

BOROUGH OF BARROW-IN-FURNESS

LICENSING COMMITTEE

Meeting, 30th July, 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 18th June, 2009 (copy attached).

Chief Environmental Health Officers' Reports

FOR DECISION

- (D) 1. Street Trading Application

(D) 2. Application for Street Trading Consent – Town Square – French/Continental Market.

(D) 3. Review of Statement of Licensing Policy for the Gambling Act 2005.

RECOMMENDED PART TWO

(D) 4. Request for Review of Conditions relating to Street Trading Consents.

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 3 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

(D) 5. Application for Hackney Carriage/Private Hire Vehicle Drivers Licence.

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

(D) 6. Application for Hackney Carriage/Private Hire Vehicle Drivers Licence.

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

(D) 7. Application for Hackney Carriage/Private Hire Vehicle Drivers Licence.

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

(D) 8. Application for Hackney Carriage/Private Hire Vehicle Drivers Licence.

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12 A 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

For queries regarding this agenda, please contact:

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

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BOROUGH OF BARROW-IN-FURNESS

LICENSING COMMITTEE

Meeting: 18th June, 2009
at 2.00 p.m.

PRESENT:- Councillors Unwin (Vice-Chairman), Callister, Garnett, James, McClure, McEwan, Millar and Stephenson.

1 – 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. 9-11) of Part One of Schedule 12A of the said Act.

2 – Disclosure of Interest

Councillor Callister declared a personal interest in Agenda Item 3 – Application for Street Collection Permit – North Walney Tenants and Residents Association (Minute No. 7) as he was a Councillor for North Walney.

Councillor McClure declared a personal interest in Agenda Item 2 – Application for Grant of Licence authorising the keeping of a Dog Breeding Establishment – ‘Happy House’ 33 Thorncliffe Road, Barrow-in-Furness (Minute No. 6) as the applicant to known to him.

Councillor Stephenson declared a personal and prejudicial interest in Agenda Item 2 – Application for Grant of Licence authorising the keeping of a Dog Breeding Establishment – ‘Happy House’ 33 Thorncliffe Road, Barrow-in-Furness (Minute No. 6) as he lived in the neighbouring property.

3 – Apologies for Absence/Attendance of Substitute Members

Apologies for absence were received from Councillors English, R. Hamezeian, Irwin, and D. Roberts (Chairman).

Councillor McEwan had attended as a substitute for Councillor R. Hamezeian.

4 – Minutes

The Minutes of the meeting held on 27th April, 2009 were taken as read and confirmed.

5 – Appointments on Outside Bodies, Panels, Working Groups etc.

The Council on 12th May, 2009 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 allocation of seats to political groups agreed at that meeting.

In the case of the Licensing Committee this involved appointments to the Licensing Policy Consultation Working Group – 4 seats (2 Conservative: 1 Labour: 1 Socialist Peoples Party) and the Taxi/Private Hire Liaison Group – 3 seats (1 Conservative: 1 Independent: 1 Barrow Borough Independent).

Members had been requested to note that in order to maintain proportionality, the Independent Group had agreed to forego their seat on the Taxi/Private Hire Liaison Group.

RESOLVED:- To agree the appointments as follows:-

Licensing Policy Consultation Working Group – Councillors English, James, Irwin and R. Hamezeian.

Taxi/Private Hire Liaison Group – Councillors D. Roberts and Millar.

6 – Application for Grant of Licence authorising the keeping of a Dog Breeding Establishment – ‘Happy House’ 33 Thorncliffe Road, Barrow-in-Furness

The Chief Environmental Health Officer submitted a report advising Members that he had received an application for a licence authorising the keeping of a Dog Breeding Establishment at ‘Happy House’ 33 Thorncliffe Road, Barrow-in-Furness from Jane Baker.

The relevant legislation relating to this type of activity was the Breeding of Dogs Act 1973 which required a licence in situations where the business of breeding dogs for sale was carried out and that the scale of the breeding activity was such that a licence would be necessary to regulate breeding activity on the premises. The Chief Environmental Health Officer reported that he was satisfied that the need for a licence had been justified in this case as the application passed both of the relevant tests required by the Act of 1973.

He reported that the applicant advertised the sale of dogs on a website dedicated to the specific premises and in terms of the scale of breeding activity, there were currently eight breeding bitches on the premises. He further reported that before an application

could be considered, an inspection needed to be undertaken by a professional competent authority; in this case Church Walk Veterinary Centre, Ulverston had undertaken an inspection on behalf of the Council to ascertain if welfare provisions met the necessary standards. A copy of the welfare report conducted by the Church Walk Veterinary Centre had been appended to the report for Members' information. The vet who had undertaken the report had made two recommendations; one recommending an isolation area exclusively for the use of sick animals to minimise the impact of disease or infection within the establishment, and the other recommending that a comprehensive record keeping system be established.

The Chief Environmental Health Officer recommended that Members grant the licence subject to the Veterinary Centre's recommendations being implemented.

Mr Reid, the applicant's partner had attended the meeting and addressed the Committee.

RESOLVED:- To agree to grant the application subject to the following conditions:-

- (i) That an isolation area be designated for the exclusive use of sick animals to minimise the impact of disease or infection within the establishment; and
- (ii) That a comprehensive record keeping system be established to register all bitches in the establishment, their ages, dates of heat period, mating and whelping.

7 – Application for Street Collection Permit – North Walney Tenants and Residents Association

The Chief Environmental Health Officer submitted a report concerning an application he had received for a Street Collection Permit from Tony Slater on behalf of North Walney Tenants and Residents Association for a collection to be held on Sunday 28th June, 2009 from 12.30 p.m. to 4.30 p.m. The collection was a fund raising activity as part of Walney Carnival.

The Chief Environmental Health Officer reminded Members that he had delegated authority to deal with Street Collection Permit applications on Friday and Saturdays only and as this application was for an annual charitable event held locally on a Sunday, he suggested that the application be approved and that he be delegated authority to approve similar applications in future years.

RESOLVED:- (i) To agree to grant the application for a Street Collection Permit for Sunday 28th June, 2009; and

(ii) To agree to delegate authority to the Chief Environmental Health Officer to deal with any similar applications submitted by North Walney Tenants and Residents Association in future years.

8 – Application for Street Collection Permit – The Royal British Legion

The Chief Environmental Health Officer submitted a report concerning an application he had received for a Street Collection Permit for 2010 from Mr Thompson of The Royal British Legion.

The request was to allow a Street Collection Permit for The Royal British Legion for two consecutive days, Friday 12th and Saturday 13th November, 2010.

The Chief Environmental Health Officer advised Members that the current policy was that charitable organisations be granted a permit for one day only each year. He had therefore recommended in his report that the application be approved for a collection on Saturday 13th November, 2010 only.

A Member had suggested that it would be more appropriate to issue the Collection Permit on Saturday 6th November, 2010 (before Remembrance Sunday). The Committee had been in agreement with this.

RESOLVED:- That the application be approved for a Street Collection Permit to be issued for Saturday 6th November, 2010 only.

9 – Application for 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 M. I. M. 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 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.

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

Referring to Minute No. 94 of the meeting held on 27th April, 2009 the Chief Environmental Health Officer resubmitted a report concerning an application he had received for a Hackney Carriage/Private Hire Vehicle Drivers Licence from Mr D. T. McG. 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.

It was moved by Councillor Callister and seconded by Councillor McEwan that the application be granted, this was voted upon and declared lost.

It was further moved by Councillor Millar and seconded by Councillor James that the applicant should be given a further opportunity to attend the Committee and be informed that should he fail to attend on that occasion his application would be refused. This was voted upon and declared carried, and it was

RESOLVED:- To agree to re-invite Mr D. T. McG. to the next meeting of the Committee and inform him that should he fail to attend that meeting his application would be refused.

11 – Withdrawn Item – Hackney Carriage Driver

The Chief Environmental Health Officer had submitted a report concerning information which had been drawn to his attention regarding Mr B. M. E., a Hackney Carriage Driver. It was noted however, that this matter had been dealt with at the meeting of the Committee on 22nd May, 2008 (Minute No. 9 refers) and therefore it had been withdrawn from today's Agenda.

The meeting closed at 2.34 p.m.

		Part One
LICENSING COMMITTEE		(D) Agenda Item 1
Date of Meeting:	30th July, 2009	
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 to site amusements in Dalton Road on the date of the Christmas lights switch on.</p> <p>Recommendations:</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 on the day of the switching on of the Christmas lights.

Mr Taylor has indicated that they may consider re-siting in front of the Town Hall if the Town Centre Manager was agreeable.

- i) Kiosk 14' x 6' "Fun Sweets" selling only novelty sweets, candy floss and hot and cold drinks;
- ii) Side stall 8' x 4' fairground prize game, everyone gets a prize; and
- (iii) 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	(D) Agenda Item 2
Date of Meeting: 30th July, 2009	
Reporting Officer: Chief Environmental Health Officer	
Title: Application for Street Trading Consent – Town Square French/Continental Market	
Summary and Conclusions:	
This report deals with an application for a Street Trading Consent to run a French/Continental Market in the Town Square.	
Recommendation:	
That Members agree in principle to the issue of a Street Trading Consent and I be delegated authority to issue a Street Trading Consent subject to no adverse representations being received from consultees and appropriate arrangements being put in place.	

Report

I have received an application for permission to hold a French/Continental market in the Town Square on 11th to 13th September from Mr. Glen Dudley of Hove, Brighton, East Sussex.

At the time of writing the report I have not received comments from consultees. Similar markets have been held in the Town Square and have been well received.

I would ask Members to agree in principle with the proposal and delegate authority to me to issue a Street Trading Consent subject to no adverse representations being received from consultees and appropriate arrangements being put in place.

The consent would be issued subject to all documentation required by the consultees being provided by the applicant.

Background Papers

Nil

LICENSING COMMITTEE	(D) Agenda Item 3
Date of Meeting: 30th July, 2009	
Reporting Officer: Chief Environmental Health Officer	
Title: Review of Statement of Licensing Policy for the Gambling Act 2005	
Summary and Conclusions:	
This report informs Members of arrangements for carrying out a review of the Council's Statement of Licensing Policy for the Gambling Act 2005.	
Recommendation:	
That Members note the information.	

Report

Section 439 of the Gambling Act 2005 requires all Licensing Authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during the three year period to which the policy applies.

The Council's current policy was published in December, 2006 and is now due for review. Statutory guidance requires the reviewed policy to be published by 31st January, 2010.

All Cumbrian Authorities worked in partnership in preparing the original statement of licensing policy and the Council's have continued to work together to share best practice in an effort to ensure, so far as practicable, considering of approach across Cumbria and have drawn up a draft Statement of Licensing Policy for the Gambling Act 2005 which takes into account changes in guidance and legislation since the original statement was produced.

Part of the review process requires Licensing Authorities to consult with various bodies and interested parties. Cumbrian Authorities are consulting centrally with bodies which are common to all authorities and on a local basis where appropriate.

Members will be kept informed of developments regarding the consultation on the review of Statement of Licensing Policy for the Gambling Act 2005 over the coming months. It will be necessary for any changes to the current policy to be approved by Council.

For Members information copies of the Borough Council Draft Statement of Licensing Policy for the Gambling Act 2005 will be placed in the Members' Room.

Background Papers

Copy of Draft Statement of Licensing Policy for the Gambling Act 2005 and Summary of Amendments.