



Committee: LICENSING REGULATORY COMMITTEE

Date: THURSDAY, 24 NOVEMBER 2016

Venue: LANCASTER TOWN HALL

Time: 1.00 P.M.

A G E N D A

1. **Apologies for Absence**

2. **Minutes**

Minutes of the meeting held on 13 October 2016 (previously circulated).

3. **Items of Urgent Business authorised by the Chairman**

4. **Declarations of Interest**

To receive declarations by Members of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary 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.)

Whilst not a legal requirement, in accordance with Council Procedure Rule 9 and in the interests of clarity and transparency, Members should declare any disclosable pecuniary interests which they have already declared in the Register, at this point in the meeting.

In accordance with Part B, Section 2 of the Code of Conduct, Members are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

5. **Broadfields Park Caravan Site Licence Review Update** (Pages 1 - 3)

Report of the Chief Officer (Health & Housing)

6. **Street Cafe Licence – Greggs, 9 Cheapside, Lancaster – Request for Variation of Standard Conditions in relation to Permitted Times** (Pages 4 - 9)

Report of the Licensing Manager

7. **Points Raised at the Taxi Surgery in October 2016** (Pages 10 - 13)

Report of the Licensing Manager

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

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

(ii) Substitute Membership

Councillors Sheila Denwood, Charlie Edwards, Rebecca Novell, Oscar Thynne and John Wild

(iii) Queries regarding this Agenda

Please contact Jane Glenton, Democratic Services - telephone (01524) 582068, or email jglenton@lancaster.gov.uk.

(iv) Changes to Membership, substitutions or apologies

Please contact Democratic Support, telephone (01524) 582170, or email democraticsupport@lancaster.gov.uk.

SUSAN PARSONAGE,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER, LA1 1PJ

Published on Tuesday, 15 November 2016.

LICENSING REGULATORY COMMITTEE**Broadfields Park Caravan Site Licence Review Update
24 November 2016****Report of Chief Officer (Health & Housing)****PURPOSE OF REPORT**

To advise Members of recent significant developments relating to drainage and sanitation at Broadfields Park

This report is public

RECOMMENDATIONS

(1) That Members note the contents of this report

1.0 Introduction

1.1 Members will recall the report submitted to Licensing Regulatory Committee on 2 June 2016 seeking decisions about varying the licence conditions for Broadfields Park. Members approved the variation of licence conditions on the site licence to improve standards relating to drainage and sanitation.

2.0 Recent Developments

2.1 The site licence with varied conditions attached, as approved by LRC, was duly given to Britaniacrest Ltd, being the operator and licensee at Broadfields Park. Under the Caravan Sites and Control of Development Act 1960 (as amended) site owners have a right of appeal to a First Tier Tribunal against decisions to vary licences. On 4 August 2016 the council was notified by the Tribunals Service that an appeal application had been received from Britaniacrest Ltd. If there is an appeal against conditions that require specific works to be done by certain dates, as in this case, those conditions are suspended until the appeal is decided.

2.2 On 7 November 2016, however, council officers were informed by United Utilities that due to a change in legislation the pumping station and rising main on Broadfields Park had been transferred to United Utilities' ownership on 25 October 2016. This means that the issues the licence variation was seeking to address now lie with United Utilities and not Britaniacrest Ltd.

2.3 For this reason council officers have written to the Tribunals Service seeking to withdraw the council's opposition to Britaniacrest Ltd's appeal and in turn

Britaniacrest Ltd have now confirmed their wish to withdraw the appeal.

2.4 The council has no powers of enforcement over United Utilities but has asked for their proposals in connection with Broadfields Park's sewerage.

5.0 Conclusion

5.1 Since 25 October 2016 the pumping station and rising main on Broadfields Park are the responsibility of United Utilities, not Britaniacrest Ltd. It is therefore no longer appropriate to vary the site licence conditions to require Britaniacrest Ltd to improve drainage and sanitation issues. The site licence will now revert to the licence in place prior to the variation.

**CONCLUSION OF IMPACT ASSESSMENT
(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

None

LEGAL IMPLICATIONS

The general duties of the sewerage undertaker (United Utilities) are defined in section 94 of the Water Industry Act 1991 and are:

- to provide, improve and extend a system of public sewers, and to cleanse and maintain them to ensure its area is effectively drained; and
- to make provision for emptying its sewers and treatment sewage.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report

OTHER RESOURCE IMPLICATIONS

Human Resources:
None

Information Services:
None

Property:
None

Open Spaces:
None

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments to add.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

LRC Report 2 June 2016 Broadfields Park
Caravan Site Licence Review

Contact Officer: Susan Clowes

Telephone: 01524 582740

E-mail: sclowes@lancaster.gov.uk

Ref: SC

LICENSING REGULATORY COMMITTEE

**Highways Act 1980
Street Café Licence – Greggs, 9 Cheapside, Lancaster
Request for Variation of Standard Conditions in relation to
Permitted Times
24th November 2016**

Report of the Licensing Manager

PURPOSE OF REPORT

An application for a Street Cafe Licence has been received from Greggs PLC. The applicant has also requested a variation of the standard licence condition which allows a street cafe to operate between the hours of 10am and 8pm, to allow them to operate from 7am each day of the week.

The report is public

RECOMMENDATIONS

The Committee is requested to determine in the light of the representations made, whether to allow the applicant’s request for a variation of the standard licence condition in relation to the permitted times of operation for the street cafe licence to allow them to operate from 7am to 8pm instead of the standard condition 10am to 8pm

1.0 Introduction

- 1.1 The Council grants permissions for Street Cafe Licences under Section 115E of the Highways Act 1980. Under Section 115F of the same Act, a District Council may attach to the grant of a licence under this section such conditions as they may think fit
- 1.2 For the purpose of the above, the Council has established conditions attached to the grant of Street Cafe Licences.
- 1.3 In relation to this application condition no.4 states:-
The use of the Licensed Area shall cease before 20.00 hours each day and shall not commence prior to 10.00 hours.
- 1.4 The purpose of this condition is 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 cafe where necessary.

- 1.5 Greggs PLC have now submitted a request to operate their Street Cafe area from 7am Mondays to Sundays. This is to facilitate and enhance early morning breakfast trade and allow their customers the choice of consuming non-alcoholic beverage with food outside, weather permitting.
- 1.6 The Street Cafe would replace the existing one located outside of their premises on Cheapside in Lancaster, which has been in operation since 5th March 2015. A copy of the application is attached at appendix 1 to this report.
- 1.7 As part of the application process County Highways officers, Council Planning and Environmental Services officers, the Police, as well as other businesses in the area of the frontage have been consulted.
- 1.8 The closing date for representations was the 6th October 2016 and whilst no representations were received, County Highways noted they would not wish to see any conflict with vehicular access for unloading purposes to neighbouring businesses or for City Council street cleansing
- 1.9 Greggs Plc have been invited to attend the meeting to make representations in support of their request.

2.0 Conclusion

- 2.1 Members are asked to consider whether they are satisfied to allow the applicant's request for a variation of the standard condition and to allow the Street Cafe at Greggs PLC, 9 Cheapside, Lancaster, to operate from 7am until 8pm instead of the standard 10am until 8pm.

CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)	
None.	
FINANCIAL IMPLICATIONS	
Financial Services have not been consulted as there are no financial implications.	
LEGAL IMPLICATIONS	
There is no right of appeal against imposition of a condition attached to a Street Café licence.	
BACKGROUND PAPERS	Contact Officer: Wendy Peck Telephone: 01524 582317 E-mail: wpeck@lancaster.gov.uk Ref: WP/DWE
None	

Appendix 1

LANCASTER CITY COUNCIL

Application for a Licence to use the Highway for a Street Café
Highways Act 1980 Section 115C-E

FOR OFFICE USE

Application No...

Date...

Fee Paid...

Receipt No...



Please read the notes and answer all the following questions

Question 1

Your Name and Address

HELEN GAWTHROP
GREGGS PLC
331 NUTHALL ROAD
ASPLEY
NOTTINGHAM

Postcode NG8 5BU
Tel. No. 0121 683 9956

Question 2

Name and address of any person acting for you

Question 3

Describe the proposed location for the street café and address if different from the address in Q1 above.
ON THE PAVEMENT IN FRONT OF GREGGS, 9 CHEAPSIDE, LANCASTER, LANCASHIRE, LA1 1LY
START TIME REQUESTED - 7AM

Question 4

Please state the main proposed materials (for example: furniture, umbrellas, boundary markers, colour, type, styles) and show them on your detailed layout plan.

4 NO. 700 MM DIA POLISHED ALUMINIUM TABLES; 10 NO. POLISHED ALUMINIUM CHAIRS WITH BLACK WICKER SEATS AND BACKS AND ONE FLIP TOP BIN, WITH BARRIERS ON TWO SIDES MADE UP OF HEAVY DUTY STAINLESS STEEL POSTS AND CANVAS BANNERS.

Question 5

Do you intend to alter any of the building and/or building frontage to accommodate the proposal? If YES, please show details of the alterations on your plan.

YES/NO

Question 6

Are there any lighting columns, litter bins, road signs, public seating, trees, etc. on the site within the boundary of the area proposed for the street café?
If YES, please show them on your plan.

YES/NO

Question 7

Is proper sanitary accommodation available within the building to be used to service the Street café?

YES/NO

Question 8

Is it intended to seek a licence to serve alcohol within the street café area?
If YES, please answer Q9 below.

YES/NO

Question 9

What range of drinks (alcoholic and non-alcoholic) is it intended will be served within the street café area?

Give details below.

TEA, COFFEE, HOT CHOCOLATE, SOUP AND COLD DRINKS IN EITHER BOTTLES OR CANS.

The applicant should be aware that the granting of a licence does not permit the sale of alcohol within the outdoor café area. Separate licensing arrangements apply for the sale of alcohol and the applicant should check the conditions on the Premises Licence or consult the Licensing Authority.

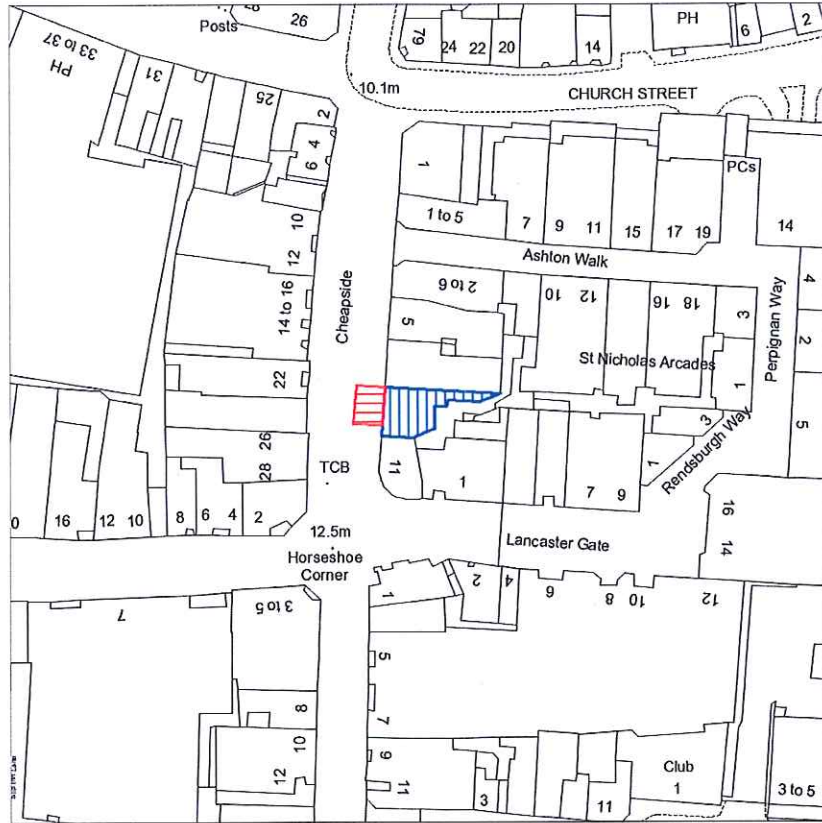
Question 10

Please read and sign the following statement.

I wish to apply for a licence to use the highway fronting the above named property for the purpose of a street café as described in this application and the accompanying plans and enclose the required fee.

Signed..... H.Gawthrop.....

Date... 14.09.16.....



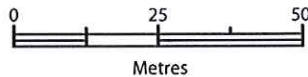
Reproduction in whole or in part is prohibited without the prior permission of Ordnance Survey.

Ordnance Survey and the OS Symbol are registered trademarks and OS MasterMap® is a trademark of Ordnance Survey, the national mapping agency of Great Britain.

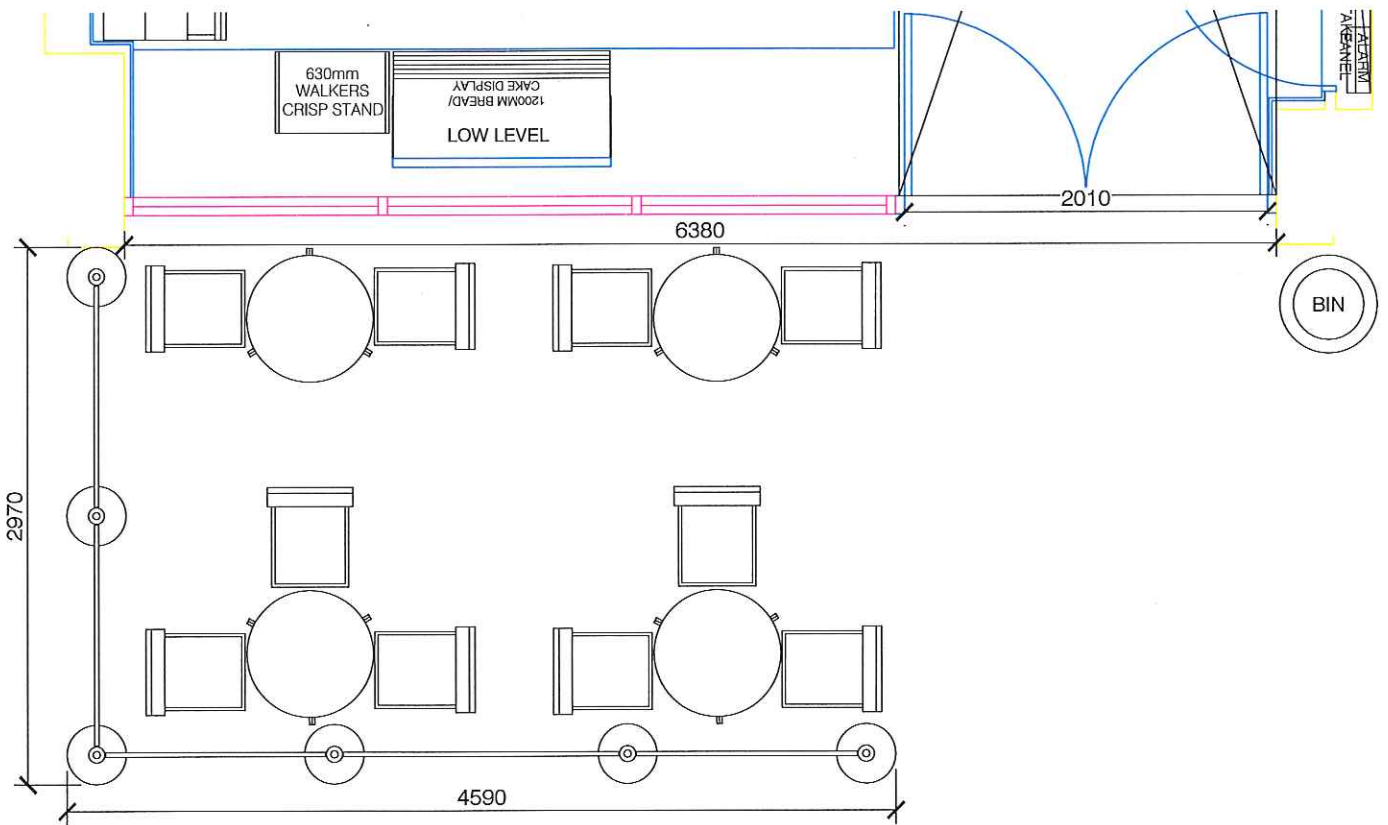
The representation of a road, track or path is no evidence of a right of way.

The representation of features as lines is no evidence of a property boundary.

Scale 1:1250



Supplied by: Getmapping
OS License Number: 100030848



PROPOSED OUTSIDE SEATING
9 CHEAPSIDE, LANCASTER, LANCASHIRE, LA1 1LY
(SCALE 1:20@A3)

LICENSING REGULATORY COMMITTEE**Points Raised at the Taxi Surgery in October 2016
24th November 2016****Report of the Licensing Manager****PURPOSE OF REPORT**

At the request of the chairman, to inform the Committee of action taken in relation to points raised by some members of the trade at the recent Taxi Surgery

This report is public

RECOMMENDATIONS

- 1.0 That members note the comments in the report in relation to action taken following issues raised at the recent Taxi Surgery.**
- 1.1 Some members may recall that at the Taxi Surgery held in October 2016, some members of the trade raised issues in relation to out of hours enforcement of taxi ranks in Morecambe and Lancaster.
- 1.2 The drivers pointed out to members that night time ranks in Morecambe and Lancaster could not be used properly by hackney carriage drivers due to private vehicles continuously parking on them.
- 1.3 Specifically mentioned was the new rank opposite the Clock Tower in Morecambe and the ranks on Sun Street and North Road in Lancaster, however licensing officers are aware that there is also a problem on the rank on Brock Street in Lancaster outside what used to be Bensons for Beds.
- 1.4 This report has been prepared to inform members of what action can and has been taken by licensing officers and what action is planned to try and address this problem.
- 1.5 The taxi drivers at the surgery commented about the signage at the ranks and asked if that could be improved, however the licensing manager has made enquiries with the Highways Department, who have confirmed, as was suspected, that the signage is authorised by the DFT and cannot be changed.
- 1.6 Licensing officers cannot hand out fixed penalty notices in relation to parking on ranks, however Section 64 of the Local Government (Miscellaneous Provisions) Act 1976 makes it an offence for any vehicle other than a hackney carriage vehicle to wait in a rank. If any person contravenes the provisions of the section, without reasonable excuse, they are guilty of an offence.

- 1.7 Using the above section of the legislation licensing officers have been ascertaining the names of the keepers of vehicles which have been photographed parked illegally on the taxi ranks in Morecambe and Lancaster by using a DVLA check, and warning letters have been sent to the keepers of the vehicles. Seventy seven warning letters have been issued since April 2016. A copy of the letter is attached at appendix 1 to this report. To date no one who has received an initial letter has re-offended.
- 1.8 Out of hours operations have been planned with the support of the Lancashire Constabulary. However at short notice the officer allocated to work with licensing officers on the first such operation was re deployed at the last minute due to an emergency, further operations are planned over the next few weeks. Licensing officers did work alone, and monitored the ranks, moving people on when they tried to park there. Additionally officers have done a separate out of hour's operation during which they were accompanied by an officer of the Lancashire Constabulary who issued seven fixed penalty notices in relation to vehicles obstructing the hackney carriage ranks.
- 1.9 A request has 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 and help to eradicate this problem.
- 1.10 A further point was raised in relation to the operations at the private hire company on Queen Street. The drivers commented that someone with a clip board stands outside of the office and takes the bookings. This is not unlawful and is quite common in most towns and cities at peak times. As long as the vehicle has been pre-booked, and details of the booking are kept the operators are complying with the legislation.

2.0 Conclusion

This report is to note

CONCLUSION OF IMPACT ASSESSMENT (including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)
None directly arising from this report
LEGAL IMPLICATIONS
The legal implications are contained within the report
FINANCIAL IMPLICATIONS
None directly arising from this report as the enforcement will be covered by the current licensing budget.

OTHER RESOURCE IMPLICATIONS

Human Resources:

None

Information Services:

None

Property:

None

Open Spaces:

None

BACKGROUND PAPERS

None

Contact Officer: Mrs W Peck

Telephone: 01524 582317

E-mail: wpeck@lancaster.gov.uk

Ref: WP

Contact: Licensing team
Telephone: (01524) 582033
E-mail: licensing@lancaster.gov.uk
Website: www.lancaster.gov.uk
Our Ref:
Your Ref:

Appendix 1

Environment

Licensing
Town Hall
Dalton Square
LANCASTER
LA1 1PJ

Date

Dear Sir

Registration

I am writing to you as the registered keeper of the above vehicle.

On the (insert date) at (insert time) hours the above vehicle was parked illegally on a taxi rank (insert location). Photographic evidence is available.

Section 64 of the Local Government (Miscellaneous Provisions) Act 1976 (the Act) prohibits any vehicle other than a hackney carriage vehicle from waiting on any stand for hackney carriages during any period for which that stand has been appointed, or deemed to have been appointed by a District Council under section 63 of the Act. Any person who contravenes this provision shall be guilty of an offence.

The area in question has been duly appointed as a rank between the hours of (insert times).

This letter is being sent to you at this time to point out the legislation and to warn you of the consequences of parking a vehicle on a taxi rank. However any further contraventions following receipt of this letter could be dealt with less leniently and may lead to prosecution.

Yours sincerely

Wendy Peck
Licensing Manager