

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

Meeting, Thursday 13th November, 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 16th October and to note the Minutes of the Licensing Sub-Committees held on 8th May and 27th August, 2014 (copies attached).

**FOR DECISION**

**Senior Environmental Health Officer (Licensing)**

- (D) 7. Hackney Carriages – Unmet Demand Survey.

- (D) 8. Vehicle Testing Stations.
- (D) 9. Application for the removal of conditions from a Caravan Site Licence – Caravan Sites and Control of Development Act 1968 – Old Candleworks Caravan Park, Old Candleworks Road, Barrow-in-Furness.

## **PART TWO**

- (D) 10. Application for Private Hire Vehicle Driver's 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**NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 2 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006**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) 11. Hackney Carriage 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**NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 2 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006**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) 12. Hackney Carriage 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**NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 2 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006**

## **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:**

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Published: 5th November, 2014

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

Meeting: Thursday 16th October, 2014  
at 2.00 p.m.

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

Officers Present:- Owen Broadhead, Senior Environmental Health Officer (Licensing), Jennifer Curtis, Licensing Officer and Sharron Rushton, Democratic Services Officer.

Legal Representative – Mr Paul O'Donnell.

Police Representative – PC Caroline Kendall.

**31 – 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 2 (Minute Nos. 35, 36 and 37) of Part One of Schedule 12A of the said Act.

**32 – Apologies for Absence/Attendance of Substitute Members**

Apologies for absence were received from Councillors Callister (Chairman), Graham, W. McClure, Maddox and Roberts.

Councillor C. Thomson had attended as a substitute for Councillor Maddox for this meeting only.

**33 – Minutes**

The Minutes of the Licensing Regulatory Committee held on 4th September, 2014 were taken as read and confirmed.

**34 – Street Trading Application – Taylors (Cumbria) Amusements**

The Senior Environmental Health Officer (Licensing) reported that he had 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' fun sweets 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.

He reported that similar applications had 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 was to their satisfaction.

A copy of the letter of application had been appended to the report and he advised that to date he had not received any comments from consultees.

RESOLVED:- To approve the application for Street Trading Consent subject to no adverse comments being received from consultees.

### **35 – Application for Hackney Carriage Vehicle Drivers Licence**

The Senior Environmental Health Officer (Licensing) submitted a report regarding an application he had received for a Hackney Carriage Vehicle Drivers Licence from Mrs L. 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.

Mrs L. B. had been invited to attend the meeting to address the Committee but had requested the application be deferred.

It was moved by Councillor Irwin and seconded by Councillor Biggins that the matter be deferred to allow Mrs L. B. to attend the next meeting to address the Committee.

RESOLVED:- To agree to defer consideration of this matter and re-invite Mrs L. B. to the next meeting to provide her with a further opportunity to address the Committee.

### **36 – Hackney Carriage Vehicle Driver**

The Senior Environmental Health Officer (Licensing) submitted a report regarding an existing Hackney Carriage Vehicle Driver, Mr S. T. He submitted information which had been drawn to his attention concerning the driver and set out details of the Committee's policy regarding such matters.

Mr S. T. had been invited to attend the meeting to address the Committee but had failed to do so.

It was moved by Councillor Irwin and seconded by Councillor Biggins that the matter be deferred to allow Mr S. T. to attend the next meeting to address the Committee.

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

### **37 – Application for Operators Licence**

The Senior Environmental Health Officer (Licensing) reported on an application he had received for a Private Hire Vehicle Operators Licence from Mrs A. G. 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, along with her representative, attended the meeting and addressed the Committee.

A Police representative was also present.

RESOLVED:- To agree that the application for a Private Hire Vehicle Operators Licence from Mrs A. G. be granted.

The meeting closed at 2.15 p.m.

## LICENSING SUB-COMMITTEE

Meeting: 8th May, 2014  
at 10.00 a.m.

PRESENT:- Councillors Callister (Chairman), Irwin and Pemberton.

Also present were Police Community Sergeant John McIntosh of Barrow Borough Neighbourhood Police Team and PC Caroline Kendall, Licensing Officer.

### **12 – Minutes**

The Minutes of the meetings held on 22nd August and 12th November, 2013 were taken as read and confirmed.

### **13 – Application for Temporary Event for Bar Continental, Abbey Road, Barrow-in-Furness**

The Senior Environmental Health Officer (Licensing) submitted a report concerning an application made by Mr Craig Armes for a Temporary Event at Bar Continental, Abbey Road, Barrow-in-Furness. The Temporary Event application was to relax a condition on the current licence to allow use of the outside area/beer garden between the hours of 23:00 and 01:00 on Saturday 14th June, 2014 which was the first of England's matches at the 2014 Football World Cup.

The Senior Environmental Health Officer informed the Sub-Committee that a representation had been received from Cumbria Constabulary; a copy of which had been appended to the report.

Included within the report was reference to Paragraphs of national guidance issued under Section 182 of the Licensing Act 2003 which were particularly relevant for Members when making a decision concerning this application. Reference had also been made to Paragraphs of the Council's current Statement of Licensing Policy to assist Members in their decision making.

The application had been copied to the relevant responsible Authorities and had also been advertised as required by statute for a 28 day period. A copy of the application together with a copy of the plan showing the location of the premises had been appended to the report.

It was noted that the Condition relating to the outside area/beer garden had been placed on the Licence in 2005 following a Sub-Committee hearing held to determine the original application. The Licensing Sub-Committee report and representations from that meeting back on 29th September, 2005 had been appended to the report for Members' information.

**The applicant, Mr Armes and his representative attended the meeting and addressed the Sub-Committee and answered questions by Members. Representatives from Cumbria Constabulary also addressed the Sub-Committee and answered questions by Members and the applicant.**

The applicant advised the Sub-Committee that if noise issues were the main concern from the Police then he would be happy to refrain from screening the match in the outside area/beer garden, however there would still be requirement for that area to be used for smoking and toilet facilities. It was noted that the applicant had installed six portaloos in the outside area/beer garden and one urinal within the premises to cater for the large numbers who may attend the premises.

Police Community Sergeant John McIntosh informed the Sub-Committee that the residents of nearby Hawke Street had been canvassed regarding the application for the Temporary Event Notice which resulted in mixed views from residents, however a number of residents had been satisfied with the application as it was a one-off event. On behalf of the Police, Sergeant McIntosh requested that should the Sub-Committee agree to relax the Condition on the current Licence to allow the use of the outside area/beer garden between the hours of 23:00 and 01:00 on Saturday 14th June that the following conditions be imposed:-

- The provision of six portaloos in the outside area/beer garden and one urinal within the premises;
- That four door staff be present on that date (two at the front of the premises and two at the rear of the premises);
- That plastic glasses only be used in the outside area/beer garden; and
- That a Dispersal Policy be produced to ensure people would leave the premises in a safe manner at the end of the night.

RESOLVED:- That in accordance with Section 100A(4) of the Local Government Act 1972 and Access to Information (Variation) Order 2006, members of the public (including the press) be excluded from the meeting during the deliberations of the Sub-Committee, on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 6 of Part One of Schedule 12A of the said Act.

**The public along with the Police withdrew and were re-admitted to the meeting following the Sub-Committee's deliberations.**

RESOLVED:- The Sub-Committee unanimously agreed to grant the application for a Temporary Event at Bar Continental, Abbey Road, Barrow-in-Furness which allowed the relaxation of the Condition on the current Licence to allow the use of the outside area/beer garden between the hours of 23:00 and 01:00 on Saturday 14th June, 2014 which the first of England's matches at the 2014 World Cup subject to the following conditions being imposed:-

1. The provision of six portaloos in the outside area/beer garden and one urinal within the premises;
2. That four door staff be present on that date (two at the front of the premises and two at the rear of the premises);
3. That plastic glasses only be used in the outside area/beer garden; and
4. That a Dispersal Policy be produced to ensure people would leave the premises in a safe manner at the end of the night.

The Sub-Committee arrived at their decision having regard to the national guidance issued under Section 182 of the Licensing Act 2003 and the Council's current Statement of Licensing Policy relating to the prevention of crime and disorder. In addition the decision had been based on demonstrable good management of the premises in the past by the current Premises Manager. It was also noted that no objections had been received from the Council's Environmental Protection Team.

The Chairman advised that the Licensing Authority would write to all parties confirming the decision within 5 working days. He added that if any party was aggrieved by the decision then they had the right of appeal to the Magistrates Court within 21 days of the decision being made.

The meeting closed at 10.44 a.m.



## LICENSING SUB-COMMITTEE

Meeting: Wednesday 27th August, 2014  
at 2.00 p.m.

PRESENT:- Councillors Callister, Irwin and Pemberton.

Officers Present:- Owen Broadhead, Senior Environmental Health Officer (Licensing) and Jennifer Curtis, Licensing Officer.

Legal Representative:- Mr Paul O'Donnell.

Police Representative:- Sergeant John McIntosh.

Minute Taker:- Keely Fisher (Democratic Services).

### **1 – Appointment of Chairman for 2014/15**

Nominations were requested for the Appointment of Chairman for the year 2014/15. The nomination of Councillor Callister was moved by Councillor Irwin and seconded by Councillor Pemberton.

There being no further nominations, Councillor Callister was appointed Chairman for the year 2014/15.

COUNCILLOR CALLISTER IN THE CHAIR

### **2 – 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 7 (Minute No. 4) of Part One of Schedule 12A of the said Act.

### **3 – Minutes**

The Minutes of the Licensing Sub-Committee held on 8th May, 2014 were taken as read and confirmed.

#### **4 – Application for Review of Premises Licence under Licensing Act 2003 – Istanbul, 49 Crellin Street, Barrow-in-Furness**

The Senior Environmental Health Officer (Licensing) reported on an application he had received from Cumbria Constabulary for a Review of the Premises Licence (PL 0306) of the Istanbul, 49 Crellin Street, Barrow-in-Furness.

The application for the review related to the following licensing objectives:-

- 1) The prevention of Crime and Disorder; and
- 2) The protection of Children from Harm.

The grounds for the review were detailed in a copy of the application which was attached as an appendix to the report.

A copy of the licence which detailed permitted licensable activities and conditions was also attached as an appendix to the report.

The application had been copied to the relevant Responsible Authorities and had been advertised as required by statute for a 28 day period.

Included within the report was reference to Paragraphs of National Guidance issued under Section 182 of the Licensing Act 2003 (revised June 2014) which were particularly relevant for Members when making a decision concerning this application. Reference had also been made to Paragraphs of the Council's current Statement of Licensing Policy to assist Members in their decision making.

**A representative from Cumbria Constabulary addressed the Sub-Committee and answered questions by Members.**

**The applicant had been invited to attend to make representations but had failed to do so.**

RESOLVED:- That in accordance with Section 100A(4) of the Local Government Act 1972 and Access to Information (Variation) Order 2006, members of the public (including the press) be excluded from the meeting during the deliberations of the Sub-Committee, on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 6 of Part One of Schedule 12A of the said Act.

**Environmental Health Officers along with the Police withdrew and were re-admitted to the meeting following the Sub-Committee's deliberations.**

RESOLVED:- That the Premises Licence be modified to remove all conditions relating to the sale of alcohol.

The Sub-Committee arrived at their decision having considered the National Licensing Guidance and hearing representations. The decision was made after taking into account the Council's Statement of Licensing Policy and was thought necessary to promote the Licensing Objectives relating to the prevention of crime and disorder and the protection of children from harm.

The Chairman advised that the Licensing Authority would write to all parties confirming the decision within 5 working days. He added that if any party was aggrieved by the decision then they had the right of appeal to the Magistrates Court within 21 days of the decision being made.

The meeting closed at 2.41 p.m.

<b>LICENSING REGULATORY COMMITTEE</b>		<b>Part One (D) Agenda Item 7</b>
<b>Date of Meeting:</b>	<b>13th November, 2014</b>	
<b>Reporting Officer:</b>	<b>Senior Environmental Health Officer (Licensing)</b>	
<p><b>Title: Hackney Carriages – Unmet Demand Survey</b></p> <p><b>Summary and Conclusions:</b></p> <p>This report informs members of the need for a review of the number of Hackney Carriage Licences issued and seeks agreement to consult licence holders on their views.</p> <p><b>Recommendation:</b></p> <p>That Members determine a course of action in this case.</p>		

### **Report**

Members will be aware that the Borough Council has a quantity control policy which limits the number of Hackney Carriage licence issued which is currently 145.

In 2003 the Office of Fair Trading published a market study which challenged the issue of quantity control policies in relation to hackney carriage licences and advocated that market forces should dictate demand. As a result, any licensing authorities that wish to continue operating a quantity control policy must carry out an “unmet demand” survey every three years and review their policy.

Three “unmet demand” surveys have been carried out since then and the results of the last one were considered by Members at a meeting in April, 2009 and it was agreed not to change the policy as there was no current unmet demand demonstrated.

It is almost three years since the last survey took place and a review of the policy is now due. I would therefore, ask Members to agree to gauge the views of Hackney Carriage licence holders in respect of the following as a preliminary to undertaking the Unmet Demand Survey:-

- 1) Do they want the quantity control policy to remain.  
A number of local authorities have relaxed their policies and it is generally the trade that wish to retain a quantity control policy; and
- 2) If so, would they be prepared to fund the “Unmet Demand Survey”  
On the two previous occasions that unmet Demand surveys have been undertaken Hackney Carriage licence holders have paid for the survey

through an increase in the appropriate licence fee for one year to cover the cost

- 3) Would they be agreeable to a relaxation of the policy in very specific circumstances to enhance the quality and variety of Hackney Carriages available to the public e.g. Any 'new' licences issued were for specific vehicles which were, for example, wheelchair accessible from the pavement.

Equalities legislation has suggested that licensing authorities are likely to be told what percentage of the Hackney Carriage fleet must be wheelchair accessible. In the meantime Officers will investigate the current costs of carrying out an Unmet Demand Survey and furnish Members with a comprehensive response from the taxi trade at a future meeting.

#### Background Papers

Nil

<b>LICENSING REGULATORY COMMITTEE</b>	<b>(D) Agenda Item 8</b>
<b>Date of Meeting: 13th November, 2014</b>	
<b>Reporting Officer: Senior Environmental Health Officer (Licensing)</b>	
<b>Title: Vehicle Testing Stations</b>	
<b>Summary and Conclusions:</b>	
This report deals with the provision of the licensed vehicle testing service provided on behalf of the Council by local MOT testing stations.	
<b>Recommendation:</b>	
That I be authorised in consultation with the Chairman and Vice Chairman of the Committee to award contracts for the provision of licensed vehicle testing to any or all of the interested parties subject to them meeting the Borough Council's criteria for a vehicle testing station for a period of 3 years effective from 1st January 2015.	

**Report**

An advertisement has been placed in the local newspaper inviting garage proprietors to submit tenders for the provision of a vehicle testing service for the Borough Council in respect of its taxi licensing function. Testing stations must be capable of carrying out full tests on both petrol and diesel engine vehicles and have at least two qualified testers to ensure cover during periods of holiday and illness.

The current arrangements for the service are due for renewal on 1st January, 2015 and I would ask Committee to delegate the assessment of any submissions received as a result of the advertisement to me in consultation with the Chairman and Vice-Chairman for awarding contracts for a period of 3 years effective from that date.

**Background Papers**

Nil.

<b>LICENSING REGULATORY COMMITTEE</b>		<b>Part One</b> <b>(D)</b> <b>Agenda</b> <b>Item</b> <b>9</b>
<b>Date of Meeting:</b>	<b>13th November, 2014</b>	
<b>Reporting Officer:</b>	<b>Senior Environmental Health Officer (Licensing)</b>	
<p><b>Title: Application for the removal of conditions from a Caravan Site Licence – Caravan Sites and Control of Development Act 1968 – Old Candleworks Caravan Park, Old Candleworks Road, Barrow in Furness</b></p> <p><b>Summary and Conclusions:</b></p> <p>This report deals with an application to remove unnecessary conditions from an existing Caravan Site Licence.</p> <p><b>Recommendation:</b></p> <p>That Members approve the application</p>		

### **Report**

Following a recent inspection of the Old Candleworks Caravan Park, Old Candleworks Road, Barrow in Furness by Jen Curtis, Senior Licensing Officer a number of conditions placed upon the licence were found to be unnecessary and as such should be removed from the licence.

The conditions to be removed are:

1. For caravans without their own water supply and water closets, communal toilet blocks must be provided with the following facilities:
2. Male: 4WCs, 3 Urinals, 3 Wash Hand Basins, 2 Showers
  - a. Ladies: 4WCs, 3 Wash Hand Basins, 2 Showers
3. The wash hand basins and showers must have adequate supplies of hot and cold water available.
4. The toilet blocks shall be kept in a clean and tidy condition, and the amenities therein maintained in good working order.
5. All pitches must be separated using fencing as shown on the plans.

### **Background Papers**

Nil.