

BOROUGH OF BARROW-IN-FURNESS

LICENSING COMMITTEE

Meeting, 9th December, 2010
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 meetings held on 9th September and 4th November, 2010 (copies attached).

Chief Environmental Health Officers' Reports

FOR DECISION

- (D) 7. Renewal of Hackney Carriage/Private Hire Vehicle and Hackney Carriage/Private Hire Vehicle Drivers Licence.

- (D) 8. Engine Capacity Requirements.

RECOMMENDED PART TWO

- (D) 9. Hackney Carriage/Private Hire Vehicle Driver

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006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NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006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

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006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

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006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

Councillors D. Roberts (Chairman)
Unwin (Vice-Chairman)
Biggins
Callister
Flitcroft
Irwin
James
McEwan
Maddox
Pointer
Stephenson

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BOROUGH OF BARROW-IN-FURNESS
LICENSING COMMITTEE

Meeting: 9th September, 2010
at 2.00 p.m.

PRESENT:- Councillors D. Roberts (Chairman), Biggins, Callister, James, McEwan, Pointer and Unwin.

18 – 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. 23, 24, 25, 26 and 27) of Part One of Schedule 12A of the said Act.

19 – Disclosure of Interests

Councillor McEwan declared a personal and prejudicial interest in Agenda Item No. 9 – Application for Hackney Carriage/Private Hire Vehicle Driver's Licence as the applicant was a neighbour. He left the meeting during consideration of this item.

20 – Apologies for Absence

Apologies for absence were received from Councillors Maddox and Stephenson.

21 – Minutes

The Minutes of the meeting held on 29th July, 2010 were taken as read and confirmed.

22 – Rebalancing the Licensing Act 2003

The Commercial Services Leader drew Members' attention to the Council's response to a recent consultation document issued by the Home Office concerning a review of the Licensing Act 2003. A copy of the response was attached to the report.

Members requested that once changes to legislation made, members be given training prior to implementation.

RESOLVED:- To note the consultation response.

23 – Hackney Carriage Driver

Referring to Minute No. 14 of the meeting held on 29th July, 2010 the Commercial Services Leader re-submitted a report concerning Mr G. M. He submitted information which had been drawn to his attention concerning the applicant and set out details of the Committee's policy regarding such matters.

Mr G. M. attended the meeting and addressed the Committee. A Police Representative was also present.

RESOLVED:- To agree to allow Mr G. M. to retain his Hackney Carriage Driver's Licence on the understanding that he received a written warning as to his future conduct.

24 – Application for a Hackney Carriage/Private Hire Vehicle Driver's Licence

Referring to Minute No. 16 of the meeting held on 29th July, 2010 the Commercial Services Leader re-submitted a report concerning an application which he had received for a Hackney Carriage/Private Hire Vehicle Driver's Licence from Mr D. W.

Mr D. W. had been invited to attend today's meeting but had failed to do so for the second consecutive time.

RESOLVED:- That Mr D. W's application be refused.

25 – Hackney Carriage Driver

The Commercial Services Leader reported on information concerning a Hackney Carriage Driver, Mr A. E. He submitted information which had been drawn to his attention concerning the applicant and set out details of the Committee's policy regarding such matters.

Mr A. E. attended the meeting and addressed the Committee. A Police Representative was also present.

RESOLVED:- To agree to allow Mr A. E. to retain his Hackney Carriage Vehicle Driver's Licence on the understanding that he received a written warning as to his future conduct.

26 – Application for a Hackney Carriage/Private Hire Vehicle Driver's Licence

The Commercial Services Leader reported on an application he had received for a Hackney Carriage/Private Hire Vehicle Driver's Licence from Mr A. D. He submitted information which had been drawn to his attention concerning the applicant and set out details of the Committee's policy regarding such matters.

Mr A. D. attended the meeting and addressed the Committee. A Police Representative was also present.

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

27 – Hackney Carriage/Private Hire Vehicle Driver

Referring to Minute No. 72 of the meeting held on 22nd April, 2010 the Commercial Services Leader resubmitted a report concerning information which had been drawn to his attention regarding a Hackney Carriage/Private Hire Vehicle Driver, Mr L. F. K. and set out details of the Committee's policy regarding such matters.

Mr L. F. K. and a representative attended the meeting and addressed the Committee. A Police Representative was also present.

RESOLVED:- (i) To agree that consideration of this matter be deferred to the next meeting;

(ii) To agree that Mr L. F. K's Hackney Carriage/Private Hire Vehicle Driver's Licence would remain suspended until a decision had been made; and

(iii) The Council would pursue the Police Authority for additional information.

28 – Hackney Carriage/Private Hire Vehicle Drivers Licences

Regarding recent applications for Hackney Carriage/Private Vehicle Drivers licences, Members requested the Commercial Services Leader call a meeting with Taxi business owners to discuss vigilance when employing drivers.

RESOLVED:- To agree to request the Commercial Services Leader call a meeting with Taxi business owners.

The meeting closed at 3.10 p.m.

BOROUGH OF BARROW-IN-FURNESS
LICENSING COMMITTEE

Meeting: 4th November, 2010
at 2.00 p.m.

PRESENT:- Councillors Unwin (Chairman), Biggins, Callister, Flitcroft, Irwin, Maddox, Pointer and Stephenson.

29 – 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. 35 and 36) of Part One of Schedule 12A of the said Act.

30 – Disclosure of Interests

Councillor Maddox declared a personal and prejudicial interest in Agenda Item No. 32 – Application for Street Collection Permit – Variation to Policy as she was a Member of Dalton Town Council. She left the meeting during consideration of this item.

31 – Apologies for Absence

Apologies for absence were received from Councillors McEwan and D. Roberts.

32 – Application for Street Collection Permits – Variation to Policy

The Chief Environmental Health Officer submitted a report he had received from the Dalton Mayor's Charity Fund to hold a street collection on Sunday 28th November, 2010 between the hours of 4.30 p.m. and 9.00 p.m. in Dalton-in-Furness.

He reported that the Council's policy allowed permits to be issued for collections on Fridays and Saturdays only and requested Members to consider varying the policy on this occasion to allow the collection to take place.

RESOLVED:- To agree that the Council's policy be varied to allow the collection to take place.

33 – Vehicle Testing Stations

The Chief Environmental Health Officer submitted a report concerning the provision of the vehicle testing service provided on behalf of the Council by local MOT testing stations.

It was reported that an advertisement had been placed in the local newspaper inviting garage proprietors to submit tenders for the provision of a vehicle testing service for the Borough Council in respect of its taxi licensing function. Testing stations must be capable of carrying out full tests on both petrol and diesel engine vehicles and have at least two qualified tenders to ensure cover during periods of holiday and illness. The current arrangements for the service were due for renewal on 1st January, 2011.

The Chief Environmental Health Officer requested Members to delegate the assessment of any submissions received as a result of the advertisement to him in consultation with the Chairman and Vice-Chairman of this Committee.

RESOLVED:- To agree that the Chief Environmental Health Officer, in consultation with the Chairman and Vice-Chairman of this Committee be authorised to award contracts for the provision of licensed vehicle testing to any or all of the interested parties, subject to them meeting the Borough Council's criteria for a vehicle testing station for a period of three years effective from 1st January, 2011.

34 – Street Trading Application

The Chief Environmental Health Officer submitted a report regarding an application for street trading consent from Taylor's (Cumbria) Amusements in Dalton Road on the date of the Christmas lights switch on.

The application was to site the following amusements on Dalton Road near to Portland Walk or another site within the town centre:

1. Kiosks 14' by 6' "fun sweets selling only novelty sweets, candy floss and hot and cold drinks".
2. Side stall 8' by 4' fairground prize game, everyone gets a prize; and
3. 2 x kiddie carousels 14' diameter.

Similar applications had been approved in the past subject to no adverse comments being received from consultees and subject to the attractions being sited in a position which was to their satisfaction.

It had been suggested that the applicant seeks general approval for a site during the Christmas period rather than for a specific day only.

RESOLVED:- To delegate authority to the Chief Environmental Health Officer to approve applications for street trading permits from Taylor`s(Cumbria)Amusements during the Christmas period, subject to:-

1. No adverse comments being received and,
2. A suitable site can be identified after consultation with the Town Centre Manager

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. P. 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. P. attended the meeting and addressed the Committee. A Police representative was also present.

RESOLVED:- To agree to grant Mr D. P. with a Hackney Carriage/Private Hire Vehicle Drivers Licence on the understanding that he received a written warning as to his future conduct.

36 –Hackney Carriage/Private Hire Vehicle Driver

Referring to Minute No. 27 of the meeting held on 9th September, 2010 and Minute No. 72 of the meeting held on 22nd April, 2010 the Chief Environmental Health Officer resubmitted a report concerning information which had been drawn to his attention regarding a Hackney Carriage/Private Hire Vehicle Driver, Mr L. F. K. and set out details of the Committees Policy regarding such matters.

Mr L.F.K and a representative attended the meeting and addressed the Committee. A Police representative was also present.

RESOLVED:- To revoke Mr L. F. K's Hackney Carriage/Private Hire Vehicle Drivers licence with immediate effect for the following reason:

“Having been provided with information from Cumbria Constabulary, 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”. The applicant had been informed that he had a right of appeal against this decision to the Magistrates Court.

REFERRED ITEMS

THE FOLLOWING MATTERS ARE REFERRED TO COUNCIL FOR DECISION

37 – Licensing Act 2003 – Review of Licensing Policy

The Chief Environmental Health Officer reported that the Council were required to review its Licensing Policy under the requirement of Section 5 of the Licensing Act 2003.

A review of the Policy had been undertaken with consultations being undertaken as required. Attached to the report were copies of the reviewed documents showing changes and a summary of the consultations reviewed, their appraisal and recommendations.

The review of Policy had been carried out in partnership with the other five Cumbrian licensing authorities. This was to ensure consistency and to assist businesses and responsible authorities to carry out their work.

RECOMMENDED:- To recommend the Council approve and adopt the Barrow Borough Council Statement of Licensing Policy.

The meeting closed at 3.10 p.m.

LICENSING COMMITTEE	(D) Agenda Item 7
Date of Meeting: 9th December, 2010	
Reporting Officer: Chief Environmental Health Officer	
<p>Title: Renewal of Hackney Carriage/Private Hire Vehicle and Hackney Carriage/Private Hire Vehicle Drivers Licence</p> <p>Summary and Conclusions:</p> <p>This report proposes the adoption of an approved procedure to more effectively regulate applications for the renewal of taxi licences.</p> <p>Recommendation:</p> <p>That Members resolve to adopt the approved procedure as detailed in the body of the report, with immediate effect.</p>	

Report

Hackney Carriage/Private Hire Vehicle Drivers licences and Hackney Carriage/Private Hire Vehicle licences are renewed annually by the Council. To avoid a break in licensing periods reminder letters are sent out to licence holders in good time advising them to renew their licences with the expiry dates clearly highlighted. The licences themselves also clearly show expiry dates.

Nevertheless proprietors of vehicles and licensed drivers continue to fail to renew their licences on time and in some cases have continued to drive whilst unlicensed or use a vehicle with an expired licence.

It is an offence to use a vehicle for hire and reward or for private hire without the vehicle being licensed and it is also an offence to drive a licensed vehicle without a current drivers licence.

The use of such a vehicle without a current vehicle licence or an appropriate drivers licence also invalidates the insurance cover for the vehicle.

This problem has existed for some time and you have recently agreed to improved changes to the licensing procedures to reduce the likely occurrence of confusion over licensing renewal dates.

You will be aware that vehicle licence plates are renewed annually and show expiry dates. In addition, driver licence identification badges are being introduced which are conterminous to licences make renewal dates more evident.

Given these improvements a firmer stance is now being taken against individuals who fail to renew their licences on time with drivers being required to make a new full application, including providing an updated criminal records check, undertake a medical and retake a driving test.

To help consistency of action taken by officers and dealing with individuals who make late applications I suggest adopting the following approved procedure with immediate effect:-

1) General

Hackney Carriage and Private Hire Vehicle Drivers and Hackney Carriage and Private Hire Vehicles licence holders who are late in making applications for licence renewals but renew within a 7 day period be issued with a written warning informing them that if they subsequently fail to renew their licence on time again they will be referred to the Licensing Committee and/or prosecution if they have been working within the unlicensed period.

2) Hackney Carriage/Private Hire Vehicle Drivers Licences

If drivers fail to renew their drivers licences on time and they are more than 7 days late making a renewal application they be required to make a full new application including the provision of an updated criminal records check, undertaking a medical examination and retaking a driving test.

3) Hackney Carriage/Private Hire Vehicle Licences

If Hackney Carriage proprietors fail to renew their vehicle licence on time and are more than 7 working days late making a renewal application, the hackney carriage plates will be withdrawn and not re-issued.

4) Any exceptions to the approved procedure outlined above will be considered at the next available Licensing Committee meeting.

Background Papers

Nil

LICENSING COMMITTEE	(D) Agenda Item 8
Date of Meeting: 9th December, 2010	
Reporting Officer: Chief Environmental Health Officer	
Title: Engine Capacity Requirements	
Summary and Conclusions:	
This report deals with the vehicle licence conditions which regulate the engine capacity of vehicles which can be licensed. The report requests Members to lower the engine capacity requirements from the current 1500cc to 1300cc.	
Recommendation:	
1) To authorise the Chief Environmental Health Officer to consult with the trade over the amendment to the condition; and	
2) If no substantive objections are received the Hackney Carriage/Private Hire Vehicle Licence conditions be amended to allow the licensing of vehicles with a capacity of 1300cc (or models with an engine capacity promoted as being 1300cc) as from 1st February, 2011.	

Report

Hackney Carriage/Private Hire Vehicles are licensed subject to compliance with certain conditions.

One of the conditions of the licence is that vehicles must have an engine capacity of 1500cc or more.

When these conditions were first introduced vehicle engines were far less powerful than they are now with contemporary 1300cc engines producing more power than older 2000cc engines.

The current trend in vehicle design is for smaller engines which produce less harmful pollutants but produce the same power.

I have received requests from the trade for a reduction in the required engine capacity requirements for licensed vehicles. Other local authorities have also reduced the engine capacity requirements.

I would, therefore, ask Members to consider agreeing to a change in the Hackney Carriage/Private Hire Vehicle Licence Conditions to allow the licensing of vehicles with an engine capacity of 1300cc (or vehicles with engines promoted as 1300cc vehicles e.g. 1290 but known as a 1300) subject to no objections being received as a result of consultation.