

# Licensing and Safety Committee

Wednesday, 16 January 2008

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

## 08.LS.01 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Iris Smith (Chairman) and Councillor Margaret Lees.

## 08.LS.02 WELCOME TO NEW STAFF/DEPUTY DIRECTOR OF LEGAL SERVICES

The Chair welcomed the new Licensing Enforcement Officer, Bob Beeston and Samantha Marland-Fitzell the Committee's temporary Licensing Solicitor.

The Chair also informed the meeting that this was the last meeting that Claire Hallwood was attending as the Committee's Solicitor and thanked her for her assistance and guidance she had given to the Committee over the years.

## 08.LS.03 DECLARATIONS OF ANY INTERESTS

No declarations of interest were received.

## 08.LS.04 LICENSING AND REGISTRATION - SUMMARY OF ACTIVITY FROM 3 NOVEMBER TO 31 DECEMBER 2007

The Committee received and noted a report of the Corporate Director of Governance on the activity of the Licensing Section for the period 3 November to 31 December 2007 under the Licensing Act 2003.

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

## 08.LS.05 LICENSING LIAISON PANEL

The Committee received the Minutes of the meeting of the Licensing Liaison Panel held on 3 December 2007.

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

## 08.LS.06 ANNUAL REVIEW OF LICENCE FEES

The Committee considered a report of the Corporate Director of Governance reviewing the licensing fees for 2008/2009 and informing the Committee of those licensing fees which the authority are obliged to collect as a statutory function and recommending adoption of the revised fees structure with effect from 1 April 2008.

The aim was to increase fees by not more than 3% for the next financial year.

The report indicated that in order for the Council to maintain the high standards of service delivery expected by our customers the fees associated with the various licences where applicable would need to be set according to the cost of realistically delivering the service.

It was recognised that various secondary services which the Licensing Section provided, had been delivered at a financial cost to the authority and that the report recognised this situation and proposed to address this issue by maintaining a minimal charge of £21.00 for the administration of the various licensing functions.

The report highlighted the expectation of an unmet demand survey to be conducted during 2008, the cost of which was expected to be in the region of £9000.00. The amount had not been accounted for in terms of budgetary control and the Committee was requested to consider the cost of the impending unmet demand survey be attached proportionately to each Hackney Carriage licence fee at the next renewal of the Hackney Carriage licence for each of the 37 licensed vehicles.

**RESOLVED – 1) That the revised fees and charges as appended to the submitted report be approved for adoption with effect from 1 April 2008 subject to any necessary advertising and those representations received in respect of those fees be reported to the next ordinary meeting of the Committee.**

**2) That a detailed report be prepared on the three year hackney carriage review for a future Committee meeting.**

**3) That consultation take place with the Licensing Liaison Panel regarding the hackney carriage review and proposals for fees should the survey be carried out.**

#### **08.LS.07 EXCLUSION OF THE PUBLIC AND PRESS**

**RESOLVED – That the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 4 of Part 1 of Schedule 12A to the Local Government Act 1972.**

#### **08.LS.08 APPLICATION FOR LICENCE TO DRIVE HACKNEY CARRIAGES / PRIVATE HIRE VEHICLES WITHIN CHORLEY BOROUGH**

The Committee received a report of the Corporate Director of Governance requesting the Committee to consider an application to drive a Hackney Carriage/Private Hire Vehicle in light of the convictions and the information that had been disclosed.

The applicant attended the meeting along with his mother who would be employing him in the family taxi business to put forward representations in support of his application and the Committee carefully considered the representations made.

**RESOLVED – That a Hackney Carriage/Private Hire Drivers Licence be granted.**

#### **08.LS.09 HACKNEY CARRIAGE DRIVER FAILING TO DEAL PROPERLY WITH FOUND PROPERTY**

The Committee received a report of the Corporate Director of Governance requesting the Committee to consider whether a Hackney Carriage Driver was a fit and proper person to continue to hold a Hackney Carriage Drivers Licence under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 following a breach of the conditions contained in Hackney Carriage Byelaws.

**RESOLVED – That consideration of the item be deferred to a future meeting.**

#### **08.LS.10 HACKNEY CARRIAGE DRIVER - NOTIFICATION OF CONVICTION**

The Committee received a report of the Corporate Director of Governance drawing Members attention to a caution that had been received by a licensed Hackney Carriage driver.

The report indicated that records had shown that the Hackney Carriage driver had over 20 years experience and that on the 14 December 2007 the Council had received a letter from the Police dated 11 December 2007 notifying that the driver had been cautioned on 6 September 2007 for a battery offence.

The conditions of the licence attached to the issue of Hackney Carriage/Private Hire Driver's licence stated that "the licensee shall notify the Council in writing of any convictions recorded against him/her by any Court and/or the imposition of any endorseable or non-endorseable fixed penalty within 7 days of such conviction or penalty being imposed."

The driver attended the meeting along with a friend to make representations and answer questions from the Committee. The drivers friend notified the Committee that the driver did not notify the Council because he did not realise that a caution had to be declared. The Committee carefully considered the representation made.

**RESOLVED – 1) That whilst the Licensing and Safety Committee took a serious view of the fact that the conviction related to an offence involving violence, the Committee also took into account the fact that he had been a licensed Hackney Carriage driver for over 20 years and had previously had an exemplary record and considered it to be an isolated incident.**

**2) That he be notified that his future conduct must be exemplary and should there be any further concern or complaints, he be brought back to a meeting of the Committee.**

Chair