



Committee: LICENSING REGULATORY COMMITTEE

Date: THURSDAY, 4 JUNE 2015

Venue: LANCASTER TOWN HALL

Time: 1.00 P.M.

A G E N D A

1. **Apologies for Absence**

2. **Appointment of Vice-Chairman**

To appoint a Vice-Chairman for the 2015/16 municipal year.

3. **Minutes**

Minutes of the meeting held on 26 March 2015 (previously circulated).

4. **Items of Urgent Business authorised by the Chairman**

5. **Declarations of Interest**

To receive declarations by Members of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary 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.)

Whilst not a legal requirement, in accordance with Council Procedure Rule 10 and in the interests of clarity and transparency, Members should declare any disclosable pecuniary interests which they have already declared in the Register at this point in the meeting.

In accordance with Part B, Section 2 of the Code of Conduct, Members are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

Matters for Decision

6. **Local Government (Miscellaneous Provisions) Act 1976 - Private Hire Vehicle Licensing - Request for Waiver of Licence Conditions Requiring Display of the Council's Uniform Signage (Pages 1 - 4)**

Report of Licensing Manager

7. **Highways Act 1980 - Street Café Licence - Diggles, Market Street, Lancaster - Request for Variation of Standard Conditions in relation to Permitted Times** (Pages 5 - 10)

Report of Licensing Manager

Exclusion of the Press and Public

8. **Exempt Items**

The Committee is recommended to pass the following recommendations in relation to the following items:

“That, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business, on the grounds that they could involve the possible disclosure of exempt information, as defined in paragraph 1 of Schedule 12A of that Act.”

Members are reminded that, whilst the following items have been marked as exempt, it is for Committee itself to decide whether or not to consider each of them in private or in public. In making the decision, Members should consider the relevant paragraph of Schedule 12A of the Local Government Act 1972, and also whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information. In considering their discretion Members should also be mindful of the advice of Council Officers.

9. **Existing Hackney Carriage and Private Hire Driver's Licence - Steven Garcia** (Pages 11 - 25)

Report of Licensing Manager

10. **Existing Hackney Carriage Driver's Licence - John Peter McGuinness** (Pages 26 - 37)

Report of Licensing Manager

11. **General Medical Council Decision** (Pages 38 - 45)

Report of Chief Officer (Governance)

12. **Confidential Item**

The following report is not for publication because it contains confidential information relating to cautions/convictions and will be considered whilst the public are excluded from the meeting. The applicant has been invited to attend and/or be represented at the meeting, but will be asked to leave whilst the Committee makes the decision, as exempt legal advice may be given.

Members are advised that, in accordance with Section 100A(2) of the Local Government Act 1972 (as amended), the press and public should be excluded for the following item of business on the ground that it could include the possible disclosure of confidential information.

13. **Application for a Private Hire and Hackney Carriage Dual Driver's Licence - Darren David Brennand** (Pages 46 - 57)

Report of Licensing Manager

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Margaret Pattison (Chairman), Charlie Edwards, Andrew Gardiner, Nigel Goodrich, Tim Hamilton-Cox, Colin Hartley, Terrie Metcalfe, Rebecca Novell and Robert Redfern

(ii) Substitute Membership

Councillors Claire Cozler, Sheila Denwood, Roger Mace and John Wild

(iii) Queries regarding this Agenda

Please contact Jane Glenton, Democratic Services - telephone (01524) 582068, or email jglenton@lancaster.gov.uk.

(iv) Changes to Membership, substitutions or apologies

Please contact Members' Secretary, telephone (01524) 582170, or email memberservices@lancaster.gov.uk.

MARK CULLINAN,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER, LA1 1PJ

Published on Wednesday, 27 May 2015.

LICENSING REGULATORY COMMITTEE

**Local Government (Miscellaneous Provisions) Act 1976
Private Hire Vehicle Licensing – Request for Waiver of
Licence Conditions Requiring Display of the
Council’s Uniform Signage
4th June 2015**

Report of Licensing Manager

PURPOSE OF REPORT

An application for a private hire vehicle licence has been received from Mr. D Rabbett. Along with his application the applicant has requested a waiver of the standard licence condition requiring the display of the Council’s uniform signage. The purpose of this report is to enable Members to consider the request.

The report is public

RECOMMENDATIONS

The Committee is requested to determine, in the light of the representations made, whether to allow the applicant’s request for a waiver of the standard vehicle licence conditions requiring the display of the Council’s uniform door signage and plates.

1.0 Introduction

- 1.1 Under section 48(2) of the Local Government (Miscellaneous Provisions) Act 1976, a District Council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of the foregoing provisions of this subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates under Section 48(6) of the above Act. Any person aggrieved by the refusal of a District Council to grant a vehicle licence under this Section, or by any conditions specified in such a licence, may appeal to a Magistrates’ Court.
- 1.2 For the purpose of the above, the Council has established conditions attached to the grant of a private hire vehicle licence.
- 1.3 Members will note that condition No. 3 of the standard conditions provides that a plate "shall be securely fixed to the rear of the vehicle in a conspicuous position and a further plate should be fixed at the front of the vehicle.
Door signs supplied by Lancaster City Council must be affixed to the front doors of the vehicle."

- 1.4 The purpose of plates and uniform signage is to enable members of the public to identify licensed vehicles, and also to differentiate between a hackney carriage and a private hire vehicle. It is considered that such signs are essential from a public safety point of view.
- 1.5 An application for a private hire vehicle licence has been received from Mr. H Rabbett. In his application, Mr Rabbett has proposed to license a Skoda Superb Elegance. The vehicle has been granted a licence which commenced on 7th May 2015 and is currently subject to all of the standard conditions relating to signage, Mr. Rabbett has requested a waiver of the standard licence conditions requiring the display of the Council's uniform door signage on the grounds that he is operating executive travel for business and holiday travellers. A copy of Mr Rabbett's request is attached at appendix 1 to this report.
- 1.6 For information Mr Rabbett was granted a waiver of this condition in relation to this vehicle and an exclusive contract in 2012. That waiver has now been transferred to a new vehicle which Mr Rabbett has now licensed to carry out that exclusive contract.
- 1.7 Members would not normally grant an exemption of this sort unless they were satisfied that the vehicle was being used only for an exclusive contract and Mr Rabbett's letter attached does not confirm this to be the case with this vehicle. Other operators offering airport services have always been refused this exemption, on the basis that the signs are required to protect the safety of the public. Allowing a private hire vehicle to operate without signs would, in officers' view, be a dangerous precedent, as members of the public would no longer be able to rely on the fact that a licensed vehicle will always display a uniform council sign.
- 1.7 Mr. Rabbett has been invited to attend the meeting to make representations in support of his request. Arrangements are also being made to enable Members to view the applicant's vehicle prior to this meeting.

2.0 Conclusion

- 2.1 Members are asked to consider whether they are satisfied to allow the applicant's request for a waiver of the standard licence conditions requiring the display of the Council's uniform door signage and plates. If the waiver is granted Mr Rabbett will be required to keep the rear plate in the boot of the vehicle and display an internal card on the dashboard of the vehicle.
- 2.2 Officers would recommend that this request is refused unless Mr Rabbett can demonstrate that the vehicle will only be used to carry out an exclusive contract, as the condition on signage was introduced to enable licensed vehicles to be easily identifiable to members of the public in the interest of public safety.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None.

FINANCIAL IMPLICATIONS

Financial Services have not been consulted as there are no financial implications.

LEGAL IMPLICATIONS

Should Members be minded to refuse the applicant's request for a waiver of certain standard licence conditions, the applicant would have a right of appeal to the Magistrates' Court against the issue of a licence which included those conditions.

BACKGROUND PAPERS

None

Contact Officer: Wendy Peck

Telephone: 01524 582317

E-mail: wpeck@lancaster.gov.uk

Ref:



Appendix 1

6 Chelmsford Close,
Lancaster, La1 4BJ
VAT No: 6996 3349 83
D-U-N-S No: 21-099-8527

28th April 2015

Dear Wendy Peck

Following our telephone conversation 21st April 2015 with the Licensing Dept. We are writing to request at the next Committee Meeting that Direct Travel put forward an additional vehicle for clearance to operate with a windscreen permit but without the City Councils Uniformed Door Signage.

The request is for the same clearance already granted by the Licensing Committee in 2012. That Direct Travel be able to offer its customers both Business and Holiday passengers a level of service up to and including business class transfers.

New Vehicle Details:

- Registration Mark: **Y2 DTT**
- Skoda Superb Elegance
- Year of manufacture: **May 2015**
- Colour: **Silver** (As per Direct Travel Fleet)
- Specification: **Full Leather interior, Heated seats F&R, Rear Limousine inspired Leg Room**

Kind Regards

D. Rabbett

Dave Rabbett



Tel: 01524 571435

Mobile: 07791 524969

Email: dave@directtraveltransfers.co.uk

Web: www.directtraveltransfers.co.uk

LICENSING REGULATORY COMMITTEE

**Highways Act 1980
Street Café Licence – Diggles, Market Street, Lancaster -
Request for Variation of Standard Conditions
in relation to Permitted Times
4th June 2015**

Report of Licensing Manager

PURPOSE OF REPORT

An application for a Street Cafe Licence licence has been received from M F Diggle. Along with his application the applicant has requested a variation of the standard licence condition which allows the street cafe to operate between the hours of 10am and 8pm, to allow him to operate from 7am.

The report is public

RECOMMENDATIONS

The Committee is requested to determine, in the light of the representations made, whether to allow the applicant's request for a variation of the standard licence condition in relation to the permitted times of operation for the street cafe licence to allow him to operate from 7am instead of the standard 10am.

1.0 Introduction

- 1.1 The Council grants permissions for Street Cafe Licences under Section 115E of the Highways Act 1980. Under Section 115F of the same Act, a District Council may attach to the grant of a licence under this section such conditions as they may think fit.
- 1.2 For the purpose of the above, the Council has established conditions attached to the grant of a Street Cafe Licence.
- 1.3 In relation to this application condition 4 states:-

The use of the Licensed Area shall cease before 20.00 hours each day and shall not commence prior to 10.00 hours.
- 1.4 The purpose of this condition is to keep the areas clear of obstruction to allow vehicular access for service vehicles and to allow street cleansing before the commencement of operation of the cafe where necessary.

- 1.5 Mr Diggle has now submitted a request to operate his Street Cafe area from 7am. He has stated on his application form that the only place he has to store his street cafe furniture is within his premise. His premise opens at 7am and he claims that without this variation he would not be able to operate a street cafe as he would not have anywhere to store his furniture. The street cafe would be located outside of his premises on Market Street, Lancaster. A copy of the application is attached at appendix 1 to this report, along with a plan of the area.
- 1.6 As part of the application process County Highways officers and Council Planning officers as well as other businesses in the area of the frontage have been consulted. Planning officers have not objected to this particular variation; however they have stated that they would not like to see it set a precedent, as some areas need to be kept clear to allow access to service vehicles and to allow street cleansing to take place. A copy of the response is attached at appendix 2 to this report.
- 1.7 At the time of writing this report no objection from County Highways or any other person has been received. However the closing date for representations is the 28th May and should any representations subsequently be received they will be added to the agenda.
- 1.8 Mr. Diggle has been invited to attend the meeting to make representations in support of his request.

2.0 Conclusion

- 2.1 Members are asked to consider whether they are satisfied to allow the applicant's request for variation of the standard condition and to allow the Street Cafe at Diggles, Market Street, Lancaster to operate from 7am instead of the standard 10am.

<p>CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)</p> <p>None.</p>	
<p>FINANCIAL IMPLICATIONS</p> <p>Financial Services have not been consulted as there are no financial implications.</p>	
<p>LEGAL IMPLICATIONS</p> <p>There is no right of appeal against imposition of a condition attached to a Street Cafe licence.</p>	
<p>BACKGROUND PAPERS</p> <p>None</p>	<p>Contact Officer: Wendy Peck Telephone: 01524 582317 E-mail: wpeck@lancaster.gov.uk Ref:</p>

Appendix 1

LANCASTER CITY COUNCIL

FOR OFFICE USE

Application No...

Date...

Fee Paid...

Receipt No...

Application for a Licence to use the Highway for a Street Café
Highways Act 1980 Section 115C-E

Please read the notes and answer all the following questions

Question 1

Your Name and Address

M. F DIGGLE
56 NORTH RD
LANCASTER

Postcode LA1 1LT

Tel. No. 01524 62060

Question 2

Name and address of any person acting for you

N/A

Question 3

Describe the proposed location for the street café and address if different from the address in Q1 above.

51 MARKET ST, LA1 1JG

Question 4

Please state the main proposed materials (for example: furniture, umbrellas, boundary markers, colour, type, styles) and show them on your detailed layout plan.

AS EXISTING
illustrated in photograph

Question 5

Do you intend to alter any of the building and/or building frontage to accommodate the proposal? If YES, please show details of the alterations on your plan.

~~YES~~/NO

Question 6

Are there any lighting columns, litter bins, road signs, public seating, trees, etc. on the site within the boundary of the area proposed for the street café?

If YES, please show them on your plan.

~~YES~~/NO

Question 7

Is proper sanitary accommodation available within the building to be used to service the Street café?

YES/~~NO~~

Question 8

Is it intended to seek a licence to serve alcohol within the street café area?
If YES, please answer Q9 below.

YES/NO

Question 9

What range of drinks (alcoholic and non-alcoholic) is it intended will be served within the street café area?

Give details below. Tea, Coffee, Milkshakes, soft drinks as existing

The applicant should be aware that the granting of a licence does not permit the sale of alcohol within the outdoor café area. Separate licensing arrangements apply for the sale of alcohol and the applicant should check the conditions on the Premises Licence or consult the Licensing Authority.

Question 10

Please read and sign the following statement.

I wish to apply for a licence to use the highway fronting the above named property for the purpose of a street café as described in this application and the accompanying plans and enclose the required fee.

Signed..... 

Date..... 7/5/15

I wish to apply for a variation on usage, the shop opens at 7.00am, chairs and tables have been stored for 15 years in the customer area of the shop. Without this variation we cannot operate a street café because we have no space to store the tables and chairs anywhere else.

GRID PLANS Scale 1:1250

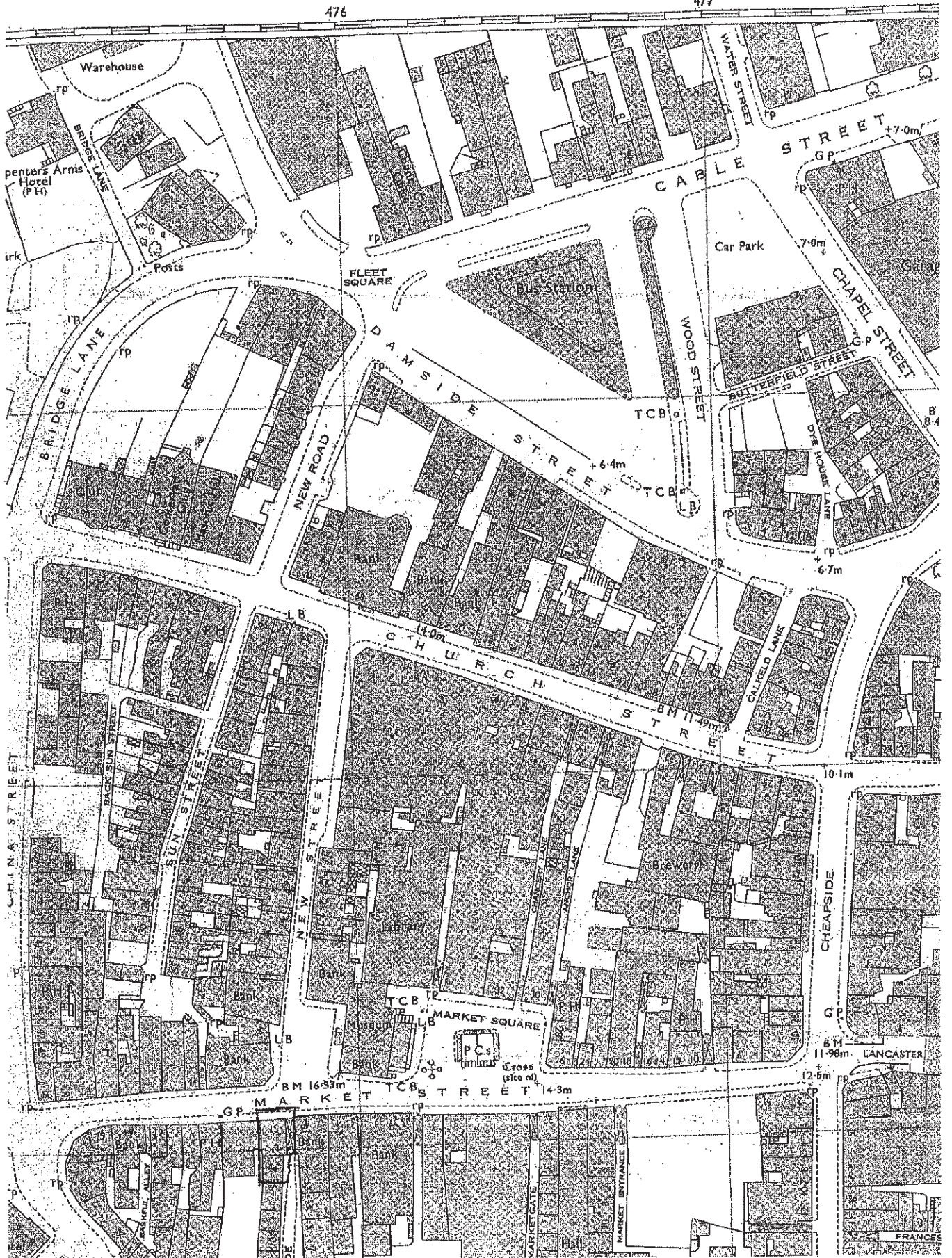
SD 4762 SE

LANCASHIRE

LANCASTER ADMIN CO

476

477



Morning Mark

From the regeneration perspective, inc for public realm considerations, LSR etc, comments as follows -

No issues with the spatial extent of the street café, indeed I welcome the 'extension' into Market Street. As existing it is very restricted and the proposed will fit well with the street layout. Regarding the request for the time variation the application is not clear about what is sought exactly but I assume this is from 7.00 am. If so this is very early and out of line with the operation of street cafes licensed to date in the city centre, so to agree the application would set something of a precedent. This said I understand the reasoning for seeking the time variation and in principle have no problem with it. The only possible issues it raises are whether the earlier operation would constrain the ability to clean the street surface in the café area or unduly constrain the movement of servicing vehicles. I would have thought that if the former is an issue it could readily be managed. As regards the latter while I can foresee that in some locations within the city centre the operation of a street café so early might constrain servicing vehicles I don't anticipate any such problem in this instance given the width of Market Street here. In my view therefore the time variation might be supported in this specific instance but it will be important to be clear that this should not be read as setting any precedent.

Regards

Julian Inman MCD MRTPI
Senior Planner (Regeneration)
Regeneration and Planning Service
Lancaster City Council
01524 582336
www.lancaster.gov.uk/regeneration

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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