

BOROUGH OF BARROW-IN-FURNESS

LICENSING COMMITTEE

Meeting, 8th September, 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 meetings held on 28th July, 2011 (copy attached).

Chief Environmental Health Officers' Reports

FOR DECISION

- (D) 7. Christmas Market, Street Trading.
- (D) 8. Code of Good Conduct
Hackney Carriage and Private Hire Vehicle Drivers.

RECOMMENDED PART TWO

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NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006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NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

- (D) 11. Application for Hackney Carriage/Private Hire Vehicle Drivers Licence

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART ONE OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006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

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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: 28th July, 2011
at 2.00 p.m.

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

19 – 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 item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 2 and 7 (Minute No. 26) of Part One of Schedule 12A of the said Act.

20 – Disclosure of Interest

Councillor W. McClure declared a personal interest in Agenda Item No. 9 – Application for Street Trading Consent – Town Centre, as the applicant was known to her.

21 – Apologies for Absence/Attendance of Substitute Members

Apologies for absence were received from Councillors Irwin and Pemberton.

Councillors Derbyshire and Richardson had replaced Councillors Irwin and Pemberton respectively for this meeting only.

22 – Minutes

The Minutes of the meeting held on 23rd June, 2011 were taken as read and confirmed.

23 – Barrow Crime and Disorder Reduction Partnership

The Chief Environmental Health Officer informed the Committee that Sergeant John McIntosh of Barrow Police had invited Members of the Licensing Committee to attend a patrol briefing followed by accompanied patrols with officers from Barrow Police Station to see at first hand the type of co-ordinated partnership working that was routinely undertaken to maintain effective health and safety for employees and customers of the night-time economy. Members of the Committee would also be given the opportunity to see the CCTV suite in operation.

In order for Members of the Licensing Committee to take advantage of the invitation whilst not disrupting the Police in their work it was advised that no more than 4 Members of the Committee should attend at any single evening patrol. Members attending would need to be available to attend a patrol briefing at approximately 9.00 p.m. on the appropriate evening as a preliminary to accompanying Police Officers around Barrow Town Centre.

RESOLVED:- It was agreed that nominations to attend a night time patrol with officers from Barrow Police Station be forwarded to the Democratic Services Department at the earliest opportunity.

24 – 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.

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.

25 – Application for Street Trading Consent – Town Centre

The Chief Environmental Health Officer submitted a report regarding an application for Street Trading consent to operate a specialist pedal cycle in the town centre selling ice cream.

Street Trading in the town centre was prohibited other than at three dedicated sites and then only with special permission from the Licensing Committee.

The general criteria for allowing street trading within the town centre were that the proposed trading should satisfy one or more of the following conditions:-

- 1) Attract more people to the Town Centre;
- 2) Enhance the street scene;
- 3) Provide entertainment; and
- 4) Complement existing businesses.

The Town Centre Manager considered that the application met the above criteria and that the business would enhance the street scene and complement existing businesses.

There was currently a Prohibition of Cycling Orders for parts of Dalton Road where it would be necessary for the cycle not to be ridden.

RESOLVED:- To delegate authority to the Chief Environmental Health Officer to approve the application for Street Trading Consent to operate an ice cream pedal cycle in the town centre, subject to:-

1. No objections being received from the Highways Authority.

26 – 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 K. W. 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 K. W. attended the meeting and addressed the Committee.

RESOLVED:- To agree to grant Mr K. W.'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 2.25 p.m.

LICENSING COMMITTEE	(D) Agenda Item 7
Date of Meeting: 8th September, 2011	
Reporting Officer: Chief Environmental Health Officer	
Title: Christmas Market, Street Trading	
Summary and Conclusions:	
<p>This report deals with a proposal by CN Group Events and the North West Evening Mail to organise and promote a Christmas Market in Barrow town centre during the period of the 9th – 11th December 2011 as a promotional and commercial venture to encourage shopping in Barrow as a build up to the Christmas festivities.</p>	
Recommendation:	
<p>That I 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.</p>	

Report

The Council has 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 10 and Sunday 11th December.

The market will comprise of wooden chalet type huts which will be offered to traders. The Council will work with CN Events to put Christmas lights on the huts and provide festive entertainment. Organisers aim to attract traders who will add to the festive ambience and traditions normally associated with Christmas markets across Europe.

I would ask Members to consider waiving the fees for street trading consents on this occasion as there will be significant set up costs associated with the proposal which need to be met by CN Group Events. In addition I would ask that I 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.

A representative of CN Group Events has been invited to the meeting today to discuss the application for the Christmas Market with Members of the Committee.

Background Papers

Nil

LICENSING COMMITTEE		Part One (D) Agenda Item 8
Date of Meeting:	8th September 2011	
Reporting Officer:	Chief Environmental Health Officer	
<p>Title: Code of Good Conduct Hackney Carriage and Private Hire Vehicle Drivers</p> <p>Summary and Conclusions:</p> <p>This report provides feedback on recent consultation with the taxi trade on a Draft Code of Good Conduct. Two representations have been received concerning headwear. Details are given in the body of the report.</p> <p>Recommendation:</p> <p>That: 1) Members adopt the Draft Code of Good conduct 2) The guidelines for Unacceptable Standards of Dress be amended to allow non-garish/plain baseball caps and woolly/beanie hats to be worn</p>		

Report

Members at a meeting of the Licensing Committee held on 24th March 2011 agreed that I be authorised to consult with licensed drivers on a Draft Code of Good Conduct and that I report back to a future meeting on the outcome. (Minute No 61 Licensing Committee 24th March 2011 refers). A copy of the Draft Code of Conduct is attached at **Appendix 1**.

I wish to report that as a result of consultation, two written responses have 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 gives examples of unacceptable standards of dress and includes baseball caps, "hoodies", or "woolly hats". The responders to the consultation are concerned that, in summer, baseball caps provide a sunshade and that the wearing of a "woolly hat" in winter helps keep drivers heads warm when getting in and out of the vehicle to assist passengers and when passengers want to travel with windows open.

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

Background Papers

Nil.

Hackney Carriage and Private Hire Vehicle Drivers and Operators
Code of Good Conduct

Responsibility to the Trade

Licence holders shall endeavour to promote the image of the hackney carriage and private hire trades by:

- a). complying with this Code of Good Conduct;
- b). complying with the conditions of their licence and byelaws;
- c). behaving in a civil, orderly and responsible manner at all times.

Responsibility to Clients

Licence holders shall:

- a). maintain their vehicles in a safe and satisfactory condition at all times;
- b). keep their vehicles clean and suitable for hire to the public at all times;
- c). attend punctually when undertaking pre-booked hires;
- d). assist, where necessary, passengers into and out of vehicles;
- e). provide passengers reasonable assistance with luggage.
- f). ensure that all clients are treated equally irrespective of disability, race, religion or beliefs, nationality, ethnic origin, age, sexual orientation, social origin or gender.
- g). where offices are open to the public reasonable steps should be taken to make the premises accessible to all clients.

Responsibility to Residents

To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:

- a) not sound the vehicle's horn illegally (after 11.30pm or from a stationary vehicle);
- b) keep the volume of music media player and VHF radios to a minimum;
- c) switch off the engine if required to wait;

- d) take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood.

Responsibilities at Ranks and Offices

Licence holders shall:

- a) rank in an orderly manner and proceed along the rank in order and promptly;
- b) remain in attendance of the vehicle;
- c) not allow their music media players or VHF radios to cause disturbance to residents of the neighbourhood;
- d) take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood, which might arise from the conduct of their business.

General

- a) pay attention to personal hygiene and dress so as to present a professional image to the public (See Dress Code);
- b) be polite, helpful and fair to passengers;
- c) drive with care and due consideration for other road users and pedestrians;
- d) obey all Traffic Regulation Orders and directions at all time;
- e) not consume alcohol immediately before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle;
- f) not drive while having misused legal or taken illegal drugs;
- g) not eat in the vehicle in the presence of customers;
- h) respect authorised officers at Authority offices and elsewhere during their normal course of their duties.

Dress Code

The Authority is committed to encouraging the professional image of the trade and it considers that drivers should conform to a minimum standard of dress, as set out below, in order to raise and maintain the profile of the licensed trade. Whilst the Authority does not wish to impose such standards by way of conditions to any licence it expects, however, that such standards will be maintained at all times.

- a) Acceptable Standards of Dress within this code:

Tops

Shirts, blouses, T-shirts, or sweat tops should cover the shoulders and be capable of being worn inside trousers or shorts.

Shirts or blouses can be worn with a tie or open necked.

Trousers/Shorts/Skirts

Trousers may be either full length or shorts if tailored.

Short skirts should not be worn.

Smart jean type trousers permitted.

Footwear

Footwear should fit around the heel of feet.

b) Examples of Unacceptable Standards of Dress within this code:

Bare chests

Unclean or damaged clothing or footwear

Clothing with offensive words, logos or graphics

Sportswear promoting sports teams

Clothing with studs or sharp edges

Beach type footwear (e.g. Flip flops and mules)

Baseball caps, "hoodies", or "woolly hats"

Tracksuits or shellsuits.