

BOROUGH OF BARROW-IN-FURNESS

LICENSING COMMITTEE

Meeting, 3rd February, 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 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 December, 2010 (copy attached).

Chief Environmental Health Officers' Reports

FOR DECISION

- (D) 7. Gambling Act 2005 - Variation to Licensed Premises Gaming Machine Permit, Furness Railway, Abbey Road, Barrow-in-Furness.

RECOMMENDED PART TWO

- (D) 8. 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NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006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) 9. 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NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006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) 10. Private Hire 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NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006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) 11. 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NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006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) 12. 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NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006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)
Biggins
Callister
Flitcroft
Irwin
James
McEwan
Maddox
Pointer
Stephenson

For queries regarding this agenda, please contact:

Sharron Rushton
Democratic Services Officer
Tel: 01229 876321
Email: srushton@barrowbc.gov.uk

BOROUGH OF BARROW-IN-FURNESS
LICENSING COMMITTEE

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

PRESENT:- Councillors D. Roberts (Chairman), Biggins, Irwin, McEwan, Pointer, C. Thomson and Unwin.

38 – 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. 43, 44, 45 and 46) of Part One of Schedule 12A of the said Act.

39 – Apologies for Absence

Apologies for absence were received from Councillors James, Maddox and Stephenson.

Councillor C. Thomson had replaced Councillor Maddox for this meeting only.

40 – Minutes

The Minutes of the meetings held on 9th September and 4th November, 2010 were taken as read and confirmed.

41 – Renewal of Hackney Carriage/Private Hire Vehicle and Hackney Carriage/Private Hire Vehicle Drivers Licence

The Chief Environmental Health Officer proposed the adoption of an approved procedure to more effectively regulate applications for the renewal of taxi licences.

Hackney Carriage/Private Hire Vehicle Drivers licences and Hackney Carriage/Private Hire Vehicle licences were renewed annually by the Council. To avoid a break in licensing period's reminder letters were 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 showed expiry dates.

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

It was an offence to use a vehicle for hire and reward or for private hire without the vehicle being licensed and it was 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 driver's licence also invalidated the insurance cover for the vehicle.

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

The Chief Environmental Health Officer reported that vehicle licence plates were renewed annually and showed expiry dates. In addition, driver licence identification badges were being introduced which were conterminous to make licence renewal dates more evident.

Given these improvements a firmer stance was now being taken against individuals who failed 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 made late applications the Chief Environmental Health Officer suggested adopting the following approved procedures with immediate effect:-

1) General

Hackney Carriage and Private Hire Vehicle Drivers and Hackney Carriage and Private Hire Vehicles licence holders who were 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 would be referred to the Licensing Committee and/or prosecution if they had 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 were 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 were more than 7 working days late making a renewal application, the hackney carriage plates would be withdrawn and not re-issued.

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

RESOLVED:- To agree to adopt the following approved procedures with immediate effect:-

i) General

Hackney Carriage and Private Hire Vehicle Drivers and Hackney Carriage and Private Hire Vehicles licence holders who were 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 would be referred to the Licensing Committee and/or prosecution if they had been working within the unlicensed period.

ii) Hackney Carriage/Private Hire Vehicle Drivers Licences

If drivers fail to renew their drivers licences on time and they were 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.

iii) Hackney Carriage/Private Hire Vehicle Licences

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

- iv) Any exceptions to the approved procedure outlined above would be considered at the next available Licensing Committee meeting.

42 – Engine Capacity Requirements

The Chief Environmental Health Officer reported on the current vehicle licence conditions which regulate the engine capacity of vehicles which could be licensed. He requested Members to lower the engine capacity requirements from the current 1500cc to 1300cc.

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

One of the conditions of the licence was 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 were now with contemporary 1300cc engines producing more power than older 2000cc engines.

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

The Chief Environmental Health Officer had received requests from the trade for a reduction in the required engine capacity requirements for licensed vehicles. Other local authorities had also reduced the engine capacity requirements.

He asked 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.

RESOLVED:- (i) To agree that the Chief Environmental Health Officer be authorised to consult with the trade over the amendment to the condition; and

(ii) If no substantive objections were received the Hackney Carriage/Private Hire Vehicle Licence conditions be amended to allow the licensing of vehicles with a capacity of 1300cc (or model with an engine capacity promoted as being 1300cc) as from 1st February, 2011.

43 – Hackney Carriage/Private Hire Vehicle Driver

The Chief Environmental Health Officer reported on information concerning a Hackney Carriage/Private Hire Vehicle Driver, Mr S. T. B. He submitted information which had been drawn to his attention concerning the driver and set out details of the Committees Policy regarding such matters.

Mr S. T. B. attended the meeting and addressed the Committee. A Police representative was also present.

RESOLVED:- To agree to allow Mr S. T. B. to retain his Hackney Carriage/Private Hire Vehicle Drivers licence on the understanding that he received a severe written warning as to his future conduct.

44 – 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 C. S. 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 C. S. 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.

45 – Hackney Carriage Driver

The Chief Environmental Health Officer reported on information concerning a Hackney Carriage Driver, Mr J. M. C. He submitted information which had been drawn to his attention concerning the driver and set out details of the Committee's policy regarding such matters.

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

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

46 – Private Hire Vehicle Driver

The Chief Environmental Health Officer reported on information concerning a Private Hire Vehicle Driver, Mr B. J. D. He submitted information which had been drawn to his attention concerning the driver and set out details of the Committee's policy regarding such matters.

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

RESOLVED:- To agree to allow Mr B. J. D. to retain his Private Hire Vehicle Driver's Licence on the understanding that he received a written warning as to his future conduct.

The meeting closed at 2.55 p.m.

LICENSING COMMITTEE	(D) Agenda Item 7
Date of Meeting: 3rd February, 2011	
Reporting Officer: Chief Environmental Health Officer	
Title: Gambling Act 2005 - Variation to Licensed Premises Gaming Machine Permit, Furness Railway, Abbey Road, Barrow-in-Furness	
Summary and Conclusions:	
This report deals with an application for variation to a Licensed Premises Gaming Machine Permit to allow 5 category C gaming machines to be operated at the Furness Railway, Abbey Road, Barrow-in-Furness.	
Recommendation:	
That Members approve the application.	

Report

I have received an application for the variation of a Licensed Premises Gaming Machine Permit from J. D. Weatherspoon Plc for The Furness Railway, Abbey Road, Barrow-in-Furness.

The Furness Railway currently has a permit authorising the provision of 4 category C gaming machines and is applying to vary the permit to allow the provision of 5 category c machines.

Category C gaming machines allow a maximum stake of 50p and a maximum prize of £25.00.

Officers have delegated authority to determine applications for up to a maximum of 4 machines in any individual premises (Minute No. 8 Licensing Committee 22nd May, 2008). Public Houses and other licensed premises are entitled to have up to 2 gaming machines (category C or D) without the need for a permit. (Category D gaming machines allow a maximum stake of 10p or 30p (non monetary) and a maximum prize of £5 cash (£8 non monetary).

Chapter 26 of the Guidance to Licensing Authorities (3rd Edition) May 2009 deals with gaming in alcohol licensed premises.

Chapter 20 of the Statement of Gambling Policy relates to Alcohol Licensed Gaming Machine Permit. A copy of Chapter 20 is attached at **Appendix 1** to this report.

Licensing Authorities are required to consider an application for a permit based on the licensing objectives, the Guidance issued to Licensing Authorities and “such matters as they think relevant”.

The Licensing objectives are :-

- 1) Preventing gambling from being a source of crime or disorder being associated with crime or disorder or being used to support crime.
- 2) Ensuring that gambling is conducted in a fair and open way.
- 3) Protecting children and other vulnerable persons from being harmed or exploited by gambling.

I have consulted with the Police Authority who have confirmed that they have no objection to the application.

Attached at **Appendix 2** is a copy of the Gambling Commission – Gaming Machine Code of Practice.

The Code of Practice requires gaming machines to be located in a place within the premises so that their use can be supervised, either by staff whose duties include such supervision (including bar or floor staff) or by other means. An officer has discussed current supervision and siting arrangements with a senior member of the management of the premises and arrangements appear to be adequate.

It is recommended that Members approve the application.

Background Papers

Nil