

BOROUGH OF BARROW-IN-FURNESS
LICENSING REGULATORY COMMITTEE

Meeting: Wednesday, 20th April, 2022
at 2.00 pm (Drawing Room)

A G E N D A

PART ONE

1. Apologies for Absence/Attendance of Substitute Members.

2. Urgent Items

To deal with any items which the Chair considers to be of an urgent nature.

3. Delegations

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. Minutes

5 - 8

To confirm the Minutes of the meeting held on 3rd March, 2022.

7. Public Participation

Any member of the public who wishes to ask a question, make representations or present a deputation or petition at this meeting should apply to do so by no later than 5pm two working days before the meeting. Information on how make a the application can be obtained by viewing the Council's website www.barrowbc.gov.uk or by contacting the Licensing Team at commercial@barrowbc.gov.uk or by telephone on 01229 876545.

(1) Questions and Representations

To receive any questions or representations which have been received from members of the public.

(2) Deputations and Petitions

To receive any deputations or petitions which have been received from members of the public.

FOR DECISION

(D) 8. Street Trading - Jubilee Celebrations

9 - 14

To consider the proposal to relax the need for individuals to obtain a street trading consent during the Queens Platinum Jubilee Celebrations only, on dates 2nd, 3rd, 4th and 5th June 2022.

NOTE (D) – Delegated
(R) – For Referral to Council

Membership of Committee

Councillors Callister (Chairman)
McEwan (Vice-Chair)
Assouad
Barlow
Biggins
Gawne
Hall
Maddox
W. McClure
Mcleavy
Seward
Wall

For queries regarding this agenda, please contact:

Sandra Kemsley

Democratic Services Officer

01229 876336

spkemsley@barrowbc.gov.uk

Published: Thursday, 7 April 2022

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LICENSING REGULATORY COMMITTEE

Meeting: Thursday 3rd March, 2022
at 2.00 pm. (Banqueting Hall)

PRESENT:- Councillors McEwan (Vice-Chair), Assouad, Barlow, Biggins, Gawne, Hall, McLeavy, Maddox, Seward and Wall.

Officers Present:- Katherine Benson (Licensing Officer) and Sandra Kemsley (Democratic Services Officer).

23 – Apologies for Absence

Apologies for absence had been received from Councillors Callister and McClure.

24 – Minutes

The Minutes of the meeting held on 9th December, 2021 were taken as read and confirmed.

25 – Public Participation

RESOLVED:- To note that no questions, representations, deputations or petitions had been received in respect of the meeting.

26 – Licensing Delegated Decisions (1st September 2021 to 31st January 2022)

The Licensing Officer presented a report of the Public Protection Managers delegated decisions made under Part 3(2), Section E of the Constitution, Scheme of Delegations to Officer with regard to the Councils Licensing functions.

The table summarises the delegated decision made between 1st September 2021 and 31st January 2022 and included those already reviewed by the Director of People and place, the Head of Legal and Governance and the Chair of Licensing Regulatory Committee.

Hackney Carriage and Private Hire Driver Licences (Granted / Renewed):	20
Refused	1
Suspended (DBS Expired)	3
Suspended (Licence Expired)	4
Suspended (Medical Expired)	3
Hackney Carriage and Private Hire Vehicle Licences (Granted/ Renewed incl. Change of Vehicles and Transfers):	124
Suspended (Missed Vehicle Test):	53
Suspended (Licence Expired):	22

Private Hire Operators Licence: (Granted / Renewed)	3
Animal Welfare	
Dog Breeding Establishment Licence	1
Providing Boarding in Catteries for Cats	1
House to House / Pub to Pub Collections & Street Collections Permits (Granted):	9
Registered Lottery (Granted/Renewed):	18
Premises Licence (Gambling Act 2005) (Granted):	1
Personal Licence (Licensing Act 2003) (Granted):	5
Premises Licence (Licensing Act 2003) (Granted):	1
Temporary Event Notices (Licensing Act 2003) (Acknowledged):	20
Pavement Licences (Granted / Renewed):	9
Street Trading (Granted / Renewed)	1
Scrap Metal Site Licence	1
Treatment Registrations (Personal)	5
Treatment Registrations (Premises)	1

In most cases where licences had been suspended or revoked there was a legal provision enabling applicants to appeal those decisions; of those delegated decisions above, no appeals had been received.

Barrow Rugby Football Club – Licensing Appeal

Following an appeal by the Club against the decision of the Licensing Sub-Committee on 9 September 2021, the appeal was subsequently resolved by agreement between the parties and Order from the Magistrates Court on 12 January 2022. Members of the Sub-Committee had been consulted on this. The appeal related to the additional conditions imposed re: hours of operation and provision of SIA doorstaff. Since the Sub-Committee decision, a noise report had been produced, and a Sound Management Plan drawn up and agreed with Officers.

As a result of the negotiations between the parties, an agreement had been reached by consent through the Court. The outcome being that the appeal was allowed to the extent that it rescinded the hours restricted and varied the conditions with regards to SIA staff to require them to be deployed at such times and in such numbers as shall be determined by a risk assessment conducted by the premises, such assessments, together with the register of persons employed as door staff, to be made available to the licensing authority on reasonable request.

The provision for a noise report was removed following its receipt, and condition with regards to noise was replaced as follows: A noise management plan shall be submitted to the licensing authority in writing and thereafter implemented and maintained at the premises. Any proposed updates or variations to the plan shall be made in writing to the licensing authority and may be implemented if they are approved by an authorised officer. Any noise complaints made known to the licensee shall be recorded in writing and proportionately investigated on behalf of the licensee and a record of actions taken shall be recorded in writing and made available to the licensing authority upon reasonable request.

For the avoidance of doubt s.177A (4) of the Licensing Act 2003 shall apply so that it relates to all licensable music as if the music were regulated entertainment. Save as aforesaid s.177A shall not apply. The other conditions on the licence remain as before. It was also agreed that the Appellant and Respondent bear their own costs.

RESOLVED:- To note the report and summary of decisions.

The meeting closed at 2.02 pm.

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Barrow Borough Council
Licensing Regulatory Committee
Wednesday, 20 April 2022
Street Trading – Jubilee Celebrations

Report from: Director of People and Place

Report Author: Katherine Benson

Wards: (All Wards)

1.0 Summary and Conclusions

- 1.1 This report sets out a proposal to relax the need for individuals to apply for a street trading consent in the Barrow Borough area during the Queens Platinum Jubilee Bank Holiday. The celebrations are expected to take place between 2nd – 5th June 2022.
- 1.2 As the Council has adopted all streets in the Borough as consent streets, a street trading consent is required where articles are sold or offered for sale in the street or on land to which the public have access without payment.

2.0 Recommendation

2.1 It is recommended that Licensing Regulatory Committee:-

Consider the proposal to relax the need for individuals to obtain a street trading consent during the Queens Platinum Jubilee Celebrations only, on dates 2nd, 3rd, 4th and 5th June 2022.

3.0 Background and Proposals

- 3.1 On 10th May 2019 the Council adopted all streets in the Borough as consent streets with regard to the provisions of Part III and Schedule 4 the Local Government (Miscellaneous Provisions) Act 1982 – Street Trading (“the Act”).
- 3.2 Under the Act “street trading” means the selling or exposing or offering for sale of any article in a street. A ‘street’ includes any road, footway, beach, any part of a street or other area which the public have access without payment.

- 3.3 The designations have enabled the Council to create a street trading environment which complements premises-based trading, is sensitive to the needs of residents, provides diversity and consumer choice, attracts more people to the town, provides entertainment and seeks to enhance the character, ambience, street scene and safety of local environments. It has also facilitated the potential for additional street trading in the Town Centre.
- 3.4 This adoption means that permission is required from the Council prior to street trading commencing. Currently, an applicant is required to submit an application form, basic Disclosure and Barring Service checks for all those working from the vehicle/stall (dated within 1 month), photos of the vehicle/stall, permission from the landowner to trade and plan of trading site, public and employers liability insurance (if applicable), vehicle insurance (if applicable) and right to work evidence.
- 3.5 Applications for street trading consents are also subject to a 7 day consultation process whereby the application is forwarded to:
- Cumbria Police
 - Barrow Borough Council – Health and Safety
 - Barrow Borough Council – Environmental Protection
 - Barrow Borough Council – Planning
 - Cumbria County Council – Highways Authority
 - Cumbria County Council – Trading Standards
- 3.6 Ahead of the celebrations, the Council has been in receipt of a number of enquiries specifically around the Platinum Jubilee bank holiday weekend. Most enquiries relate to street parties and the playing of music, which are outside the scope of the street trading regime and this report. However, elements of these enquiries have enquired about having stalls to sell goods and/or food, including ice cream vans. They would generally meet the criteria for requiring a street trading consent, if they don't already hold one.
- 3.7 The Council has also been in receipt of a letter from the Department for Levelling Up, Housing and Communities (**Appendix 1**) requesting the Council support communities in celebrating the Platinum Jubilee. It is therefore proposed that the need to apply for a street trading consent is relaxed, for the 2nd, 3rd, 4th and 5th June 2022 only.
- 3.8 If this proposal is approved, the sale of alcohol would still be subject to the requirements of the Licensing Act 2003 and in most cases a Temporary Event Notice will be required. All other relevant legislation would also need to be complied with, including food safety legislation.

3.9 Although not directly related to street trading, the Government has relaxed the licensing hours for premises licensed under the Licensing Act 2003. It will apply to premises already licensed until 11pm for the sale of alcohol for consumption on the premises, for the provision of late-night refreshment (only where there is also the sale of alcohol for consumption on the premises), and for the provision of regulated entertainment in England and Wales. The Order will extend the licensing hours for such premises from 11pm to 1am the following day, on Thursday 2 June, Friday 3 June, and Saturday 4 June.

3.10 This proposal in relation to street trading consents would strictly be for the 4 dates stated, any celebrations taking place outside of these dates would need a street trading consent if required.

4.0 Consultation

4.1 The authorities listed at 3.5 who are usually consulted when an application is received, have been consulted on this proposal. At the time of writing, Planning responded with no objections and Trading Standards responded advising they had no objections provided relevant food safety law (specifically around allergens) is complied with. Trading Standards are notified of any new food businesses who register with the Council.

5.0 Alternative Options

5.1 To require individuals to apply for a street trading consent subject to the normal requirements.

6.0 Contribution to Council Plan Priorities

6.1 2 – Place – Creating a great place to live and 3 – Supporting our economy to thrive to ensure a long term economic future for all our community.

7.0 Implications

7.1.1 Financial, Resources and Procurement

7.1.2 The fees for street trading operate on a full cost recovery basis, encompassing officer time to process and enforcement of conditions. Relaxing rules over the specified period may result in minimal loss to the Council.

7.1.3 Officers would monitor future compliance within existing budgets.

7.2 Legal

7.2.1 The Council has adopted all streets in the Borough as consent streets with regard to the provisions of Part III and Schedule 4 the Local Government (Miscellaneous

Provisions) Act 1982 – Street Trading. It is therefore expected that non-compliance with this legislation is appropriately enforced. If the proposal is agreed then the requirements of the existing policy would be relaxed over the Jubilee weekend only.

7.3 Local Government Reorganisation

7.3.1 This report has no direct implications in relation to Local Government Reorganisation.

7.4 Equality and Diversity

7.4.1 Have you completed an Equality Impact Analysis? No. The report has no direct Equality and Diversity implications.

Risk

Risk	Consequence	Controls required
Unregulated activity	Non-bona fide traders Unregistered food businesses Highway obstruction Annoyance to residents	Likely to be low risk/one off Road closures in place One off and unlikely to cause nuisance

Contact Officers

Katherine Benson kbenson@barrowbc.gov.uk

Appendices Attached to this Report

Appendix No.	Name of Appendix
1	Letter from the Department for Levelling Up, Housing & Communities

Background Documents Available

Name of Background document	Where it is available
Local Government (Miscellaneous Provisions) Act 1982	https://www.legislation.gov.uk/ukpga/1982/30/schedule/4



Department for Levelling Up, Housing & Communities

Agenda Item 8

Rt Hon Michael Gove MP
Secretary of State for Levelling Up, Housing
and Communities
Minister for Intergovernmental Relations

Appendix 1

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To: All local authorities in the United Kingdom

**Department for Levelling Up, Housing and
Communities**

4th Floor, Fry Building
2 Marsham Street
London SW1P 4DF

6 January 2022

HER MAJESTY THE QUEEN'S PLATINUM JUBILEE

In 2022, Her Majesty The Queen will become the first British Monarch to celebrate a Platinum Jubilee. To mark The Queen's historic 70-year reign, 2022 will see Platinum Jubilee celebrations throughout the UK and the Commonwealth as part of a year-long programme of events.

We want celebrations to be even bigger and better than previous national celebrations and for as many people as possible across the nation to participate, at any point from January to December 2022. You'll be aware that an announcement was made to extend the bank holiday weekend from Thursday 2 to Sunday 5 June 2022 to provide opportunities for communities throughout the UK to come together to celebrate this historic milestone.

We know that you and partnering organisations you work with understand your communities best and will support them to participate in celebrations. We also know you will want to make sure that this momentous occasion is marked fittingly, and many of you have already started planning exciting programmes of events for your local areas. To support your preparations, we wanted to highlight some of the opportunities for councils and your communities to engage with the Platinum Jubilee which are listed below:

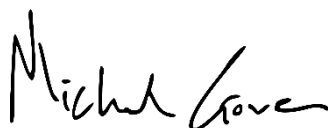
- **Street Parties and 'The Big Jubilee Lunch'**
 - Street parties should be encouraged, and you can play an important role in supporting residents who want to organise parties for their neighbours. For example, relaxing road closure rules to enable street parties to take place as easily as possible will be important. Updated street parties' guidance on how to organise a street party can be found [here](#).
- **The Big Jubilee Lunch – 2 to 5 June 2022**
 - The Big Jubilee Lunch encourages communities to come together, celebrate their connections and get to know each other a little bit better and will bring the Jubilee celebrations into the heart of every community. More details can be found [here](#).
- **Beacon Lighting**
 - In keeping with the long tradition of celebrating Royal Jubilees, Weddings and Coronations, councils are encouraged to light beacons across the UK in the evening of 2 June 2022. Should you wish to take part, more information can be found in the specific Beacons website which can be found [here](#).
- **Platinum Jubilee Events/projects organised by Local Authority-owned civic amenities**
 - Libraries, museums, leisure centres, heritage sites etc are welcome to host their own individual events and projects to mark the Platinum Jubilee. For example, this could include exhibitions, concerts or special talks.

- **National Lottery Funding**
 - More than £22 million of National Lottery funding is being made available to help communities across the country come together to celebrate the Platinum Jubilee. More information on the different funds available can be found [here](#).
- **The Platinum Jubilee Emblem**
 - The official Platinum Jubilee Emblem is available for use for all activities associated with the Platinum Jubilee celebrations, including community and national events. It is free to download [from the Royal website](#), where detailed usage guidance can also be found.
- **The Queen's Green Canopy**
 - Everyone from individuals to community groups, villages, cities, counties, schools and corporations are encouraged to plant a tree for the Jubilee. The initiative runs from October 2021, when the tree planting season began, through to the end of the Jubilee year in 2022. More details can be found [here](#).
- **City Status Competition**
 - The Civic Honours competition launched on 8 June. These rare awards will grant winning towns and cities 'city status' and 'Lord Mayor or Provost status'. More details can be found [here](#).
- **Council led events**
 - Councils are welcome to organise and facilitate large scale Platinum Jubilee events and celebrations of their own choosing within their towns and cities, which could include their own civic occasion, for example, "The Mayor's Jubilee Party".
- **Local pageants**
 - Further guidance on how to host a local pageant will be available early in 2022.
- **Broadcast the TV feed.**
 - The use of local large screens in public places to show TV coverage of the Jubilee, which could include The Platinum Party at the Palace. These screenings could be complemented or enhanced by being a part of a wider event.

The Department for Digital, Culture, Media and Sport (DCMS) have launched a Platinum Jubilee website which includes useful related resources. The website includes an interactive map, for people and organisations to contribute to and others to search for information on activities taking place near to them. Please explore the website and submit events and activities to be included on the map, which can be found [here](#).

We look forward to seeing the exciting and creative ways in which you and your communities choose to mark the Queen's Platinum Jubilee.

With every good wish,



Rt Hon Michael Gove MP
Secretary of State for Levelling Up, Housing and Communities
and Minister for Intergovernmental Relations