

BOROUGH OF BARROW-IN-FURNESS

LICENSING COMMITTEE

Meeting, 28th July, 2011
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 will be available at the meeting.

5. Apologies for Absence/Attendance of Substitute Members.
6. To confirm the Minutes of the meetings held on 23rd June, 2011 (copy attached).

Chief Environmental Health Officers' Reports

FOR DECISION

- (D) 7. Barrow Crime and Disorder Reduction Partnership.
- (D) 8. Street Trading Application

(D) 9. Application for Street Trading Consent – Town Centre.

RECOMMENDED PART TWO

(D) 10. Application for 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NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

Membership of Committee

Callister (Chairman)
Irwin (Vice Chairman)
Biggins
W McClure
Maddox
Opie
Pemberton
Preston
Roberts
Seward
C Thomson
Wall

For queries regarding this agenda, please contact:

Sharron Rushton
Democratic Services Officer
Tel: 01229 876321
Email: srushton@barrowbc.gov.uk

Published: 20th July, 2011

BOROUGH OF BARROW-IN-FURNESS

LICENSING COMMITTEE

Meeting: 23rd June, 2011
at 2.00 p.m.

PRESENT:- Councillors Callister (Chairman), Biggins, Irwin, Maddox, Opie, Pemberton, Preston, Richardson, Seward, C. Thomson and Wall.

12 – 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. 17 and 18) of Part One of Schedule 12A of the said Act.

13 – Apologies for Absence/Attendance of Substitute Members

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

Councillor Richardson had replaced Councillor Roberts for this meeting only.

14 – Minutes

The Minutes of the meeting held on 19th May, 2011 were taken as read and confirmed.

15 – Appointments on Outside Bodies, Panels, Working Groups etc

The Council on 17th May, 2011 had been requested to give 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 allocations of seats to political groups agreed at the meeting. In the case of the Licensing Committee this involved appointments to the Licensing Policy Consultation Working Group – 4 seats (3 Labour: 1 Conservative) and the Taxi/Private Hire Liaison Group – 3 seats (2 Labour: 1 Conservative).

RESOLVED:- To agree the appointments as follows:-

Licensing Policy Consultation Working Group – Councillors Callister, Irwin, Opie and Pemberton.

Taxi/Private Hire Liaison Group – Councillors Callister, Maddox and Roberts.

16 – Consideration of Applications for Hackney Carriage/Private Hire Vehicle Licences from Applicants who had Relevant Convictions for Minor Offences

The Chief Environmental Health Officer submitted a report requesting a review of the criteria for applications for Hackney Carriage/Private Hire Vehicle Drivers Licences being referred to Licensing Committee for consideration by Members.

Currently Officers have delegated authority to approve only applications which show no non-traffic related offences within the last five years and where applications show only one minor traffic offence had been committed within the last two years.

Attached to the report was a copy of the Council's policy concerning offences.

Members were requested to consider varying the current procedure and delegate authority to officers to approve applications from drivers with 6 or fewer penalty points endorsed on their DVLA licence within the last two years for speeding or other similar traffic offences.

It was also requested that Members considered delegating authority to officers to approve applications from applicants who had committed one isolated offence over the last 5 years and which had been dealt with by way of the issuing of a formal caution.

RESOLVED:- To agree that the Borough Council's procedure on the relevance of criminal convictions in respect of taxi applications be varied as follows:-

- (i) Officers are authorised to approve applications for Hackney Carriage/Private Hire Vehicle Drivers Licences where an isolated relevant offence of a minor nature such as drunkenness had been committed and been dealt with by the issuing of formal caution and;
- (ii) Officers are authorised to approve applications for Hackney Carriage/Private Hire Vehicle Drivers Licences from applicants who have no more than 6 penalty points endorsed on their driving licence within the last two years for traffic offences and do not have a poor history of driving standards.

17 – Application for a Hackney Carriage/Private Hire Vehicle Drivers Licence

The Chief Environmental Health Officer reported on an application he had received for a Hackney Carriage/Private Hire Vehicle Drivers Licence from Mr D. O. He submitted information which had been drawn to his attention concerning the applicant and set out details of the Committees policy regarding such matters.

Mr D. O. attended the meeting and addressed the Committee.

RESOLVED:- To agree to grant Mr D. O.'s application for a Hackney Carriage/Private Hire Vehicle Drivers Licence on the understanding that he received a severe written warning as to his future conduct and that he attend a Licensing Committee in 6 months time for a review of his criminal conviction history at that time.

18 - Application for a Hackney Carriage/Private Hire Vehicle Drivers Licence

Referring to Minute No. 7 of the meeting held on 19th May, 2011 the Chief Environmental Health Officer resubmitted a reported concerning an application he had received for a Hackney Carriage/Private Hire Vehicle Drivers Licence from Mr P. C.

Mr P. C. attended the meeting and addressed the Committee.

RESOLVED:- To agree that Mr P. C.'s application be refused on the grounds that he was not considered a fit and proper person to hold a licence due to his criminal conviction history and he be advised to reapply after September, 2013 should he remain free of further conviction at that time.

The meeting closed at 2.40 p.m..

LICENSING COMMITTEE	(D) Agenda Item 7
Date of Meeting: 28th July, 2011	
Reporting Officer: Chief Environmental Health Officer	
<p>Title: Barrow Crime and Disorder Reduction Partnership</p> <p>Summary and Conclusions:</p> <p>Cumbria Constabulary wish to invite Members of the Licensing Committee to experience at first hand the effective partnership working between the police and other agencies when patrolling Barrow Town Centre as part of their night-time economy management duties.</p> <p>Recommendation:</p> <p>That nominations to attend a night time patrol with officers from Barrow Police Station be forwarded to Sergeant John McIntosh at the earliest opportunity.</p>	

Report

I have been contacted by Sergeant John McIntosh of Barrow Police with an invitation for Members of the Licensing Committee to attend a patrol briefing followed by accompanied patrols with officers from Barrow Police Station to see at first hand the type of co-ordinated partnership working that is routinely undertaken to maintain effective health and safety for employees and customers of the night-time economy. Member of the Committee will also be given the opportunity to see the CCTV suite in operation.

In order for Members of the Licensing Committee to take advantage of the invitation whilst not disrupting the Police in their work I would advise that no more than 4 Members of the Committee should attend at any single evening patrol. Members attending will need to be available to attend a patrol briefing at approximately 9.00 p.m. on the appropriate evening as a preliminary to accompanying Police Officers around Barrow Town Centre.

Your nominations are requested.

Background Papers

Nil

LICENSING COMMITTEE	Part One (D) Agenda Item 8
Date of Meeting: 28th July, 2011	
Reporting Officer: Chief Environmental Health Officer	
<p>Title: Street Trading Application</p> <p>Summary and Conclusions:</p> <p>The report deals with an application for a Street Trading Consent from Taylors (Cumbria) Amusements in Dalton Road on the date of the Christmas lights switch on.</p> <p>Recommendation:</p> <p>That the application be approved subject to no adverse comments being received.</p>	

Report

I have received an application for a Street Trading Consent from Mr. O. Taylor of Taylors (Cumbria) Amusements to site the following amusements on Dalton Road near to Portland Walk or another site within the Town Centre area.

- 1) Kiosks 14' x 6' "Fun Sweets" selling only novelty sweets, candy floss and hot and cold drinks;
- 2) Side stall 8' x 4' fairground prize game, everyone gets a prize; and
- 3) 2 x kiddie carousels 14' diameter.

Similar applications have 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 is to their satisfaction.

A copy of the letter of application is attached to this report at **Appendix 1**.

At the time of writing the report I have received no comments from consultees.

Background Papers

Nil

LICENSING COMMITTEE		Part One (D) Agenda Item 9
Date of Meeting: 28th July, 2011		
Reporting Officer: Chief Environmental Health Officer		
<p>Title: Application for Street Trading Consent – Town Centre</p> <p>Summary and Conclusions:</p> <p>This report deals with an application from Mr Behagg for a Street Trading consent to operate an ice-cream pedal cycle in the Town Centre. The Town Centre Street Trading policy is outlined in the body of the report as are responses to consultation.</p> <p>Recommendation:</p> <p>That the application be approved subject to no objections being received from the Highways Authority.</p>		

Report

I have received a letter of application for a Street Trading consent to operate a specialist pedal cycle in the town centre selling ice cream. The application is from Mr Stephen Behagg, T/A SB Wallpapers, 217-219 Rawlinson Street, Barrow-in-Furness (a copy of the letter and accompanying information is attached at **Appendix 2**).

Street Trading in the town centre is prohibited other at three dedicated sites and then only with special permission from the Licensing Committee.

The general criteria for allowing street trading within the town centre are that the proposed trading should satisfy one of more of the following conditions:-

- 1) Attract more people to the Town Centre.
- 2) Enhance the street scene.
- 3) Provide entertainment.
- 4) Complement existing businesses.

The Town Centre Manager considers that the application meets the above criteria and that the business would enhance the street scene and complement existing businesses. (A copy of the Town Centre Managers comments are attached at **Appendix 3** to this report).

At the time of writing the report I have not received clarification from the Highways Authority whether they are agreeable to the application or not.

I would ask Members to approve the application allowing the ice cream cycle to trade within the town centre area subject to the Highway Authority raising any objection to the proposal. There is currently a Prohibition of Cycling Order for parts of Dalton Road where it would be necessary for the cycle not to be ridden.

Mr Behagg and/or his representatives have been invited to today's meeting to discuss the matter with Members.

Background Papers

Nil