

# **BOROUGH OF BARROW-IN-FURNESS**

## **LICENSING COMMITTEE**

Meeting, 18th June, 2009  
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 27th April, 2009 (copy attached).

#### **Chief Environmental Health Officers' Reports**

#### **FOR DECISION**

- (D) 1. Appointments on Outside Panels, Working Groups etc.

- (D) 2. Application for Grant of Licence authorising the keeping of a Dog Breeding Establishment – ‘Happy House’ 33 Thorncliffe Road, Barrow.
- (D) 3. Application for Street Collection Permit – North Walney Tenants and Residents Association.
- (D) 4. Application for Street Collection Permit – The Royal British Legion.

**RECOMMENDED PART TWO**

- (D) 5. 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**NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006**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) 6. 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**NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006**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) 7. 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**NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006**

**Membership of Committee**

**Councillors**

D. Roberts (Chairman)  
Unwin (Vice Chairman)  
Callister  
English  
Garnett  
R Hamezeian  
Irwin  
James  
McClure  
Millar  
Murray  
Stephenson

# **BOROUGH OF BARROW-IN-FURNESS**

## **LICENSING COMMITTEE**

Meeting: 27th April, 2009  
at 2.00 p.m.

PRESENT:- Councillors D. Roberts (Chairman), Unwin (Vice-Chairman), Bell, English, R. Hamezeian, Irwin, James and Millar.

### **88 – 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. 94-99) of Part One of Schedule 12A of the said Act.

### **89 – Apologies for Absence**

Apologies for absence were received from Councillors Callister, Stephenson and Waiting.

### **90 – Minutes**

The Minutes of the meeting held on 12th March, 2009 were taken as read and confirmed.

### **91 – Applications for Private Hire Vehicle and Hackney Carriage Drivers Licences from Applicants from elsewhere in the European Union and other overseas Countries**

The Chief Environmental Health Officer submitted a report updating members on advice from the Department of Transport in respect of applications for taxi licences from applicants from elsewhere in the European Union and other overseas countries and from the Council's Internal Audit Service responding to requests for information from the National Fraud Initiative 2008/09.

At the last meeting of the Committee on 12th March, 2009, the Committee had deferred consideration of this matter (Minute No. 80 of 12th March, 2009 refers).

The Chief Environmental Health Officer reported that he had subsequently had communications from the Council's Internal Audit Service and the Audit Commission

National Fraud Initiative 2008/09 in respect of the need for a policy on background checks for applicants from elsewhere in the EU and other overseas countries including enquiring about an applicant's right to work in the UK. This reminder of good practice had arisen from the Audit Commission National Fraud Initiative (NFI) 2008/09 requiring data to be provided by Internal Audit so that NFI could match data provided by UK Border Agency to identify where licences had been issued to individuals with no right to work or stay in the UK.

The request from the NFI was relevant to the changes proposed in the report deferred from the meeting on 12th March, 2009, a copy of which had been appended to this report. The Chief Environmental Health Officer requested Members to reconsider this matter in light of the NFI enquiry.

RESOLVED:- (i) To agree that applications for taxi licences from applicants with driving licences issued from elsewhere in the European Union and other overseas countries be accepted, subject to applicants acquiring a UK driving licence within three years of their residency in the UK;

(ii) To agree that Hackney Carriage and Private Hire Vehicle Driver licence application forms for new applicants be amended to require the provision of details of the applicants home address for the previous three years and information confirming otherwise if they had lived abroad;

(iii) To agree that an application from a non UK resident be required to obtain a 'Certificate of Conduct' from the Embassy of the applicant's country of origin or place of recent residence, if appropriate; and

(iv) To agree that applications from non UK residents be required to provide proof of residency and right to work in the UK.

## **92 – Furness Owl Centre, Sandscale Park, Barrow-in-Furness**

The Chief Environmental Health Officer submitted a report updating Members on the current status of Furness Owl Centre in respect of compliance with the requirements of the Zoo Licensing Act 1981.

The Committee were aware that Furness Owl Centre had working towards compliance with the requirements of the standards set by the relevant European Union Directive and Standards of Modern Zoo Practice following an inspection undertaken by Andrew Greenwood, Nominated Zoo Inspector and Local Authority Officers in December 2007. Following that inspection, Furness Owl Centre had been required to prepare and implement a programme of improvements to the satisfaction of the Local Authority by 31st December, 2008.

At the meeting of this Committee held on 29th January, 2009, Members had considered a report detailing improvements made by Furness Owl Centre. At that meeting it had

been resolved to undertake a Special Inspection under the terms of the Zoo Licensing Act 1981 which required that a Nominated Zoo Inspector be appointed to inspect the premises in partnership with the Local Authority (Minute No. 70 of 29th January, 2009 refers).

The Chief Environmental Health Officer considered it necessary to take this course of action for the Licensing Committee to be confident that animal welfare conditions on the premises met the statutory standards. He today reported that a Special Inspection had been carried out by Andrew Greenwood and Local Authority Officers on 3rd April, 2009. He had not yet received a formal report in respect of the inspection, however, he had been provided with advice from the Nominated Zoo Inspector that he was satisfied that animal welfare matters were satisfactory and adequate improvements had been made to the premises in order to justify the opening effective from Easter 2009. This information had been communicated to Mrs L. Jones, the licence holder so that she could take the necessary steps to open the premises to the public.

In order to effectively manage the administration following the Special Inspection, the Chief Environmental Health Officer requested that the Committee delegated authority to him to receive the formal report on their behalf. He also recommended that the licence condition imposed by the Committee on 6th December, 2007 be removed from the Zoo Licence.

Members had requested that the Committee's satisfaction be emphasised to the Furness Owl Centre Zoo Licence holder.

**RESOLVED:-** (i) That the condition detailed below be removed from the Zoo Licence in respect of Furness Owl Centre, Sandscale Park, Barrow-in-Furness.

“By 31st December, 2008 the proprietors must produce to the Local Authority a detailed and timed programme of institutional and structural improvements, including clear evidence of available means to satisfy the Local Authority and its advisors that the Zoo was capable of meeting the Directive conditions, other previously attached conditions on the Standards of Modern Zoo Practice by the time it reopens”; and

(ii) To agree to delegate authority to the Chief Environmental Health Officer to amend the Zoo Licence in respect of Furness Owl Centre, Sandscale Park, Barrow-in-Furness in accordance with a report arising from a Special Inspection undertaken by the Local Authority and a Nominated Zoo Inspector on 3rd April, 2009.

### **93 – Unmet Demand Survey – Hackney Carriage Licences**

The Chief Environmental Health Officer submitted a report updating Members on the Quantity Control Policy Review and presented, as a necessary pre-requisite to the review, a draft of the Barrow-in-Furness Borough Council Hackney Carriage Demand Survey for Members' consideration.

It was noted that the Department of Transport had required that all Local Authorities that operate a Quantity Control Policy for Hackney Carriage licences must review this policy and publish the outcome.

A necessary preliminary to reviewing the Quantity Control Policy was to undertake a survey to identify any unmet demand for taxi services within the Borough. Members had been aware that such a survey had been undertaken over the last few months within Barrow.

A copy of the draft Barrow Borough Council Hackney Carriage Demand Survey had been appended to the report for Members' consideration. It was noted from the summary and conclusions within the draft report that the survey had not identified any significant unmet demand for taxi services and the options open to the Council were as follows:-

1. Continue to limit the number of vehicles at 152;
2. Issue any number of additional plates as it sees fit, either in one allocation or a series of allocations; or
3. Remove the limit on the number vehicles and allow a free entry policy.

The Chief Environmental Health Officer informed Members that when this matter had last been considered in 2005, it had been resolved to continue to impose a limit on the number of Hackney Carriage vehicles and he was not aware of any changes in circumstances that would warrant a change to that policy. He therefore recommended that Members resolved to continue with the current policy.

RESOLVED:- To note the information in the draft Barrow Borough Council Hackney Carriage Demand Survey and take no action in this matter.

#### **94 – Application for 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. T. McG. 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 D. T. McG. attended the meeting and addressed the Committee.

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

#### **95 – Application for 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 S. H. 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 S. H. attended the meeting and addressed the Committee.

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

### **96 – Application for 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 G. M. C. 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. C. had been invited to attend today's meeting but had failed to do so.

RESOLVED:- To agree that consideration of this matter be deferred until the next meeting of the Committee and that Mr G. M. C. be informed that should he fail to attend that meeting, a decision would be made by the Committee in his absence.

### **97 – Application for 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 R. H. W. 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 R. H. W. attended the meeting and addressed the Committee.

RESOLVED:- To refuse Mr R. H. W's application for the following reason:

The applicant had a history that included a number of offences. Notwithstanding that the offences had been committed over 20 years ago, 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.

### **98 – Application for 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 S. A. B. 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 S. A. B. attended the meeting and addressed the Committee.

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

### **99 – Application for Hackney Carriage/Private Hire Vehicle Drivers Licence**

Referring to Minute No. 86 of the meeting held on 12th March, 2009, the Chief Environmental Health Officer re-submitted a report regarding an application he had received for a Hackney Carriage/Private Hire Vehicle Drivers licence from Mr B. V. 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 B. V. attended the meeting and addressed the Committee.

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

The meeting closed at 3.00 p.m.



<b>LICENSING COMMITTEE</b>		<b>Part One (D) Agenda Item 1</b>
<b>Date of Meeting:</b>	<b>18th June, 2009</b>	
<b>Reporting Officer:</b>	<b>Chief Executive</b>	
<p><b>Title: Appointments on Outside Panels, Working Groups etc.</b></p> <p><b>Summary and Conclusions:</b></p> <p>The Council on 12th May, 2009 had been requested to give delegated authority to Committees to make appointments to Outside Bodies, Forums (excluding Housing Management Forum) Panels, Working Groups etc. in accordance with the number and allocation of seats to political groups agreed at the Meeting.</p> <p>In the case of the Licensing Committee this involved appointments to the Licensing Policy Consultation Working Group and the Taxi/Private Hire Liaison Group.</p> <p><b>Recommendation:</b></p> <p>To agree the appointments to the Licensing Policy Consultation Working Group and the Taxi/Private Hire Liaison Group.</p>		

### **Report**

At the Annual Council Meeting on 12th May, 2009 the allocation of seats in respect of Forums, Panels, Working Groups etc. had been agreed. Delegated authority was given to the appropriate Committees to make the necessary appointments.

In the case of the Licensing Committee this involved the appointment of Members to:-

Licensing Policy Consultation Working Group

(Membership for 2008/2009 was Councillors English, James, Irwin and R. Hamezeian).

Taxi/Private Hire Liaison Group

(Membership for 2008/2009 was Councillors D. Roberts and Millar).

In accordance with proportionality rules, the notional seat allocations for 2009/10 are as follows:-

- Licensing Policy Consultation Working Group – Four Seats (2 Conservative: 1 Labour: 1 Socialist People’s)
- Taxi/Private Hire Liaison Group – Three Seats (1 Conservative: 1 Independent\*: 1 Barrow Borough Independent)

\* Please Note:- In order to maintain proportionality, the Independent Group have agreed to forego their seat on the Taxi/Private Hire Liaison Group.

Background Papers

Nil

<b>LICENSING COMMITTEE</b>	<b>(D) Agenda Item 2</b>
<b>Date of Meeting: 18<sup>th</sup> June, 2009</b>	
<b>Reporting Officer: Chief Environmental Health Officer</b>	
<b>Title: Application for Grant of Licence authorising the keeping of a Dog Breeding Establishment – ‘Happy House’ 33 Thorncliffe Road, Barrow-in-Furness</b>	
<b>Summary and Conclusions:</b>	
This reports deals with an application for a Dog Breeding Establishment in respect of ‘Happy House’, 22 Thorncliffe Road, Barrow-in-Furness, Cumbria.	
<b>Recommendation:</b>	
That the application be approved subject to the following conditions:-	
<ol style="list-style-type: none"><li>1) An isolation area is designated for the exclusive use of sick animals to minimise the impact of disease or infection within the establishment; and</li><li>2) A comprehensive record keeping system is established to register all bitches in the establishment, their ages, dates of heat period, mating and whelping.</li></ol>	

**Report**

I have received an application for a licence authorising the keeping of a Dog Breeding Establishment at ‘Happy House’, 33 Thorncliffe Road, Barrow-in-Furness from Jane Baker, ‘Happy House’, 33 Thorncliffe Road, Barrow.

The relevant legislation relating to this type of activity is the Breeding of Dogs Act 1973 which requires a licence in situations where the business of breeding dogs for sale is carried on and that the scale of the breeding activity is such that a licence would be necessary to regulate breeding activity on the premises.

I am satisfied that the need for a licence is justified in this case as the application passes both the relevant tests required by the Act of 1973.

The applicant advertises the sale of dogs on a website dedicated to the specific premises and in terms of the scale of breeding activity currently has 8 breeding bitches on the premises.

Before an application can be considered an inspection has to be undertaken by a professional competent authority in this case Church Walk Veterinary Centre, Ulverston have undertaken an inspection on behalf of the Council to ascertain if welfare provisions meet the necessary standards.

I have attached at **Appendix 1** the report prepared by the competent authority for your consideration.

I recommend that a licence be granted in this case with conditions attached which require the establishment of a isolation facility on the premises in the event of sickness or infectious disease and that a comprehensive record keeping system is established.

The applicant and/or her representative have been invited to your meeting to speak on this matter.

Background Papers

Nil

**Part One**

<b>LICENSING COMMITTEE</b>	<b>(D) Agenda Item 3</b>
<b>Date of Meeting: 18<sup>th</sup> June, 2009</b>	
<b>Reporting Officer: Chief Environmental Health Officer</b>	
<b>Title: Application for Street Collection Permit – North Walney Tenants and Residents Association</b>	
<b>Summary and Conclusions:</b>	
This reports deals with an application for a Street Collection Permit for an event which falls outside my delegations for dealing with similar applications.	
<b>Recommendation:</b>	
That the application be approved and that I be delegated authority to deal with any similar applications submitted by North Walney Tenants and Residents Association in future years.	

**Report**

I have received an application for a Street Collection Permit from Tony Slater on behalf of North Walney Tenants and Residents Association for a collection to be held on Sunday, 28<sup>th</sup> June, 2009 12.30 p.m. to 4.30 p.m. The collection is a fund raising activity as part of Walney Carnival.

As you are aware I am delegated authority to deal with Street Collection permit applications on Friday and Saturdays only. As this application is for an annual charitable event held locally I would suggest that the application be approved and that I be delegated authority to approve similar applications in future years.

**Background Papers**

Nil

**Part One**

<b>LICENSING COMMITTEE</b>	<b>(D) Agenda Item 4</b>
<b>Date of Meeting: 18<sup>th</sup> June, 2009</b>	
<b>Reporting Officer: Chief Environmental Health Officer</b>	
<b>Title: Application for Street Collection Permit – The Royal British Legion</b>	
<b>Summary and Conclusions:</b>	
This reports deals with an application for Street Collection Permit for The Royal British Legion for two consecutive days in November, 2010.	
<b>Recommendation:</b>	
That the application be approved for a Street Collection Permit to be issued in respect of Saturday, 13 <sup>th</sup> November, 2010 only.	

**Report**

I have received an application from Mr. R. R. Thompson OBE of The Royal British Legion in respect of a Street Collection Permit from Friday 12<sup>th</sup> and Saturday 13<sup>th</sup> November, 2010.

It is current policy that charitable organisations are granted a permit for one day only each year. I recommend, therefore, that the application is approved for a collection on Saturday, 13<sup>th</sup> November, 2010 only.

**Background Papers**

Nil