

BOROUGH OF BARROW-IN-FURNESS

LICENSING COMMITTEE

Meeting, 29th January, 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 18th December, 2008 and to the Minutes of the Licensing Sub-Committee held on 7th January, 2009 (copies attached).

Chief Environmental Health Officers' Reports

FOR DECISION

- (D) 1. Driving Test Contract Tender
- (D) 2. Taxi Rank Provision in Barrow-in-Furness

RECOMMENDED PART TWO

- (D) 3. South Lakes Wild Animal Park, Dalton-in-Furness

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 7 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

- (D) 4. Furness Owl Centre, Sandscale Park, Barrow-in-Furness – Zoo Licensing Act 1981

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 7 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

- (D) 5. Private Hire Vehicle Driver

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 3 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

- (D) 6. Application for Private Hire Vehicle Drivers Licence

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 3 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006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NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 3 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

- (D) 8. Application for Private Hire Vehicle Drivers Licence

NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 3 OF PART ONE OF SCHEDULE 12 A OF THE LOCAL GOVERNMENT ACT, 1972 AND ACCESS TO INFORMATION (VARIATION) ORDER 2006

Membership of Committee

D Roberts (Chairman)
Unwin (Vice Chairman)
Bell
Callister
English
R Hamezeian
Irwin
James
Millar
Murray
Stephenson
Waiting

BOROUGH OF BARROW-IN-FURNESS

LICENSING COMMITTEE

Meeting: 18th December, 2008
at 2.00 p.m.

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

58 – Disclosures of Interest

Councillors Bell, James and Unwin declared a personal interest in Agenda Item 2 – South Lakes Wild Animal, Dalton-in-Furness (Minute No. 62), as Mr Gill was known to them.

Councillor Millar declared a personal interest in Agenda Item 2 – South Lakes Wild Animal Park, Dalton-in-Furness (Minute No. 62), as Mr Gill's family was known to him.

59 – Apologies for Absence/Attendance of Substitute Members

An apology for absence was received from Councillor Waiting.

60 – Minutes

The Minutes of the meeting held on 6th November, 2008 were taken as read and confirmed.

61 – Taxi Provision in Barrow-in-Furness

The Chief Environmental Health Officer submitted a report concerning a document submitted by Mr R. W. Laurie, a Hackney Carriage Driver, concerning proposals for a review of a Taxi rank provision within Barrow Town Centre.

Mr Laurie had used the questions posed in the questionnaire circulated by Halcrow Group Limited, the company carrying out the Unmet Demand Survey, to put forward his thoughts on how Hackney Carriage services could be developed. The Chief Environmental Health Officer welcomed Mr Laurie's observations and suggested to the Committee that following conclusion of the Unmet Demand Survey, the document prepared by Mr Laurie could be used as a basis for a dialogue with the Taxi trade to review rank facilities in the Town Centre generally. A copy of Mr Laurie's document had been appended to the report.

The Chief Environmental Health Officer reminded Members that following Government guidance, an Unmet Demand Survey of the Hackney Carriage Trade was currently

being undertaken to determine if the limit on the number of Hackney Carriage Licences issued was still appropriate.

He suggested that it would be appropriate to incorporate the views of the Highway Authority in any consideration of Taxi rank provision in order to ensure that the Taxi and Private Hire trade were seen as a valued and integral part of the local transport system. Furthermore, he recommended that Highway Authority representatives be invited to contribute to any review undertaken following the publication of the findings of the Unmet Demand Survey. He also reminded Members that any review of rank provision would necessitate costs that had, at present, not been anticipated in the 2009/10 Revenue Budget.

Mr Laurie attended the meeting and addressed the Committee regarding the document he had submitted as an appendix to the report as well as concerns he had in respect of Health and Safety. He also expressed a wish to attend any future meetings involving the Taxi trade which he could make a contribution towards.

The Chief Environmental Health Officer recommended to Members that they note the information provided today by Mr Laurie and also that a Taxi Trade Liaison meeting be convened to address these issues following publication of the findings of the Unmet Demand Survey.

RESOLVED:- (i) To note the information; and

(ii) To agree to establish a Taxi Trade Liaison meeting to address issues outlined in Mr Laurie's document, following publication of the report of the findings and recommendations of the Unmet Demand Survey currently being undertaken.

62 – South Lakes Wild Animal Park, Dalton-in-Furness

The Chief Environmental Health Officer submitted a report updating Members on the compliance with licence conditions in respect of South Lakes Wild Animal Park. He reported that at the meeting on 3rd July, 2008 Members of this Committee had made a decision to agree to review compliance with Condition No. 35 of the Zoo Licence over the next three months and consider a further report at that time (Minute No. 27 Licensing Committee 3rd July, 2008 refers).

Condition 35 required:-

“Lemurs entering terraced restaurant area – lemurs are regularly entering the terraced restaurant area and interfering with the public's use of the facilities. There are risks of direct and indirect contamination here. A method of preventing these animals from this behaviour must be instituted and the effectiveness monitored to the satisfaction of the Local Authority”.

He advised the Committee today that an informal inspection of South Lakes Wild Animal Park had recently undertaken by Officers of his Department and reported that the licence holder had put in place a number of initiatives to deter lemurs from entering the restaurant area which had reduced the problem. He further reported that during the last 6 months, he had received no complaints from visitors to the zoo relating to behaviour of the lemurs.

In respect of Licence Condition No. 38, which required a Collection Plan for the overall future of the collection to be drawn up to include the operators intentions and the reasoning behind the choices made of animals to be kept and the likely contributions to be made to Education, Conservation and Research as a result of its implementation, compliance was required with this licence condition by a deadline of 31st October, 2008.

He reported that this plan had not yet been completed and the licence holder had commenced producing the plan but this had subsequently been put on hold pending further considerations of proposed major structuring of the premises. The Chief Environmental Health Officer had requested Mr Gill, the licence holder, to attend today's meeting so that he could reassure Members of his intention to comply with Licence Condition No. 38 when he was in a position to do so. He understood that Mr Gill wished for a period of 12 month's extension to the current timescale to comply with the condition

He further reported that works had now been completed to the perimeter fence in compliance with the Licence Conditions and no escapes had been reported in the recent past.

Mr Gill had been invited to attend today's meeting to discuss this matter with Members but had failed to do so. In view of this, the Chief Environmental Officer had recommended deferring consideration of the matter and re-inviting Mr Gill to the next Committee. He further advised the Committee that in 2010, the Council would have to administer re-licensing the zoo.

It was moved by Councillor D. Roberts and seconded by Councillor Callister that Mr Gill, the licence holder, produced at least an outline of his proposals to comply with Licence Condition No. 38 and bring these along to the next meeting of the Committee.

RESOLVED:- (i) To note the information; and

(ii) To agree to defer consideration of varying the Zoo Licence in respect of compliance with Condition No. 38 and re-invite Mr Gill, the licence holder, to the next meeting requesting that he produced an outline of his proposals to comply with Condition No. 38.

63 – Draft Conditions for Licensing of Home Boarding of Dogs

The Chief Environmental Health Officer submitted a report concerning the adoption of licence conditions for the Home Boarding Establishments following receipt of

representations during the consultation period and requested that Members make minor amendments to the draft conditions.

A copy of the Draft Licence Conditions for Home Boarding had been appended to the report for Members' consideration.

The Chief Environmental Health Officer reported that he had received written representations from two organisations that would be subject to the model conditions. Both of which highlighted concerns regarding condition 1.6 which stated:-

“Entire males and bitches in season or bitches due to be in season during the boarding, must not be boarded together or boarded with resident dogs. Puppies under 6 months of age must not be boarded with other dogs including resident dogs”. He suggested that this condition be amended to include a phrase “unless, when they are left unsupervised, they are kept separated.”

The Chief Environmental Health Officer also referred to condition, No 3.2 which stated:-

“Only dogs from the same household may be boarded at any one time”.

He advised that this condition had been seen as too restrictive by the consultees and having consulted other Authorities in the region he suggested that this condition could be deleted without posing harm to the welfare of dogs being boarded by this registration.

RESOLVED:- To agree to amend the conditions for licensing of home boarding of dogs, as follows:-

- (i) Condition No. 1.6 be amended to include the phrase “unless when they are supervised, they are kept separated”; and
- (ii) That Condition No. 3.2 which stated “only dogs from the same household may be boarded at any one time” be deleted.

The meeting closed at 2.55 p.m.

LICENSING SUB-COMMITTEE

Meeting: 7th January, 2009
at 10.00 a.m.

PRESENT:- Councillors Callister, Murray and D. Roberts.

1 – Appointment of Chairman

It was

RESOLVED:- That Councillor Callister be appointed Chairman for the ensuing year 2008/09.

COUNCILLOR CALLISTER IN THE CHAIR

2 – Minutes

The minutes of the meeting held on 29th January, 2008 were taken as read and confirmed.

2 – Application for Review of Premises Licence under Licensing Act 2003 – The Railway, 1-3 Station Terrace, Dalton-in-Furness

The Chief Environmental health Officer submitted a report concerning The Railway, 1-3 Station terrace, Dalton-in-Furness.

He informed the Sub-Committee that an application had been made by Inspector Malcolm Woodhouse of Cumbria Constabulary, Police Station, Station Road, Dalton-in-Furness for a review of the Premises Licence (No. PL0096) of The Railway, 1-3 Station Terrace, Dalton-in-Furness under the provisions of the Licensing Act 2003.

It was noted that the Premises Licence holder and Designated Premises Supervisor was Ms Samantha Jane Carroll and that the Premises Licence had been granted on 24th November, 2005.

The application for review related to the following licensing objectives:-

1. The prevention of crime and disorder;
2. Public safety; and
3. The prevention of public nuisance.

The application had been copied to the relevant responsible Authorities and had also been advertised as required by statute for a 28 day period.

A copy of the application together with a copy of the Premises Licence and a copy of two letters sent by the Police Authority to Ms Carroll, following a visit to the licensed premises in January and April, 2008 made as a result of incidents had been appended to the report. Also appended to the report were comments from the Council's Environmental Protection Officer concerning instances of noise nuisance at the licensed premises.

The Designated Premises Supervisor had been unable to attend the Committee and had been represented by her partner, Mr Clark. In addition, Mr Watson a resident from the neighbouring property of the licensed premises had made representations. Likewise Inspector Woodhouse of Cumbria Constabulary, Mr McVeigh, a Police Community Support Officer and Mr Barker, the Council's Environmental Protection Officer also addressed the Sub-Committee and answered Members' questions.

During the questioning process Mr Clark requested further information from Inspector Woodhouse in relation to an activity at or linked to the licensed premises which had taken place on 2nd November, 2008 at 4.00 a.m. However, Inspector Woodhouse did not have a detailed Police log of the event with him and offered to obtain the information if Mr Clark and or/the Sub-Committee considered it important evidence.

The Sub-Committee agreed to adjourn whilst Inspector Woodhouse obtained further information.

THE MEETING WAS ADJOURNED AT 10.34 A.M. AND RECONVENED AT
10.41 A.M.

Inspector Woodhouse confirmed that the incident on 2nd November, 2008 at 4.00 a.m. had been reported by a resident purely for his information as he had an interest in the licensed premises. He further advised that the resident who submitted the complaint had advised the Police that there would not be a need to attend the licensed premises.

Mr Clark requested the Sub-Committee's approval to submit additional information. He had obtained representations from four residents living within close proximity to the licensed premises stating that they had no problems or concerns with the premises. The Committee were happy to accept this additional information.

Inspector Woodhouse requested the Sub-Committee's approval to provide a snapshot of information from the Streetsafe Surveys which had been undertaken with the residents living within close proximity to the licensed premises, likewise the Sub-Committee accepted this additional information.

RESOLVED:- That in accordance with 100A(4) of the Local Government Act 1972 and Access to Information (Variation) Order, 2006 members of the public (including

the press) be excluded from the meeting during the deliberation of the Sub-Committee, on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 6 of Part One of schedule 12A of the said Act.

The public withdrew and were re-admitted to the meeting following the Sub-Committee's deliberations.

RESOLVED:- That the Sub-Committee amend the Premises Licence as follows:-

To allow the sale of alcohol on and off the premises as follows:-

- Monday – Thursday 11.00 a.m. – 11.30 p.m.
- Friday and Saturday 11.00 a.m. – 1.30 a.m.
- Sunday 12.00 noon – 11.30 p.m.

The opening hours of the premises as follows:-

- Monday – Thursday 11.00 a.m. – 12.00 midnight
- Friday and Saturday 11.00 a.m. – 2.00 a.m.
- Sunday 12.00 noon – 12.00 midnight

The Sub-Committee arrived at this decision having heard an application for a review of the Premises Licence at the Railway, 1-3 Station Road, Dalton-in-Furness, submitted by the Police on the grounds that public nuisance, crime and disorder and public safety had been compromised over the last 12 months as a result of the way that the premises had been run.

The Sub-Committee accepted that the Police have had to investigate incidents that have indicated that the licensed premises were a risk to the licensing objectives detailed above. They had also acknowledged that a licensed premises needed to be viable to maintain its ability to trade.

The Sub-Committee advised the Licence holder that they had a right of appeal to the Magistrates Court in respect of this decision.

The meeting closed at 12.30 p.m.

Part One

LICENSING COMMITTEE	(D) Agenda Item 1
Date of Meeting: 29th January, 2009	
Reporting Officer: Chief Environmental Health Officer	
Title: Driving Test Contract Tender	
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 contract to provide the service for a further three years.</p>	
Recommendation:	
<p>To authorise the Chief Environmental Health Officer to be given delegated authority in consultation with the Chairman and Vice Chairman to consider tenders and award a contract to a suitably qualified organisation to provide the service of the driving test contract 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, Ulverston has provided this service for the Council for approximately twelve years subject to contract renewal on a three year basis.

A notice has been 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 me to consider applications in consultation with the Chairman and Vice Chairman of the Licensing Committee and award the driving contract for a period of three years.

Background Papers

Nil

Part One

LICENSING COMMITTEE	(D) Agenda Item 2
Date of Meeting: 29th January, 2009	
Reporting Officer: Chief Environmental Health Officer	
Title: Taxi Rank Provision in Barrow-in-Furness	
Summary and Conclusions:	
<p>This report updates Members on issues relating to the provision of Hackney Carriage ranks in Barrow town centre and the possibility of reviewing the provision of ranks in the forthcoming regeneration plans for the town.</p>	
Recommendation:	
<p>To authorise the Chief Environmental Health Officer to:-</p>	
<ul style="list-style-type: none">(i) enter into discussions with the taxi trade, in advance of the findings of the Unmet Demand Survey being made public, regarding revision of taxi ranks in Barrow town centre; and(ii) liaise with Officers from the Highways Authority and the Council's Assistant Director (Regeneration) to seek to implement any such revision within the town centre regeneration plans.	

Report

At its meeting on 8th December, 2008 this Committee considered a report which dealt with a document submitted by Mr. Laurie, a taxi driver, and concerned proposals for a review of taxi rank provision within the Barrow town centre.

Members agreed to hold a Taxi Trade Liaison meeting to address issues outlined in Mr. Laurie's document, following publication of the report of the findings and recommendations of the Unmet Demand Survey which was being undertaken (Minute No. 61 Licensing Committee 8th December, 2008 refers).

At the time of writing this report the findings of the survey had not yet been finalised and I wish to report that Officers from my Department have been in discussion with the Council's Assistant Director (Regeneration) who has confirmed that in the near future a number of streets in the town centre are to be subject to highway improvements. He has suggested that this would be an ideal time to establish any new ranks within the area affected as any works could be carried out using regeneration funding and be part of the regeneration improvements. It is anticipated that these improvements will take place between the end of March and mid summer.

Due to the tight time scale I am asking that Members authorise me to enter into negotiations with the Assistant Director (Regeneration) and Officers from Cumbria County Council Highways Department with a view to establishing one or more taxi ranks in the town centre area as part of the regeneration plans.

Background Papers

Nil

