

<b>LICENSING REGULATORY COMMITTEE</b>		<b>Part One</b> <b>(D)</b> <b>Agenda</b> <b>Item</b> <b>7</b>
<b>Date of Meeting:</b>	<b>23rd July, 2015</b>	
<b>Reporting Officer:</b>	<b>Senior Licensing Officer</b>	
<p><b>Title: Application for Street Collection Permit</b></p> <p><b>Summary:</b></p> <p>The Licensing Authority has received an application for a Street Collection permit for Sunday 9th August, 2015. Current policy states that Street Collections can only be held on a Friday or Saturday, and requests for other days must be considered by the licensing regulatory committee for decision. Members are asked to determine the application.</p>		

## 1. Purpose of Report

The Licensing Authority has received an application for a street collection permit from Miss Tracey Leeder, on behalf of Children with Cancer UK. The date requested is Sunday 9th August, 2015, between 09.00am – 20.00pm.

## 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”

Current application criteria states;

*No organisation will be granted more than one collection date in each calendar year.*

*That no more 50 street collection permits be granted in any one calendar year, such permits to be for collection days on either Fridays or Saturdays. No mid-week collections to be allowed.*

*The Licensing Committee or the panel to consider any special request for additional collections which may be brought to their attention from time to time by any of the applicants to take on board such things as Centenary or other celebration years which may special to individual charities.*

Miss Leeder’s request is for a Sunday collection, during a walk from Ulverston to Barrow. The appropriate permit has been applied for from a neighbouring authority. (South Lakeland District Council)

Miss Leeder has been invited to attend Licensing Regulatory Committee to make a representation in support of her application.

### 3. Options

Options available to members today are:

- a) Grant the street collection permit
- b) Refuse to grant the street collection permit

### 4. Recommendation

It is the Officer's recommendation that members **GRANT** the street collection permit.

### 5. Reasons for Recommendation

I recommend that members grant the permit for the following reasons:

- a) There has been no street collection on behalf of Children with Cancer UK this calendar year.
- b) The licensing authority is permitted to grant no more than 50 street collection permits per calendar year; we currently have issued 9.
- c) The Licensing Regulatory Committee can consider requests for additional collections from time to time.

### 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.

#### (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

<b>LICENSING REGULATORY COMMITTEE</b>		<b>Part One</b>
<b>Date of Meeting: 23rd July, 2015</b>		<b>(D)</b>
<b>Reporting Officer: Senior Licensing Officer</b>		<b>Agenda Item 8</b>
<b>Title: Application for Street Collection Permit</b>		
<b>Summary:</b>		
<p>The Licensing Authority has received an application for a Street Collection permit for Thursday 24th December, 2015. Current policy states that Street Collections can only be held on a Friday or Saturday, and requests for other days must be considered by the licensing regulatory committee for decision. Members are asked to determine the application.</p>		

## 1. Purpose of Report

The Licensing authority has received an application for a street collection permit from Sylvia Stoker, on behalf of Dalton Festival Association. The date requested is Thursday 24th December, 2015, between 4.30pm – 19.00pm.

## 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”

Current application criteria states;

*No organisation will be granted more than one collection date in each calendar year.*

*That no more 50 street collection permits be granted in any one calendar year, such permits to be for collection days on either Fridays or Saturdays. No mid-week collections to be allowed.*

*The Licensing Committee or the panel to consider any special request for additional collections which may be brought to their attention from time to time by any of the applicants to take on board such things as Centenary or other celebration years which may special to individual charities.*

Mrs Stoker’s request is for a mid-week collection.

Mrs Stoker has been invited to attend Licensing Regulatory Committee to make a representation in support of her application.

### 3. Options

Options available to members today are:

- a) Grant the street collection permit
- b) Refuse to grant the street collection permit

### 4. Recommendation

It is the Officer's recommendation that members **GRANT** the street collection permit.

### 5. Reasons for Recommendation

I recommend that members grant the permit for the following reasons:

- a) There has been no street collection on behalf of Dalton Festivals Association this calendar year.
- b) The licensing authority is permitted to grant no more than 50 street collection permits per calendar year; we currently have issued 9.
- c) The Licensing Regulatory Committee can consider requests for additional collections from time to time.

### 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.

#### (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.

<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: 23rd July, 2015</b>	
<b>Reporting Officer: Senior Licensing Officer</b>	
<p><b>Title: Application for Street Collection Permit</b></p> <p><b>Summary:</b></p> <p>The Licensing Authority has received an application for a Street Collection permit for Sunday 25th October, 2015. Current policy states that Street Collections can only be held on a Friday or Saturday, and requests for other days must be considered by the Licensing Regulatory Committee for decision. Members are asked to determine the application.</p>	

## 1. Purpose of Report

The Licensing Authority has received an application for a street collection permit from Mrs Claire Golder, on behalf of Scoobie doo dog rescue. The date requested is Sunday 25th August, 2015, between 10.00am – 17.00pm.

## 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”

Current application criteria states;

*No organisation will be granted more than one collection date in each calendar year.*

*That no more 50 street collection permits be granted in any one calendar year, such permits to be for collection days on either Fridays or Saturdays. No mid-week collections to be allowed.*

*The Licensing Committee or the panel to consider any special request for additional collections which may be brought to their attention from time to time by any of the applicants to take on board such things as Centenary or other celebration years which may special to individual charities.*

The applicant's request is for a Sunday collection, during a walk from Tudor Square in Dalton to The Ferry, Walney Island.

Mrs Golder has been invited to attend Licensing Regulatory Committee to make a representation in support of her application.

### 3. Options

Options available to members today are:

- a) Grant the street collection permit
- b) Refuse to grant the street collection permit

### 4. Recommendation

It is the Officer's recommendation that members **GRANT** the street collection permit.

### 5. Reasons for Recommendation

I recommend that members grant the permit for the following reasons:

- a) There has been no street collection on behalf of Scoobie doo dog rescue this calendar year.
- b) The licensing authority is permitted to grant no more than 50 street collection permits per calendar year; we currently have issued 9.
- c) The Licensing Regulatory Committee can consider requests for additional collections from time to time.

### 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.

#### (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.

<b>LICENSING REGULATORY COMMITTEE</b>	<b>(D) Agenda Item 10</b>
<b>Date of Meeting: Thursday 23<sup>rd</sup> July 2015</b>	
<b>Reporting Officer: Principal Environmental Protection and Licensing Officer</b>	
<b>Title: Application for a Street Trading Consent</b>	
<b>Summary:</b>	
The Licensing Authority has received an application for street trading consent for a mobile catering unit, to be sited on Bouthwood Road on the Sowerby Woods Business Park.	
An objection has been made by County Highways. Members are therefore required to consider the application and make a decision on approval.	

## **Report**

### **1. Purpose of Report**

The Licensing Authority has received an application for a street trading consent from Mrs Angela Rea.

The application relates to a stationary catering van, sited on Bouthwood Road, Barrow-in-Furness, with the intention of selling fast food.

A copy of the map showing the area in which Mrs Rea has applied to trade is attached at **Appendix 1**.

### **2. Background**

Barrow Borough Council operates a consent scheme for street trading. Trading within the Borough is prohibited without obtaining the consent of the Council.

Consents are issued subject to a set of standard conditions and can be granted for a period not exceeding 12 months.

Mrs Rea has applied for a 3 month Street Trading Consent.

Consents are renewable on the expiry of the licence period, unless a trader ceases to exist trading.

Upon application in writing to the Council, as required by Paragraph 7 of Schedule 4, the council may grant consent if they think fit, and may attach such conditions to it as they consider reasonably necessary. These conditions are attached to this report at **Appendix 2**.

Condition number 12 states that:

*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.*

Members approval is needed to remove this condition from a street trading consent.

### **3. Representations**

As part of the application procedure the Licensing Authority consults with the Planning department, Trading Standards, Cumbria Constabulary and Cumbria Highways.

A representation has been made by Melanie Bower Traffic Management Officer, Cumbria Highways via email on 10<sup>th</sup> July 2015. She states:-

*Highways strongly objects to this proposal on safety grounds.*

*This is an extremely busy junction primarily used by heavy goods vehicles and feeding out onto a 60mph main road. Stopping in the vicinity of this junction should not be encouraged and I feel this would present a very high risk to other road users.*

Mrs Rea has been invited to attend Licensing Regulatory Committee to make a representation in support of her application.

Melenie Bower has also been invited to attend Licensing Regulatory Committee.

### **4. Options**

Options available to members today are:

- a) Refuse the application for street trading consent;
- b) Approve the application and grant the street trading consent for a period of less than 3 months subject to conditions restricting where and when the holder may trade and approve the removal of condition number 12;

- c) Approve the application and grant the street trading consent for a period of 3 months subject to conditions restricting where and when the holder may trade and approve the removal of condition number 12.

## 5. Recommendation

It is the officers' recommendation that members **REFUSE** the application for a street trading consent.

## 6. Reasons for Recommendation

I recommend that members **REFUSE** the application for a street trading consent for the following reason:

- a) Representation has been made by Cumbria Highways on the grounds of safety. Granting the consent would present a very high risk to other road users.

## 7. Considerations

### (i) Legal Implications

The street in question has been designated by the Council as a consent street for street trading purposes under Part III and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

Paragraph 7 of Schedule 4 of the Local Government Miscellaneous Provisions Act 1982 allows the Council to grant consent if it sees fit to do so.

Paragraph 7(4) allows the Council to attach such conditions as they consider reasonably necessary.

Paragraph 7(10) allows the Council to grant a consent for a period not exceeding 12 months

Paragraph 7(9) allows the Council to make the consent subject to conditions—

- (a) as to where the holder of the street trading consent may trade by virtue of the permission; and

- (b) as to the times between which or periods for which he may so trade.

Paragraph 7(5) allows the Council to attached conditions to prevent-

- (a) obstruction of the street or danger to persons using it; or

- (b) nuisance or annoyance (whether to persons using the street or otherwise).

Other than Judicial Review there is no statutory right of appeal against the Councils decision.

(ii) Risk Assessment

Not Applicable

(iii) Financial Implications

Not Applicable

(iv) Key Priorities or Corporate Aims

None identified

(v) Equality and Diversity

The licensing authority has consistently brought businesses of this nature before the licensing regulatory committee for decision and if approved, for the removal of condition number 12 on street trading consents.

(vi) Other Human Rights

Not Applicable

(vii) Health and Well-being Implications

Nil.

<b>LICENSING REGULATORY COMMITTEE</b>		<u>Part One</u> <b>(D)</b> <b>Agenda</b> <b>Item</b> <b>11</b>
<b>Date of Meeting:</b>	<b>23rd July, 2015</b>	
<b>Reporting Officer:</b>	<b>Senior Licensing Officer</b>	
<p><b>Title:    Application for Removal of a Condition on a Street Trading Consent</b></p> <p><b>Summary:</b></p> <p>The Licensing Authority has received an application for street trading consent for a mobile catering unit, to be sited on Ormsgill Lane.</p> <p>This requires members to approve the removal of a condition which restricts the time in which you can remain in a particular area.</p>		

## **1. Purpose of Report**

The Licensing Authority has received an application for a street trading consent from Mr Paul Wadsworth.

Mr Wadsworth's application is for a stationary catering van with the intention of selling fast food. Such trading contravenes a condition attached to street trading consents; the removal of this condition requires approval by members.

A copy of the map showing the area in which Mr Wadsworth has applied to trade is attached at **Appendix 3**.

## **2. Background**

Barrow Borough Council operates a consent scheme for street trading. Trading within the Borough is prohibited without obtaining the consent of the Council.

Consents are issued subject to a set of standard conditions and can be granted for a period not exceeding 12 months. Mr Wadsworth has applied for a 12 month Street Trading Consent.

Consents are renewable on the expiry of the licence period, unless a trader ceases to exist trading.

Upon application in writing to the Council, as required by Paragraph 7 of Schedule 4, the Council may grant consent if they think fit, and may attach such conditions to it as they consider reasonably necessary. These conditions are attached to this report at **Appendix 4**.

Condition number 12 states that:

*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.*

Members approval is needed to remove this condition from the street trading consent.

### **3. Representations**

As part of the application procedure the Licensing Authority consults with the Planning department, Trading Standards, Cumbria Constabulary and Cumbria Highways.

Representation was made by Jason Hipkiss, Development Services Manager via email on 22nd April, 2015. He states;

*If the intention is to trade for more than 28 days in any calendar year then prior planning consent for a change of use will be required. We would have to assess potential highway matters such as an increase in right turning traffic from vehicles heading south, and the possible impact upon any residential amenities arising from late night use.*

Further representation was made by Jason Hipkiss, Development Services Manager via email on 30th April, 2015. He states;

*The site appears to be within the public car park which is owned by Cumbria County Council and adopted under the Highways Act. Their permission to use the land in this manner will be needed. As the proposal relates to a mobile van, which should be removed at the end of the trading day, it does not require planning consent. A more permanent structure may however require formal consent under the Planning Acts.*

Martin Taylor from Cumbria Highways made representation via email on 2nd June, 2015;

*Cumbria highways do not approve any trading on the highway or its property. If we receive any reports of an obstruction we will ask the vehicle to be removed with assistance from the police.*

To clarify Mr Taylor's response, Cumbria Highways do not formally approve street trading consents; it is a function of the Borough.

Mr Wadsworth has been invited to attend Licensing Regulatory Committee to make a representation in support of his application.

#### 4. Options

Options available to members today are:

- a) Approve the removal of condition number 12 and grant the street trading consent;
- b) Refuse to remove condition number 12 and reject the application for street trading consent.

#### 5. Recommendation

It is the officers' recommendation that members **APPROVE** the removal of condition number 12, and grant the street trading consent for a period of 12 months.

#### 6. Reasons for Recommendation

I recommend that members **APPROVE** the removal of condition number 12, and grant the street trading consent for a period of 12 months for the following reasons:

- a) Paragraph 7 of Schedule 4 of the Local Government Miscellaneous Provisions) Act 1982 allows the Council to grant consent if it sees fit to do so. The Council may impose conditions upon the consent.
- b) Paragraph 7(10) allows the Council to grant a consent for a period not exceeding 12 months
- c) Mr Wadsworth has applied for street trading consent in a street that is not prohibited.
- d) The consent would not be subjected to any planning restrictions, as long as the catering unit was removed from the site at the end of each day.
- e) Cumbria Highways do not approve street trading consents on the highway or its property and will only take enforcement action if the catering unit is causing an obstruction.

#### 8. Considerations

(i) Legal Implications

The street in question has been designated by the Council as a consent street for street trading purposes under Part III and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.



Paragraph 7 of Schedule 4 of the Local Government Miscellaneous Provisions Act 1982 allows the Council to grant consent if it sees fit to do so.

Paragraph 7(4) allows the Council to attach such conditions as they consider reasonably necessary.

Paragraph 7(10) allows the Council to grant a consent for a period not exceeding 12 months.

This application has met the requirements set out in Schedule 4, Local Government (Miscellaneous Provisions) Act 1982.

Other than Judicial Review there is no statutory right of appeal against the Council's decision.

(ii) Risk Assessment

Not Applicable

(iii) Financial Implications

Not Applicable

(iv) Key Priorities or Corporate Aims

None identified

(v) Equality and Diversity

The licensing authority has consistently brought businesses of this nature before the licensing regulatory committee for decision for the removal of condition number 12 on street trading consents.

(vi) Other Human Rights

Not Applicable

(vii) Health and Well-being Implications

None identified

Background Papers

Nil.