

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

Meeting, Thursday 18th December, 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 13th November, 2014 (copy attached).

**FOR DECISION**

**Senior Environmental Health Officer (Licensing)**

- (D) 7. European Gift Events - Street Trading.

- (D) 8. Application for Street Trading Consent.

**PART TWO**

- (D) 9. Private Hire Vehicle Driver 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**NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 2 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006**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 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**NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 2 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006**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) 11. 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**NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 2 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006**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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**BOROUGH OF BARROW-IN-FURNESS**  
**LICENSING REGULATORY COMMITTEE**

Meeting: Thursday 13th November, 2014  
at 2.00 p.m.

PRESENT:- Councillors Callister (Chairman), Irwin (Vice-Chairman), Biggins, Derbyshire, Maddox, Opie, Pemberton, Seward and Wall (Minute Nos. 38, 39, 40, 44, 45 and 46 only).

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.

**38 – 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. 44, 45 and 46) of Part One of Schedule 12A of the said Act.

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

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

**40 – Minutes**

The Minutes of the Licensing Regulatory Committee meeting held on 16th October, 2014 were taken as read and confirmed. The Minutes of the Licensing Sub-Committees held on 8th May and 27th August, 2014 were noted.

**41 – Hackney Carriages – Unmet Demand Survey**

The Senior Environmental Health Officer (Licensing) submitted a report informing Members of the need for a review of the current quantity control policy in respect of the number of Hackney Carriage licences issued and sought agreement to consult licence holders on their views.

Members should be aware that the Borough Council had a quantity control policy which limited the number of Hackney Carriage licences issued, which was 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 wished 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 had been carried out since then and the results of the last one was considered by Members at a meeting in December 2011 and it was agreed not to change the policy as there was no current unmet demand demonstrated.

It was almost three years since the last survey took place and a review of the policy was now due. The Senior Environmental Health Officer (Licensing) requested 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 was generally the trade that wished to retain a quantity control policy;
- 2) If so, would they be prepared to fund the “Unmet Demand Survey”  
On the three previous occasions that unmet Demand surveys had been undertaken Hackney Carriage licence holders had paid for the survey through an increase in the appropriate licence fee for one year to cover the cost; and
- 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 had suggested that Licensing Authorities were likely to be told what percentage of the Hackney Carriage fleet must be wheelchair accessible. In the meantime Officers would 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.

RESOLVED:- That Members agree to gauge the view of Hackney Carriage licence holders as to the need for willingness to fund an Unmet Demand Survey to assess the continued need for a Quantity Control Policy in respect of Hackney Carriage licences issued and further report at a future meeting on a way forward following consultation with the Hackney Carriage licence holders.

## **42 – Vehicle Testing Stations**

The Senior Environmental Health Officer (Licensing) submitted a report concerning the provision of the licensed vehicle testing service provided on behalf of the Council by local MOT testing stations.

It was reported that an advertisement had 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 were due for renewal on 1st January, 2015.

The Senior Environmental Health Officer (Licensing) requested Members to delegate the assessment of any submissions received as a result of the advertisement to him in consultation with the Chairman and Vice-Chairman of this Committee.

RESOLVED:- To agree that the Senior Environmental Health Officer (Licensing), in consultation with the Chairman and Vice-Chairman of this Committee be authorised 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.

**43 – 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**

The Senior Environmental Health Officer (Licensing) submitted a report concerning the removal of unnecessary conditions from an existing Caravan Site Licence.

It was reported that following a recent inspection of the Old Candleworks Caravan Park, Old Candleworks Road, Barrow-in-Furness by the 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 recommended to be removed were:-

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

RESOLVED:- To agree that the following conditions be removed from the existing Caravan Site Licence:-

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

#### **44 – Application for Private Hire Driver’s Licence**

The Senior Environmental Health Officer (Licensing) reported on an application he had received for a Private Hire Vehicle Driver’s Licence from Mr S. 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 his representative, attended the meeting and addressed the Committee.

**RESOLVED:-** To agree that the application for a Private Hire Vehicle Driver’s Licence from Mr S. G. be approved and that a written warning regarding his future conduct be issued.

#### **45 – Hackney Carriage Vehicle Driver**

The Senior Environmental Health Officer (Licensing) re-submitted a report regarding an existing Hackney Carriage Vehicle Driver, Mrs L. B. 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.

Mrs L. B. had been invited to attend the meeting to address the Committee but had failed to do so. However, she had submitted a letter requesting the application be deferred to the January 2015 Licensing Regulatory Committee.

It was moved by Councillor Biggins and seconded by Councillor Pemberton that the matter be deferred to the January 2015 Licensing Regulatory Committee to allow Mrs L. B. to attend the meeting and address the Committee.

**RESOLVED:-** To agree to defer consideration of this matter and re-invite Mrs L. B. to the January 2015 Licensing Regulatory Committee meeting to provide her with a further opportunity to address the Committee.

#### **46 – Hackney Carriage Vehicle Driver**

The Senior Environmental Health Officer (Licensing) re-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 Callister and seconded by Councillor Irwin that the matter be deferred to the next Licensing Regulatory Committee to allow Mr S. T. to attend the meeting and address the Committee. It was noted that should Mr S. T. fail to attend the meeting a decision would be made in his absence.

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

The meeting closed at 3.15 p.m.

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| <b>LICENSING REGULATORY COMMITTEE</b>                                     | <b>(D)<br/>Agenda<br/>Item<br/>7</b> |
| <b>Date of Meeting: 18th December, 2014</b>                               |                                      |
| <b>Reporting Officer: Senior Environmental Health Officer (Licensing)</b> |                                      |

**Title: European Gift Events - Street Trading**

**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 2015. 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.

**Recommendation: That:-**

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; and
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 2015, the proposed dates are, Tuesday 21st April - Saturday 25th April, Tuesday 7th July - Saturday 11th July and Tuesday 20th October - Saturday 24th October.

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 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 Papers

Nil

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| <b>LICENSING REGULATORY COMMITTEE</b>  |  | <b>Part One<br/>(D)<br/>Agenda<br/>Item<br/>8</b> |
| <b>Date of Meeting:</b>  | <b>18th December, 2014</b>                             |   |
| <b>Reporting Officer:</b>  | <b>Senior Environmental Health Officer (Licensing)</b> |   |
| <p><b>Title:     Application for Street Trading Consent</b></p> <p><b>Summary and Conclusions:</b></p> <p>This report deals with an application from Mr Peter Gott for a one off Street Trading Consent to run a promotional Catering venture on Dalton Road, Barrow-in-Furness.</p> <p><b>Recommendation:</b></p> <p>That Members approve the relaxation of the ten minute rule and agree that a consent be issued subject to no objections being received from consultees.</p> |  |   |

### **Report**

I have received a request from Mr Peter Gott trading as Sillfield Farm to operate a catering shed selling Wild Boar Pies, Sausages and Mulled Cider on Dalton Road adjacent to the Market Entrance between the hours of 11.00am and 6.00pm Monday to Saturday. 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 the application is attached as **Appendix 1** to this report.

To enable Mr Gott to trade, 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.

### **Background Papers**

Nil.