

BOROUGH OF BARROW-IN-FURNESS

LICENSING COMMITTEE

Meeting, 2nd February, 2012
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. Disclosure of Interests.

A Member with a personal interest in a matter to be considered at this meeting must either before the matter is discussed or when the interest becomes apparent disclose

1. ***The existence of that interest to the meeting.***
2. ***The nature of the interest.***
3. ***Decide whether they have a prejudicial interest.***

A note on declaring interests at meetings, which incorporates certain other aspects of the Code of Conduct and a pro-forma for completion where interests are disclosed accompanies the agenda and reports for this meeting.

5. Apologies for Absence/Attendance of Substitute Members.
6. To confirm the Minutes of the meeting held on 8th December 2011 (copy attached).

Chief Executive's Reports

FOR DECISION

- (D) 7. Street Trading Consent – Continental Market.

RECOMMENDED PART TWO

- (D) 8. Hackney Carriage/Private Hire Vehicle Licence

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

- (D) 9. Application for Private Hire Vehicle Drivers Licence

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

- (D) 10. Application for Private Hire Vehicle Drivers Licence

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

- (D) 11. Hackney Carriage/Private Hire Vehicle Driver

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- (D) 12. Application for Private Hire Vehicle Drivers Licence

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

- (D) 13. Application Private Hire Vehicle Drivers Licence

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

Membership of Committee

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

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BOROUGH OF BARROW-IN-FURNESS

LICENSING COMMITTEE

Meeting: 8th December, 2011
at 2.00 p.m.

PRESENT:- Councillors Callister (Chairman), Biggins, Cassidy, Irwin, Pemberton, Preston, Roberts, Seward, C. Thomson, M. A. Thomson and Wall.

The Chairman informed the Committee that Gary Ormondroyd, Chief Environmental Health Officer, would be retiring after 27 years service on 31st December, 2011 and requested that the Committee's thanks and appreciation for the support over the years be placed on record.

Gary Ormondroyd thanked colleagues and Members for their support over the years.

46 – 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 that it involved the likely disclosure of exempt information as defined in Paragraphs 2 and 7 (Minute No. 54) of Part One of Schedule 12A of the said Act.

47 – Apologies for Absence/Attendance of Substitute Members

Apologies for absence were received from Councillors Maddox and Opie.

Councillors Cassidy and M. A. Thomson had replaced Councillors Maddox and Opie respectively for this meeting only.

48 – Minutes

The Minutes of the meeting held on 3rd November, 2011 were taken as read and confirmed.

49 – Taxi Licensing Working Party

The Chief Environmental Health Officer submitted a report seeking nominations for membership on a task and finish working party to consider a number of existing taxi policies.

At the Licensing Committee meeting on 3rd November, 2011 it was resolved to review the current policy in respect of commercial advertising on and within licensing taxi vehicles through the establishment of a Working Party. Members also indicated that a Working Party should also review the current policy relating to the relevance of criminal convictions when deciding on the suitability of applicants as 'fit and proper persons' to be so licensed.

After obtaining advice from the Democratic Services Manager on the appropriate proportionality and make up of a Taxi Licensing Working Party and based on the current principals established when nominations to Outside Bodies was considered at the beginning of the current Civic Year, that 3 nominations from the Labour Administration and 1 nomination from the remaining Members of the Licensing Committee would seem appropriate.

In order to ensure that the Taxi Licensing Working Group was able to focus on agreed matters a programme of work would be established on a task and finish basis with the intention of reporting back to the Licensing Committee in the first quarter of 2012.

RESOLVED:- (i) That Councillors Callister, Irwin, Maddox and Pemberton be appointed to the Taxi Licensing Working Party; and

(ii) That the Taxi Licensing Working Party establish a programme of work on a task and finish basis and report to the Licensing Committee in the first quarter of 2012.

50 – Driving Test Contract

The Chief Environmental Health Officer submitted a report concerning the provision of the driving test service for new applicants for Hackney Carriage/Private Hire Vehicle Drivers Licences. The report requested delegated authority to consider tenders and award the contracts to provide the service for a further three years.

New applicants for Hackney Carriage/Private Hire Vehicle Drivers licences were required to successfully undertake a driving test before their licence was issued. Top Gear School of Motoring had provided this service for the Council for approximately fifteen years subject to contract renewal on a three yearly basis. The current contract expired on 29th February, 2012 and it was now necessary to retender the contract for a further three year period.

A notice would be placed in the local paper advertising for suitably qualified parties interested in providing the service to submit tenders to the Council to carry out the service for a further three years.

In order to reduce the administration in awarding the contract Members were asked to delegate authority to the Director of Regeneration and Community Services to consider applications in consultation with the Chairman and Vice-Chairman of the Licensing Committee and award the driving test contract for a further three years.

RESOLVED:- To delegate authority to the Director of Regeneration and Community Services in consultation with the Chairman and Vice-Chairman of the Licensing Committee to consider tenders and award the contract to a suitably qualified contractor to provide driving test services for a period of three years.

51 – Hackney Carriages – Unmet Demand Survey

The Chief Environmental Health Officer submitted a report informing Members of the need for a review of the current quantity control policy in respect of the number of Hackney Carriage licences issued and sought agreement to consult licence holders on their views.

Members should be aware that the Borough Council had a quantity control policy which limited the number of Hackney Carriage licences issued, which was currently 145.

In 2003 the Office of Fair Trading had published a market study which challenged the issue of quantity control policies in relation to Hackney Carriage licences and advocated that market forces should dictate demand. As a result, any Licensing Authorities that wished to continue operating a quantity control policy must carry out an “unmet demand” survey every three years and review their policy.

Two “unmet demand” surveys had been carried out since then and the results of the last one were considered by Members at a meeting in April 2009 and it was agreed not to change the policy as there was no current unmet demand demonstrated.

It was almost three years since the last survey took place and a review of the policy was now due. The Chief Environmental Health Officer requested Members to agree to gauge the views of Hackney Carriage licence holders in respect of the following as a preliminary to undertaking the Unmet Demand Survey:-

- 1) Do they want the quantity control policy to remain.
A number of local authorities had relaxed their policies and it was generally the trade that wished to retain a quantity control policy;
- 2) If so, would they be prepared to fund the “Unmet Demand Survey”
On the two previous occasions that unmet Demand surveys had been undertaken Hackney Carriage licence holders had paid for the survey through an increase in the appropriate licence fee for one year to cover the cost; and
- 3) Would they be agreeable to a relaxation of the policy in very specific circumstances to enhance the quality and variety of Hackney Carriages available to the public e.g. any ‘new’ licences issued were for specific vehicles which were, for example, wheelchair accessible from the pavement.

Latest equalities legislation had suggested that Licensing Authorities were likely to be told what percentage of the Hackney Carriage fleet must be wheelchair accessible.

In the meantime Officers would investigate the current costs of carrying out an Unmet Demand Survey and furnish Members with a comprehensive response from the taxi trade at a future meeting.

RESOLVED:- That Members agree to gauge the view of Hackney Carriage licence holders as to the need for willingness to fund an Unmet Demand Survey to assess the continued need for a quantity control policy in respect of Hackney Carriage licences issued and to further report at a future meeting on a way forward following consultation with the Hackney Carriage licence holders.

54 – Hackney Carriage and Private Hire Vehicle Driver

The Chief Environmental Health Officer submitted a report concerning information which had been drawn to his attention regarding the suitability of a Hackney Carriage and Private Hire Vehicle Driver who had been granted a licence at the Licensing Committee meeting held on 8th September, 2011.

Members were requested to consider the information and decide on a course of action in this case.

Mr A. B. had been invited to attend today's meeting but had failed to do so. A Police representative was present.

RESOLVED:- To agree to revoke Mr A. B's Hackney Carriage and Private Hire Vehicle Driver's licence with immediate effect for the following reason:-

“Having been provided with additional information the Committee considered that the applicant was not a fit and proper person to be licensed as a Hackney Carriage or Private Hire Vehicle Driver because he had not been free of serious criminal conviction for a period of 3-5 years”.

The meeting closed at 2.15 p.m.

LICENSING COMMITTEE		Part One (D) Agenda Item 7
Date of Meeting:	2nd February, 2012	
Reporting Officer:	Chief Executive	
<p>Title: Street Trading Consent - Continental Market</p> <p>Summary and Conclusions:</p> <p>This report requests Members to agree in principle to the holding of a Continental Market on Dalton Road, Barrow for a 3 day period from 2nd to 4th March 2012 and to give delegated authority to officers to issue a Street Trading Consent subject to consultees being in agreement and their requirements met. A fee of £1,200 for the consent is suggested.</p> <p>Recommendation: That:-</p> <ul style="list-style-type: none"> i) Members agree in principle to the holding of a Continental Market on Dalton Road from 2nd to 4th March 2012; ii) Delegated authority is given to officers to issue a Street Trading consent subject to consultees being in agreement and that their requirements are satisfied; and ii) A Fee of £1200 is charged for the consent. 		

Report

The Council has received an application from Traditional Markets Limited to hold a Continental Market on Dalton Road, Barrow for a 3 day period from 2nd to 4th March, 2012.

The general criteria for allowing street trading within the town centre are that the proposed trader should satisfy one or more of the following conditions:-

- 1) Attract more people to the town centre.
- 2) Enhance the street scene.
- 3) Provide entertainment.
- 4) Complement existing businesses.

The Town Centre Manager supports the application and considers that it meets at least three of the above criteria (1, 2 and 4). A copy of her comments are attached at **Appendix 1** to this report.

On previous occasions when a Continental Market has been held it has been sited on the Town Square. A survey conducted by the Council following the recent Christmas Market event has shown support for more events being held on Dalton Road.

I would ask Members to consider agreeing in principle to the holding of a Continental Market on Dalton Road and to give delegated authority to officers to issue a Street Trading Consent subject to agreement with the Highways Authority, Police Authority and Fire and Rescue Authority. It is suggested that a fee of £1200 for the three day period is charged for the Street Trading Consent.

The Town Centre Manager has been invited to attend the meeting to speak to Members on the subject.

Background Papers

Nil