

Licensing and Safety Committee

Agenda and Reports

For consideration on

**Wednesday, 19th September
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: 11 September 2007

Chief Executive: Donna Hall

Chorley
Council

Town Hall
Market Street
Chorley
Lancashire
PR7 1DP

Dear Councillor

LICENSING AND SAFETY COMMITTEE - WEDNESDAY, 19TH SEPTEMBER 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, 19th September 2007 commencing at 2.00 pm.**

AGENDA

1. **Apologies for absence**
2. **Declarations of Any Interests**

Members are reminded of their responsibility to declare any personal interest in respect of matters contained in this agenda. If the interest arises **only** as result of your membership of another public body or one to which you have been appointed by the Council then you only need to declare it if you intend to speak.

If the personal interest is a prejudicial interest, you must withdraw from the meeting. Normally you should leave the room before the business starts to be discussed. You do, however, have the same right to speak as a member of the public and may remain in the room to enable you to exercise that right and then leave immediately. In either case you must not seek to improperly influence a decision on the matter.

3. **Minutes (Pages 1 - 4)**

To confirm as a correct record the minutes of the Licensing and Safety Committee held on 11 July 2007 (enclosed)

4. **Licensing Liaison Panel (Pages 5 - 6)**

To receive Minutes of the Licensing Liaison Panel held on 13 August 2007

5. **Licensing and Registration - Summary of Activity from 28 June 2007 - 31 August 2007 (Pages 7 - 10)**

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

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

Continued....

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

To consider the exclusion of the press and public for the following items 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.

8. **Application for Licence to Drive Hackney Carriage/Private Hire Vehicles Within the Borough (Pages 11 - 16)**

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 (Councillor Iris Smith (Chair), Councillor Edward Smith (Vice-Chair), Councillors Judith Boothman, Terry Brown, Magda Cullens, David Dickinson, Mrs Doreen Dickinson, Pat Haughton, Keith Iddon, Margaret Iddon, Hasina Khan, Margaret Lees, Marion Lowe, Thomas McGowan, Ralph Snape, John Walker and Mrs Stella Walsh) 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

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Licensing and Safety Committee**Wednesday, 11 July 2007**

Present: Councillor Mrs Iris Smith (Chair), Councillor Edward Smith (Vice-Chair) and Councillors Judith Boothman, David Dickinson, Mrs Doreen Dickinson, Pat Haughton, Margaret Iddon, Hasina Khan, Margaret Lees, Thomas McGowan, Ralph Snape, John Walker and Mrs Stella Walsh

07.LS.45 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Terry Brown, Magda Cullens, Keith Iddon and Marion Lowe.

07.LS.46 DECLARATIONS OF ANY INTERESTS

Councillor Ralph Snape declared an interest in relation to Item 9 on the agenda (Minute 07.LS.52).

07.LS.47 MINUTES

RESOLVED – That the Minutes of the meeting of the Licensing and Safety Committee held on 23 May 2007 be confirmed as a correct record and signed by the Chairman.

07.LS.48 LICENSING LIAISON PANEL

The Committee received the Minutes of the meeting of the Licensing Liaison Panel held on 11 June 2007.

07.LS.49 LICENSING AND REGISTRATION SUMMARY - 10 MAY 2007 TO 27 JUNE 2007

The Committee received a report of the Director of Customer, Democratic and Legal Services on the various licences and permits issued and registrations effected by the Licensing Section between the period 10 May 2007 to 27 June 2007.

RESOLVED – That the report be noted.

07.LS.50 SMOKE FREE LEGISLATION

The Committee welcomed Simon Clark, Environmental Health Manager and Neil Kirkham, Public Health Protection Officer, to the meeting to give members of the Committee an informal presentation outlining the health aspect, the Council's enforcement position and the offences and penalties under the new smoking legislation that came into force on the 1 July.

The Council had employed Neil Kirkham as the Council's Public Health Technical Officer whose job it was to deal with complaints and give advice and assistance. The officer would not be uniformed, but carry necessary authorities. Where several complaints about premises were received a visit would be made and if no changes occurred then enforcement action would be taken.

At present complaints had been received regarding litter and noise nuisance outside premises with approaches made to the licensee regarding these issues, but most establishments are complying with the legislation.

RESOLVED – That the presentation be noted with a progress report to be submitted to the Committee in six months time to see how the legislation is being managed.

07.LS.51 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 12A to the Local Government Act 1972.

07.LS.52 APPLICATION FOR LICENCE TO DRIVE HACKNEY CARRIAGE/PRIVATE HIRE VEHICLES

Further to Minutes 07.LS.21, 07.LS.33 and 07.LS.44 the Committee received a report of the Director of Customer, Democratic and Legal Services requesting the Committee to consider an application for a licence to drive Hackney Carriage/Private Hire Vehicles within the Borough of Chorley.

The applicant as well as his legal representative were invited to attend the meeting but again neither attended.

As agreed at the last meeting of the Committee held on 23 May 2007 (Minute 07.LS.44) the applicant had been informed in writing that another opportunity would be given to him to attend to put forward representations in support of his application and if he did not attend on this occasion the application would be considered in his absence.

The Committee was informed that a letter informing the applicant and his legal representative of this course of action were delivered by hand on 24 May 2007, and a reminder sent on 22 June 2007.

Accordingly the Committee having had no response to these letters resolved to consider the application in the absence of the applicant.

RESOLVED – That after careful consideration of the application the Committee agreed that the application be refused on the basis that he could not be considered a fit and proper person to hold a private hire/hackney carriage drivers licence. The grounds on which this decision was based are as follows:

- **The applicant had a lengthy criminal record spanning a significant period for a range of offences and the Committee were concerned about the nature of these convictions in particular those relating to drugs, criminal damage, possessing an offensive weapon, driving whilst unfit through drink or drugs, resisting or obstructing a constable, theft and disorderly behaviour.**
- **Since February 2007 the applicant had been barred from entering a number of licensed premises belonging to Chorley Pubwatch scheme for disorderly behaviour.**
- **An Anti-Social Behaviour Order is in force against the applicant until November 2009 and the Committee took a serious view of the fact that the Court found him to have behaved in an anti-social manner which caused or was likely to cause harassment, harm or distress to other persons and were concerned at the anti-social acts that he had engaged in which were set out in the Schedule to the Anti-Social Behaviour Order.**

The Committee considered the applicant's behaviour was such that he could not be considered to be a fit and proper person and considered the proportionality principle and considered that their paramount concern was the protection of the public.

(Councillor R Snape had declared an interest in the above item and left the room prior to consideration and voting).

Chair

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LICENSING LIAISON PANEL – 13 August 2007

PRESENT Councillor Iris Smith, Councillor Edward Smith, Eleanor Bale, Keith Ogden, Jayne Day, Mazafar Hussain, Brian Crompton, Peter Verhaege, Antony and Julie Price, Ann Clitheroe, Margaret Redshaw

1 MATTERS ARISING FROM THE LAST MEETING

The following questions were asked:

Parkwise leaflet – It was agreed that leaflets could be produced and issued to Brian Crompton who could pass them out to Hackney Carriage Drivers to place on vehicle parked illegally on the rank. Keith Ogden suggested inviting the police along to the next meeting to ask for their input on enforcement. There is a possibility that the Fixed penalty system could be used after 01 March 2008 as a Traffic Management Act is currently in the pipeline.

Pub Watch membership. Members of the panel where informed that the police had received a list of all pubs who had agreed to become members of pub watch and that once literature has been received it could be incorporated into renewal packs for Licensing Act applications. Tony Bushell will be contacted again on this matter and also asked if he is in a position to supply a letter to be distributed to premises that had agreed to become members of pub watch and had not yet attended.

Private hire forming Rank on Flat Iron Car Park. It was agreed that this was not a problem, and a panel member said they would mention it to the person who had raised it last time.

2. GO SKILLS – DRIVER TRAINING – Eleanor Bale attended from this Company and explained what qualifications and skills drivers could obtain from signing up to the course. Funding was discussed and panel members felt it was something that would be beneficial for drivers and if funding was available they would be interested. Antony will contact Eleanor to find out more information and liase with the Licensing Section. Keith said it would also be good publicity for companies if they looked a implementing this training.

3. RANK PROVISION OUTSIDE TUT 'N' SHIVE – Peter Verhaege is to speak to Pub Watch regarding staff parking on the Rank in an evening. Councillor Iris Smith suggested that Hackney Carriage Drivers keep a log of the times and dates when there is a problem. Keith Ogden agreed to do a Log sheet and let Brian Crompton have a few copies to give to some of the other Hackney Carriage Drivers.

4. COMPLAINT RE HACKNEY CARRIAGES SOUNDING HORNS ON THE RANK – Keith Ogden brought this matter up with the panel members and asked that they be aware that it is an offence to do this.

5. POSITION REGARDING MOTORISED WHEELCHAIRS – Lancashire County Council has advised Keith Ogden that motorised wheelchairs should not be used in Hackney Carriage and Private Hire vehicles, as they cannot be secured properly in the vehicles. Panel members queried this as they felt that manual wheelchairs were more difficult to secure and Keith Ogden is going to ask LCC to provide more information which will be put forward at the next meeting.

6. BOOTHS SUPERMARKET – SHOPPING AND TROLLEYS – Panel members were asked how they dealt with shoppers from Booths with trolleys and was told that sometimes Booths provide a member of staff to take the trolley back, otherwise Hackney Carriage drivers would assist. Didn't feel that there was a problem.

7. NEW DRIVERS – minor changes to procedure (obtain CRB first before medical and Knowledge Test undertaken) – Jayne Day informed everyone that we advise new drivers not to have a medical and that they cannot do a knowledge test until we have received the CRB back, this information is also provided in the application pack.

8. ANY OTHER BUSINESS.

A panel member stated that since the introduction of the 7 new Hackney Carriage Vehicles existing Hackney Carriage drivers had noted that there seemed to be less work and that some drivers had obtained radios from Private Hire operators who were giving them work. It was also mentioned that Chorley Town Centre as a whole was very quiet at weekends and that more people seemed to be going out of Town for nights out. This was noted by the Pub Watch chairman and it was suggested that both a member from the Hackney Carriage Association and someone from the private hire industry could look at attending the Town Centre Forum Liaison Committee. Jayne Day will look into this and contact the relevant panel members.

Brian Crompton asked for clarification on when it is an offence to fail to pay on a taxi fare. Keith stated that the offence was "knowing that payment is due making off without payment" and that any part payment or dispute as to the fare or service provided would probably be a civil matter.

Councillor Iris Smith asked that we add No Smoking in Taxis and Pubs to our next meeting and if any comments?

9. DATE AND TIME OF NEXT MEETING – the next meeting will take place on Monday 1st October at 10.30am in the Committee Room, Town Hall, Chorley.



| Report of | Meeting | Date |
|---|--------------------------------|-------------------|
| Director of Customer, Democratic and Legal Services | Licensing and Safety Committee | 19 September 2007 |

LICENSING AND REGISTRATION – SUMMARY OF ACTIVITY FROM 28 JUNE 2007 – 31 AUGUST 2007

PURPOSE OF REPORT

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

RECOMMENDATION(S)

- Members are asked to note the report.

CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

| | | | |
|--|--|---|--|
| Put Chorley at the heart of regional economic development in the central Lancashire sub region | | Improved access to public services | |
| Improving equality of opportunity and life chance | | Develop the character and feel of Chorley as a good place to live | |
| Involving People in their Communities | | Ensure Chorley is a performing Organisation | |

BACKGROUND

- This report is for information only.

IMPLICATIONS OF REPORT

- There are no implications arising from this report.

| | | | |
|-----------------|--|------------------------|--|
| Finance | | Customer Services | |
| Human Resources | | Equality and Diversity | |
| Legal | | | |



HACKNEY CARRIAGES, PRIVATE HIRE REGISTRATIONS

6. 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.

| Number of | New | Renewals | Transfers | Vehicle Change |
|-------------------------------------|-----|----------|-----------|-------------------|
| Private Hire Vehicles | 6 | 30 | 0 | 6 |
| Private Hire Drivers Licence | 10 | 32 | 0 | 0 |
| Private Hire Operator | 1 | 4 | 0 | 0 |
| Hackney Carriage Drivers Licence | 4 | 13 | 0 | 0 |
| Hackney Carriage Vehicle | 0 | 12 | 1 | 2 |

SECOND HAND GOODS

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

HOUSE TO HOUSE COLLECTIONS

8. There has been no application granted for House to House Permits during this period.

STREET COLLECTION PERMITS

9. There have been 7 applications granted for Street Collection Permits during this period for the following charities:

| Name of Charity | Date of Street Collection |
|---------------------------------------|---------------------------|
| Royal National Lifeboat Institution | 06/10/2007 |
| The Royal British Legion Poppy Appeal | 01/11/2008 |
| Chorley Astley Rotary Club | 16/12/2007 |
| Groundwork Lancashire West | 24/07/2007 |
| Royal Air Forces Association | 20/09/2008 |
| Guide Dogs for the Blind Association | 07/06/2008 |
| Action Medical Research | 25/08/2007 |

LOTTERIES AND AMUSEMENTS ACT 1976 (AS AMENDED)

10. There have been 2 new Lottery permits issued during this period.

MOTOR SALVAGE OPERATOR

11. There has been 3 renewal permits issued for Motor Salvage Operator Licences for Berties Bike Breakers, D Martindale Ltd and Carmen Cars during this period.

GAMING MACHINE SECTION 34 (5E) PERMIT

12. There have been 0 new Gaming Machine Permits and 2 renewal Gaming Machine Permits issued during this period.

ENFORCEMENT/INSPECTION VISITS FOR PERIOD FROM 28 JUNE 2007 TO 31 AUGUST 2007

13. During the above period 26 visits have been made to premises in connection with licensing matters. The majority of visits have been routine and have included premises applying for a premises licence under the Gambling Act 2005 and licensed premises applying for Best Bar None accreditation.

SUSPENSION OF VEHICLES

14. No Chorley Council vehicle licences have been suspended during this period.

INVESTIGATION OF COMPLAINTS

15. One complaint has been received during this period regarding a taxi fare. No action was needed in this case. General complaints regarding noise from licensed premises are being received and a joint initiative will be instigated between the Licensing Section, Environmental Health and the Police.

JOINT OPERATIONS

16. One joint operation has been conducted during this period with Lancashire County Council vehicle inspectors when a South Ribble private hire vehicle was issued with an immediate suspension notice.

COMMENTS OF THE DIRECTOR OF CUSTOMER, DEMOCRATIC AND LEGAL SERVICES

17. Not applicable.

ANDREW DOCHERTY
DIRECTOR OF CUSTOMER, DEMOCRATIC AND LEGAL SERVICES

There are no background papers to this report.

| Report Author | Ext | Date | Doc ID |
|----------------------|------------|------------------|-----------------|
| Jayne Day | 5161 | 6 September 2007 | LEGREP/0709AC01 |

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