

BOROUGH OF BARROW-IN-FURNESS

LICENSING COMMITTEE

Meeting, 8th December, 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 3rd November, 2011 (copy attached).

Chief Environmental Health Officers' Reports

FOR DECISION

- (D) 7. Taxi Licensing Working Party.
- (D) 8. Driving Test Contract.

(D) 9. Hackney Carriages Unmet Demand Survey.

RECOMMENDED PART TWO

(D) 10. Hackney Carriage and 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**NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART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:

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

Published: 30th November, 2011

BOROUGH OF BARROW-IN-FURNESS

LICENSING COMMITTEE

Meeting: 3rd November, 2011
at 2.00 p.m.

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

36 – The Local Government Act, 1972 as amended by the Local Government (Access to Information) Act, 1985 and Access to Information (Variation) Order 2006 – Urgent Item

RESOLVED:- That by reason of the special circumstances outlined below the Chairman is of the opinion that the following item of business not specified on the agenda should be considered at the meeting as a matter of urgency in accordance with Section 100B(4)(b) of the Local Government Act, 1972.

<u>Item</u>	<u>Reason</u>
Application for Street Trading Consent – Town Centre (Minute No. 41)	The next meeting of the Committee was on 8th December, 2011 and the application related to an event on 19th November, 2011.

37 – 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. 44 and 45) of Part One of Schedule 12A of the said Act.

38 – Disclosure of Interests

Councillor Callister declared a personal and prejudicial interest in Agenda Item No. 9 – Private Hire Vehicle Driver, as the applicant was known to him. He left the meeting during consideration of this item.

Councillor Maddox declared a personal and prejudicial interest in the Urgent Item – Application for Street Trading Consent – Town Centre as the applicants were to be used

by Dalton Town Council and she was a Member of Dalton Town Council. She left the meeting during consideration of this item.

39 – Apologies for Absence/Attendance of Substitute Members

Apologies for absence were received from Councillors Irwin and Roberts.

Councillor Richardson had replaced Councillor Roberts for this meeting only.

40 – Minutes

The Minutes of the meeting held on 8th September, 2011 were taken as read and confirmed.

41 – Application for Street Trading Consent – Town Centre

The Chief Environmental Health Officer submitted a report regarding an application for Street Trading Consent from Andrew Turner T/A Hartleys on the Hoof Limited, Park Cottage, Dalton-in-Furness to have a hog roast on the Town Square on 19th November, 2011 which was the day of the Christmas Lights turn on.

RESOLVED:- To agree to grant the application for Street Trading Consent subject to approval by the Town Centre Manager and the Highways Authority.

42 – Management of Promotional Street Trading in Barrow and Dalton Town Centres

The Chief Environmental Health Officer submitted a report regarding the management of promotional street trading in Barrow and Dalton Town Centres and recommended the use of a specialist company to help manage, maximise and capitalise on the promotional space available in the town centres.

The report recommended 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.

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

Discussions had 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 could provide a full range of management services including attracting street promotions, diary management, issuing permits, managing bookings, and administration and management of venues.

The Council's current practice in managing activities in the town centres in the Borough was 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 was charged.

A survey of fees charged by similar local authorities had shown that our fees were 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 the Council's approach to promoting use of town centres it was evident that the private sector had much to teach. 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 were 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 would 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 had both suggested that Barrow street consent fees were low and would need to be raised to help increase revenue to the Council. As a protection for local businesses it was usual to offer a discount of between 30% - 50% compared with the fee for national and out of town promoters and the Chief Environmental Health Officer suggested that any detailed discussions with the Bo-Concepts and Inner Space regarding fee structures should be approached with the same principle in mind.

Members were requested to delegate authority to the Chief Environmental Health Officer and the Town Centre Manager 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 were:

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 Highways Authority would be consulted on all agreed sites and all applicants would 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 Manager.

The Chief Environmental Health Officer also requested 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 had attended the meeting and addressed the Committee.

RESOLVED:- (i) To delegate authority to the Chief Environmental Health Officer 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;

(ii) To delegate authority to the Chief Environmental Health Officer 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;

(iii) To 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; and

(iv) That the specified sites identified be approved as suitable locations for promotional activities subject to agreement with the Highways Authority.

43 – Advertising on Vehicles

The Chief Environmental Health Officer submitted a report dealing with correspondence from Livingstons Solicitors which requested a review of the current policy which precludes third party advertising on the external bodywork of taxis. A copy of the letter was attached to the report.

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

No advertising material must be displayed on windows which must be kept free of any visual obstructions. Advertising on the bodywork was 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 was made of advertising within a licensed vehicle.

Livingstons were 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.

RESOLVED:- To agree for a Working Party to be established in 2012 to review the current policy. Membership of the Working Party would be determined at the next Licensing Committee.

COUNCILLOR MADDOX WAS APPOINTED AS CHAIRMAN FOR THE FOLLOWING ITEM ONLY

44 – Private Hire Vehicle Driver

The Chief Environmental Health Officer submitted a report concerning information which had been drawn to his attention regarding a Hackney Carriage/Private Hire Vehicle Driver, Mr D. G. C. and set out details of the Committee's policy regarding such matters.

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

RESOLVED:- To revoke Mr D. G. C's Hackney Carriage/Private Hire Vehicle Drivers 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 to 5 years following his release from a custodial sentence in July 2009 ”.

The applicant had been informed that he had a right of appeal against the decision to the Magistrates Court”.

45 – 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 Private Hire Vehicle Driver who had been granted a licence at the Licensing Committee meeting held on 24th March, 2011

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

RESOLVED:- (i) That no action be taken in respect of the Private Hire Vehicle Driver; and

(ii) All parties concerned would be written to stating that Committee procedures were fully considered and followed at the Licensing Committee meeting held on 24th March, 2011.

The meeting closed at 3.25 p.m.

LICENSING COMMITTEE		Part One (D) Agenda Item 7
Date of Meeting:	8th December, 2011	
Reporting Officer:	Chief Environmental Health Officer	
<p>Title: Taxi Licensing Working Party</p> <p>Summary and Conclusions:</p> <p>This report seeks nominations for membership on a task and finish working party to consider a number of existing taxi policies.</p> <p>Recommendation:</p> <ol style="list-style-type: none"> 1. That nominations for a Taxi Licensing Working Party be sought on a proportionate basis, 3 from the Labour Group and 1 from the remaining members of Licensing Committee; and 2. That the Taxi Licensing Working Party establish a programme of work on a task and finish basis and report back to Licensing Committee in the first quarter of 2012. 		

Report

Members will be aware that at your meeting of the 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.

I can confirm that I have obtained advice from the Democratic Services Manager on the appropriate proportionality and make up of a Taxi Licensing Working Party and I understand that, 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 is able to focus on agreed matters I would advise that a programme of work be established on a task and finish basis with the intention of reporting back to Licensing Committee in the first quarter of 2012.

Your nominations are requested.

Background Papers

Nil

LICENSING COMMITTEE	(D) Agenda Item 8
Date of Meeting: 8th December, 2011	
Reporting Officer: Chief Environmental Health Officer	
Title: Driving Test Contract	
Summary and Conclusions:	
<p>This report concerns the provision of the driving test service for new applicants for Hackney Carriage/Private Hire Vehicle drivers licences. The report requests delegated authority to consider tenders and award the contracts to provide the service for a further three years.</p>	
Recommendation:	
<p>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.</p>	

Report

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

A notice will 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 I would ask Members 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.

Background Papers

Nil.

LICENSING COMMITTEE	(D) Agenda Item 9
Date of Meeting: 8th December, 2011	
Reporting Officer: Chief Environmental Health Officer	
<p>Title: Hackney Carriages – Unmet Demand Survey</p> <p>Summary and Conclusions:</p> <p>This report informs Members of the need for a review of the current quantity control policy in respect of the number of Hackney Carriage licences issued and seeks agreement to consult licence holders on their views.</p> <p>Recommendation:</p> <p>That Members agree to gauge the views 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 licence issued and to further report at a future meeting on a way forward following consultation with the Hackney Carriage licence holders.</p>	

Report

Members will be aware that the Borough Council has a quantity control policy which limits the number of Hackney Carriage licence issued which is currently 145

In 2003 the Office of Fair Trading 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 wish 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 have 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 is almost three years since the last survey took place and a review of the policy is now due. I would therefore, ask 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 have relaxed their policies and it is generally the trade that wish to retain a quantity control policy; and
- 2) If so,, would they be prepared to fund the “Unmet Demand Survey”
On the two previous occasions that unmet Demand surveys have been undertaken Hackney Carriage licence holders have paid for the survey

through an increase in the appropriate licence fee for one year to cover the cost

- 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 has suggested that licensing authorities are likely to be told what percentage of the Hackney Carriage fleet must be wheelchair accessible.

In the meantime Officers will 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.

Background Papers

Nil.