

BOROUGH OF BARROW-IN-FURNESS

LICENSING COMMITTEE

Meeting, 3rd November, 2011
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 will be available at the meeting.

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

Chief Environmental Health Officers' Reports

FOR DECISION

- (D) 7. Management of Promotional Street Trading in Barrow and Dalton Town Centres.

(D) 8. Advertising on Vehicles.

RECOMMENDED PART TWO

- (D) 9. Private Hire Vehicle Driver.

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

- (D) 10. Private Hire Vehicle Driver.

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006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

For queries regarding this agenda, please contact:

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BOROUGH OF BARROW-IN-FURNESS

LICENSING COMMITTEE

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

PRESENT:- Councillors Callister (Chairman), Biggins, Irwin, W. McClure, Maddox, Opie, Pemberton, Preston, Roberts, C. Thomson and Wall.

Members of the Committee conveyed their condolences for P. C. Cathy Hayes who had sadly passed away recently.

27 – 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 items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 2 and 7 (Minute Nos. 32, 33, 34, 35) of Part One of Schedule 12A of the said Act.

28 – Disclosure of Interest

Councillor Callister declared a personal and prejudicial interest in Agenda Item No. 10 – Application for Hackney Carriage/Private Hire Vehicle Drivers Licence, as the applicant was known to him. He left the meeting during consideration of this item.

29 – Minutes

The Minutes of the meeting held on 28th July, 2011 were taken as read and confirmed.

30 – Christmas Market – Street Trading

The Chief Environmental Health Officer informed Members that the Council had been approached by CN Group Events and the North West Evening Mail with a proposal to organise a Christmas Market in Barrow Town Centre on Friday 9th, Saturday 10th and Sunday 11th December, 2011 as a promotional and commercial venture to encourage shopping in Barrow as a build up to the Christmas Festivities.

The market would comprise of wooden chalet type huts which would be offered to traders. The Council would work with CN Events to put Christmas lights on the huts and provide festive entertainment. Organisers aimed to attract traders who would add

to the festive ambience and traditions normally associated with Christmas markets across Europe.

Members were asked to consider waiving the fees for street trading consents on this occasion as there would be significant set up costs associated with the proposal which needed to be met by CN Group Events.

In addition the Chief Environmental Health Officer requested he be delegated authority to issue street trading consents in the Town Centre for the relevant period, subject to details being negotiated by the Town Centre Manager and precise stall locations being agreed in consultation with the Highway Authority and emergency services.

Mr Stretton of C N Group Events attended the meeting to discuss the application for the Christmas Market with Members of the Committee.

RESOLVED:- To agree that the Chief Environment Health Officer be delegated authority to issue street trading consents in the relevant part of Barrow Town Centre for the duration of the Christmas Market, subject to the organisation of the Market being to the satisfaction of the Town Centre Manager, the Highways Authority and the Emergency Services.

31 – Code of Conduct – Hackney Carriage and Private Hire Vehicle Drivers

The Chief Environmental Health Officer provided feedback on recent consultation with the taxi trade on a Draft Code of Good Conduct after Members at a meeting of the Licensing Committee held on 24th March, 2011 agreed that he be authorised to consult with licensed drivers.

As a result of consultation, two written responses had been received relating to the “Dress Code” element of the Code of Good Conduct and in particular to the wearing of hats.

The draft Code of Good Conduct gave examples of unacceptable standards of dress and included baseball caps, hoodies or woolly hats. The responders to the consultation were concerned that, in summer, baseball caps provided a sunshade and that the wearing of a woolly hat in winter helped keep drivers heads warm when getting in and out of the vehicle to assist passengers and when passengers wanted to travel with windows open.

Members were requested to consider altering the dress code element to allow the wearing of plain non-garish coloured baseball caps and woolly/beanie type hats.

A copy of the draft Code of Conduct had been appended to the report for information.

RESOLVED:- (i) That Members adopt the draft Code of Conduct; and

(ii) The guidelines for unacceptable standards of dress be amended, in principle, to allow non-garish/plain baseball caps and woolly/beanie hats to be worn, with a variation that they be personalised to either the individual licence holder or to the taxi firm.

32 – Application for a Hackney Carriage/Private Hire Vehicle Drivers Licence

The Chief Environmental Health Officer reported on an application he had received for a Hackney Carriage/Private Hire Vehicle Drivers Licence from Mr A. J. N. He submitted information which had been drawn to his attention concerning the applicant and set out details of the Committees policy regarding such matters.

Mr A. J. N. and a representative attended the meeting and addressed the Committee.

RESOLVED:- To agree to grant Mr A. J. N's application for a Hackney Carriage/Private Hire Vehicle Drivers Licence.

33 – Application for a Hackney Carriage/Private Hire Vehicle Drivers Licence

The Chief Environmental Health Officer reported on an application he had received for a Hackney Carriage/Private Hire Vehicle Drivers Licence from Mr D. G. C. He submitted information which had been drawn to his attention concerning the applicant and set out details of the Committees policy regarding such matters.

Mr D. G. C. attended the meeting and addressed the Committee.

RESOLVED:- To agree to grant Mr D. G. C's application for a Hackney Carriage/Private Hire Vehicle Drivers Licence on the understanding that he received a severe written warning as to his future conduct.

34 – Application for a Hackney Carriage/Private Hire Vehicle Drivers Licence

The Chief Environmental Health Officer reported on an application he had received for a Hackney Carriage/Private Hire Vehicle Drivers Licence from Mr A. B. He submitted information which had been drawn to his attention concerning the applicant and set out details of the Committees policy regarding such matters.

Mr A. B. attended the meeting and addressed the Committee.

RESOLVED:- To agree to grant Mr A. B's application for a Hackney Carriage/Private Hire Vehicle Drivers Licence on the understanding that he received a severe written warning as to his future conduct.

35 – Application for a Hackney Carriage/Private Hire Vehicle Drivers Licence

The Chief Environmental Health Officer reported on an application he had received for a Hackney Carriage/Private Hire Vehicle Drivers Licence from Mr D. J. B. He submitted information which had been drawn to his attention concerning the applicant and set out details of the Committees policy regarding such matters.

Mr D. J. B. attended the meeting and addressed the Committee.

RESOLVED:- To agree to grant Mr D. J. B's application for a Hackney Carriage/Private Hire Vehicle Drivers Licence on the understanding that he received a severe written warning as to his future conduct.

The meeting closed at 3.10 p.m.

LICENSING COMMITTEE	(D) Agenda Item 7
Date of Meeting: 3rd November, 2011	
Reporting Officer: Chief Environmental Health Officer	
<p>Title: Management of Promotional Street Trading in Barrow and Dalton Town Centres</p> <p>Summary and Conclusions:</p> <p>This report deals with the management of promotional street trading in Barrow and Dalton town centres and recommends the use of a specialist company to help manage, maximise and capitalise on the promotional space available in the town centres.</p> <p>The report also recommends that the fees for promotional street trading in Barrow Town Centre be reviewed in line with similar town centres and that fees generated through the increased promotional activities be used by the Town Centre Manager in Barrow or Dalton Joint Events Committee to provide attractions/entertainments in the town centres.</p> <p>Recommendation:</p> <ol style="list-style-type: none">1. That I be delegated authority in consultation with the Town Centre Manager to appoint a suitably competent contractor to provide town centre management services for Barrow and Dalton town centres for an initial period of 12 months with renewal subject to a review following Committee consideration;2. That I be delegated authority to review consent fees for promotional street trading in Barrow and Dalton town centres in consultation with the Town Centre Manager and furnish a report to a future Licensing Committee meeting for consideration prior to recommendation to Council;3. Establish as a principle that any income derived from the increased promotional street trading be used by the Town Centre Manager in Barrow and in the case of Dalton Town Centre by Dalton Joint Events Committee to provide town centre attractions and entertainments; and4. That the specified sites identified in the body of the report are approved as suitable locations for promotional activities subject to agreement with the Highways Authority.	

Report

Under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 the Council issues Street Trading Consents to permit street trading and certain promotional activities.

Discussions have taken place between the Town Centre Manager and two contractors, Bo-Concepts Ltd., Sovereign House, Stockport Road, Cheadle and Inner Space, Thomson Street, Stockport specialising in the management of promotional activities in town centres to help local authorities maximise income and capitalise on the promotional space available.

Both companies can provide a full range of management services including attracting street promotions, diary management, issuing permits, managing bookings, and administration and management of venues.

Our current practice in managing activities in the town centres in the Borough is to grant street trading consents to applicants, subject to the satisfaction of the Highways Authority and Town Centre Manager and a fee of £31/per day or £77/week is charged.

A survey of fees charged by similar local authorities has shown that our fees are low in comparison with other local authorities in the North West and with more effective marketing and management could produce income which could be used for the wider benefit of residents.

In reviewing our approach to promoting use of our town centres it is evident that the private sector has much to teach us. Specialist contractors positively promote the use of town centres as commercial space they collect a fee on behalf of the local authority, issue a permit and charge the applicant a management fee. They also liaise with appropriate consultees e.g. Highways, Town Centre Manager to ensure that they are satisfied with a particular promotion and monitor and enforce any requirements.

In the current financial climate, increasing the number of promotional activities in Barrow and Dalton town centres would not only help increase revenue but also may help improve the street scene and attract more people into the town centres. Appointment of specialist contractors will help to achieve these objectives and at a time of staff reductions within the Borough Council may also help free up officer time to carry out other work.

Bo-Concepts and Inner Space have both suggested that Barrow street consent fees are low and would need to be raised to help increase revenue to the Council. As a protection for local businesses it is usual to offer a discount of between 30% - 50% compared with the fee for national and out of town promoters and I would suggest that any detailed discussions with the Bo-Concepts and Inner Space Regarding fee structures should be approached with the same principle in mind.

I would ask Members to delegate authority to the Town Centre Manager and I to appointment a suitably competent contractor to provide the service of managing promotional street trading at specified sites in Barrow and Dalton town centres and submit a further report to the Licensing Committee at the earliest opportunity including a revised fee structure for consideration prior to submission to Council.

The suggested specified sites are:

Barrow-in-Furness Town Centre
Dalton Road Spirit of Barrow Statue

Dalton Road junction with Preston Street
Dalton Road junction with Cavendish Street
Portland Walk
Town Square

Dalton-in-Furness

Tudor Square

Dalton Joint Events Committee agreed at its meeting on 22nd September, 2011 that they would be keen to be included in this initiative with Tudor Square put forward as a promotional site.

The County Highway Authority will be consulted on all agreed sites and all applicants will be required to hold £5 million third party public liability insurance and provide risk assessments to the satisfaction of the Highways Authority and Town Centre Manger (in the case of Barrow).

I would also ask Members to consider allowing any fees received from promotional street trading to be used by the Town Centre Manager or Dalton Joint Events Committee to provide additional attractions/entertainments and to promote and enhance the town centres.

The Town Centre Manager has been invited to today's meeting to address Members on this item.

Background Papers

Nil

LICENSING COMMITTEE		Part One (D) Agenda Item 8
Date of Meeting: 3rd November, 2011		
Reporting Officer: Chief Environmental Health Officer		
<p>Title: Advertising on Vehicles</p> <p>Summary and Conclusions:</p> <p>This report deals with correspondence from Livingston Solicitors which requests a review of current policy which precludes third party advertising on the external bodywork of taxis.</p> <p>Recommendation:</p> <p>Your views are requested.</p>		

Report

I have received a letter from Lisa Dacre of Livingstons Solicitors, 57-61 Market Street, Dalton-in-Furness requesting that the Council review the current policy that precludes third party advertising on the vehicle body and to further allow advertising inside taxis. A copy of the letter is attached at **Appendix 1** to this report.

The Council's current policy concerning advertising and taxis is:-

No advertising material must be displayed on windows which must be kept free of any visual obstructions. Advertising on the bodywork is limited to advertising the services of the operator subject to approval by the Council.

The issue of advertising on licensed vehicles was last discussed by Members in December 2006 when it was agreed to reconfirm the Council's requirements.

No mention, apart from reference to the obstruction of windows is made of advertising within a licensed vehicle.

Livingstons are requesting a review of the policy relating to advertising on the outside of vehicles and seeking approval to install business card dispensers or similar in taxis to promote their business.

Approval of such a change in policy may result in similar applications from other businesses with the potential of vehicles having a number of promotional advertisements within the vehicle. If Members agree to approve a change in policy they may wish to restrict to one the number of commercial operations advertised on and in each taxi.

Background Papers

Nil.