

BOROUGH OF BARROW-IN-FURNESS
LICENSING REGULATORY COMMITTEE

Meeting, Thursday 17th November, 2016
at 2.00 p.m. (Drawing Room)

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 October, 2016 (copy attached) and the special meeting held on 10th November, 2016 (TO FOLLOW).

FOR DECISION

- (D) 7. Application for Street Collection Permit.

PART TWO

- (D) 8. Application for a Hackney Carriage Drivers Licence.

**NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH OF PART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

NOTE (D) - Delegated
(R) - For Referral to Council

Membership of Committee

Councillors Callister (Chairman)
Seward (Vice-Chairman)
Biggins
Cassells
Derbyshire
Gill
Heath
W. McClure
Maddox
Proffitt
L. Roberts
Wall

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Published: 9th November, 2016

BOROUGH OF BARROW-IN-FURNESS
LICENSING REGULATORY COMMITTEE

Meeting: Thursday 13th October, 2016
at 2.00 p.m. (Drawing Room)

PRESENT:- Councillors Callister (Chairman), Seward (Vice-Chairman), Biggins, Cassells, Derbyshire, Maddox, L. Roberts and Wall.

Officers Present:- Anne Chapman (Environmental Health Manager), Graham Barker (Principal Environmental Protection and Licensing Officer), Jennifer Curtis (Senior Licensing Officer), Richard Garnett (Principal Environmental Health Officer – Commercial), Jane Holden (Acting Principal Legal Officer), Keely Fisher (Democratic Services Officer) and Sharron Rushton (Democratic Services Officer).

Legal Representative: - Paul O'Donnell (Local Authority Retained Solicitor).

45 – 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 it involves the likely disclosure of exempt information as defined in Paragraph 2 (Minute No.57) of Part One of Schedule 12A of the said Act.

46 – Declarations of Interest

Councillor Biggins declared an other interest in Agenda Item No. 11 – Application for a Hackney Carriage Drivers Licence as the applicant was known to him (Minute No. 57). He left the meeting during consideration of this item.

Councillor Callister declared an other interest in Agenda Item No. 11 – Application for a Hackney Carriage Drivers Licence as the applicant was known to him (Minute No. 57). He left the meeting during consideration of this item..

47 – Apologies for Absence/Attendance of Substitutes

Apologies for absence were received from Councillors Heath, W. McClure and Proffitt.

48 – Minutes

The Minutes of the meeting held on 1st September, 2016 were taken as read and confirmed.

49 – Executive Hire Exemption Guidelines for Private Hire Vehicles

The Senior Licensing Officer reported that the Council had received a request from Mr Roy Worthington for an Executive Hire Exemption Notice relating to a Mercedes C200, registration number T400 WED, first registered on 10th August, 2005.

Mr Worthington intended to use the vehicle for weddings, proms and for transporting executive clients.

The Council's Licensing Section had inspected the vehicle and believed it to be of an exceptional standard.

An exemption notice would allow Mr Worthington, on occasions specified within that notice, to remove the private hire licence plates from his licensed private hire vehicle, in addition the requirement for the driver of the vehicle to wear their private hire drivers badge would also be removed.

Photographs of Mr Worthington and his vehicle were attached as an appendix to the report.

Currently the Council had no guidelines for assessing whether a vehicle was eligible for the exemption. The Committee was therefore requested to approve the guidelines which had been produced for this purpose and determine whether to grant the application to Mr Worthington. In addition the Committee was asked to delegate future decisions to the Council's Environmental Health Manager.

The Committee referred to the Local Government Miscellaneous Provisions Act 1976 during the decision making process.

Barrow Borough Council acknowledged that there was a demand for businesses offering a 'higher end' private hire service for corporate and other customers desiring a higher specification of vehicle without signage and licence plates on display.

Guidelines were attached as an appendix to the report which served to ensure the corporate/chauffeur market were fully licensed and safe whilst meeting customer demand.

Applicants/licence holders would be advised that any contravention of the permission granted with an exemption would lead to the removal of the exemption and a requirement for all plates and signage to be restored at all times during the period of the licence.

Mr Worthington attended the meeting and made representations to the Committee. Mr Worthington requested that the Committee consider amending the Policy requiring bookings to be taken 24 hours prior to the commencement of the journey as this did not fit in with his business model.

The Senior Licensing Officer informed the Committee that she could see no reason why the 24 hour notice could not be removed from the guidelines as there would be physical evidence of a booking through the Private Hire Operator.

It was moved by Councillor Seward, duly seconded and voted upon that the recommendation be approved with the exception of Paragraph 3 under Private Hire (Executive Hire) Vehicle - Additional Conditions which should now read:-

3. Any bookings for the undertaking of a journey in an exempt vehicle must be made by way of a written contract or a licensed Private Hire Operator. Records of bookings shall be made available for inspection by an authorised Officer or Constable at any reasonable time and be retained for a period of not less than 12 months.

RESOLVED:- (i) That the guidelines to be used for assessing whether a licensed private hire vehicle is eligible for an Executive Hire Exemption Notice permitted under Section 75(3) Local Government (Miscellaneous Provisions) Act 1976 be approved with the exception of paragraph 3 under Private Hire (Executive Hire) Vehicle Additional Conditions which should read:-

3. Any bookings for the undertaking of a journey in an exempt vehicle must be made by way of a written contract or a licensed Private Hire Operator. Records of bookings shall be made available for inspection by an authorised Officer or Constable at any reasonable time and be retained for a period of not less than 12 months; and

(ii) That delegated authority be given to the Environmental Health Manager to approve future applications.

50 – Application for Street Trading Consent – Taylors Amusements

The Senior Licensing reported that the Council was in receipt of an application from Mr Taylor of Taylors (Cumbria) amusements for a street trading consent for 1 day, Saturday 26th November 2016. Taylor's Amusements would like consent to trade on the approved Portland Walk/Dalton Road site for the following attractions:-

- 1 x Kiosk, 'fun sweets', selling novelty sweets, candy floss, hot and cold drinks;
- 2 x Kiddies carousel, 20' diameter; and
- 1 x Side stall, fairground prize game.

Condition 12 of the Street Trading Consent standard conditions stated:-

"The Trader must operate his/her business on a mobile basis and can therefore stop for only 10 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."

The Environmental Health Manager had delegated powers to approve applications however this delegation did not include the removal of any of the standard conditions. Members' approval was sought to remove Condition No. 12.

The Licensing Authority consulted on all street trading applications with Cumbria Highways and Cumbria Constabulary. There had been no representations made.

The streets relevant to this application were Portland Walk and Dalton Road. They were designated as consent streets.

Street trading was the offering, exposing or selling of goods for sale (including living things). This meant that the remit covered the advertising and offering of items for sale although it was restricted only to goods and not to services.

As a result the kiosk selling hot and cold drinks, sweets and novelty food items was the only item in the application that required consent under the above mentioned legislation. No licence or consent was required for the provision of the carousels or the fairground prize game.

RESOLVED:- (i) That the application for a Street Trading Consent for Taylors (Cumbria) Amusements on Saturday 26th November, 2016 be approved; and

(ii) Condition No. 12 be removed from the Consent.

51 – Policy Relating to the Fitness of Applicants for Hackney Carriage and Private Hire Driver's Licences

The Principal Environmental Protection and Licensing Officer reported that at the Licensing Regulatory Committee of the 1st September, 2016, Members had noted that the Draft Fitness of Applicants for Hackney Carriage and Private Hire Driver's Licences Policy and the results from the consultation be reported to the Executive Committee on 7th September, 2016 for consideration before being forwarded to Full Council, with any proposals, for adoption.

On 6th September, 2016 the Council were notified by the DVSA (Driver & Vehicle Standards Agency) that they would be withdrawing the provision of taxi assessments with effect from 31st December, 2016. The matter was removed from the agenda of the Executive Committee on 7th September, 2016 to allow Officers to seek an alternative solution and amend the Policy as necessary.

The Licensing Department had been informed by applicants and the DVSA directly, that new bookings were not being taken or slots being made available; making it impossible for new applicants to undertake a DVSA taxi test and complete a valid application for a drivers licence. Officers had therefore had to find an alternative.

The DVSA had published the following list of approved driving instructor (ADI) associations and organisations that represented driving instructors and worked with the Driver and Vehicle Standards Agency.

The Local Government Association (LGA) and the Institute of Licensing (IoL) were working together to re-establish the DVSA taxi assessments or an alternative national scheme. In the intervening time, Officers had identified, that of the above associations, the Driving Instructors Association (DIA) were able to offer the appropriate assessment through its Group 'DIAMond Advanced Motorists' - the leading advanced driver training and qualification for individual motorists, riders and company drivers. DIAMond was the UK's only government accredited advanced driver and rider development programme wholly delivered by regulated, professional trainers and examiners. Diamond offered two assessments, one for driving an ordinary car and the other for a wheelchair accessible vehicle.

Point 2.7 of the Draft Fitness of Applicants for Hackney Carriage and Private Hire Drivers' Licences Policy had been amended to include this provision:

2.7 New applicants will be required to pass the DVSA Standard Driving Assessment - Practical Assessment OR an alternative practical driving assessment specifically for hackney carriage/private hire drivers provided by a UK Government accredited organisation.

*For further information and to book and pay for your driving test go to:
<https://www.gov.uk/book-driving-test> or <https://www.advancedmotoring.co.uk>*

Driving test certificates will only form part of a valid application if they were carried out within 1 year of the completed application date.

The amended Draft Fitness of Applicants for Hackney Carriage and Private Hire Driver's Licences Policy and the results from the consultation would be reported to Executive Committee on 19th October, 2016 for consideration, before being forwarded to Full Council, with any proposals, for adoption.

RESOLVED:- That the information in the report be noted.

52 – Zoo Licensing Act 1981 (as amended) - Zoo Licence for South Lakes Safari Zoo Ltd – Compliance with Conditions and Direction Orders

The Principal Environmental Health Officer (Commercial) reported that at a meeting of this Committee on 23rd, 24th February and 2nd March, 2016 Members had placed a number of conditions on the premises' Zoo Licence and elevated two existing conditions to Direction Orders.

A Special Inspection ("the Inspection") took place at the Zoo on 15th August, 2016 to assess compliance with the following Conditions and Direction Orders:-

Condition	Detail	Direction Order Y/N	Compliance Date
17	Review of Veterinary Programme	Y	22nd May, 2016
18	Delivery of Veterinary Services	Y	22nd May, 2016

26	Formal Staff Development Programme	N	13th August, 2016
33	Review of Animal Bites	N	-

The Inspection Team had consisted of:

- a) Dr Matthew Brash B.Vet.Med Cert Zoo Med MRCVS (the Council's Professional Veterinary Advisor); and
- b) Richard Garnett MCIEH (Principal Environmental Health Officer - Commercial).

Graham Barker (Principal Environmental Protection and Licensing Officer) had also attended as an observer.

A Special Inspection Report which was attached as an appendix to today's report, was produced and sent to the Zoo on 26th August 2016. The Zoo were given 28 days to make any representations. Representations were received from the Zoo on 26th September, 2016 and were attached as an appendix to the report.

The Principal Environmental Health Officer (Commercial) reported on the conditions and direction orders as follows:-

53 – Condition 17 – Review of Veterinary Programme (Direction Order)

Condition 17 referred to the Internal Policy and Procedures that were required to provide an effective Veterinary Service within the Zoo. Condition 17 was intrinsically linked to Condition 18.

Concern had been raised about the level of veterinary care over a number of years. It was raised at the following inspections:-

- Periodical Inspection on 9th November, 2009;
- Periodical Inspection on 20th May, 2013;
- Special Inspection on 28th and 29th January, 2014; and
- Special Inspection on 17th and 18th November, 2015.

Condition 17 was first attached to the Zoo licence on 8th June, 2010 (previously Condition 24) and elevated to a Direction Order on 4th March, 2016.

Following a Special Inspection on 17th and 18th November, 2015 it was reported to Members, at the hearing held on 23rd, 24th February and 2nd March, 2016, that the Inspectors had described the veterinary programme as "inadequate" and "needed to be radically revised" to bring it in line with the requirements of the Secretary of State's Standards of Modern Zoo Practice ("SSSMZP").

Members also heard that the Inspectors expressed their dissatisfaction with the current arrangements of veterinary services, in particular the lack of routine attendance.

Members resolved that the whole system, from the Keepers identifying a sick or injured animal, the treatment of animals, and gross post mortem needed to be reviewed to ensure compliance with the requirements of the SSSMZP and the Veterinary Surgeons Act 1996 (as amended).

Members elevated Condition 17 to a Direction Order with a compliance date of 22nd May, 2016.

Compliance with the Direction Order was initially assessed during the Special Inspection which took place between 23rd and 25th May, 2016 and commented upon in detail.

A report was prepared for the meeting of this Committee in July 2016 however, Members could not consider compliance at this time due to the Direction Order being appealed.

A further inspection to assess compliance was undertaken on 15th August, 2016.

The Inspection report dated 15th August, 2016 was produced by the Council's Retained Veterinary Advisor, Dr Matthew Brash and was attached as an appendix to the report for Members' information.

The main areas of concern from the Inspectors were:-

1. The records of the veterinary visits were still poor;
2. Out of date drugs were still present in the veterinary treatment room; and
3. Frieda Schreiber was leaving the Zoo and at some point in the near future would need to be replaced.

The Committee noted the response from the Zoo to the Inspector's findings which were received on 26th September, 2016 and attached as an appendix to the Officer's report.

The diaries which were kept by Keepers and detailed daily issues/problems were an important source of information for the Inspectors during the Special Inspection in November 2015. When Officers returned to the Zoo at a later date to collect the diaries for further investigation, they were advised that they had been sent to the Zoo's Solicitor. However, they did not arrive at the Solicitor's office, with the Zoo concluding that they must have been lost in the post. This was a particularly important issue given that Paragraph 3.3 of Section 3, SSSMZP stated:-

"3.3 A daily record must be kept by the person(s) in direct charge of the animals, indicating changes to the prescribed diet, health checks carried out, any unusual behaviour or activity or other problems, and remedial actions taken".

During recent informal inspections, Officers had noted that comprehensive daily diaries were being kept by the Zoo, although this practice had only started mid-September. Prior to this it appeared to be the Zoo policy to restrict the daily record to just one line. It appeared the Zoo had now conceded how critical these records were, however a period of sustained compliance needed to be demonstrated.

RESOLVED:- The Committee note that the Zoo had complied with the Direction Order, therefore the Condition should be removed from the licence on renewal.

54 – Condition 18 – Delivery of Veterinary Services (Direction Order)

Condition 18 related to the Practices determined by the internal policies and procedures. Condition 18 was intrinsically linked to Condition 17.

Concern had been raised about the level of veterinary care over a number of years. It was raised at the following inspections:-

- Periodical Inspection on 9th November, 2009;
- Periodical Inspection on 20th May, 2013;
- Special Inspection on 28th and 29th January, 2014; and
- Special Inspection on 17th and 18th November, 2015.

Condition 18 was attached to the Zoo licence on 5th September, 2013 (previously Condition 25) and first elevated to a Direction Order on 1st July, 2014.

On 13th August, 2015 it was reported to Members that the Direction Order had been complied with. The condition was retained on the licence.

Following a Special Inspection on 17th and 18th November, 2015 it was reported to Members, at the hearing held on 23rd, 24th February and 2nd March, 2016, that the Inspectors had described the veterinary programme as “inadequate” and “needed to be radically revised” to bring it in line with the requirements of the Secretary of State’s Standards of Modern Zoo Practice (“SSSMZP”).

Members also heard that the Inspectors expressed their dissatisfaction with the current arrangements of veterinary services, in particular the lack of routine attendance.

Members resolved that the whole system, from the Keepers identifying a sick or injured animal, the treatment of animals, and gross post mortem needed to be reviewed to ensure compliance with the requirements of the SSSMZP and the Veterinary Surgeons Act 1996 (as amended).

Members elevated Condition 18 to a Direction Order with a compliance date of 22nd May, 2016.

Compliance with the Direction Order was initially assessed during the Special Inspection which took place between 23rd and 25th May, 2016 and commented upon in detail.

A report was prepared for the meeting of this Committee in July 2016 however, could not consider compliance at this time due to the Direction Order being appealed.

A further inspection to assess compliance was undertaken on 15th August, 2016.

The Inspection report dated 15th August, 2016 was produced by the Council's Retained Veterinary Advisor, Dr Matthew Brash and was attached as an appendix to the report for Members' information.

The Inspector's findings were reported and made recommendations as follows:-

"The Zoo has complied with the Direction Orders, however the standard of record keeping is still poor, and there are concerns about how the gap left by Frieda Schreiber's departure will be filled. This area will need to be closely scrutinised to ensure that the SSSMZP are still being met in the near future".

In an explanatory email dated 16th September, 2016 the Inspector wrote:-

"The feeling of the Inspection Team from May 2016 is that we must wait until the special visit to revisit the ongoing compliance".

The main areas of concern from the Inspectors were:-

1. The records of the veterinary visits were still poor;
2. Out of date drugs were still present in the veterinary treatment room; and
3. Frieda Schreiber was leaving the Zoo and at some point in the near future would need to be replaced.

The Committee noted the response to the Inspector's findings from the Zoo which were received on 26th September, 2016 which was attached as an appendix to the Officer's report.

The diaries which were kept by Keepers and detailed daily issues/problems were an important source of information for the Inspectors during the Special Inspection in November 2015. When Officers returned to the Zoo at a later date to collect the diaries for further investigation, they were advised that they had been sent to the Zoo's Solicitor. However, they did not arrive at the Solicitor's office, with the Zoo concluding that they must have been lost in the post. This was particularly important issue given that Paragraph 3.3 of Section 3 SSSMZP stated:-

"3.3 A daily record must be kept by the person(s) in direct charge of the animals, indicating changes to the prescribed diet, health checks carried out, any unusual behaviour or activity or other problems, and remedial actions taken".

During recent informal inspections Officers had noted that comprehensive daily diaries were being kept by the Zoo, although this practice had only started mid-September. Prior to this it appeared to be the Zoo policy to restrict the daily record to just one line. It appeared the Zoo had now conceded how critical these records were, however a period of sustained compliance needed to be demonstrated.

RESOLVED:- (i) The non-compliance of the Direction Order be noted;

(ii) The Direction Order should be varied to reflect the work undertaken with a compliance period of 10 weeks (31st December, 2016); and

(iii) The Direction Order shall relate to the whole Zoo and the steps required to comply with the Direction Order shall be:-

1. Provide a final written version of the Veterinary Procedures to the Local Authority;
2. Provide a copy of the protocols in place for relevant veterinary cover when the Principal Vet was unavailable to the Local Authority;
3. Ensure that all Animal Treatment and other veterinary information is suitably recorded and integrated into the Zoo's Animal Record System so as to be quickly and easily retrieved; and
4. Provide clear evidence of implementation of Points 1-3 to the Local Authority by 31st December, 2016.

(Timescale 31st December, 2016)

55 – Condition 26 – Formal Staff Development Programme

There was a history going back to 2009 raising questions about staff training, an apparent lack of experience, and a need to revisit the management structure for periods when David Gill was out of the country. Information was made available to the Council that suggested that Keepers went from “apprentice” to “qualified” very quickly causing concern about the depth of training given. As a result Members had added Condition 26 to the licence at a meeting of this Committee in July 2014.

At a further meeting on 13th August, 2015, Members had heard that:-

- (a) The Zoo had in place a job description for the role of Keeper and Senior Keeper and this detailed the key tasks that should be demonstrable by anyone holding that role. In addition proficiency in each task was signed off by a Senior Keeper;
- (b) The progress from Apprentice to qualified Keeper was achieved by having the job description signed off. The progress to Senior Keeper was not automatic and would depend upon a position being available, at which stage the relevant training would be undertaken and selection would be based on the Keeper demonstrating some competency in the relevant areas;
- (c) Training records and staff progress were now fed into the annual appraisal of the Zoo's staff; and
- (d) In addition to in-house training, the Zoo was providing external training to certain staff and two apprentices were working through a programme overseen by Myerscough College. Training records were included in the Committee report as an example.

At this meeting it was agreed by Members that the condition should remain on the licence with the Zoo required to demonstrate development of the programme over the next 12 months. Thus the compliance date was changed to 13th August, 2016.

A Special Inspection had taken place on 15th August, 2016.

The Inspector's commented as follows:-

1. "There is a record of training for all members of staff. Two examples were provided, one of which was randomly picked by one of the Inspectors. These are accurate and up to date. It is noted that two members of staff have now been signed up to the Diploma of Zoo Management;
2. There is a log of all ongoing training being undertaken by staff at the Zoo;
3. Andreas Kaufman has been hired as Consultant to oversee a training staff program. He has recently started, (August 2016) and the Zoo informed the Inspection Team that he has agreed to undertake ten more weeks of training during the rest of 2016; and
4. Jon Cracknel, a Veterinary Consultant has also been hired to assist the Zoo in developing policies and to move forwards towards meeting the SSSMZP".

The Zoo's comments from 26th September, 2016 were attached as an appendix to the Officer's report and considered by Members.

RESOLVED:- That Condition 26 had been complied with therefore should be removed from the licence upon renewal.

56 – Condition 33 – Review of Animal Bites

The Zoo Offered an immersive experience with the ability to walk through aviaries filled with free flying birds and areas where there were free roaming primates and other animals. Visitors could also feed certain animals at supervised sessions but there were also opportunities to feed animals unsupervised.

During the Special Inspection which took place on 17th and 18th November, 2015, the Inspectors expressed concern about the number of bites and injuries to the public which were recorded in the accident book. The Inspectors recommended that a condition be placed on the licence.

At a meeting of this Committee on 23rd, 24th February and 2nd March, 2016, Members added this condition to the Zoo's licence.

A review of bite injuries was undertaken and an action plan was produced by the Zoo and was reviewed during the Special Inspection of May 2016. However, only the bites that had been noted by the Inspectors at their inspection in November 2015 were covered in the review and it stated that there had been no further bites reported.

During this inspection the Inspectors also noted interference from primates with visitors during their visit, for example a Tamarin was seen trying to remove popcorn from a child in a pram, and a ring tailed lemur trying to steal food from a family eating at an outdoor table.

The Inspectors concluded that the review was "inadequate and did not address the underlying issues" and rejected it. They were also of the opinion that it was likely that bites and other injuries caused by animals were "still likely to be occurring but were not being reported and/or recorded".

The Zoo had technically complied with the condition in that they had produced a written review and action plan however, the Inspectors deemed the resulting report and action plan inadequate.

Following the Officer's recommendation to the Committee on 5th - 7th July, 2016, the wording of the condition was amended and remained on the licence. A compliance date was not attached.

A Special Inspection was held on 15th August, 2016.

The Inspector's comments from the Special Inspection were considered by Members along with the Zoo's response dated 26th September, 2016.

The conclusion of the Inspector's was that this condition had not complied with, and it was therefore necessary to reissue it, albeit with more precise wording so that the Zoo was clear on what was required. A more precise timeline must be added to the condition. Whilst the Zoo continued to have food outlets in areas where free ranging primates had access, then there was a high likelihood that bites or other injuries to the public would occur. The Inspector's also noted, but did not observe, that the lemur feeding experience had not been altered, and felt that this was also an area where there was insufficient control over primate/visitor contact.

Ms Brewer and Dr Matthew Brash were in attendance at the meeting and made representations to the Committee and answered questions, as appropriate.

RESOLVED:- (i) Non-compliance with Condition 33 be noted;

(ii) Condition 33 be escalated to a Direction Order with compliance deadlines as detailed below:-

1. In accordance with Paragraph 6.14 of Appendix 6 and Paragraph 1.10 of the SSSMZP an appropriate and comprehensive written review of the risk of bites or injury to members of the public caused by animals must be carried out and submitted to the Licensing Authority within two weeks;
2. An appropriate written action plan, implementation times and all further changes that will be put in place to eliminate the risks of bites or injuries by animals to members of the public, must be submitted to the Local Authority within two weeks; after compliance with Condition (1) above;
3. Implementation of this action plan must be made immediately following its submission to the Licensing Authority and demonstrably active progress should be visible by 4th November, 2016; and

4. Full completion of implementation of the action plan must be achieved within six months.

(iii) The Direction Order would take effect 28 days after it was issued as the works specified were not normally carried out by the Zoo.

57 – Application for a Hackney Carriage Drivers Licence

The Senior Licensing Officer reported on an application which had been received for a Hackney Carriage Drivers Licence.

She set out details concerning the application and the Committee's policy regarding such matters.

The applicant attended the meeting and addressed the Committee.

RESOLVED:- (i) That the application for a Hackney Carriage Driver's Licence be granted subject to the applicant successfully completing an Accredited Driving Test; and

(ii) The applicant's Private Hire Driver's Licence be suspended until he has successfully completed an Accredited Driving Test.

The meeting closed at 5.00 p.m.

LICENSING REGULATORY COMMITTEE	(D) Agenda Item 7
Date of Meeting: 17th November, 2016	
Reporting Officer: Senior Licensing Officer	
<p>Title: Application for Street Collection Permit</p> <p>Summary: An application has been made to the Licensing Authority for a Street Collection Permit on behalf of The Royal British Legion, Poppy Appeal 2017, the dates requested are Saturday 4th - Saturday 11th November 2017, this requires Members to exercise their powers to hear applications to vary any limitation or term imposed on a consent, licence or permission, in accordance with Minute No. 1.3 (ii) of the current allocation Policy for street collections/flag days.</p>	

1. The Application

An application has been made to the Licensing Authority for a Street Collection Permit from Saturday 4th to 11th November 2017 (inclusive) by Mr S. Crowhurst, on behalf of The Royal British Legion, Poppy Appeal 2017 (attached at **Appendix 1**)

The application outlines the organiser's intention to carry out street collections including the offerings of poppies from trays and collection of monies in sealed receptacles throughout the week, leading up to Remembrance Day.

2. Background

The Police, Factories and (Miscellaneous Provisions) Act 1916 allows local authorities to make regulations regarding street collections, where and conditions under which, persons may collect money or sell articles for the benefit of charity "or other purposes"

The current allocation policy for street collections/flag days was determined by Minute No. 150 (1990/91) and Minute No. 80 (1993/94) of the Licensing Sub-Committee as follows:-

- a) That it be adopted as policy that once a particular date had been allocated to a charity, no further application from other charities for the same date would be permitted.
- b) No organisation would be granted more than one collection date in each calendar year.
- c) That preference would continue to be given to charities that use money collected locally.

- d) That no more than 50 street collection permits will be granted in a calendar year, such permits to be for collection days either on Fridays or Saturdays. No mid-week collections to be allowed.
- e) Organisations must comply with the Borough of Barrow-in-Furness Street Collection Regulations and submit a statement of accounts following their street collection in order for similar applications to be considered in future years.
- f) Minute No. 1.3 (ii) resolves to vary current general allocation policy to enable the Sub-Committee and/or the Panel to receive applications for additional collections in cases of special celebrations relevant to individual charities from time to time.

3. Representations

The Licensing Authority consults on all street collection permits with Cumbria Highways, Cumbria Constabulary, Trading Standards and Planning department.

At the time of writing this report, there have been no objections from consultees.

The applicant has been invited to attend today's Committee.

4. Options

The options available to members are;

- a) To grant the Street Collection Permit for one day;
- b) To refuse to grant the Street Collection Permit;
- c) To grant the Street Collection Permit for selected dates; Saturday 4th to 11th November 2017 (inclusive).

5. Recommendation

It is recommended that members **GRANT** the Street Collection Permit on the selected dates; Saturday 4th to Saturday 11th November 2017 (inclusive), for following reasons;

1. There are no other street collection permits granted for those dates.
2. There are no other street collection permits allocated for The Royal British Legion Poppy appeal in 2017.
3. To date there is only 1 other street collection permit been allocated from a maximum of 50, for 2017.

4. Members have the delegated authority to vary any limitation or term imposed on any consent, licence or permission.

6. Considerations

(i) Legal Implications

A street collection permit is required by any person to collect, in a street or public place within the Borough, money for the benefit of charitable or other purposes. The Council's Street Collection Regulations made under powers contained in The Police, Factories, (Miscellaneous Provisions) Act 1916 regulate such collections. Any person who collects money or otherwise acts in contravention of the Council's Regulations with regard to street collection is liable to a fine.

There is no statutory right of appeal against the refusal of a street collection permit but a licensing authority's decision could be challenged by application to the High Court for a review of the decision (Judicial Review).

(ii) Risk Assessment

Not applicable

(iii) Financial Implications

None identified

(iv) Key Priorities or Corporate Aims

None identified

(v) Equality and Diversity

Not applicable

(vi) Other Human Rights

Not applicable

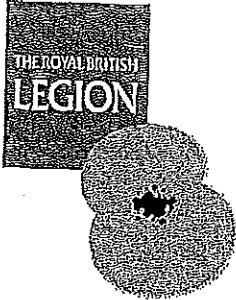
(vii) Health and Well-being Implications

None identified

Background Papers

Nil

Patron Her Majesty The Queen



POPPY APPEAL
The Royal British Legion Village
Aylesford
Kent ME20 7NX



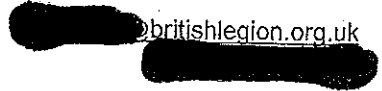
www.britishlegion.org.uk

Our Reference

Your Reference

Date 21st June 2016

Barrow Borough Council
Regeneration & Community Services
Environmental Health
24 Duke Street
BARROW IN FURNESS, Cumbria
LA14 2LD



Dear Sir/Madam,

2017 POPPY APPEAL STREET COLLECTION & HOUSE TO HOUSE COLLECTIONS

Please find attached our application for a street collection permit in respect of our 2017 Poppy Appeal.

Our choice of dates is regulated by the Government's decision on the date of Remembrance Day, which is the second Sunday in November. This being the case the dates we would like to request for our street collection throughout the whole of your administrative area are 4th to 11th November 2017

As a holder of a Cabinet Office Certificate of Exemption and in accordance with regulations, and to avoid overlapping, I would like to advise you of our intention to hold our House to House collections on the following dates.

- 2017 28th October to 11th November
- 2018 27th October to 10th November
- 2019 26th October to 9th November

Copies of our Report and Accounts for 2014 are available on request. Please do contact [redacted] Licensing Officer for RBL Poppy Appeal if you would like to receive a copy or in the event of any query with our application, her contact details are above.

Finally I would be grateful if you would return our acknowledgement slip in the enclosed pre paid envelope.

Yours faithfully,



Operations Manager

Enc.

c.c. The Cabinet Office & Holders of Cabinet Office Certificates of Exemption under the House-to-House Collections Act.

LIVE ON




Legion Contact Centre 0808 802 8080
Registered Charity Number: 219279

THE ROYAL BRITISH LEGION POPPY APPEAL 2017

POLICE, FACTORIES ETC. (MISCELLANEOUS PROVISIONS ACT) 1916 STREET COLLECTIONS

In pursuance of Section 5 of the above act, I hereby apply for a permit authorising me to promote the collection of which particulars are given below:-

Barrow Borough Council
Regeneration & Community Services Environmental Health
24 Duke Street
BARROW IN FURNESS, Cumbria LA14 2LD

- 1) Name, Address & Date of Birth of Applicant: 
The Poppy Appeal
Royal British Legion Village
Aylesford, Kent ME20 7NX
Telephone: 
- 2) Name & Address of Secretary: Details as above
- 3) Director of Finance: 
- 4) Name & Address of Bankers: Lloyds, Cox's and King's Branch, 1st Floor, P O Box 1190,
7 Pall Mall SW1Y 5NA,
- 5) Name & Address of Auditors: Deloitte LLP, 2 New Street Square, London EC4A 3BZ
- 6) Proposed Date & Time of Collection: 4th to 11th November 2017
8 a.m. to 8 p.m.
- 7) District in which collection will be made: Throughout the whole of the Council's administrative area.
- 8) Has a permit ever been refused? No
- 9) Is a House to House collection being held? Yes, please see attached letter with details
- 10) Charity Registration No. Registered Charity 219279
- 11) Will a request be made for privately owned places? Yes, on receipt of permit from your authority.
- 12) Nature of Collection: Offer of Poppies from trays and collection of monies in sealed receptacles.
- 13) Objections of Organisation: To safeguard the welfare, interests and memory of those who are serving or who have served in the Armed Forces.
- 14) Disposal of receipts: Proceeds less administrative expenses and costs of poppies, are used for the benevolent funds of the Royal British Legion
- 15) Are remunerations to be paid from proceeds? No
- 16) Is an application being made in other & Council areas? Yes, to all Metropolitan, District & Borough Councils in England Wales.

Date 21st June 2016

Signature: 