

BOROUGH OF BARROW-IN-FURNESS
LICENSING REGULATORY COMMITTEE

Meeting, Thursday 6th February, 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 meeting held on 19th December, 2013 (copy attached).

FOR DECISION

Senior Environmental Health Officer's Reports

- (D) 7. Application for Extension of Days- Street Trading – Hot N Saucy Catering
- (D) 8. European Gift Events - Street Trading

PART TWO

- (D) 9. Private Hire Driver Renewal Application

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 2 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006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) 10. Hackney Carriage Driver Renewal Application

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 2 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006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) 11. Application for a Hackney Carriage/Private Hire 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NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 2 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006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) 12. Review – Private Hire Vehicle Driver

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 2 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006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) 13. Application for a Scrap Metal Dealer Collectors 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) 14. Application for Private Hire/Hackney Carriage 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 COMMITTEE

Meeting: Thursday 19th December, 2013
at 2.00 p.m.

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

43 – 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. 47 to 54) of Part One of Schedule 12A of the said Act.

44 – Declaration of Interest

Councillor Callister declared an interest in Agenda Item 11 – Application for a Private Hire/Hackney Carriage Vehicle Driver's Licence as the applicant was known to him. He left the meeting during consideration of the item.

45 – Apologies for Absence

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

46 – Minutes

The Minutes of the meeting held on 14th November, 2013 were agreed as a correct record. The Minutes of the Licensing Sub-Committee held on 12th November, 2013 were noted.

47 – Application for Variation to a Gaming Machine Permit for JD Wetherspoon PLC for Furness Railway, Abbey Road, Barrow-in-Furness

The Environmental Health Manager informed the Committee that an application had been received for a Variation to a Gaming Machine Permit from JD Wetherspoon PLC for Furness Railway, Abbey Road, Barrow-in-Furness. JD Wetherspoon PLC would like to increase the number of gaming machines available from five to six.

Premises such as The Furness Railway that were licensed under the Licensing Act 2003 for on-sales of alcohol had an automatic entitlement to make available two gaming machines.

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 give notice to the Licensing Authority and pay the prescribed fee (currently £50). The Licensing Authority had no discretion in that situation.

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.

Licensing Authorities were required to consider an application for a permit based on the licensing objectives, the Guidance issued to Licensing Authorities and “such matters as they think relevant”.

The Committee considered the Gambling Commission – Gaming Machine Code of Practice and the Council’s Statement of Gambling Policy.

The Police Authority had confirmed that they had no objections to the application.

A representative of JD Wetherspoon was in attendance to discuss the application.

RESOLVED:- To approve the application to vary the Gaming Machine Permit from JD Wetherspoon PLC for Furness Railway, Abbey Road, Barrow from five to six machines.

48 – Application for Private Hire/Hackney Carriage Vehicle Driver’s Licence

The Environmental Health Manager reported on an application she had received for a Private Hire/Hackney Carriage Vehicle Driver’s Licence from Mr P. B. She submitted information which had been drawn to her attention concerning the applicant and set out Committee’s policy regarding such matters.

The applicant attended the meeting and addressed the Committee. A Police representative was also in attendance.

It was moved by Councillor Biggins and seconded by Councillor Pointer that the application be granted until 31st August, 2014 along with a severe written warning. That was voted upon and declared carried. The results were 8 for and 1 against.

RESOLVED:- To agree to grant Mr P. B. with a Private Hire/Hackney Carriage Vehicle Driver's Licence until 31st August, 2014 along with a severe warning letter.

Note: Immediately after the vote had been taken Councillor Derbyshire asked that it be recorded in the Minutes that she had voted against the motion.

49 – Renewal Application for a Hackney Carriage Driver

The Environmental Health Manager reported on a renewal application she had received for a Hackney Carriage Vehicle Driver's Licence from Mr G. T. B. She submitted information which had been drawn to her attention concerning the applicant and set out Committee's policy regarding such matters.

Mr G. T. B. had been invited to attend the meeting to address the Committee but had failed to do so. A Police representative was also in attendance.

RESOLVED:- To agree to defer consideration of this matter and to re-invite Mr G. T. B. to the next meeting to provide him with a further opportunity to address the Committee.

50 – Application for Private Hire/Hackney Carriage Vehicle Driver's Licence

The Environmental Health Manager reported on an application she had received for a Private Hire/Hackney Carriage Vehicle Driver's Licence from Mr C. D. M. She submitted information which had been drawn to her attention concerning the applicant and set out Committee's policy regarding such matters.

The applicant along with a representative attended the meeting and addressed the Committee. A Police representative was also in attendance.

It was moved by Councillor Maddox and seconded by Councillor Derbyshire to refuse the application for a Private Hire/Hackney Carriage Vehicle Driver's Licence.

RESOLVED:- To agree unanimously to refuse the application for a Private Hire/Hackney Carriage Vehicle Driver's Licence as the Council's Licensing Policy and Guidelines relating to the relevance of convictions stated that an application would normally be refused if it is made within 3 to 5 years from the date of the convictions for an offence relating to Dishonesty.

51 – Application for Private Hire/Hackney Carriage Vehicle Driver's Licence

The Environmental Health Manager reported on an application she had received for a Private Hire/Hackney Carriage Vehicle Driver's Licence from Mr W. G. H. She submitted information which had been drawn to her attention concerning the applicant and set out Committee's policy regarding such matters.

The applicant attended the meeting and addressed the Committee. A Police representative was also in attendance.

It was moved by Councillor Maddox and seconded by Councillor Derbyshire to refuse the application for a Private Hire/Hackney Carriage Vehicle Driver's Licence.

RESOLVED:- To refuse the application for a Private Hire/Hackney Carriage Driver's Licence as the Council's Licensing Policy and Guidelines relating to the relevance of convictions stated that an application would normally be refused if it is made within 3 to 5 years from the date of conviction for an offence relating to the possession of drugs.

52 – Application for Private Hire/Hackney Carriage Vehicle Driver's Licence

The Environmental Health Manager re-submitted an application she had received for a Private Hire/Hackney Carriage Vehicle Driver's Licence from Mr A. R. The application had been deferred at the last meeting (Minute No. 44 refers) to allow further information to be obtained.

The applicant attended the meeting and addressed the Committee. A Police representative was also in attendance.

The Committee was informed that the further information requested had not been received.

RESOLVED:- To agree to defer consideration of the application to allow further information to be obtained to determine whether or not the applicant met the higher level requirement of Group 2 standards for vocational drivers as laid down by the DVLA.

53 – Application for Private Hire/Hackney Carriage Vehicle Driver's Licence

The Environmental Health Manager reported on an application she had received for a Private Hire/Hackney Carriage Vehicle Driver's Licence from Mr K. C. She submitted information which had been drawn to her attention concerning the applicant and set out details of the Licensing Authority's medical guidelines regarding such matters.

The applicant along with a representative attended the meeting and addressed the Committee. A Police representative was also in attendance.

RESOLVED:- To agree to grant Mr K. C. with a Private Hire/Hackney Carriage Vehicle Driver's Licence subject to evidence on renewal being received from the GP.

54 – Application for Scrap Metal Dealers Collectors Licence

The Environmental Health Manager reported that an application for a Scrap Metal Dealers Collectors Licence had been received from Mr J. L. S. She submitted information which had been drawn to her attention concerning the applicant.

The applicant attended the meeting and addressed the Committee. A Police representative was also in attendance.

RESOLVED:- To agree to grant the application for a Scrap Metal Dealers Collectors Licence to Mr J. L. S. subject to the under-mentioned condition be imposed on the licence:-

The dealer can receive scrap metal only between 9.00 a.m. and 5.00 p.m. on any day.

The meeting closed at 3.47 p.m.

LICENSING REGULATORY COMMITTEE		Part One (D) Agenda Item 7
Date of Meeting:	6th February, 2014	
Reporting Officer: Senior Environmental Health Officer (Licensing and Health and Safety)		
<p>Title: Street Trading Application for Extension of Days – Hot N Saucy Catering</p> <p>Summary and Conclusions: This report deals with an application from Mr Nathan Morgan of Hot N Saucy Catering who would like to extend the days he is currently permitted to trade.</p> <p>Recommendation: That Members approve the relaxation of the ten minute rule and agree that consent be issued to allow Mr Morgan to trade on Saturdays and Sundays for the requested hours.</p>		

Report

The Council has been approached by Nathan Morgan of Hot N Saucy Catering with a proposal to extend the days he is currently permitted to trade to include Saturdays and Sundays.

Mr Morgan currently operates a hot food catering van at James Freel Close, Barrow in Furness, he is permitted to trade Monday to Friday between the hours of 08.30am and 5.00pm.

Standard conditions for street trading consents within the Borough state that the trader must operate his/her business on a mobile basis and can, therefore, stop only ten minutes in any section of a street and thereafter must move into a different street and must not then return to the same section of that street that day.

A copy of Mr Morgan`s application letter is attached at **Appendix A** to this report.

To enable Mr Morgan to trade on Saturdays and Sundays, the ten minute rule would need to be relaxed. At the time of writing this report, no comments have been received from the consultees.

I would ask Members to consider the request and vary the conditions to enable the relaxation of the ten minute rule and for a street trading consent to be issued subject to no objections being received from the consultees.

Mr Morgan and or his representative have been invited to the meeting today to discuss the application for the extension with Members of the Committee.

LICENSING REGULATORY COMMITTEE	Part One (D) Agenda Item 8
Date of Meeting: 6th February, 2014	
Reporting Officer: Senior Environmental Health Officer (Licensing and Health and Safety)	
<p>Title: European Gift Events - Street Trading</p> <p>Summary and Conclusions: This report deals with an application from European Gift Events to organise and promote a European Market in Barrow Town Centre on various dates throughout 2014. The report suggests giving Officers delegated authority to issue street trading consents subject to consultees being in agreement. A fee of £1200 for each consent is suggested.</p> <p>Recommendation: That</p> <ol style="list-style-type: none"> 1. Members agree in principle to the holding of the markets on the specified dates. 1. Delegated authority be given to Officers to issue street trading consents subject to consultees being in agreement. 2. A fee of £1200 be charged for each consent. 	

Report

The Council has been approached by European Gift Events with a proposal to organise European Markets in Barrow Town Centre on 3 separate occasions throughout 2014, the proposed dates are, Tuesday 22nd April - Sat 26th April, Tuesday 22nd July - Saturday 26th July and Tuesday 4th November - Saturday 8th November.

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 bbq 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 periods, 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 events 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 Paper

Nil.