

BOROUGH OF BARROW-IN-FURNESS

LICENSING REGULATORY COMMITTEE

Meeting, Thursday 20th March, 2014
at 2.00 p.m. (Committee Room No. 4)

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. **Declarations of Interest.**

To receive declarations by Members and/or co-optees of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the revised Code of Conduct, they are required to declare any disclosable pecuniary interests or other registrable interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Members may however, also decide, in the interests of clarity and transparency, to declare at this point in the meeting, any such disclosable pecuniary interests which they have already declared in the Register, as well as any other registrable or other interests.

5. Apologies for Absence/Attendance of Substitute Members.
6. To confirm the Minutes of the meeting held on 6th February, 2014 (copy attached).

FOR DECISION

Senior Environmental Health Officer's Reports

- (D) 7. DVLA Driver Licence Checks.

PART TWO

- (D) 8. Private Hire Driver Fitness to Drive.

**NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 2 OF PART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

(D) 9. Private Hire Driver.

**NOT FOR PUBLICATION BY VIRTUE OF PARAGRAPH 2 OF PART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

Membership of Committee

Callister (Chairman)
Irwin (Vice Chairman)
Biggins
Derbyshire
Graham
W. McClure
Maddox
Opie
Pemberton
Roberts
Seward
Wall

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Published: 12th March, 2014

BOROUGH OF BARROW-IN-FURNESS
LICENSING REGULATORY COMMITTEE

Meeting: Thursday 6th February, 2014
at 2.00 p.m.

PRESENT:- Councillors Callister (Chairman), Irwin (Vice-Chairman), Biggins, Graham, Maddox, Opie, Pemberton, Seward and Wall.

1 – 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 Paragraph 2 (Minute Nos. 6 to 11) of Part One of Schedule 12A of the said Act.

2 – Apologies for Absence

Apologies for absence were received from Councillors Derbyshire and Roberts.

3 – Minutes

The Minutes of the Licensing Committee held on 19th December, 2013 were taken as read and confirmed.

4 – Application for Extension of Days – Street Trading - Hot N Saucy Catering

The Senior Environmental Health Officer (Licensing and Health and Safety) submitted a report regarding an application from Mr Nathan Morgan of Hot N Saucy Catering who wished to extend the days he was currently permitted to trade to include Saturdays and Sundays.

Mr Morgan currently operated a hot food catering van at James Freel Close, Barrow in Furness and was permitted to trade Monday to Friday between the hours of 08.30am and 5.00pm.

Standard conditions for street trading consents within the Borough state that the Trader must operate his/her business on a mobile basis and can, therefore, stop only ten minutes in any section of a street and thereafter must move into a different street and must not then return to the same section of that street that day.

The Committee were advised that to enable Mr Morgan to trade on Saturdays and Sundays, the ten minute rule would need to be relaxed.

A copy of Mr Morgan's application letter had been appended to the report and Mr Morgan had been invited to attend today's meeting but had been unable to do so.

The Senior Environmental Health Officer advised Members that no objections had been received from the consultees and he requested Members to consider varying the conditions to enable the relaxation of the ten minute rule and for a street trading consent to be issued.

RESOLVED:- To approve the relaxation of the ten minute rule and agree that consent be issued to allow Mr Morgan to trade on Saturdays and Sundays for the requested hours.

5 – European Gift Events - Street Trading

The Senior Environmental Health Officer (Licensing and Health and Safety) submitted a report dealing with an application from European Gift Events to organise and promote European Markets in Barrow Town Centre on three separate occasions throughout 2014, namely:-

- Tuesday 22nd April - Saturday 26th April, 2014;
- Tuesday 22nd July - Saturday 26th July, 2014; and
- Tuesday 4th November - Saturday 8th November, 2014.

The market would comprise of traders who would sell a variety of goods such as glass and china, jewellery, Italian biscuits and olives, Egyptian textiles, chocolate factory, pet beds, South American goods, crepes and waffles, handmade soap, polish barbecue and stew and carved garden ornaments and furniture.

He requested that he be delegated authority to issue street trading consents in the Town Centre for the relevant periods, 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.

He informed the Committee that the application was consistent with the Council's policy on Street Trading in that it would attract more people to the town and would complement existing businesses. He had suggested that a fee of £1,200 be charged for each consent.

The Chairman advised that he had previously spoken with the Town Centre Manager regarding the Committee's concerns which had been raised in the past in respect of the markets remaining open until the end of the business day for the benefit of out of town visitors and that this had been taken on board.

RESOLVED:- (i) To agree in principle to the holding of the markets on the specified dates outlined above;

(ii) To agree that delegated authority be given to Officers to issue street trading consents subject to consultees being in agreement; and

(iii) To agree that a fee of £1,200 be charged for each consent.

6 – Private Hire Vehicle Driver’s Licence – Renewal Application

The Senior Environmental Health Officer (Licensing and Health and Safety) reported on a renewal application he had received for a Private Hire Vehicle Driver’s Licence from Mr P. J. S. He submitted information which had been drawn to his attention concerning the applicant and set out details of the Committee’s policy regarding such matters.

Mr P. J. S. attended the meeting to address the Committee. A Police representative was also present.

RESOLVED:- To agree to renew the Private Hire Vehicle Driver’s Licence and that a written warning be issued.

7 – Hackney Carriage Vehicle Driver – Renewal Application

The Senior Environmental Health Officer (Licensing and Health and Safety) resubmitted a report regarding a renewal application for a Hackney Carriage Vehicle Driver’s Licence from Mr G. T. B. This matter had been reported at the last meeting of the Committee when the applicant had been invited to attend but had failed to do so. As a result Members resolved to re-invite the applicant to today’s meeting.

Mr G. T. B. attended the meeting to address the Committee. A Police representative was also present.

RESOLVED:- To agree to renew the Hackney Carriage Vehicle Driver’s Licence and that a severe written warning be issued.

8 – Application for Hackney Carriage/Private Hire Vehicle Driver’s Licence

The Senior Environmental Health Officer (Licensing and Health and Safety) resubmitted an application he had received for a Hackney Carriage/Private Hire Vehicle Driver’s Licence from Mr A. R. This application had been reported to the Licensing Committee on a number of occasions and had been deferred to allow further information to be obtained. The history of the application was as follows:-

- 17th October, 2013 (Minute No. 33 refers);
- 14th November, 2013 (Minute No. 41 refers); and
- 19th December, 2013 (Minute No. 52 refers).

He reported that the information required had been obtained on Friday 20th December, 2013. It was noted that the information from the applicant's GP stated that unless the Authority strictly applied Group 2 standards to all Taxi drivers it would be unreasonable to refuse the application. The Senior Environmental Health Officer (Licensing and Health and Safety) informed the Committee that the Authority did apply Group 2 standards to all Taxi drivers. The applicant had been invited to attend today's meeting but had failed to do so.

It was moved by Councillor Maddox and seconded by Councillor Wall, and

RESOLVED:- To refuse the application on the grounds that the applicant did not comply with the medical guidance in relation to Group 2 standards for vocational drivers as laid down by the DVLA.

9 – Review - Private Hire Vehicle Driver

The Senior Environmental Health Officer (Licensing and Health and Safety) submitted a report in respect of a Private Hire Vehicle Driver who had been granted with a licence in July 2013 (Minute No. 15 of the meeting on 25th July, 2013 refers). At the time of granting the licence the Committee had requested that the driver re-addressed the Committee in six months' time.

The driver, along with his representative, attended the meeting and addressed the Committee. A Police representative was also present.

The Committee had been advised that Mr C. T's record as a Private Hire Vehicle Driver was in order and that no complaints had been made against the driver.

RESOLVED:- To agree that Mr C. T. should be allowed to retain his Private Hire Vehicle Driver's Licence.

10 – Application for Scrap Metal Dealer Collector's Licence

The Senior Environmental Health Officer (Licensing and Health and Safety) reported that an application for a Scrap Metal Dealer Collector's Licence had been received from Mr A. S. He submitted information which had been drawn to his attention concerning the applicant.

The applicant, along with his representative, attended the meeting and addressed the Committee. A Police representative was also present.

RESOLVED:- To agree to grant the application for a Scrap Metal Dealer Collector's Licence to Mr A. S.

11 – Application for Private Hire/Hackney Carriage Vehicle Driver’s Licence

The Senior Environmental Health Officer (Licensing and Health and Safety) reported on an application he had received for a Private Hire/Hackney Carriage Vehicle Driver’s Licence from Mr I. G. He submitted information which had been drawn to his attention concerning the applicant and set out details of the Committee’s policy regarding such matters.

The applicant, along with his representative, attended the meeting and addressed the Committee. A Police representative was also present.

RESOLVED:- To agree to grant the application for a Private Hire/Hackney Carriage Vehicle Driver’s Licence and that a severe written warning be issued.

The meeting closed at 3.07 p.m.

LICENSING REGULATORY COMMITTEE		Part One (D) Agenda Item 7
Date of Meeting:	20th March, 2014	
Reporting Officer:	Environmental Health Manager	
<p>Title: DVLA Driver Licence Checks</p> <p>Summary and Conclusions:</p> <p>This report requests Members to approve the use of a system to check the validity of DVLA licenses presented as part of the application process for Private Hire and Hackney Carriage drivers.</p> <p>Recommendation:</p> <p>That Members approve the use of the system provided by Transport Training Services for all new and renewal applications.</p>		

Report

Applicants for new and renewal Hackney Carriage and Private Hire Vehicle Driver's Licenses are required to provide their DVLA Driving Licence as part of the application process. This enables Officers to identify any driving offences and therefore check compliance with the Guidelines Relating to the Relevance of Convictions for Applicants for the Grant and Renewal of Licences to Drive Hackney Carriages and Private Hire Vehicles.

Due to an increase in inaccurate information being provided by applicants, two companies were approached to provide details of systems which can be used to check and provide accurate data direct from the DVLA. This would ensure that Officers have up to date details of the applicant's DVLA Driving Licence to make the necessary checks.

A trial period was carried out using a company called Transport Training Services. Their system allows for two licence checks per year at a cost of £5 per check which is charged to applicants in the licence fee therefore there is no additional cost to the Council. The system also automatically notifies the Council when a driver exceeds 9 points.

I would ask that Members approve the use of Transport Training Services to provide the above mentioned checks.

Such an approval would align the Council with other Cumbrian Councils who are already using similar systems to provide up to date and accurate data.

Background Papers

Nil