

BOROUGH OF BARROW-IN-FURNESS

LICENSING COMMITTEE

Meeting, Thursday 21st March, 2013
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. 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.
5. Apologies for Absence/Attendance of Substitute Members.
6. To confirm the Minutes of the meeting held on 7th February, 2013 and to note the Minutes of the Licensing Sub-Committees held on 16th January, 2013 (copies attached).

FOR DECISION

Environmental Health Manager's Reports

- (D) 7. Appointment of Licensing Officer.
- (D) 8. Wear a Hat Day, Street Trading.

PART TWO

- (D) 9. 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NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006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) 10. 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NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

Membership of Committee

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

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BOROUGH OF BARROW-IN-FURNESS

LICENSING COMMITTEE

Meeting: 7th February, 2013
at 2.00 p.m.

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

51 – 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. 56-58) of Part One of Schedule 12A of the said Act.

52 – Apologies for Absence/Attendance of Substitute Members

An apology for absence was received from Councillor Roberts.

Councillor Richardson had attended as a substitute for Councillor Roberts for this meeting only.

53 – Minutes

The Minutes of the meeting held on 3rd January, 2013 were taken as read and confirmed.

54 – European Market, Street Trading

The Environmental Health Manager submitted a report regarding a proposal by European Gift Events to organise and promote a Continental Market in Barrow Town Centre on Dalton Road for a period of four days between 1st and 4th May, 2013 as a promotional and commercial venture to encourage shopping in Barrow.

The Market would comprise of ten Traders which would be selling a variety of goods such as English glass and china, Turkish jewellery, Italian biscuits, olives, Egyptian textiles, picture palace, cosmetics, therapy bracelets, fudge factory, pet beds, South American clothing and crafts.

The Environmental Health Manager had requested that she be given delegated authority to issue street trading consents in the Town Centre for the relevant period, subject to details being negotiated by the Town Centre and Festivals Manager and precise stall locations being agreed in consultation with the Highway Authority and Emergency Services.

It was noted that the Town Centre and Festivals Manager already held a premises licence for Barrow Town Centre and therefore Members were only dealing with the street trading aspects of the event.

The Environmental Health Manager advised Members that the application was consistent the Council's Policy on street trading whereby it would attract more people to the town and it would complement existing business.

RESOLVED:- (i) To agree in principle to the holding of a Continental Market on Dalton Road from 1st to 4th May, 2013;

(ii) To agree that delegated authority be given to Officers to issue Street Trading consents subject to consultees being in agreement and that their requirements be satisfied; and

(iii) To agree that a fee of £1200 be charged for the consent.

55 – South Cumbria and Furness International Festival of Food 8th and 9th June, 2013

The Environmental Health Manager reported that the Council at the request of Barrow Traders' Association proposed to hold a food festival in Barrow Town Centre on 8th and 9th June, 2013.

The festival would have two main elements, namely:-

1. The installation of a Marquee on the Town Square to host cookery demonstrations by Celebrity Chefs. The Chefs would give demonstrations which would be ticketed, a ticketed session would feature two Chefs each cooking for 40 minutes and there would be three sessions per day on Saturday 8th and Sunday 9th June and signed books would be sold; and
2. Trade stands and food stalls would be sited along Dalton Road and Portland Walk and would feature specialist food producers and outlets. These would be either gazebos or specialist catering vehicles.

The Town Centre and Festivals Manager attended the meeting to address the Committee. She advised that she was keen that the local community embraced the Festival which offered the opportunity for local shops and suppliers to engage with the Festival, for example a local pub could have a real ale festival that weekend and a café

could put a festival dish on its menu etc. She reported that the line-up of Celebrity Chefs participating in the event which would be known as “Foodie Fest” included:-

- Alan Coxon (Birmingham to Bombay);
- Simon Rimmer (Sunday Brunch and Something for the Weekend);
- Chef Ooy (No. 1 Thai Chef in UK);
- Andrew Nutter (Nutter’s Restaurant and Sky Food Network);
- Sean Wilson (Saddleworth Cheese Company, the Great Northern Cookbook; formerly Martin Platt of Coronation Street);
- Peter Sidwell (Lakes on a Plate and Britain’s Best Bakery);
- Jean Christophe Novelli (Hell’s Kitchen); and
- Norman Musa (Lotus Formula 1 Touring Chef 2010 Series and Britain’s leading Malaysian Chef and owner of the Ning Restaurant, Manchester).

It was noted that the Town Centre and Festivals Manager already held a premises licence for Barrow Town Centre and therefore Members would only be dealing with the street trading aspects of the event.

The Environmental Health Manager advised Members that the application was consistent with the Council’s policy on street trading whereby it would attract more people to the town, provide entertainment and complement existing business.

RESOLVED:- To agree that the Town Centre and Festivals Manager, subject to the agreement of the County Highway Authority and the Emergency Services, be granted a Street Trading Consent for the South Cumbria and Furness International Festival of Food (Foodie Fest) on 8th and 9th June, 2013 and that she be given delegated authority to allocate stalls on Dalton Road, Portland Walk and the Town Square.

56 – Application for Private Hire Driver’s Licence

The Environmental Health Manager reported on an application she had received for a Private Hire Vehicle Driver’s Licence from Mr C. McG. S. She submitted information which had been drawn to her attention concerning the applicant and set out details of the Committee’s policy regarding such matters.

The applicant attended the meeting and addressed the Committee. A Police Representative was also present.

It was moved by Councillor Richardson and seconded by Councillor Biggins that the application be granted subject to a severe written warning. This was voted upon and declared lost.

It was further moved by Councillor Maddox and seconded by Councillor Thomson that the application be refused and that the applicant should reapply after May 2014. This was voted upon, and

RESOLVED:- That the application from Mr C. McG. S. for a Private Hire Vehicle Driver's Licence be refused but he be informed that the Committee would reconsider his application after May 2014 if he wished to reapply at that time. Mr C. McG. S was also advised that he may lodge an appeal against the Committee's decision in the Magistrates' Court within 21 days.

57 – Application for Private Hire Driver's Licence

The Environmental Health Manager reported on an application she had received for a Private Hire Vehicle Driver's Licence from Mr R. M. She submitted information which had been drawn to her attention concerning the applicant and set out details of the Committee's policy regarding such matters.

The applicant attended the meeting and addressed the Committee. A Police Representative was also present.

RESOLVED:- That the application for a Private Hire Vehicle Driver's Licence from Mr R. M. be approved and a severe written warning be issued.

58 – Private Hire Vehicle Driver

The Environmental Health Manager reported on information concerning a Private Hire Vehicle Driver, Ms S. J. M. 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.

Ms S. J. M. attended the meeting and addressed the Committee. A Police Representative was also present.

RESOLVED:- To agree that Ms S. J. M. should retain her Private Hire Vehicle Driver's Licence and a verbal warning be issued.

The meeting closed at 2.50 p.m.

LICENSING SUB-COMMITTEE

Meeting: 16th January, 2013
at 10.00 a.m.

PRESENT:- Councillors Callister (Chairman), Irwin and Pemberton.

20 – 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 item of business on the grounds it involved the likely disclosure of exempt information as defined in Paragraph 7 (Minute No. 22) of Part One of Schedule 12A of the said Act.

21 – Minutes

The Minutes of the meeting held on 10th December, 2012 were taken as read and confirmed.

22 – Application to Transfer Designated Premises Supervisor – Licensing Act 2003

The Environmental Health Manager submitted a report concerning an application for Transfer of Designated Premises Supervisor from Mr M. W. under the requirements of the Licensing Act 2003.

The Environmental Health Manager informed the Sub-Committee that the Police Authority had issued an objection notice concerning the application. A copy of the application together with a copy of the notice of objection had been appended to the report. The Police Authority had amended their notice of objection and copies had been supplied to all parties prior to the meeting.

The Environmental Health Manager had also attached paragraphs of guidance issued under Section 182 of the Licensing Act 2003 which were particularly relevant for Members when making a decision concerning this application. She also referred to Paragraphs of the Council's current Licensing Policy to assist Members in their decision making.

The applicant Mr M. W. attended the meeting and addressed the Sub-Committee and answered questions by Members. Representatives from the Police Authority also addressed the Sub-Committee and answered questions by Members and the applicant.

Following the representations, both parties gave closing statements.

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 involved 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:- The Sub-Committee considered the application from Mr M. W. and listened to both parties submissions very carefully and its decision was as follows:-

That the application to Transfer Designated Premises Supervisor be agreed for the following reasons:-

1. The Sub-Committee took the applicant's convictions very seriously and showed concern that this didn't happen in future and stated that the applicant would need to address these issues. However, as a Sub-Committee, Members were aware that the Courts had dealt with the applicant's previous convictions and they had taken the decision to suspend the applicant's Personal Licence for 21 days but decided against removing it.
2. Although the applicant had a number of convictions, the premises had been clear of crime and disorder for a substantial period of time, therefore the Sub-Committee did not believe that there were exceptional circumstances that would undermine the crime prevention objective.

The Sub-Committee had referenced this to Paragraph 4.62 of the National Guidance issued under Section 182 of the Licensing Act 2003.

The Chairman confirmed that the Licensing Authority would write to all parties concerning the decision within 5 working days. He added that if any party was aggrieved by the decision they had the right of appeal to the Magistrates' Court within 21 days of the decision being made.

The meeting closed at 11.09 a.m.

LICENSING COMMITTEE		Part One
Date of Meeting: 21st March, 2013		(D)
Reporting Officer: Environmental Health Manager		Agenda Item 7
<p>Title: Appointment of Licensing Officer</p> <p>Summary and Conclusions:</p> <p>This report details the appointment of Jennifer Curtis as Licensing Officer effective from 4th March, 2013</p> <p>Recommendation:</p> <p>That the information be noted.</p>		

Report

Members will be aware that following the resignation of Peter Davies, from the post of Licensing Officer in February 2013, the Borough Council 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.

I can now report that Jennifer Curtis has been appointed as Licensing Officer effective from 4th March, 2013.

Jennifer was previously employed as a Recreation Assistant/Duty Officer at the Park Leisure Centre and has experience in the private sector service industry as Manager of a play area within a local licensed premise. In the short length of time that Jennifer has been in post she has made very effective links with colleagues from other partner agencies such as the Police Authority.

In order that Members have an opportunity to welcome Jennifer to the Borough Council I have agreed with the Chairman of the Committee to invite Jennifer to attend the meeting today.

Background Papers

Nil

LICENSING COMMITTEE		Part One
Date of Meeting: 21st March, 2013		(D)
Reporting Officer: Environmental Health Manager		Agenda Item 8
<p>Title: Wear a Hat Day, Street Trading</p> <p>Summary and Conclusions:</p> <p>This report deals with a proposal by MMX Events to promote Wear a Hat Day on 30th March, 2013 in Barrow Town Centre as a means of raising money for the Brain Tumour Research Organisation.</p> <p>Recommendation:</p> <p>That I be delegated authority to issue Street Trading Consents in the relevant part of Barrow Town Centre for 30th March, 2013 subject to the application being to the satisfaction of the Town Centre Manager, the Highways Authority and the emergency services.</p>		

Report

I have 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.

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

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

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 as **Appendix A**. At the time of writing this report I have received no comments from consultees.

A representative of MMX Events has been invited to the meeting today to discuss the application with Members of the Committee. I am aware that MMX Events intend to ask the Committee to waive the fee for the street trading consents which is currently £50.50 per item giving a total of £151.50.

Background Papers

Nil

APPENDIX A

Wear a Hat Day 30th March 2013

Letter to accompany the Trading application dated 11/03/2013

Dear Licencing,

The Trading letter attached is to cover a charity event being organised by Tracy Wells.

There are a number of activities on the day but most of these are happening inside Forum which has been booked for the occasion. Outside however, it is envisaged that a 2 hour Zumbathon will happen between 1100 and 1300 and during the afternoon, The Mayor and Baroness Riley will be judging hats worn by attendees. These will then be entered into a final draw which will be presented by Mrs Hughes (Emlyn Hughes Widow)

There is, as you may imagine, no budget and all monies raised will go to the Brain Tumour Research organisation.

I have been asked to provide Health & Safety and Event Management for the day and in order to cover my discounted fees, Tracy suggested I arranged concessions for the event and use the fees from this. Anything over the fee would be put towards the charity.

The concessions intended are a small fairground, John and Ooy oriental, and one other food concession that is locally based but will not compete with the café across the road (hopefully)

Therefore, as a request, I would ask if it is possible to waive the trading fee for this event please?

NB, Public Liability for this event is pending completion of the up to date information I am providing to the insurers and will be in place and evidenced before this event.

I look forward to your communication in regards to this matter

Kind Regards

Alan Jackson

07879 646881