

# Licensing and Safety Committee

Agenda and Reports

For consideration on

**Wednesday, 27th February  
2008**

In the Council Chamber, Town Hall, Chorley

At 2.00 pm



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18 February 2008

Dear Councillor

**LICENSING AND SAFETY COMMITTEE - WEDNESDAY, 27TH  
FEBRUARY 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, 27th February 2008 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 receive the Minutes of the meeting of the Licensing and Safety Committee held on 6 February 2008 (enclosed)

4. **Licensing Liaison Panel 4 February 2008 (Pages 3 - 6)**

To receive the Minutes of the Licensing Liaison Panel held on 4 February 2008 (enclosed)

5. **Drug Testing in Pubs and Clubs**

The Council's Licensing Manager will submit a verbal report on the testing of drugs in pubs and clubs.

6. **Amendment to licence condition in relation to convictions (Pages 7 - 8)**

Report of Director of Corporate Governance (enclosed)

7. **Licensing and Registration - Summary of Activity from 1st January 2008 - 8th February 2008 (Pages 9 - 12)**

Report of Corporate Director of Governance (enclosed)

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

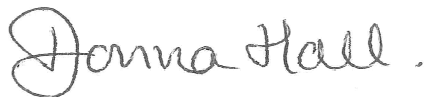
9. **Exclusion of the Public and Press**

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.

10. **Hackney Carriage Driver - Application to Drive Hackney Carriage/Private Hire Vehicles (Pages 13 - 14)**

Report of Corporate Director of Governance (enclosed)

Yours sincerely



Donna Hall  
Chief Executive

Gordon Bankes  
Democratic Services Officer  
E-mail: [gordon.bankes@chorley.gov.uk](mailto:gordon.bankes@chorley.gov.uk)  
Tel: (01257) 515123  
Fax: (01257) 515150

**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 Samantha Marland-Fitzell (Solicitor), Stephen Culleton (Licensing Manager), Bob Beeston (Licensing Enforcement Officer) and Janet Brereton (Legal Assistant (Licensing and Registration)) 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, 6 February 2008**

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

**08.LS.11 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors David Dickinson and Mrs Stella Walsh.

**08.LS.12 DECLARATIONS OF ANY INTERESTS**

In accordance with the provisions of the Local Government Act 2000, the Council's Constitution and Members Code of Conduct, Councillors Margaret Lees and Ralph Snape declared a personal interest in relation to Item 5 on the agenda.

**08.LS.13 MINUTES**

**RESOLVED – That the Minutes of the meeting of the Licensing and Safety Committee held on 16 January 2008 be confirmed as a correct record and signed by the Chairman.**

**08.LS.14 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.**

**08.LS.15 HACKNEY CARRIAGE DRIVER FAILING TO DEAL PROPERLY WITH FOUND PROPERTY**

(Councillors Margaret Lees and Ralph Snape declared a personal interest in the following item and left the room during the discussion and voting).

The Committee received a report of the Corporate Director of Governance requesting Members to consider whether or not a licensed Hackney Carriage driver was a fit and proper person to continue to hold a Hackney Carriage Driver's Licence under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976.

The report indicated the circumstances surrounding a passenger in the hackney carriage leaving an overnight bag in his vehicle containing clothes and a camera during a journey from Chorley to Preston Railway Station.

The owner of the property had made contact with the Council regarding the overnight bag and from the description given the Council's Licensing and Enforcement Officer had identified the Hackney Carriage driver.

It was explained that the Hackney Carriage driver had not acted in a manner expected of a duly authorised Hackney Carriage driver and he had clearly breached the conditions contained in Hackney Carriage Byelaws 16 and 17.

The driver attended the meeting to make representations and answered questions from members of the Committee.

**RESOVLED – 1) That the Licensing and Safety Committee took a very serious view of his failure to abide with the Council’s Hackney Carriage Byelaws 16 and 17, however after careful consideration of his representations it was agreed that the Hackney Carriage Driver be allowed to continue to drive in Chorley and a letter be sent informing him that his conduct must be exemplary and should there be any further concern or complaint he be brought back to a meeting of this Committee.**

**2) That the Licensing and Safety Committee considered carefully the representations made and acknowledged that the Hackney Carriage driver had accepted that he had misjudged the situation, down to his pure ignorance, and had handled the situation badly. He further accepted that he was totally responsible for the item left in his vehicle and made representations that there would be no further breaches of conditions.**

Chair



**LICENSING LIAISON PANEL – 4 February 2008**

**PRESENT** Councillor Iris Smith, Councillor Edward Smith, Stephen Culleton, Bob Beeston, Janet Brereton, Dave Leadbetter (MAPS), Sergeant Tony Bushell, Brian Crompton, Phil and Lynne Cooper, David Hamer, Peter Verhaege, Yaqoob Illahi, Mazaffar Hussain, Abdul Manan, Mohammed Siddique, Nick Hogan, Paul Mulhearn, Hifzur Mala

**1 APOLOGIES:** Antony Price (Yellow Cabs)

**2 MATTERS ARISING FROM LAST MEETING:**

2.1 Traffic Lights at Hartwood Roundabout – Janet Brereton had written to Lancashire County Council on 8 January 2008 to ask about the traffic lights being made vehicle actuation at night. To date a reply has not been received. Janet Brereton to chase up and place the matter on the agenda for the next Licensing Liaison Panel.

2.2 Pavement Design Guide – Janet Brereton explained that Keith Allen, the Council's Streetscene Manager, was now administering the Pavement Cafe Design Guide. A panel member said that he had not received a copy of the design guide and Janet Brereton agreed to get one sent out to him. The issue regarding Fazakerley Street was raised and Janet Brereton agreed to chase this up.

**3 INTRODUCTION OF NEW TEMPORARY LICENSING ENFORCEMENT OFFICER**

Councillor Iris Smith introduced Bob Beeston, the new temporary Licensing Enforcement Officer. Bob Beeston explained that he was a retired police officer who was looking to ensure the Licensing system ran smoothly. He said he would be happy to address any problems and deal with any reasonable requests.

**4 SIGNS – INTERNAL/EXTERNAL/REAR PLATE**

Bob Beeston informed the panel that the Licensing section was looking at the signage currently being used by the hackney carriage/private hire vehicles to identify them as licensed vehicles. Some of the things currently being looked at are the provision of internal signage to identify the vehicle for members of the public, door signs and producing rear plates with an expiry date to end the problem of expired plates not being returned to the Licensing Section. Discussion followed and it was agreed that a separate working party take place with a small number of representatives from the trade being invited. This meeting has now been arranged for Monday 10 March 2008 at 10.30am at Civic Offices, Union Street, Chorley and invitations will be sent out in due course.

**5 FEES AND CHARGES**

Copies of the fees and charges, which will apply from 1 April 2008, were handed out. Steve Culleton explained that there was no discretion with those fees connected to the Licensing Act 2003. He pointed out that the fees and charges were broadly in line with inflation at 3% and that whilst we are legally entitled to cover the costs of providing the licensing service, at present costs were not being fully met. Steve Culleton explained that he was also looking at streamlining the licensing services the

Council provide and make internal savings where possible. A panel member said that a recent licence renewal carried out in the One Stop Shop had taken over 30 minutes to complete. Steve Culleton said that he had met with the Customer Services Manager recently to address improvements in service delivery. He said that he was hoping to minimise the number of visits to the One Stop Shop and some additional training would be provided over the next couple of months. Discussion followed regarding the fees and charges and it was agreed that the charge for a replacement tariff could be looked at again and reviewed along with the signs and plates. It was also noted that the discount for disabled access vehicles had been deleted as it had not attracted as many disabled access vehicles.

## **6 UNMET DEMAND SURVEY/DISABLED DISCRIMINATION ACT**

Steven Culleton informed the panel that an unmet demand survey was now due and asked whether the panel required the Council to appoint a firm to carry out the survey. He said that the survey would need to be paid for by the trade and initial costings suggested that the survey would cost each driver a one-off payment of approximately £280. Discussion on the previous survey and the pros and cons of it took place. It was agreed that the Licensing Section write to every hackney carriage proprietor to ask whether or not they required the Council to carry out an unmet demand survey. A panel member said that any survey should combine a wheelchair accessible survey.

## **7 GENERAL CHANGES TO PROCEDURES**

7.1 Second Driver's Licences – Janet Brereton explained that the way second driver's licences are issued was changing. On first application, an applicant could decide whether or not they wanted a hackney carriage driver's licence and a private hire driver's licence. At that point, the first licence would be full price (currently £45) and the second driver's licence would attract a lesser fee (currently £21). However, if an applicant took out one licence and then decided at a later date that he wished to have an additional licence, the price for the grant of a licence would be payable and not for the lesser fee. Furthermore, if an applicant's CRB check had been carried out over 3 months ago, a new CRB would be required before a licence could be issued. Any driver who currently had two licences which expired on different dates could benefit from the lesser fee if, on renewal of the first licence to expire, the second one was also renewed but issued to expire on the same date as the first licence.

7.2 Criminal Record Bureau (CRB) Checks – Janet Brereton informed everyone that it was best practice for local authorities to carry out CRB checks every three years. Therefore, to bring this in, drivers would be asked to complete a CRB form and pay the required fee (currently £36) if at the time their licence was due for renewal, the CRB was older than three years old. Drivers would be informed when their renewal letters were sent out that a CRB will be required and an application form enclosed with the renewal letter. Provided that a CRB has been applied for, a renewal licence could still be issued, but it would be necessary to make an appointment with the Licensing Section for the CRB and accompanying documentation to be checked.

7.3 New applicants for private hire/hackney carriage drivers – Janet Brereton explained that to streamline the procedure for applying for a licence to drive private hire and/or hackney carriages, changes had been made to the way applications would be made. An information sheet is attached to these notes (Appendix A). It was noted that in future, applications should include an application form, CRB form, medical, appropriate fees and a knowledge test. This would reduce the number of

visits being made to the Council offices for new applicants. It was agreed that the above changes would be communicated to hackney proprietors and private hire operators within the next week.

7.4 LPG/Provision of MOTs/garages meeting needs/classification of vehicles – Bob Beeston said that he had been asked to look at these issues and that the Licensing Section would be asking for installation certificates to show that LPG conversions had been carried out in the correct manner. He asked if owners of LPG vehicles could produce their installation/safety check certificate when renewing their vehicle licences so that this could be recorded with the vehicle's details. He also said that the Licensing Section would be requesting the VOSA MOT certificate at the time that private hire vehicles and hackney carriages were licensed, renewed or transferred. He asked whether the testing stations were meeting the needs of the drivers and said that he would welcome views on any improvements which could be made to the way tests are currently carried out.

7.5 Guidelines on convictions – Steve Culleton said that he had been revising and updating the current guidelines on convictions. He explained that this would aid applicants by making them aware of the guidelines and assist Members of the Licensing and Safety Committee when they have to make decisions regarding applications for hackney or private hire drivers.

## **8 TRIAL OF CAMERA IN VEHICLE**

Bob Beeston said that an offer had been made by a private firm to trial a camera in a licensed vehicle for around 6/7 weeks to improve driver safety. He pointed out that there were two systems, but the wireless system meant that no holes needed to be drilled. He invited people to get in touch with him if interested.

## **9 COMPLAINT FROM CUSTOMER OF BOOTH'S SUPERMARKET**

Janet Brereton said that she had received a complaint from a lady who claimed that two hackney carriage drivers had refused to take her and her shopping because she was only going a short distance. Representatives from the hackney carriage trade said that they would take this back to proprietors and remind them of their obligations.

## **10 ANY OTHER BUSINESS**

10.1 Pub Watch - The representative from Pub Watch said he welcomed the recent application for a new Premises Licence at a town centre venue. He hoped that the licence holder would become a pro-active member of Pub Watch and looked forward to working with her.

10.2 Parking – a panel member asked whether it would be possible to implement 'pay on return' parking. Councillor Iris Smith said that she would ask the Executive Member in charge of parking issues, Councillor Peter Malpas to attend the next meeting of the Licensing Liaison Panel to discuss parking. She informed the panel that parking fees were to change with alterations being made to the charges for 2/3 hours. Janet Brereton agreed to contact Councillor Malpas and invite him to the next panel.

10.3 Sounding Horns outside public houses – a panel member reminded drivers that they should not be sounding horns outside public houses when waiting for their fare. It causes nuisance to neighbouring residents and the Highway Code states

you must not use your horn while stationary on the road or when driving in a built up area between the hours of 11.30pm and 7.00am

10.4 Parking on taxi rank at High Street – Bob Beeston had been made aware of these issues and had looked into possible remedies. He explained that the police were able to issue fixed penalty notices and he had spoken to Becky Herbert, the new Town Centre Community Beat officer, concerning this. Bob Beeston agreed to write to the police on this matter. The Hackney Carriage representatives thanked him for his input and Councillor Iris Smith said that it would be helpful if the hackney carriage trade continue to monitor it.

10.5 Sign at roundabout at head of taxi rank, High Street – A request was made for a sign to ask people to use the footpath instead of crossing over the roundabout. Janet Brereton agreed to take this to the next Town Centre Working Party which was due to take place on 6 February 2008.

10.6 Production of log book - A panel member pointed out that when the Licensing Section request sight of the log book where a vehicle is older than 4 years old, it is not always possible to produce it. Bob Beeston agreed to look into this issue.

## **11 DATE AND TIME OF NEXT MEETING**

The next meeting has been arranged for Monday 31 March 2008 at 10.30am in the Committee Room, Town Hall, Chorley.



Report of	Meeting	Date
Corporate Director of Governance	Licensing and Safety Committee	27 February 2008

## AMENDMENT TO LICENCE CONDITION WITH RELATION TO CONVICTIONS

### PURPOSE OF REPORT

- To seek approval from Members with respect to a change in an existing licence condition relating to convictions.

### RECOMMENDATION(S)

- That the Committee considers this report and approves the new licence condition in the form set out.

### EXECUTIVE SUMMARY OF REPORT

- There is a condition attached to a hackney carriage/private hire driver’s licence which requires the licence holder to “notify the Council in writing of any conviction recorded against him/her by any Court and/or the imposition of any endorsable or non-endorsable fixed penalty within 7 days of such conviction or penalty being imposed”.
- However, it has become apparent that there is an increasing use of cautions for dealing with certain offences. To ensure that drivers are not confused about the need to notify the Council of offences and cautions it is proposed that the above condition be amended as below:

#### Convictions

The licensee shall notify the Council in writing of any conviction or caution recorded against him/her by any Court and/or the imposition of any endorsable or non-endorsable fixed penalty within 7 days of such conviction or caution or penalty being imposed.

### 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		Develop local solutions to climate change.	
Improving equality of opportunity and life chances		Develop the Character and feel of Chorley as a good place to live	4
Involving people in their communities		Ensure Chorley Borough Council is a performing organization	



**IMPLICATIONS OF REPORT**

6. This report has implications in the following areas and the relevant Corporate Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	4	No significant implications in this area	

**COMMENTS OF THE CORPORATE DIRECTOR OF GOVERNANCE**

7. There is a right of appeal against a condition imposed on a licence to drive private hire/hackney carriages to the Magistrates' Court.

ANDREW DOCHERTY  
CORPORATE DIRECTOR OF GOVERNANCE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Janet Brereton	5161	12 February 2008	LEGREP/1202LM1



Report of	Meeting	Date
Corporate Director of Governance	Licensing and Safety Committee	27 February 2008

**LICENSING AND REGISTRATION – SUMMARY OF ACTIVITY FROM 01 JANUARY 2008 – 08 FEBRUARY 2008**

**PURPOSE OF REPORT**

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

**RECOMMENDATION(S)**

2. Members are asked to note the report.

**EXECUTIVE SUMMARY OF REPORT**

3. The report is for information only.

**CORPORATE PRIORITIES**

4. This report relates to the following Strategic Objectives:

Put Chorley at the heart of regional economic development in the Central Lancashire sub-region		Develop local solutions to climate change.	
Improving equality of opportunity and life chances		Develop the Character and feel of Chorley as a good place to live	
Involving people in their communities		Ensure Chorley Borough Council is a performing organization	

**BACKGROUND**

5. This report is for information only.



**LICENSING ACT 2003**

6. The table below shows the number of licences/registrations issued during this period.

<b>Number of</b>	<b>New</b>	<b>Variations</b>	<b>Change of Address</b>	<b>Transfer of Premises Licence</b>	<b>Change of DPS</b>
Personal Licences	7	0	1	0	0
Premises Licences with alcohol	0	0	2	2	7
Premises Licences without alcohol	0	0	0	1	0
Club with alcohol	0	0	0	0	0
Club without alcohol	0	0	0	0	0
Temporary Event Notice with alcohol	9	0	0	0	0
Temporary Event Notice without alcohol	1	0	0	0	0
Interim Authority Notice	0	0	0	0	0

**REVIEW OF PREMISES LICENCES**

7. There have been no applications for review of premises licences.

**HEARINGS**

8. No hearings have taken place in respect of applications for premises licences.

**GAMBLING ACT 2005**

9. The table below shows the number of licences/permits issued during this period under the Gambling Act 2005.

<b>Number of</b>	<b>Conversion</b>	<b>New</b>	<b>Variations</b>
Betting Premises Licence (other)	0	0	0
Bingo Premises Licence	0	0	0
Adult Gaming Centre	0	0	1
Family Entertainment Centre Premises Licence	0	0	0
<b>PERMITS</b>	0	0	0
Family Entertainment Centre Gaming Machine Permit	0	0	0
Notification of Intent to have 2 Gaming Machines	0	6	0
Small Society Lottery Registration	11	1	0



**HACKNEY CARRIAGES, PRIVATE HIRE REGISTRATIONS**

10. 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	Licences lapsed
Private Hire Vehicles	1	20	0	2	0
Private Hire Drivers Licence	6	15	0	0	0
Private Hire Operator	1	3	0	0	0
Hackney Carriage Drivers Licence	1	18	0	0	0
Hackney Carriage Vehicle	0	4	3	3	1

**SECOND HAND GOODS**

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

**HOUSE TO HOUSE COLLECTIONS**

12. There has been one application for a House to House Permit during this period.

Name of Charity	Date of Collection
Great Ormond Street Hospital	13 January 2008

**STREET COLLECTION PERMITS**

13. There have been three applications granted for a Street Collection Permit during this period for the following charities.

**MOTOR SALVAGE OPERATOR**

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

**ENFORCEMENT/INSPECTION VISITS FOR PERIOD FROM 01 JANUARY 2008 TO 08 FEBRUARY 2008**

15. There have been twelve enforcement/inspection visits for the above period.

**SUSPENSION OF VEHICLES**

16. Two vehicles have been issued with suspension notices; the defects on one have been rectified and the suspension lifted; the other remains suspended, both were for having defective tyres.

**JOINT OPERATIONS**

17. On 6/2/2008 Bob Beeston instigated a joint operation with Lancashire County Council in relation to a private hire firm transporting disabled children from Chorley to a school in Bamber Bridge. A vehicle transporting children was examined at the school and found to be operating without a private hire operators licence or a private hire vehicle licence, there is an ongoing enquiry into this incident and the private hire operator in question. Four

Lancashire County Council Contracts have been suspended pending the outcome of this enquiry.

**COMPLAINTS**

- 18. There has been one complaint in respect of a private hire company regarding taking bookings and then choosing only to attend the more lucrative bookings leaving someone stranded on three separate occasions, it is an ongoing complaint under investigation.

**IMPLICATIONS OF REPORT**

- 19. There are no implications arising from this report.

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

**COMMENTS OF THE CORPORATE DIRECTOR OF GOVERNANCE**

- 20. Not applicable.

ANDREW DOCHERTY  
CORPORATE DIRECTOR OF GOVERNANCE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Jayne Day	5161	12 February 2008	LEGREP/1202LM3

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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