

# **BOROUGH OF BARROW-IN-FURNESS**

## **LICENSING COMMITTEE**

Meeting, Thursday 20th June, 2013  
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. Questions on Notice

The Chairman to answer questions on any matter in relation to which the Council has powers or duties which affect the Borough and which fall within the terms of reference of the Licensing Committee where due notice has been given in accordance with Council Procedure Rules 10.3 and 10.4.

3. 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.

4. 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.

5. 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.

6. Apologies for Absence/Attendance of Substitute Members.

7. To confirm the Minutes of the meeting held on 21st March, 2013 (copies attached).

## **FOR DECISION**

### **Executive Director's Report**

- (D) 8. Appointments on Outside Panels, Working Groups etc.

### **Environmental Health Manager's Reports**

- (D) 9. European Market, Street Trading.
- (D) 10. Taxi Licensing Working Party – Actions to retain a viable Hackney Carriage rank based trade

## **PART TWO**

- (D) 11. Application for Private Hire Driver's 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### **NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006**

#### **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:**

Paula Westwood  
Democratic Services Officer (Member Support)  
Tel: 01229 876322  
Email: [pwestwood@barrowbc.gov.uk](mailto:pwestwood@barrowbc.gov.uk)

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# **BOROUGH OF BARROW-IN-FURNESS**

## **LICENSING COMMITTEE**

Meeting: 21st March, 2013  
at 2.00 p.m.

PRESENT:- Councillors Callister (Chairman), Irwin (Vice-Chairman), Biggins, Graham (Minute Nos. 59-64 only), Maddox, Pointer, Richardson, Roberts and Wall.

### **59 – 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 involve the likely disclosure of exempt information as defined in Paragraphs 2 and 7 (Minute Nos. 66-67) of Part One of Schedule 12A of the said Act.

### **60 – Declarations of Interest**

Councillor Graham declared an interest in Agenda Item No. 9 – Hackney Carriage Vehicle Driver (Minute No. 66) as she knew the applicant. She left the meeting during consideration of this item.

Councillor Maddox declared an interest in Agenda Item No. 8 – Wear a Hat Day – Street Trading (Minute No. 65) as she was involved in the event and would be judging the hat competition. She left the meeting during consideration of this item.

Councillor Pointer declared an interest in Agenda Item No. 8 – Wear a Hat Day – Street Trading (Minute No. 65) as the person who was in attendance was known to him.

Councillor Wall declared an interest in Agenda Item No. 8 – Wear a Hat Day – Street Trading (Minute No. 65) as she knew the applicant who was requiring the Street Trading Licence.

### **61 – Apologies for Absence/Attendance of Substitutes**

Apologies for absence were received from Councillors W. McClure, Pemberton and Seward.

Councillors Richardson and Pointer replaced Councillors Pemberton and Seward respectively for this meeting only.

## **62 – Minutes**

The Minutes of the meeting held on 7th February, 2013 were taken as read and confirmed.

## **63 – Licensing Sub-Committee Minutes**

The Minutes of the Licensing Sub-Committee held on 16th January, 2013 were noted.

## **64 – Appointment of Licensing Officer**

The Environmental Health Manager reported that following the resignation of Peter Davies from the post of Licensing Officer in February 2013, the Borough Council had sought to recruit an Officer to continue the effective partnership working with the licensing trade and other enforcement agencies that had developed during Peter's tenure in the post.

The Environmental Health Manager reported that Jennifer Curtis had been appointed as Licensing Officer with effect from 4th March, 2013. In order that Members had an opportunity to welcome Jennifer to the Borough Council she was in attendance at today's meeting.

The Licensing Committee welcomed Jennifer to the Borough Council.

RESOLVED:- That the information be noted.

## **65 – Wear a Hat Day – Street Trading**

The Environmental Health Manager reported that she had received an application for a Street Trading Consent from Mr A. Jackson of MMX Events to site the following amusements and food concessions on the Town Square outside Forum 28 on 30th March, 2013:-

- 1) 1 children's merry go round approximately 14' diameter;
- 2) 1 Burger Van; and
- 3) 1 Oriental Food Stall.

This would be part of the Wear a Hat Day event which was intended to raise money for the Brain Tumour Research Organisation.

Similar applications had been approved in the past subject to no adverse comments being received from consultees and subject to the attractions being sited in a position which was to their satisfaction.

A copy of the letter of application was attached as an appendix to the Environmental Health Manager's report. At the time of writing her report she had received no

comments from consultees, however at the meeting the Environmental Health Manager distributed an e-mail from the Town Centre Manager with regarding the application. In the e-mail she requested that Members consider the need for a “burger van” since there were food outlets already on the edge of the Square, namely the Forum, Tastebuds and Daddy’s Café within the Market. She added that whilst the fairground element of this event falls within the Council’s policy, the food outlets would only do so if they complemented existing businesses by offering something not readily available, e.g. fairground confectionary, donuts etc.

Mr Jackson, a representative of MMX Events attended the meeting to discuss the application with Members of the Committee.

It was also requested that the Committee waive the fee for the street trading consents which was currently £50.50 per item giving a total of £151.50.

**RESOLVED:-** (i) That the Environmental Health Manager be given delegated authority to issue Street Trading Consents for all the above-mentioned amusements and food concessions in the relevant part of Barrow Town Centre on 30th March, 2013 subject to the application being to the satisfaction of the Highways Authority and the emergency services; and

(ii) That the £151.50 fee be waived.

#### **66 – Hackney Carriage Vehicle Driver**

The Environmental Health Manager reported on information concerning a Hackney Carriage Vehicle Driver, Mr G. T. She submitted information which had been drawn to her attention concerning the driver and set out details of the Committee’s policy regarding such matters.

Mr G. T. along with a representative attended the meeting and addressed the Committee. A Police Representative was also present.

**RESOLVED:-** To agree that Mr G. T. should retain his Hackney Carriage Vehicle Driver’s Licence and a verbal warning be issued.

#### **67 – Hackney Carriage Vehicle Driver**

The Environmental Health Manager reported on information concerning a Hackney Carriage Vehicle Driver, Mr D. J. She submitted information which had been drawn to her attention concerning the driver and set out details of the Committee’s policy regarding such matters.

Mr D. J. had been invited to attend today’s meeting but had not done so. A Police representative was present.

It was moved and duly seconded that Mr D. J's licence be suspended until his renewal date which was 29th April, 2013 and then at that time if he wished to renew his licence his application should be brought to the Committee for consideration.

RESOLVED:- To agree that Mr D. J's licence be suspended until his renewal date (29th April, 2013) and then if he applied to renew his licence, his application should be brought to the Committee for consideration.

The meeting closed at 2.50 p.m.

<b>LICENSING COMMITTEE</b>		<b>Part One (D) Agenda Item 8</b>
<b>Date of Meeting:</b>	<b>20th June, 2013</b>	
<b>Reporting Officer:</b>	<b>Executive Director</b>	
<p><b>Title: Appointments on Outside Panels, Working Groups etc.</b></p> <p><b>Summary and Conclusions:</b></p> <p>The Council on 14th May, 2013 gave delegated authority to Committees to make appointments to Outside Bodies, Forums (excluding Housing Management Forum) Panels, Working Groups etc. in accordance with the number and allocation of seats to political groups agreed at the Meeting.</p> <p>In the case of the Licensing Committee this involved appointments to the Licensing Policy Consultation Working Group and the Taxi/Private Hire Liaison Group.</p> <p><b>Recommendation:</b></p> <p>To agree the appointments to the Licensing Policy Consultation Working Group and the Taxi/Private Hire Liaison Group.</p>		

**Report**

At the Annual Council meeting on 14th May, 2013 the allocation of seats in respect of Forums, Panels, Working Groups etc. were agreed. Delegated authority was given to the appropriate Committees to make the necessary appointments.

In the case of the Licensing Committee this involves the appointment of Members to:-

Licensing Policy Consultation Working Group

(Membership for 2012/2013 was Councillors Callister, Irwin, Opie and Pemberton).

Taxi/Private Hire Liaison Group

(Membership for 2012/2013 was Councillors Callister, Maddox and Roberts).

Taxi Licensing Working Party

(Membership for 2012/2013 was Councillors Callister, Irwin, Maddox and Roberts).

In accordance with proportionality rules, the notional seat allocations for 2013/2014 are as follows:-

- Licensing Policy Consultation Working Group – Four Seats (3 Labour: 1 Conservative)
- Taxi/Private Hire Liaison Group – Three Seats (2 Labour: 1 Conservative).
- Taxi Licensing Working Party – Four Seats (3 Labour: 1 Conservative).

Background Papers

Nil



<b>LICENSING COMMITTEE</b>	<b>(D) Agenda Item 9</b>
<b>Date of Meeting: 20th June, 2013</b>	
<b>Reporting Officer: Environmental Health Manager</b>	

**Title: European Market, Street Trading**

**Summary and Conclusions:**

This report deals with a proposal by European Gift Events to organise and promote a Continental Market in Barrow Town Centre on Dalton Road for a period of five days between the 6<sup>th</sup> to 10<sup>th</sup> August 2013 as a promotional and commercial venture to encourage shopping in Barrow. The report also suggests giving delegated authority to Officers to issue a Street Trading Consent subject to consultees being in agreement and their requirements met. A fee of £1,200 for the consent is suggested.

**Recommendation:**

That

1. Members agree in principle to the holding of a European Market on Dalton Road from 6th to 10th August.
  2. Delegated authority be given to Officers to issue Street Trading consents subject to consultees being in agreement and that their requirements are satisfied; and
- (iii) A fee of £1,200 be charged for the consent.

**Report**

The Council has been approached by European Gift Events with a proposal to organise a European Market in Barrow Town Centre between Tuesday 6th and Saturday 10th August, 2013.

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 period, 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 event 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

<b>LICENSING COMMITTEE</b>	<b>(D) Agenda Item 10</b>
<b>Date of Meeting: 20th June, 2013</b>	
<b>Reporting Officer: Environmental Health Manager</b>	
<b>Title: Taxi Licensing Working Party – Actions to retain a viable Hackney Carriage rank based trade</b>	
<b>Summary and Conclusions:</b>	
<p>This report details the outcome of a meeting of the Taxi Licensing Working Party which was set up on a task and finish basis to consider what actions could be taken to retain a viable Hackney Carriage rank based trade in Barrow. Members recommend that before taking any further action, the outcome of the Law Commission’s review into Hackney Carriage and Private Hire vehicle legislation should be awaited.</p>	
<b>Recommendation:</b>	
<p>That the Licensing Committee wait for the outcome of the Law Commission’s review into Hackney Carriage and Private Hire vehicle legislation, before considering making any changes that would affect the Hackney Carriage trade.</p>	

**Report**

A meeting of the Taxi Licensing Working Party was held on 10th May, 2013 to discuss a number of actions that could be implemented to retain a viable Hackney Carriage rank based trade as recommended in the Unmet Demand Survey carried out in the Borough during 2012.

During the meeting Members were mindful of the fact that the Law Commission is currently carrying out a comprehensive review of Hackney Carriage (taxi) and Private Hire vehicle legislation, at the Government’s request. To avoid making changes locally which could then be overturned by new national legislation, Members recommended that the Licensing Committee await the outcome of the Law Commission’s review before taking any action which would affect the Hackney Carriage trade.

**Background Papers**

Nil

