

# Licensing and Safety Committee

Agenda and Reports

For consideration on

## Wednesday, 23rd May 2007

In the Council Chamber, Town Hall, Chorley

At 2.00 pm



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## Chief Executive's Office

Please ask for: Gordon Banks  
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Date: 14 May 2007

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**Chief Executive:** Donna Hall

**Chorley**  
Council

Town Hall  
Market Street  
Chorley  
Lancashire  
PR7 1DP

Dear Councillor

### **LICENSING AND SAFETY COMMITTEE - WEDNESDAY, 23RD MAY 2007**

You are invited to attend a meeting of the Licensing and Safety Committee to be held in the Council Chamber, Town Hall, Chorley on Wednesday, 23rd May 2007 commencing at 2.00 pm.

#### **AGENDA**

1. **Apologies for absence**

2. **Declarations of Any Interests**

Members of the Committee are reminded of their responsibility to declare any personal interest in respect of matters contained in this agenda in accordance with the provisions of the Local Government Act 2000, the Council's Constitution and the Members Code of Conduct. If the personal interest is a prejudicial interest, then the individual Member should not participate in a discussion on the matter and must withdraw from the Council Chamber and not seek to influence a decision on the matter.

3. **Minutes (Pages 1 - 2)**

To confirm as a correct record the minutes of the meeting of the Licensing and Safety Committee held on 25 April 2007 (enclosed)

4. **Licensing & Registration Summary of Activity from 10 March 2007- 09 May 2007 (Pages 3 - 6)**

Report of Director of Customer Democratic & Legal Services (enclosed)

5. **Any other item(s) that the Chair decides is/are urgent**

6. **Exclusion of the Public and Press**

To consider the exclusion of the press and public for the following item of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraph 4 of Part 1 of Schedule 12A to the Local Government Act 1972.

Continued....

7. **Application for Licence to Drive Hackney Carriages/Private hire Vehicles within the Borough** (Pages 7 - 20)

Report of Director of Customer, Democratic and Legal Services (enclosed)

Yours sincerely



Chief Executive

**Distribution**

1. Agenda and reports to all Members of the Licensing and Safety Committee for attendance.
2. Agenda and reports to Claire Hallwood (Deputy Director of Legal Services), Janet Brereton (Legal Assistant (Licensing and Registration)), Gordon Bankes (Democratic Services Officer) and Keith Ogden (Enforcement Officer) for attendance.

**This information can be made available to you in larger print or on audio tape, or translated into your own language. Please telephone 01257 515118 to access this service.**

આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822

ان معلومات کا ترجمہ آپ کی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون

01257 515823

کیجئے:

**Licensing and Safety Committee****Wednesday, 25 April 2007**

**Present:** Councillor Mrs Iris Smith (Chair), Councillor Edward Smith (Vice-Chair) and Councillors Henry Counce, Magda Cullens, Doreen Dickinson, Anthony Gee, Daniel Gee, Keith Iddon, Hasina Khan, Marion Lowe, Thomas McGowan, Ralph Snape and John Walker

**07.LS.33 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Thomas Bedford, Margaret Lees and Mrs Stella Walsh.

**07.LS.34 DECLARATIONS OF ANY INTERESTS**

No declarations of interest were received.

**07.LS.35 MINUTES**

**RESOLVED – That the Minutes of the meeting of the Licensing and Safety Committee held on 28 March 2007 were confirmed as a correct record and signed by the Chairman.**

**Under Minute 07.LS.28, the Chairman highlighted the question that was raised at the Council meeting on 17 April 2007 concerning the allegation that one of the Hackney Carriage Plates that had recently been issued had been sold. Enquiries made by Officers confirmed that there was no evidence of such a sale and no one had contacted the Council reporting a transfer of a hackney carriage vehicle licence as had been required by one of the licensing conditions, when the licences were issued.**

**07.LS.36 LICENSING LIAISON PANEL**

The Committee received the Minutes of the meeting of the Licensing Liaison Panel held on 2 April 2007.

**RESOLVED – That the report be noted.**

**07.LS.37 VOCATIONAL TRAINING FOR HACKNEY/PRIVATE HIRE DRIVERS - FURTHER REPORT**

Further to Minute 07.LS.15, 28 February 2007 the Committee received a report of the Director of Customer, Democratic and Legal Services on a proposal to introduce vocational training for all new applicants for hackney carriage and private hire driver's licences.

As had been recommended by the Committee, the Licensing Liaison Panel had considered the proposals and the views of those who attended was that although training was seen as a positive step there was a risk that the extra costs incurred by new drivers may discourage them from taking up 'taxi' work leading to a shortage of drivers. A suggestion was made that the decision be deferred for six months in order to monitor the effect in Preston and South Ribble Councils who have already made this training compulsory for new drivers.

**RESOLVED – That the decision be deferred for six months in order to assess the impact of compulsory driver training upon Preston and South Ribble Councils.**

**07.LS.38 EXCLUSION OF THE PUBLIC AND PRESS**

**RESOLVED – That the press and public be excluded from the meeting for the following item on the ground that it involves the likely disclosure of exempt information as defined in Paragraph 4 of part 1 of Schedule 4 of Part 1 of Schedule 12A to the Local Government Act 1972.**

**07.LS.39 LICENSED PRIVATE HIRE PROPRIETOR - ALLOWING A VEHICLE TO BE USED WITHOUT INSURANCE AND ROAD TAX**

Further to Minute 07.LS.32, 28 March 2007 the Director of Customer, Democratic and Legal Services submitted a report bringing to the attention of Members a complaint made by a member of the public that two private hire vehicles were being used on a public road without current tax discs and that one vehicle did not have a valid insurance.

The Committee had agreed that it was not satisfied that the explanation given by the person running the firm and agreed that the person who was currently the holder of the private hire operators licence be invited to this meeting to give a full explanation and to answer any questions the Committee may have.

The private hire operator accompanied by his nephew attended the meeting putting forward an explanation and answering Members questions.

**RESOLVED – 1) That the licensed Private Hire Operators Licence be revoked on the basis that he was not a fit and proper person to hold a drivers licence and on the grounds of “any other reasonable cause” (Section 61(1)(d) of the Local Government (Miscellaneous Provisions) Act 1976. An explanation of reasonable cause being:**

- a) The operators response to questions relating to the company were vague, such as, not knowing how many vehicles he was responsible for.
- b) The operator admitted to having vehicles on the road without road tax and one without insurance, and.
- c) Admitting that one of the vehicles, although no longer licensed as a private hire vehicle was still on the road without insurance.

**2) That the Committee also considered the human rights implications and the proportionality principle and was of the view that the safety of the public was paramount and that they had no confidence in the operator’s ability to control and manage the taxi fleet in a manner that would guarantee public safety.**

Chair

Report of	Meeting	Date
Director of Customer, Democratic and Legal Services	Licensing & Safety Committee	23 May 2007

## LICENSING AND REGISTRATION – SUMMARY OF ACTIVITY FROM 10 MARCH 2007- 09 MAY 2007

### PURPOSE OF REPORT

- To inform the Committee of the various licences and permits issued, registrations effected and enforcement activity for the above period.

### CORPORATE PRIORITIES

- There are no specific implications for corporate policies arising from this report.

### RISK ISSUES

- The issue raised and recommendations made in this report involve risk considerations in the following categories:

Strategy		Information	4
Reputation		Regulatory/Legal	
Financial		Operational	
People		Other	

This report is for information only.

- The table below shows the number of licences/registrations issued during this period under the Licensing Act 2003.

Number of	New	Variations	Change of Address	Transfer of Premises Licence	Change of DPS
Personal Licences	18	0	8	0	0
Premises Licences with alcohol	1	3	2	4	16
Premises Licences without alcohol	0	0	0	0	0
Club with alcohol	0	0	0	0	0
Club without alcohol	0	0	0	0	0
Temporary Event Notice with alcohol	17	0	0	0	0
Temporary Event Notice without alcohol	0	0	0	0	0
Interim Authority Notice	0	0	0	0	0

**VARIATION OF PREMISES LICENCES**

5. Applications have been received for variations of premises licences in respect of Hartwood Hall Hotel, Rivington Barn and Welcome Lodge Dining Area and Conservatory.

**REVIEW OF PREMISES LICENCES**

6. There have been 3 applications for review of premises licences for Swan with Two Necks and The Duke of York, Whittle Le Woods. These applications have yet to be determined by the Licensing and Safety Committee. A review of The Queens, Chapel Street Chorley was heard by the Licensing and Safety Committee on 3 April 2007. Changes were made to hours for some of the Licensable activities and additional conditions were also added to the premises licence.

**HACKNEY CARRIAGES, PRIVATE HIRE REGISTRATIONS**

7. The table below shows the number of licences/registrations issued during this period. Generally, renewal Private Hire/Hackney Carriage Vehicle/Drivers Licences and renewal Private hire Operator Licences are now issued by the One Stop Shop.

<b>Number of</b>	<b>New</b>	<b>Renewals</b>	<b>Transfers</b>	<b>Vehicle Change</b>
Private Hire Vehicles	2	29	3	3
Private Hire Drivers Licence	5	28	0	0
Private Hire Operator	0	2	0	0
Hackney Carriage Drivers Licence	4	8	0	0
Hackney Carriage Vehicle	1	8	1	0

**SECOND HAND GOODS**

8. There have been no applications granted for second hand goods licences during this period.

**HOUSE TO HOUSE COLLECTIONS**

9. There have been 5 applications granted for House to House Permits during this period, for the following charities, 3 to Make a Wish Foundation UK, 1 to ERASE and 1 to GBSS Group B Strep Support.

**STREET COLLECTION PERMITS**

10. There have been 3 applications granted for Street Collection Permits during this period for the following charities, National Antivivisection Society for a collection to be held on 14/04/2007, 1 for Meningitis Research Foundation for a collection to be held on 05/05/2007, and 1 for Phoenix Children's Foundation for a collection to be held on 20/04/2007.

**LOTTERIES AND AMUSEMENTS ACT 1976 (AS AMENDED)**

11. There have been 2 new and no renewal Lottery permits issued during this period.

**MOTOR SALVAGE OPERATOR**

12. There have been no Motor Salvage Operator Licences issued during this period.



**GAMING MACHINE SECTION 34 (5E) PERMIT**

- 13. There have been 9 new Gaming Machine Permits and no renewal Gaming Machine Permits issued during this period.

**ENFORCEMENT VISITS**

- 14. 15 visits have been made during this period. The majority of visits have been of a routine nature with the exception of Times Square when the licensee was given advice regarding the licence conditions, The Duke of York, Whittle le Woods when the public notice regarding the premises review was replaced, The Derby Arms, Eaves Lane when there appeared to be no licence holder in place and the Spinners Arms at Cowling re failure to pay the annual fee for the premises licence.

**SUSPENSION OF VEHICLES**

- 15. Two hackney carriage vehicle licences have been suspended during this period. Both suspensions were for failure to update taxi meters and have now been lifted.

**COMPLAINTS RECEIVED**

- 16. No complaints have been received during this period.

**JOINT OPERATIONS**

- 17. No joint operations have been conducted during this period.

**COMMENTS OF DIRECTOR OF FINANCE**

- 18. Not applicable.

**COMMENTS OF THE DIRECTOR OF HUMAN RESOURCES**

- 19. Not applicable.

**RECOMMENDATION(S)**

- 20. Members are asked to note the report.

ANDREW DOCHERTY  
DIRECTOR OF CUSTOMER, DEMOCRATIC AND LEGAL SERVICES

<b>Background Papers</b>			
<b>Document</b>	<b>Date</b>	<b>File</b>	<b>Place of Inspection</b>
Various applications	Various dates	Various files	Licensing Section Legal Services Chorley

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
Jayne Day	5708		

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