

**LICENSING REGULATORY
COMMITTEE**

1.00 P.M.

24TH NOVEMBER 2016

PRESENT: Councillors Colin Hartley (Chairman), Margaret Pattison (Vice-Chairman), Alan Biddulph, Susie Charles, Claire Cozler (substitute for Robert Redfern), Mel Guilding, Tim Hamilton-Cox, Joan Jackson and Terrie Metcalfe

Apologies for Absence:

Councillor Robert Redfern

Officers in Attendance:

Wendy Peck	Licensing Manager
Luke Gorst	Solicitor
Susan Clowes	Senior Environmental Health Officer (Community Protection) (for Minute Nos. 37 to 40 only)
David Eglin	Licensing Enforcement Officer
Jane Glenton	Democratic Support Officer

37 MINUTES

The Minutes of the meeting held on 13th October 2016 were signed by the Chairman as a correct record.

38 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN

There were no items of urgent business.

39 DECLARATIONS OF INTEREST

There were no declarations of interest.

40 BROADFIELDS PARK CARAVAN SITE LICENCE REVIEW UPDATE

The Committee received the report of the Chief Officer (Health & Housing) to advise Members of recent significant developments relating to drainage and sanitation at Broadfields Park.

It was reported that the site licence, with varied conditions attached, had been given to Britaniacrest Ltd, the operator and licensee at Broadfields Park, who had appealed to the First Tier Tribunal against the conditions, which meant that the conditions would be suspended until the appeal had been decided.

United Utilities had subsequently informed council officers that, due to a change in legislation, the pumping station and rising main on Broadfields Park had been transferred to their ownership, which meant that the issues the licence variation had been seeking to address now lay with United Utilities.

Council officers had written to the Tribunals Service seeking to withdraw the council's opposition to Britaniacrest Ltd's appeal and Britaniacrest had confirmed that they wished to withdraw the appeal.

Members noted that the council had no powers of enforcement over United Utilities. However, United Utilities had been asked for their proposals in connection with Broadfield Park's sewerage.

It was reported that, in the circumstances, it was no longer appropriate to vary the site licence conditions to require Britaniacrest Ltd to improve drainage and sanitation issues, and the site licence would revert to the licence in place prior to the variation.

Members requested that the Senior Environmental Health Officer (Community Protection) keep them informed regarding United Utilities' actions/proposals.

Resolved:

That the report be noted.

The Senior Environmental Health Officer (Community Protection) left the meeting at this point.

41 STREET CAFÉ LICENCE - GREGGS, 9 CHEAPSIDE, LANCASTER - REQUEST FOR VARIATION OF STANDARD CONDITIONS IN RELATION TO PERMITTED TIMES

The Committee received the report of the Licensing Manager in connection with an application for a Street Café Licence received from Greggs PLC. The applicant had also requested a variation of the standard licence condition, which allowed a street café to operate between the hours of 10.00 a.m. and 8.00 p.m. to allow them to operate from 7.00 a.m. each day of the week.

Greggs Plc had been invited to attend the meeting to make representations in support of their request, but were not in attendance.

It was reported that the Council had established conditions attached to the grant of Street Café Licences. In relation to this application number 4 stated: "That the use of the Licensed Area shall cease before 2000 hours each day and shall not commence prior to 1000 hours." This was to keep the areas clear of obstruction to allow vehicular access for service vehicles and to allow street cleansing before the commencement of operation of the café, where necessary.

Greggs PLC had submitted a request to operate their Street Café area from 7.00 a.m. Mondays to Saturdays to facilitate and enhance early morning breakfast trade and allow their customers the choice of consuming non-alcoholic beverage with food outside, weather permitting. The Street Café would replace the existing one located outside their premises on Cheapside, Lancaster. County Highways officers, Council Planning and Environmental Health Services officers, the Police and other businesses in the area of the frontage had been consulted.

It was reported that no representations had been received by the closing date of 6th October 2016. County Highways had, however, noted that they would not wish to see any

conflict with vehicular access for unloading purposes to neighbouring businesses or for City Council street cleansing.

It was proposed by Councillor Pattison and seconded by Councillor Charles:

“That the request for a variation of the standard licence condition in relation to the permitted times of operation for the street café licence to allow Greggs PLC to operate from 7.00 a.m. to 8.00 p.m. be approved.”

Upon being put to the vote, 8 Members voted for the proposition and 1 against, whereupon the Chairman declared the proposal to be carried.

Resolved:

That the request for a variation of the standard licence condition in relation to the permitted times of operation for the street café licence to allow Greggs PLC to operate from 7.00 a.m. to 8.00 p.m. be approved.

42 POINTS RAISED AT THE TAXI SURGERY IN OCTOBER 2016

The Committee received the report of the Licensing Manager to inform the Committee of action taken in relation to points raised by some members of the trade at the recent Taxi Surgery.

It was reported that at the Taxi Surgery held in October 2016, members of the trade had raised issues in relation to out-of-hours enforcement of taxi ranks in Morecambe and Lancaster.

One of the issues raised was that hackney carriage drivers could not use the night-time ranks properly, due to private vehicles parking on them, and had commented about the signage at the ranks. The Licensing Manager had contacted the Highways Department regarding the signage, and they had confirmed that the signage was authorised by the Department for Transport (DFT) and could not be changed.

Members were advised that Licensing officers could not hand out fixed penalty notices in relation to parking on ranks. However, Section 64 of the Local Government (Miscellaneous Provisions) Act 1976 prohibited any vehicle, other than a hackney carriage vehicle, from waiting on a rank, and contravention of this provision, without reasonable excuse, was an offence.

It was reported that, since April 2016, seventy-seven warning letters had been issued to the keepers of vehicles, who had been photographed parking illegally on the taxi ranks in Morecambe and Lancaster. To-date, no-one who had received an initial letter had re-offended.

Licensing officers had carried out out-of-hours monitoring of the ranks, and had moved private vehicles on when they had tried to park there. A separate out-of-hours operation had taken place, during which licensing officers had been accompanied by an officer of the Lancashire Constabulary, who had issued seven fixed penalty notices in relation to private vehicles obstructing the hackney carriage ranks.

It was reported that a request had been made to Lancashire County Council for civil enforcement parking support officers to work out-of-hours alongside licensing officers to issue penalty charge notices to help eradicate the problem.

A further point had been raised at the Taxi Forum regarding someone with a clipboard standing outside the private hire company on Queen Street in Morecambe taking bookings. Members were notified that this was lawful if the vehicle had been pre-booked and details of the booking were kept.

It was proposed by Councillor Hamilton-Cox and seconded by Councillor Metcalfe:

“That the Licensing Manager look into the possibility of creating a night-time rank at the Clock Tower.”

Upon being put to the vote, Members voted unanimously in favour of the proposition, whereupon the Chairman declared the proposal to be clearly carried.

Resolved:

- (1) That the report be noted.
- (2) That the Licensing Manager look into the possibility of creating a night-time rank at the Clock Tower.

Chairman

(The meeting ended at 1.25 p.m.)

**Any queries regarding these Minutes, please contact
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