

BOROUGH OF BARROW-IN-FURNESS
LICENSING REGULATORY COMMITTEE

Meeting, Thursday 4th September, 2014
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 special meeting held on 23rd June, 2014 and the meeting held on 24th July, 2014 (copies attached).

FOR DECISION

Senior Environmental Health Officer (Licensing)

PART TWO

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

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 2 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006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) 8. Application for Private Hire Vehicle Drivers Licence.

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 2 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006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) 9. Application for Private Hire Vehicle Drivers Licence.

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 2 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

Membership of Committee

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

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BOROUGH OF BARROW-IN-FURNESS
LICENSING REGULATORY COMMITTEE

Special Meeting: Monday 23rd June, 2014 at 10.00 a.m.
Re-convened on Tuesday 1st July, 2014 at 2:00 p.m.

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

Also present were:-

Barrow Borough Council

Anne Pearson (Environmental Health Manager)
Julie Hodgson (Senior Environmental Health Officer)
Jane Selby (Administration Assistant)
Tracey Howard (Senior Environmental Health Officer)
Matt Hartley (Local Authority Appointed Veterinary Inspector)
Steve Solsby (Assistant Director – Regeneration and Built Environment)
Paul O'Donnell (Local Authority Appointed Solicitor from Brown Barron)
Keely Fisher (Democratic Services Officer)
Paula Westwood (Democratic Services Officer (Member Support))

South Lakes Wild Animal Park

David Stanley Gill (Zoo Licence Holder and Operator)
Karen Brewer (Marketing and Development Manager)

11 – 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 7 (Minute Nos. 14 and 16) of Part One of Schedule 12A of the said Act.

12 – Apologies for Absence/Attendance of Substitute Member

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

Councillor Sweeney attended as a substitute for Councillor Derbyshire for this meeting only.

13 – Request for Postponement

A request had been received from Mr David Stanley Gill to postpone the meeting.

All parties with the exception of the Committee Members, Paul O'Donnell (Solicitor), Keely Fisher (Democratic Services) and Paula Westwood (Democratic Services), withdrew and were re-admitted to the meeting following the Committee's deliberations.

After careful consideration, the Committee,

RESOLVED:- To agree to proceed with the meeting.

**14 – South Lakes Wild Animal Park Ltd – Zoo Licensing Act 1981 (as amended)
Special Inspection carried out on 28th/29th January, 2014**

The Environmental Health Manager submitted a report detailing the findings of a Special Inspection carried out at South Lakes Wild Animal Park Ltd carried out under the provisions of Section 11 of the Zoo Licensing Act 1981 (as amended). The inspection report made recommendations for modifications to the Zoo Licence and also proposed adding 18 new Conditions and removing some existing Conditions. The report had also recommended that two Direction Orders be served on South Lakes Wild Animal Park due to continued non-compliance with existing conditions on the Zoo Licence.

The Conditions and the two Direction Orders outlined in the Environmental Health Manager's report had been discussed in detail and each of the parties concerned had been given the opportunity to make representations and ask questions. The Chairman had announced at the beginning of the meeting that the Committee would deal with the 18 Conditions in three blocks of six and then the two Direction Orders would be considered at the end of the meeting. **During the course of the meeting, at relevant points, all parties with the exception of the Committee Members, Paul O'Donnell (Solicitor), Keely Fisher (Democratic Services) and Paula Westwood (Democratic Services), withdrew and were re-admitted to the meeting following the Committee's deliberations.**

Committee Members had heard all representations and asked questions in respect of the 18 Conditions and the two Direction Orders. The Committee had made preliminary decisions in respect of the 18 Conditions but had not deliberated on the two Direction Orders.

The meeting was adjourned at 7:07 p.m.

The meeting was re-convened on 1st July, 2014 at 2:00 p.m.

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

Also present were:-

Barrow Borough Council

Paul O'Donnell (Local Authority Appointed Solicitor from Brown Barron)
Jane Holden (Corporate Support Officer)
Paula Westwood (Democratic Services Officer (Member Support))

15 – Apologies for Absence

An apology for absence was submitted from Councillor Seward.

16 – South Lakes Wild Animal Park Ltd – Zoo Licensing Act 1981 (as amended) Special Inspection carried out on 28th/29th January, 2014

The Committee re-capped on the 18 Conditions and two Direction Orders that had been discussed at the meeting on 23rd June, 2014 and,

RESOLVED:-

(A) CONDITIONS 1-18

- (i) Condition 1 as detailed in the Environmental Health Manager's report – Agreed – Implementation 3 months;
- (ii) Condition 2 as detailed in the Environmental Health Manager's report – Agreed – Implementation 31st December, 2015;
- (iii) Condition 3 as detailed in the Environmental Health Manager's report – Not agreed;
- (iv) Condition 4 as detailed in the Environmental Health Manager's report – Agreed;
- (v) Condition 5 as detailed in the Environmental Health Manager's report – Agreed;
- (vi) Condition 6 as detailed in the Environmental Health Manager's report – Agreed – To be combined with Condition 7 and re-worded;
- (vii) Condition 7 as detailed in the Environmental Health Manager's report – Agreed – To be combined with Condition 6 and re-worded;
- (viii) Condition 8 as detailed in the Environmental Health Manager's report – Not Agreed;
- (ix) Condition 9 as detailed in the Environmental Health Manager's report – Agreed;
- (x) Condition 10 as detailed in the Environmental Health Manager's report – Agreed;
- (xi) Condition 11 as detailed in the Environmental Health Manager's report – Agreed;
- (xii) Condition 12 as detailed in the Environmental Health Manager's report – Agreed;
- (xiii) Condition 13 as detailed in the Environmental Health Manager's report – Agreed – Implementation 6 months;

- (xiv) Condition 14 as detailed in the Environmental Health Manager's report – Not agreed;
- (xv) Condition 15 as detailed in the Environmental Health Manager's report – Agreed – Implementation 31st December;
- (xvi) Condition 16 as detailed in the Environmental Health Manager's report – Not agreed;
- (xvii) Condition 17 as detailed in the Environmental Health Manager's report – Not agreed;
- (xviii) Condition 18 as detailed in the Environmental Health Manager's report – Not agreed;

(B) DIRECTION ORDER 1 – Agreed

It was moved by Councillor Pemberton and seconded by Councillor Roberts that a recorded vote be taken on this matter. The vote was recorded as follows:-

Those in favour (seven) namely:- Councillors Biggins, Callister, Irwin, Maddox, Opie, Sweeney and Wall.

Those against (two) namely:- Councillors Pemberton and Roberts.

(C) DIRECTION ORDER 2 – Deferred

It was moved by Councillor Sweeney and seconded by Councillor Wall that whilst the Committee considered this a serious issue, the Committee should postpone making a decision on this Direction Order.

This was voted upon and declared carried.

(D) EXISTING CONDITIONS TO BE REMOVED AND OR RETAINED

It was noted that some of the new and or amended conditions detailed above replaced existing conditions on the Licence and it was therefore necessary to remove and or retain some of the existing conditions on the Licence as they would no longer be appropriate. The following had been agreed in respect of existing conditions on the Licence:-

- (i) That existing Condition 12 be retained on the Licence as it had been agreed that the proposed Condition 8 (above) should not be included in the Licence;
- (ii) That existing Condition 13 be removed from the Licence as it had been replaced with a new Condition 11 and Direction Order 1 (as above);
- (iii) That existing Condition 14 be retained on the Licence;

- (iv) That existing Condition 15 be removed from the Licence;
- (v) That existing Condition 16 be removed as it would be addressed under health and safety legislation;
- (vi) That existing Condition 17 be removed as it had been replaced with a new Conditions 12 and 13 (as above);
- (vii) That existing Condition 18 be removed from the Licence;
- (viii) That existing Condition 19 be retained on the Licence;
- (ix) That existing Condition 20 be removed from the Licence and replaced with new Conditions 6 and 7 (as combined above);
- (x) That existing Condition 21 be removed from the Licence as South Lakes Wild Animal Park had complied with this condition;
- (xi) That existing Condition 22 be retained on the Licence;
- (xii) That existing Condition 23 be retained on the Licence;
- (xiii) That existing Condition 24 be retained on the Licence; and
- (xiv) That existing Condition 25 be retained on the Licence.

The meeting closed at 4:50 p.m.

BOROUGH OF BARROW-IN-FURNESS
LICENSING REGULATORY COMMITTEE

Meeting: Thursday 24th July, 2014
at 2.00 p.m.

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

Officers Present:- Owen Broadhead and Jennifer Curtis.

Legal Representative – Mr Paul O'Donnell.

Police Representative – PC Caroline Kendall.

17 – 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 item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 2 (Minute No. 22) of Part One of Schedule 12A of the said Act.

18 – Apologies for Absence

Apologies for absence were submitted from Councillors W. McClure and Roberts.

19 – Minutes

The Minutes of the Licensing Regulatory Committee held on 19th June, 2014 were taken as read and confirmed.

The Minutes of the Special Meeting of the Licensing Regulatory Committee held on 23rd June, 2014 would be reconsidered at the next meeting.

20 – Application for Street Collection Permit – The Royal British Legion

The Senior Environmental Health Officer (Licensing) reported that he had received an application from Mr R. D. Sheppard of the Royal British Legion in respect of a Street Collection Permit from Saturday 31st October, 2015 to Saturday 7th November, 2015.

The Senior Environmental Health Officer (Licensing) advised Members that the current policy was that charitable organisations be granted a permit for one day only each year. He had therefore recommended in his report that the application be approved for a collection on Saturday 7th November 2015 only.

It was moved by Councillor Derbyshire and seconded by Councillor Pemberton that an application for a Street Collection Permit be approved for seven consecutive days in October/November 2015. A vote was taken and the results were 4 for and 5 against. The vote was therefore declared lost.

RESOLVED:- That the application be approved for a Street Collection Permit to be issued in respect of Saturday 7th November, 2015 only.

21 – Application for a Caravan Site Licence – Caravan Sites and Control of Development Act 1968 – The Allotment, John Street, Askam-in-Furness

The Senior Environmental Health Officer (Licensing) reported on an application he had received for the granting of a Caravan Site Licence for The Allotment, John Street, Askam-in-Furness from Mrs Mona Price of the same address.

The application was to licence the site for two caravans and one storage unit. A site plan had been received and was appended to the report. The units would be sited with appropriate separation distances as required by the Model Standards 2008 for Caravan Sites in England.

Mrs Mona Price and a representative attended the meeting and addressed the Committee.

RESOLVED:- To approve the application.

22 – Application for Private Hire Vehicle Drivers Licence

The Senior Environmental Health Officer (Licensing) reported on an application he had received for a Private Hire Vehicle Drivers Licence from Mr J. B. 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.

Mr J. B. attended the meeting and addressed the Committee. A Police Representative was also present.

RESOLVED:- To agree to grant Mr J. B. with a Private Hire Vehicle Drivers Licence.

The meeting closed at 2.30 p.m.