

BOROUGH OF BARROW-IN-FURNESS

LICENSING COMMITTEE

Meeting, 24th March, 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 3rd February, 2011 (copy attached).

Chief Environmental Health Officers' Reports

FOR DECISION

- (D) 7. Licensing of Street /Pavement Cafes
Local Government (Miscellaneous Provisions) Act Schedule 5
Part V11A Highways Act 1980

- (D) 8. Equalities Impact Assessment
Advice to Hackney Carriage/Private Hire Vehicle Drivers and
Operators - Disability Awareness
- (D) 9. Code of Good Conduct
Hackney Carriage/Private Hire Trade

RECOMMENDED PART TWO

- (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**NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART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. 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**NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART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. 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**NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPHS 2 & 7 OF PART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**

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: 3rd February, 2011
at 2.00 p.m.

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

47 – 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. 51, 52, 53, 54 and 55) of Part One of Schedule 12A of the said Act.

48 – Disclosure of Interests

Councillor Biggins declared a personal and prejudicial interest in Agenda Item No. 10 – Private Hire Driver, as the applicant was known to him. He left the meeting during consideration of this item.

Councillor Callister declared a personal and prejudicial interest in Agenda Item No. 10 – Private Hire Driver, as the applicant was known to him. He left the meeting during consideration of this item.

Councillor McEwan declared a personal and prejudicial interest in Agenda Item No. 8 – Application for Hackney Carriage/Private Hire Vehicle Drivers Licence, as the applicant was known to him. He left the meeting during consideration of this item.

49 – Minutes

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

50 – Gambling Act 2005 – Variation to Licensed Premises, Gaming Machine Permit, Furness Railway, Abbey Road, Barrow-in-Furness

The Chief Environmental Health Officer submitted 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.

The Furness Railway currently had a permit authorising the provision of 4 Category C gaming machines and was applying to vary the permit to allow the provision of 5 Category C machines.

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

Officers had 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 were entitled to have up to 2 gaming machines (Category C or D) without the need for a permit. (Category D gaming machines allowed 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 dealt with gaming in alcohol licensed premises.

Chapter 20 of the Statement of Gambling Policy related to Alcohol Licensed Gaming Machine Permit. A copy of Chapter 20 was attached as an appendix to the report.

Licensing Authorities were 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 were:-

- 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 was conducted in a fair and open way; and
- 3) Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Police Authority had been consulted and confirmed that they had no objection to the application.

A copy of the Gambling Commission – Gaming Machine Code of Practice was also attached as an appendix to the report.

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

RESOLVED:- To agree to approve the 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.

51 – 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 G. J. N. 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 G. J. N. attended the meeting and addressed the Committee. A Police representative was also present.

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

52 – Application for a Hackney Carriage/Private Hire Vehicle Drivers Licence

Referring to Minute No. 44 of the meeting held on 9th December, 2010 the Chief Environmental Health Officer resubmitted a report concerning an application he had received for a Hackney Carriage/Private Hire Vehicle Drivers Licence from Mr C. S.

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

RESOLVED:- To agree that Mr C. S's application be refused.

53 – Private Hire Vehicle Driver

The Chief Environmental Health Officer reported on information concerning a Private Hire Vehicle Driver, Mr S. 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 S. C. attended the meeting and addressed the Committee. A Police representative was also present.

RESOLVED:- To agree to allow Mr S. C. to retain his Private Hire Vehicle Driver's Licence.

54 – Private Hire Vehicle Driver

The Chief Environmental Health Officer reported on information concerning a Private Hire Vehicle Driver, Mr J. S. 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. 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.

55 – Hackney Carriage Driver

The Chief Environmental Health Officer reported on information concerning a Hackney Carriage Driver, Mr M. J. B. 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 M. J. B. attended the meeting and addressed the Committee. A Police representative was also present.

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

The meeting closed at 2.50 p.m.

LICENSING COMMITTEE	(D) Agenda Item 7
Date of Meeting: 24th March, 2011	
Reporting Officer: Chief Environmental Health Officer	
<p>Title: Licensing of Street /Pavement Cafes Local Government (Miscellaneous Provisions) Act Schedule 5 Part V11A Highways Act 1980</p> <p>Summary and Conclusions:</p> <p>This report deals with Street/ Pavement Café Licences which are currently issued by Cumbria County Council as Highways Authority. Street/Pavement Cafe licences permit food business operators to serve food and drink outside premises on the pavement. Problems, including significant time delay, have been encountered by applicants when making application for such licences and this report recommends that the Borough Council takes over their administration, grant and enforcement to assist businesses and help in the regeneration of town centres within the Borough.</p> <p>Recommendation:</p> <ol style="list-style-type: none"> 1. Members adopt as a principle that the Borough Council carry out the administration, grant and enforcement of Street/Pavement Café Licences subject to agreement with Cumbria County Council. 2. I be delegated authority to issue such licences subject to no objections being received during the consultation and application process. 	

Report

The Town Centre Design Framework 2005 as part of the regeneration of Barrow town centre proposed the promotion of a café culture where cafes and public houses are encouraged to provide high quality designed pavement cafes to enhance the local streetscene.

Currently, applications for street/ pavement café licences are made to Cumbria County Council Highways Authority. Meetings have recently been held with partnership organisations to discuss the issue of street/pavement cafes and how applications for licences can be more effectively administered as currently applications for street/pavement café licences can take a considerable time to be determined.

The Town Centre Manager along with other local commercial partners have raised concerns that any delay in administration may deter business operators from making application for street/pavement licences to the detriment of the quality of the streetscene locally and it has been proposed that Barrow Borough Council should take over the administration of the applications within the Borough subject to agreement with Cumbria County Council acting as Highway Authority

It is considered that this proposed change will produce benefits for applicants by speeding up the procedure and allowing more local influence and flexibility with each individual application being treated on its merits. I would emphasise that the Borough Council will continue to consult and obtain the approval of the Highway Authority on each application prior to a licence being granted.

A copy of Cumbria County Council Licence Conditions- Guidance for Applicants is attached at **Appendix 1** and it is intended that this document will continue to be used to regulate the compliance of applicants. Conditions can be added, deleted or amended as necessary to accommodate individual applications requirements.

The current fee for a Pavement Café Licence is £100.00.

The factors taken into account when considering an application are:-

- The amount of space the activity will take up on the pavement
- How the activity will look when it is up and running
- The effect it may have on local residents, businesses, workers, shoppers and visitors.

Applications will subject to consultation with a number of Authorities including Cumbria County Council and the Police Authority. There is also a requirement for public consultation by way of the display or a public notice on the building for a period of 28 days.

I would ask Members to approve that the Borough Council carry out the administration, grant and enforcement of applications for Street/ Pavement Café Licences on behalf of Cumbria County Council subject to agreement with the County Council and to delegate authority to me to grant licences subject to no objections being received following consultations during the application process.

Background Papers

Nil

LICENSING COMMITTEE	(D) Agenda Item 8
Date of Meeting: 24th March, 2011	
Reporting Officer: Chief Environmental Health Officer	
<p>Title: Equalities Impact Assessment Advice to Hackney Carriage/Private Hire Vehicle Drivers and Operators – Disability Awareness</p> <p>Summary and Conclusions:</p> <p>This report requests Members to approve a Disability Awareness guidance document for distribution to Hackney Carriage/Private Hire Vehicle drivers and operators following recommendations made during a recent Equalities Impact Assessment of the service.</p> <p>Recommendation:</p> <p>That Members approve the document for distribution to all drivers and operators licensed by the Borough Council.</p>	

Report

A recent Equalities Impact Assessment of the Council's taxi services suggested that a guidance document for drivers and operators be produced to raise disability awareness amongst the licensed trade when dealing with disabled passengers.

Attached at **Appendix 2** is a copy of a guidance document intended to be distributed to all drivers and private hire operators licensed with the Council. This document is based on one issued by Carlisle City Council but had been modified following discussions with Margaret Burrows MBE of the Barrow and District Disability Association.

I would ask Members to approve the guidance document for distribution to all drivers and operators licensed by the Council.

Background Papers

Nil

LICENSING COMMITTEE	(D) Agenda Item 9
Date of Meeting: 24th March, 2011	
Reporting Officer: Chief Environmental Health Officer	
Title: Code of Good Conduct Hackney Carriage/Private Hire Vehicle Drivers	
Summary and Conclusions:	
<p>This report requests Members to consider granting approval for the undertaking of a consultation exercise on the possible adoption of a Code of Good Conduct for taxi drivers. This primarily resulted from recommendations made following a recent Equalities Impact Assessment of the Service.</p>	
Recommendation:	
<ol style="list-style-type: none">1. I be authorised to consult with taxi drivers on the Draft Code of Good Conduct; and2. I report back to a future meeting on the outcome of the consultation exercise.	

Report

A recent Equalities Impact Assessment of the Council's Hackney Carriage/Private Hire Vehicle services has resulted in a suggestion that guidance be developed with the taxi trade on standards of behaviour and conduct.

A draft Code of Good Conduct has thereafter been produced which deals with licence holders responsibilities to the service, the client and local residents as well as dress code and general matters.

Attached at **Appendix 3** is a copy of the Draft Code of Good Conduct.

I would ask that Members consider the suitability of this type of code as an aid to improving standards generally agree and authorise me to consult with the trade and report back at a later date with any representations received as a preliminary to adopting the Code.

Background Papers

Nil