

Licensing and Safety Committee

Agenda and Reports

For consideration on

**Wednesday, 16th January
2008**

In the Council Chamber, Town Hall, Chorley

At 2.00 pm



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7 January 2008

Dear Councillor

LICENSING AND SAFETY COMMITTEE - WEDNESDAY, 16TH JANUARY 2008

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, 16th January 2008 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 - 2)**

To confirm as a correct record the minutes of the meeting of the Licensing and Safety Committee held on 28 November 2007 (enclosed).

4. **Licensing and registration - summary of activity from 3 November to 31 December 2007 (Pages 3 - 6)**

Report of the Corporate Director of Governance (enclosed).

5. **Licensing Liaison Panel (Pages 7 - 10)**

To receive the minutes of the Licensing Liaison Panel held on 3 December 2007 (enclosed).

6. **Annual Review of Licence Fees**

Report of the Corporate Director of Governance (to follow).

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 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

8. **Application for licence to drive Hackney Carriages / Private Hire vehicles within Chorley Borough (Pages 11 - 14)**

Report of Corporate Director of Governance (enclosed).

9. **Hackney Carriage Driver failing to deal properly with found property (Pages 15 - 22)**

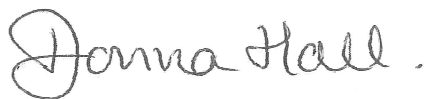
Report of the Corporate Director of Governance (enclosed).

10. **Hackney Carriage Driver - Notification of Conviction (Pages 23 - 24)**

Report of Corporate Director of Governance (enclosed).

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

Yours sincerely



Donna Hall
Chief Executive

Ruth Hawes
Assistant Democratic Services Officer
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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), Stephen Culleton (Licensing Manager), Janet Brereton (Legal Assistant (Licensing and Registration)), Keith Ogden (Enforcement Officer) and Ruth Hawes (Assistant Democratic Services 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 آپکی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون
کیجئے: 01257 515823

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Licensing and Safety Committee**Wednesday, 28 November 2007**

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

07.LS.68 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Magda Cullens, Keith Iddon and Margaret Lees.

07.LS.69 WELCOME TO NEW LICENSING MANAGER

The Chair welcomed the new Licensing Manager, Steve Culleton, to his first meeting of the Committee.

07.LS.70 DECLARATIONS OF ANY INTERESTS

No declarations of interest were received.

07.LS.71 MINUTES

RESOLVED – That the Minutes of the meeting of the Licensing and Safety Committee held on 17 October 2007 be confirmed as a correct record and signed by the Chairman.

07.LS.72 PROPOSED INCREASE IN HACKNEY CARRIAGE FARES

The Committee considered the report of the Corporate Director of Governance outlining a request made by the local Hackney Carriage Association for an increase in hackney carriage fares.

Hackney carriage fares were last increased in November 2005 and due to the increases in fuel prices and rises in the cost of living, an increase has been requested. The Committee were also addressed by Mr. Y Illahi.

It is the responsibility of the Council to set hackney carriage fares, after having considered the request by the hackney association. Members considered a comparison chart of neighbouring authorities enclosed with the report.

RESOLVED – That the proposed increase in Hackney Carriage fares be agreed, subject to the necessary notice being advertised and no objections being received.

07.LS.73 LICENSING AND REGISTRATION - SUMMARY OF ACTIVITY FROM 2 OCTOBER 2007 TO 2 NOVEMBER 2007

The Committee received and noted a report of the Corporate Director of Governance on the activity of the Licensing Section for the period 2 October 2007 to 2 November 2007 under the Licensing Act 2003.

RESOLVED – That the report be noted.

07.LS.74 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 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

07.LS.75 APPLICATION FOR A LICENCE TO DRIVE A HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE IN CHORLEY BOROUGH

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 attended the meeting to make representations and answer questions from the Committee.

RESOLVED -

- 1. The Licensing and Safety Committee considered carefully the representations made in support of the application.**
- 2. The Licensing and Safety Committee took a serious view of the number and nature of convictions recorded against the applicant. The Committee were not satisfied that sufficient time had elapsed since the last conviction in 2005 for the applicant to demonstrate that he was a fit and proper person and could remain free of convictions.**
- 3. The Licensing and Safety Committee considered the Human Rights Act and the proportionality principle and considered that the protection of the public was paramount.**

07.LS.76 APPLICATION FOR A LICENCE TO DRIVE A HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE IN CHORLEY BOROUGH

(Councillor Iris Smith declared an interest in the above item and left the room prior to consideration and voting. Councillor Edward Smith took the Chair for the following item).

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 attended the meeting to make representations and answer questions from the Committee.

RESOLVED -

- 1. The Licensing and Safety Committee considered carefully the representations made in support of the application.**
- 2. The Committee determined that a Hackney Carriage/Private Hire Drivers Licence be granted to the applicant.**

Chair

Report of	Meeting	Date
Corporate Director of Governance	Licensing and Safety Committee	16 January 2008

LICENSING AND REGISTRATION – SUMMARY OF ACTIVITY FROM 03 NOVEMBER – 31 DECEMBER 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.

EXECUTIVE SUMMARY OF REPORT

- This report is for information only.

CORPORATE PRIORITIES

- This report does not relate to any of the 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.

HACKNEY CARRIAGES, PRIVATE HIRE REGISTRATIONS

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

Number of	New	Renewals	Transfers	Vehicle Change
Private Hire Vehicles	9	20	0	2
Private Hire Drivers Licence	6	31	0	0
Private Hire Operator	1	2	0	0
Hackney Carriage Drivers Licence	1	5	0	0
Hackney Carriage Vehicle	0	3	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 have been 7 applications granted for House-to-House Permits during this period. These are on behalf of Great Ormond Street Hospital for a period of one week commencing on 07/01/2008, 03/03/2008, 28/04/2008; 23/06/2008; 18/08/2008; 13/10/2008; 08/12/2008.

STREET COLLECTION PERMITS

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

Name of Charity	Date of Street Collection
St Mary's Parochial Church Council	8 December 2007
Chorley Shop Mobility	9 May 2008 / 30 May 2008 / 2 July 2008 / 2 August 2008
Luxor Stars Little Children's Trust	24 January 2008
Barnardos	15 November 2008

MOTOR SALVAGE OPERATOR

10. There have been no applications for Motor Salvage Operator Licences during this period.

ENFORCEMENT/INSPECTION VISITS FOR PERIOD FROM 02 NOVEMBER 2007 TO 31 DECEMBER 2007

11. During the above period there have been 7 visits to premises.

SUSPENSION OF VEHICLES

12. Two hackney carriage vehicles were suspended

JOINT OPERATIONS

13. There has been one joint operation with the Police resulting in 2 private hire drivers being reported for plying for hire without a licence and no insurance.

COMPLAINTS

14. Three complaints have been investigated.

IMPLICATIONS OF REPORT

15. There are no implications arising from this report.

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		No significant implications in this area	√

COMMENTS OF THE CORPORATE DIRECTOR OF GOVERNANCE

16. Not applicable.

ANDREW DOCHERTY
CORPORATE DIRECTOR OF GOVERNANCE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Janet Brereton	5164	2 January 2007	

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LICENSING LIAISON PANEL – 3 December 2007

PRESENT Councillor Iris Smith, Councillor Edward Smith, Stephen Culleton, Keith Ogden, Janet Brereton, Irene Riding, Dave Leadbetter (MAPS), Inspector Ian Roberts, Sergeant Andy Walton, Sergeant Tony Bushell, Antony Price, Brian Crompton, Phil and Lynne Cooper, David Hamer, Peter Verhaege, Yaqoob Illahi.

APOLOGIES: Neil Kirkham (Public Health Technical Officer)

MATTERS ARISING FROM LAST MEETING

The issue of decking outside two town centre premises was raised following the adoption of the Pavement Café Design Guide. Irene Riding said that the Design Guide would now need to be implemented and agreed to ask about the decking issue within the Economic Regeneration Section.

1 INTRODUCTION OF NEW LICENSING MANAGER

Councillor Iris Smith introduced Stephen Culleton, the new Licensing Manager, and he said that he was looking to move Licensing forward to enable people to safely and legally carry about their business. He said that he was happy to meet with anyone with an interest in Licensing and discuss any issues.

As there were a number of new people at the meeting, everyone introduced themselves.

2 TRAFFIC MANAGEMENT ACT/FIXED PENALTY SYSTEM

Keith Ogden outlined the problems regarding parking on the Hackney Carriage Rank in High Street to Sergeant Andy Walton and a general discussion followed. Sergeant Walton said that he would look at building these issues into his future plans/operations and educating staff on taxi related issues. This could include police officers asking motorists to move on and offering words of advice if they were parked on the Hackney Carriage Rank. One panel member brought up a recent incident where two hackney carriage drivers who had waited temporarily on the disabled bay opposite the rank because the rank was full one evening had been told to move on by a police constable. Sergeant Walton agreed that if the Rank was full a bottleneck could be caused. He offered to give his contact details to the panel member so that details of incidents could be collated.

Keith Ogden also asked about making off without payment and whether it would be covered by the new Criminal Act. It was agreed that it was.

Dave Leadbetter and Keith Ogden informed everyone that they intend to work together before and after the Christmas period to run operations targeting illegal plying for hire etc. It was agreed that this was not a large problem but one which should be looked at.

3 DROP-OFF IN TRADE

Janet Brereton explained that at the last meeting a general discussion on this had led to an invitation being extended to Economic Regeneration to attend the next meeting to discuss plans for improving the day-time and night-time economy. Irene Riding informed everyone that there was a 10-year Town Centre Strategy in place and had brought copies outlining these plans. She explained that the empty shops in Market

Street, including the former McDonalds and Grahams site had initially had a multi-sales type shop in the pipeline but there was some uncertainty as to whether this was now going ahead. She continued to say that a consultant had recently been appointed to carry out an Audit and Design Strategy of the Town Centre.

The Council runs regular Town Centre Workshops and a recent workshop had asked people to come up with ideas for an evening culture and Irene Riding gave some examples such as holding a beer/music festival, late day parking prices, cinema and bowling alley. The Council were hoping to appoint a Town Centre Manager soon who would be responsible for looking at these issues. The Pavement Café Design Guide had been adopted to enhance the Town Centre and the markets were being developed and advertised. Discussion followed concerning the drop-off in trade which was highlighted by the private hire operators taking fares outside Chorley to neighbouring towns/cities, issues of supermarkets being able to sell alcohol at cheap prices, free parking at developments such as Middlebrook, smoke-free legislation and a perceived lack of people wishing to invest in Chorley.

Councillor E Smith asked about involvement on the Town Centre Workshops and Irene Riding confirmed that private hire/hackney carriage and representatives from the trade were invited to the meetings. She said that as a rule members of the public (customers) were not usually invited but agreed that it may be useful to incorporate raising these issues on other panels that included members of the public.

Stephen Culleton pointed out that the Licensing Section had an important role to play in enabling businesses to thrive. A member of Licensing was always invited to attend the Town Centre Forum.

4 ELIGIBILITY TO WORK IN UK

Janet Brereton informed everyone that whilst there was a responsibility for employers to check whether their employees had a right to work in the UK, the Council were looking at checking documents before a licence to drive is issued and the views of the panel members were being sought. The main documents required, such as passport, are already produced at the time of a CRB check and in most cases this is sufficient information. A report would be taken to a Licensing Committee in the New Year.

A question was asked regarding driving experience and Keith Ogden replied that normally a UK driving licence would need to have been held for 3 years. If a driver had less experience he/she would appear before the Licensing Committee and each case would be looked at on its individual merits. Keith Ogden also pointed out that criminal checks were requested for up to 5 years if an applicant had lived out of the UK during that time.

5 NEW APPLICANTS FOR PRIVATE HIRE/HACKNEY CARRIAGE DRIVERS

Steve Culleton outlined changes he wished to introduce to streamline the application process for new private hire/hackney carriage drivers. He would report back with more details at a later date.

6 LICENSING – ENFORCEMENT VISITS

Steve Culleton gave details of changes he wished to introduce regarding enforcement visits for premises. This would be in conjunction with the police, fire

officer and A & E and any other responsible authorities. He would report back in the New Year with further details.

7 SMOKE FREE LEGISLATION

Details were given regarding alleged smoking in licensed premises. Janet Brereton read out an email from Neil Kirkham (Public Health Technical Officer) which stated that in order for him to gather evidence, he needed to be made aware of incidents as they happened. Janet Brereton agreed to find contact details for Neil. Steve Culleton said he would look into obtaining authorisation for the Licensing Enforcement Officer to be able to act if he witnessed anything.

8 ANY OTHER BUSINESS

- 8.1 **Traffic Lights at Hartwood Roundabout** - A panel member asked if there was any possibility of the traffic lights at the Hartwood roundabout being part-time. Janet Brereton reminded everyone that she had written earlier in the year and was told by LCC that this was not possible due to the design of the road layout. Discussion followed and it was agreed that Janet Brereton write to LCC asking if the traffic lights could be changed to vehicle actuation at night.
- 8.2 **Disabled Discrimination Act** – A panel member inquired about this and pointed out that there had been some changes in opinion regarding wheelchair accessible fleets and that a mixed fleet can sometimes meet the needs of the disabled public better. Keith Ogden said that a survey for unmet demand would be required next year and that wheelchair access could be included in that survey. Discussion followed and it was agreed an item be put on the next agenda for this panel.
- 9 **DATE AND TIME OF NEXT MEETING** – the next meeting has been arranged for Monday 4 February 2008 at 10.30am in the Committee Room, Town Hall, Chorley.

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