

BOROUGH OF BARROW-IN-FURNESS

LICENSING COMMITTEE

Meeting, 3rd December, 2009
at 2.00 p.m.

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. Disclosure of Interests.

A Member with a personal interest in a matter to be considered at this meeting must either before the matter is discussed or when the interest becomes apparent disclose

1. ***The existence of that interest to the meeting.***
2. ***The nature of the interest.***
3. ***Decide whether they have a prejudicial interest.***

A note on declaring interests at meetings, which incorporates certain other aspects of the Code of Conduct and a pro-forma for completion where interests are disclosed accompanies the agenda and reports for this meeting.

5. Apologies for Absence/Attendance of Substitute Members.
6. To confirm the Minutes of the meeting held on 22nd October, 2009 and to note the Minutes of the Licensing Sub-Committee held on 2nd November, 2009 (copies attached).

Chief Environmental Health Officers' Reports

FOR DECISION

- (D) 1. Application for a Street Collection Permit – Dalton with Ireleth and Askam Festival Association – Variation to Policy.

RECOMMENDED PART TWO

- (D) 2. Private Hire Vehicle Driver.

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

- (D) 3. Application Hackney Carriage/Private Hire Vehicle Drivers Licence.

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

- (D) 4. Hackney Carriage Vehicle Driver.

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

- (D) 5. Private Hire Vehicle Driver.

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

Membership of Committee

Councillors

D. Roberts (Chairman)
Unwin (Vice Chairman)
Callister
English
Garnett
R Hamezeian
Irwin
James
Millar
Murray
Solloway
Stephenson

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BOROUGH OF BARROW-IN-FURNESS

LICENSING COMMITTEE

Meeting: 22nd October, 2009
at 2.00 p.m.

PRESENT:- Councillors D. Roberts (Chairman), Unwin (Vice-Chairman), Callister (Minute Nos. 37 and 41 only), English, Garnett, R. Hamezeian, Irwin, James, Millar and Solloway.

34 – The Local Government Act, 1972 as amended by the Local Government (Access to Information) Act, 1985 and Access to Information (Variation) Order 2006

Discussion arising hereon it was

RESOLVED:- That under Section 100A(4) of the Local Government Act, 1972 the public and press be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 2 and 7 (Minute Nos. 38, 39 and 40) of Part One of Schedule 12A of the said Act.

35 – Apologies for Absence/Attendance of Substitute Members

An apology for absence was received from Councillor Stephenson.

36 – Minutes

The Minutes of the meeting held on 10th September, 2009 were taken as read and confirmed and the Minutes of the Licensing Sub-Committee held on 30th September, 2009 had been submitted for Members' information and noted.

37 – Application for Variation to Caravan Site Licence – Caravan Sites and Control of Development Act 1960 – West Shore Park Road, Barrow-in-Furness

The Chief Environmental Health Officer submitted a report dealing with a request from Embra UK Limited to vary the Caravan Site Licence for West Shore Park site to allow a further five units on the site, increasing the number of caravans from 148 to 153. The units would be sited with appropriate separation distances as required by existing licence conditions. A copy of the letter of request and revised site plan had been appended to the report.

Of the five extra units, three were proposed to be positioned in the area where the shop and office unit were currently sited. The Chief Environmental Health Officer reported

that his understanding was there was no immediate intention to re-develop this area and may only go ahead if the shop unit was vacated and remained unoccupied for a period of time.

RESOLVED:- To approve the application to vary the Caravan Site Licence for West Shore Park Site increasing the number of caravans from 148 to 153.

38 – Application for Hackney Carriage/Private Hire Vehicle Drivers Licence

Referring to Minute No. 30 of the meeting held on 10th September, 2009 the Chief Environmental Health Officer re-submitted a report concerning an application he had received for a Hackney Carriage/Private Hire Vehicle Drivers Licence from Mr J. C. 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 had been notified that should he fail to attend the Committee on two occasions a decision may be made by the Committee in his absence.

The applicant had failed to attend today's meeting also.

RESOLVED:- To agree to refuse the application and advise the applicant to re-apply after December 2010.

39 – Private Hire Vehicle Driver

Referring to Minute No. 31 of the meeting held on 10th September, 2009 the Chief Environmental Health Officer re-submitted a report concerning Mr L. F. K. a Private Hire Vehicle Driver. 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 L. F. K. attended the meeting and addressed the Committee.

RESOLVED:- To agree to allow Mr L. F. K. to retain his Private Hire Vehicle Driver's Licence on the understanding that he received a written warning as to his future conduct.

40 – Private Hire Vehicle Driver

The Chief Environmental Health Officer reported on information concerning a Private Hire Vehicle Driver, Mr D. H. He submitted information which had been drawn to his attention regarding the driver and set out details of the Committee's policy regarding such matters.

Mr D. H. had been invited to attend today's meeting but had failed to do so.

RESOLVED:- To agree that consideration of this matter be deferred until the next meeting of the Committee and that the applicant be informed that should he fail to attend that meeting, a decision would be made the Committee in his absence.

REFERRED ITEMS

THE FOLLOWING MATTERS ARE REFERRED TO COUNCIL FOR DECISION

41 – Gambling Act 2005 – Review of Statement of Gambling Policy

The Chief Environmental Health Officer submitted a report updating Members on the review of the Council's Statement of Gambling Policy. Members had been requested to approve the document and refer the matter to a special Council meeting for adoption. A copy of the draft Statement of Gambling Policy together with details of amendments to the existing policy and the consultations received had been appended to the report.

It was noted that the majority of the amendments to the policy had resulted from changes in statutory guidance and regulations. Further guidance had been included concerning the protection of children from harm and the sub-division of premises for different activities.

A review of the policy had been carried out in partnership with the other five Cumbria Licensing Authorities. This was to ensure consistency and to assist businesses and responsible authorities to carry out their work.

The effective date of the policy to come into force was 31st January, 2010 with the document being published and advertised four weeks prior to that date. As the next scheduled Council meeting was not until 26th January, 2010 it would be necessary for the matter to be referred to a special meeting for approval.

RECOMMENDED:- That Members approve and adopt the revised Statement of Gambling Policy.

The meeting closed at 2.31 p.m.

LICENSING SUB-COMMITTEE

Meeting: 2nd November, 2009
at 3.00 p.m.

PRESENT:- Councillors D. Roberts (Chairman), Callister and James.

5 – Minutes

The Minutes of the meeting held on 30th September, 2009 were taken as read and confirmed.

6 – Application for a Premises Licence – Roa Island House, Piel Street, Roa Island, Barrow-in-Furness

The Chief Environmental Health Officer submitted a report concerning an application that had been made by Eden Retreat Limited (Registered Office, 66 Glenburnie Road, London) contact address – Conishead Grange, Court Road, Bardsea for a Premises Licence for Roa Island House, Piel Street, Barrow-in-Furness under the provisions of the Licensing Act 2003.

The application was to allow:-

1. Supply of alcohol on the premises from 1100 hours until 2300 hours Monday to Thursday, 1100 hours until 0100 hours Friday and Saturday and 1200 hours until 2300 hours on Sunday. On Bank Holidays until 0100 hours on Sundays;
2. Live music from 2000 hours until 2300 hours Monday to Thursday and 1900 hours until 0000 hours Friday to Sunday. On Bank Holidays until 0000 hours on Sundays; and
3. Recorded music, karaoke, provision of facilities for dancing from 2000 hours until 2300 hours Monday to Thursday, 1900 hours until 0000 hours Friday and Saturday and 1900 hours until 2300 hours on Sunday. On Bank Holidays until 0000 hours on Sundays.

It was noted that the applicant had agreed to move reference to karaoke from the application.

A copy of the application together with representations received had been appended to the report. The application had been advertised as required by statute for 28 days. The Chief Environmental Health Officer advised the Sub Committee that in accordance with the requirements of the Licensing Act 2003 the Responsible Authorities had been consulted on the application and that no representations had been made.

The applicant, Mr Fenton along with his solicitor, Ms Copeland addressed the Sub-Committee and answered questions by Members and objectors.

Objectors namely, Mrs Allen, Mr Freeman and Councillor R. Guselli also addressed the Sub-Committee and answered questions by Members and the applicants. The Chief Environmental Health Officer advised the Sub-Committee that he had received a written representation opposing the application from Mr Honeyman who had submitted apologies for today's meeting. This representation had been circulated to Members of the Sub-Committee for consideration.

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 involves the likely disclosure of exempt information as defined in Paragraph 6 of Part One of Schedule 12A of the said Act.

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

RESOLVED:- That the Sub-Committee approve the application as follows:-

1. Supply of alcohol on the premises from 1100 hours until 2300 hours Monday to Thursday, 1100 hours to 2345 hours Friday and Saturday and 1200 hours until 2300 hours on Sunday. On Bank Holidays until 2345 hours on Sundays;
2. Live music (limited to one performer only) from 2000 hours to 2300 hours Monday to Thursday and 1900 hours to 2330 hours Friday and Saturday and until 2300 hours on Sunday. On Bank Holidays until 2330 hours on Sunday; and
3. Recorded music (excluding karaoke) and the provision of facilities for dancing from 2000 hours until 2300 hours Monday to Thursday and 1900 hours until 2300 hours on Friday and Saturday and until 2300 hours on Sunday. On Bank Holidays until 2330 hours on Sundays.

The Sub-Committee arrived at this decision having heard representations from local residents and an Elected Representative who were concerned about the likely increase in public nuisance if the application was approved. The Sub-Committee had also heard evidence from the applicant that the licence application was intended to facilitate a modest expansion of the existing bed and breakfast business.

The meeting closed at 4.50 p.m.

Part One

LICENSING COMMITTEE	(D) Agenda Item 1
Date of Meeting: 3rd December, 2009	
Reporting Officer: Chief Environmental Health Officer	
Title: Application for a Street Collection Permit – Dalton with Ireleth and Askam Festival Association – Variation to Policy	
Summary and Conclusions:	
This report deals with a request to vary the Council's policy to allow a collection to take place on 24 th December, 2009 (Christmas Eve) which is a Thursday.	
Recommendation:	
That the Council's policy be varied to allow the collection to take place.	

Report

I have received an application for a street collection as follows:

Dalton with Ireleth and Askam Festival Association to hold a street collection on Thursday, 24th December, 2009 Christmas Eve between the hours of 5.45 p.m. and 7.30 p.m. on Market Street, Market Place, Dalton-in-Furness.

The Council's policy allows permits to be issued for collections on Friday and Saturday only. I would ask Members to consider varying the policy to allow the collection to take place.

Background Papers

Nil