There was no written policy but the Officer had been assured that screening details would be detailed on each animal record where necessary.

Members had been recommended to note the report and to approve the attachment of one condition to the Zoo Licence.

RESOLVED:- (i) To note the report; and

(ii) To approve the attachment of the following additional condition to the Zoo Licence of South Lakes Wild Animal Park:-

The delivery of Veterinary services to and in the Zoo, was still unclear and in some areas uncoordinated. The Operator must, in conjunction with the Zoo's Veterinary Advisor and/or other such professional advice as deemed necessary, develop to the modern standards of good Zoo practice and implement, an improved and clearly defined programme, for the delivery of Veterinary services to the collection. (This must include the additional and extended collection).

This programme must detail: the frequency of routine visits, duties expected of the Vet, routine prophylaxis (vaccination, etc.), agreed surveillance policy – to include screening, post mortem protocols, transmission and recording of p.m. records and pathological results. All relevant information must be integrated into the animal records system, such that, information on any individual animal could be quickly and easily retrieved. Agreed protocols for relevant Veterinary cover when the principal Vet was unavailable, must be clear.

A written copy of the final procedures must be lodged with the Licensing Authority within three months and clear evidence of implementation provided within six months.

#### **24 – Private Hire Vehicle Driver and Operator**

The Environmental Health Manager re-submitted a report regarding an existing Private Hire Vehicle Driver and Operator, Mr S. A. H. This matter had been reported at the last meeting of the Committee when Mr S. A. H. had been invited to attend but had failed to do so. As a result Members resolved to re-invite Mr S. A. H. to today's meeting.

Mr S. A. H. attended the meeting to address the Committee. A Police representative was also present.

RESOLVED:- To agree that Mr S. A. H. would retain his Private Hire Driver and Operator's Licence and that a written warning would be issued.

#### **25 – Application for Private Hire Vehicle Driver's Licence**

The Environment Health Manager reported on an application she had received for a Private Hire Vehicle Driver's Licence from a Mr G. R. L. She submitted information which had been drawn to her 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. A Police representative was also present.

It was moved by Councillor Roberts and seconded by Councillor Irwin that the application be granted along with a severe written warning. This was voted upon and declared carried. The results were 7 for and 1 abstention.

RESOLVED:- To agree to grant Mr G. R. L. with a Private Hire Vehicle Driver's Licence along with a severe written warning.

## **26 – Hackney Carriage and Private Hire Vehicle Driver**

The Environmental Health Manager submitted a report regarding an existing Hackney Carriage and Private Hire Vehicle Driver, Mr A. G. P. She submitted information which had been drawn to her attention concerning the driver and set out details of the Committee's policy regarding such matters.

Mr A. G. P. attended the meeting and addressed the Committee. A Police representative was also present.

RESOLVED:- To agree that Mr A. G. P. would retain his Hackney Carriage and Private Hire Vehicle Driver's Licence and that he should be re-invited to address the Committee at his renewal date in May 2014.

The meeting closed at 3.07 p.m.



<b>LICENSING COMMITTEE</b>	<u>Part One</u> <b>(D)</b> <b>Agenda</b> <b>Item</b> <b>7</b>
<b>Date of Meeting: 17th October, 2013</b>	
<b>Reporting Officer: Environmental Health Manager</b>	
<p><b>Title: European Market, Street Trading</b></p> <p><b>Summary and Conclusions:</b></p> <p>This report deals with a proposal by European Gift Events to organise and promote a Continental Market in Barrow Town Centre on Dalton Road for a period of four days between 30th October, 2013 and 2nd November, 2013 as a promotional and commercial venture to encourage shopping in Barrow. The report also suggests giving delegated authority to Officers to issue Street Trading Consents subject to consultees being in agreement and their requirements met. A fee of £1,200 for the consent is suggested.</p> <p><b>Recommendation:</b></p> <p>That:-</p> <ul style="list-style-type: none"> <li>(i) Members agree in principle to the holding of the European Market on Dalton Road from 30th October 2013 to 2nd November 2013.</li> <li>(ii) Delegated authority be given to Officers to issue Street Trading Consents subject to consultees being in agreement and that their requirements are satisfied; and</li> <li>(iii) A fee of £1,200 be charged for the consent.</li> </ul>	

**Report**

The Council has been approached by European Gift Events with a proposal to organise a European Market in Barrow Town Centre between 30th October and 2nd November 2013.

The market will comprise of Traders who will sell a variety of goods such as glass and china, jewellery, Italian biscuits and olives, Egyptian textiles, chocolate factory, pet beds, South American goods, crepes and waffles, handmade soap, polish barbecue and stew and carved garden ornaments and furniture.

I would ask that I be delegated authority to issue Street Trading Consents in the Town Centre for the relevant period, subject to details being negotiated by the

Town Centre Manager and precise stall locations being agreed in consultation with the Highway Authority and Emergency Services.

The Town Centre and Festivals Manager already holds a Premises Licence for Barrow Town Centre so Members are only dealing with the Street Trading aspects of the event today.

Members will be aware that the areas of the Town Centre, Dalton Road and Portland Walk are consent streets and are subject to the Council's policy on Street Trading. This supports street trading where:-

- 1) It would attract more people to the Town;
- 2) It would enhance the street scene;
- 3) It would provide entertainment, or
- 4) It would complement existing business.

This application is consistent with that policy under criteria 1 and 4.

A representative of European Gift Events has been invited to the meeting today to discuss the application for the European Market with Members of the Committee.

#### Background Papers

Nil

<b>LICENSING COMMITTEE</b>		<b>Part One (D) Agenda Item 8</b>
<b>Date of Meeting:</b>	<b>17th October, 2013</b>	
<b>Reporting Officer:</b>	<b>Environmental Health Manager</b>	
<p><b>Title: Street Trading Application</b></p> <p><b>Summary and Conclusions:</b></p> <p>This report deals with an application for a Street Trading Consent from Taylors (Cumbria) Amusements to site amusements on Dalton Road/Portland Walk or another site in the Town Centre, on the date of the Christmas lights switch on.</p> <p><b>Recommendation:</b></p> <p>That the application be approved subject to no adverse comments being received from consultees.</p>		

### **Report**

I have received an application for a Street Trading Consent from Mr O. Taylor of Taylors (Cumbria) Amusements to site the following amusements on Dalton Road near to Portland Walk or another site within the Town Centre area on the date of the Christmas lights switch on.

- 1) Kiosk 14'x 6' selling only novelty sweets, candy floss and hot and cold drinks;
- 2) Side stall 8' x 4' fairground prize game; and
- 3) 2 x kiddie's carousels 14' diameter.

Similar applications have been approved in the past subject to no adverse comments being received from consultees and subject to the attractions being sited in a position which is to their satisfaction.

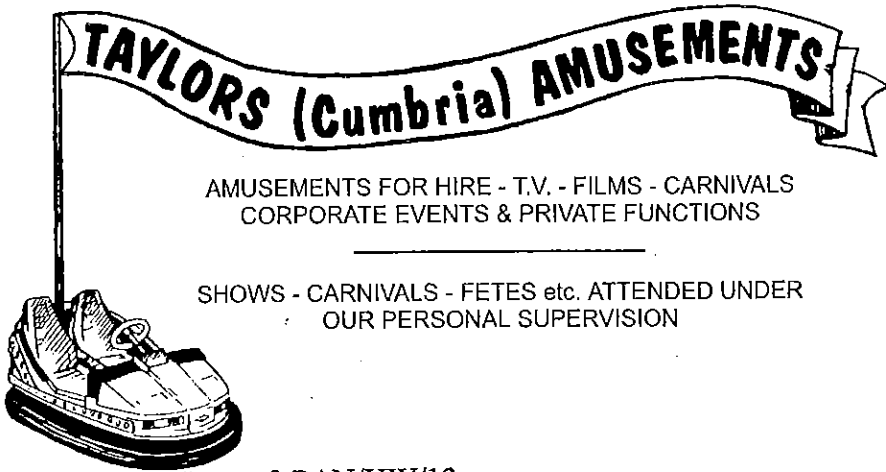
A copy of the letter of application is attached to this report as **Appendix 1**. At the time of writing this report I have received no comments from consultees.

### **Background Papers**

Nil

LOW MOOR HEAD FARM  
LONGTOWN  
CARLISLE  
CUMBRIA  
CA6 5RG

Tel/Fax: (01228) 791829  
Mobile: 07909 628481  
Web: www.oddodgems.co.uk  
E-Mail: adodgem@aol.com



AMUSEMENTS FOR HIRE - T.V. - FILMS - CARNIVALS  
CORPORATE EVENTS & PRIVATE FUNCTIONS

SHOWS - CARNIVALS - FETES etc. ATTENDED UNDER  
OUR PERSONAL SUPERVISION

Your ref: PAN/HW/13

27th August 2013

Mr P.A. Newton  
Principal Enviromental Health Officer  
Barrow Borough Council  
Town Hall  
Duke Street  
Barrow- in Furness  
Cumbria  
LA14 2LD

Dear Sir,

**Application for street Trading Consent Dalston Road/Portland Walk, (Next to Mc Donald's) Switching on of Christmas Lights 2013 one day only**

With reference to the above, I would like to submit an application for your consideration, as in previous years. However, if Mrs Taylorforth has some event planned of the area, 'outside the town Hall, i.e. reindeer as in 2007, I would consider this area.

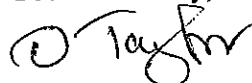
1 Kiosk 14' x 6' 'Fun Sweets', selling novelty sweets, candy floss hot & cold drinks only.

2 x Kiddies Carousel, 14' diameter

1x Side stall 8' x 4' fairground prize game

All Health & Safety and Public Liability rules & regulations will be adhered to, all litter etc will be removed after the event.

Yours sincerely,

  
Mr. O. Taylor

