

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.