



Licensing and Public Safety Committee

Agenda and Reports

For consideration on

Wednesday, 4th June 2008

In the Council Chamber, Town Hall, Chorley

At 2.00 pm



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23 May 2008

Dear Councillor

LICENSING AND PUBLIC SAFETY COMMITTEE - WEDNESDAY, 4TH JUNE 2008

You are invited to attend a meeting of the Licensing and Public Safety Committee to be held in the Council Chamber, Town Hall, Chorley on Wednesday, 4th June 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 - 6)**

To receive as a correct record the Minutes of the meeting of the Licensing and Safety Committee held on 2 April 2008 (enclosed)

4. **Licensing Liaison Panel - 31 March 2008 (Pages 7 - 10)**

To receive the Minutes of the Licensing Liaison Panel held on 31 March 2008 (enclosed)

5. **Review of Guidelines on the Relevance of Convictions of Convictions and Police Cautions for use in Determination Applications for Hackney Carriages and Private Hire Drivers Licences and the Operators and Proprietors of Those Vehicles (Pages 11 - 18)**

Report of Corporate Director of Governance (enclosed)

6. **Chorley Conditions for the Licensing of Hackney Carriages and Private Hire Vehicles**

Report of Corporate Director of Governance (to follow)

7. **Licensing Sub Committee Membership**

The Committee is requested put forward 5 Members to each of the following agreed meeting dates to consider either personal and premises licences or reviews under the Licensing Act 2003/Gambling Act 2005 (3 Members plus 1 reserve) or to consider hackney carriage/private hire licences or any other miscellaneous licences (5 Members) depending on the business to be considered.

The Chairman and Vice Chairman to attend alternate meetings.

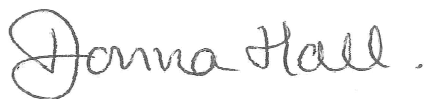
Wednesday 2nd July 2008
Wednesday 6th August 2008
Wednesday 3rd September 2008
Wednesday 1st October 2008
Wednesday 5th November 2008
Tuesday 2nd December 2008
Wednesday 7th January 2009
Wednesday 4th February 2009
Wednesday 4th March 2009
Wednesday 1st April 2009
Wednesday 29th April 2009
Wednesday 27th May 2009

8. **Licensing and Registration - Summary of Activity From 15 March 2008 - 16 May 2008 (Pages 19 - 22)**

Report of Corporate Director of Governance (enclosed)

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

Yours sincerely



Donna Hall
Chief Executive

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Democratic Services Officer
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Distribution

1. Agenda and reports to all Members of the Licensing and Public Safety Committee (Councillor Iris Smith (Chair) and Councillors Judith Boothman, Magda Cullens, David Dickinson, Mrs Doreen Dickinson, Anthony Gee, Pat Haughton, Catherine Hoyle,

Keith Iddon, Hasina Khan, Marion Lowe, Thomas McGowan, Debra Platt, Ralph Snape, John Walker and Mrs Stella Walsh for attendance.

2. Agenda and reports to Samantha Marland-Fitzell (Solicitor), Janet Brereton and Stephen Culleton (Licensing Manager) and Gordon Bankes (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

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Licensing and Safety Committee

Wednesday, 2 April 2008

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

08.LS.25 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Magda Cullens and Mrs Doreen Dickinson

08.LS.26 DECLARATIONS OF ANY INTERESTS

In accordance with the provision of the Local Government Act 2000, the Councils Constitution and the members Code of Conduct Councillor Pat Haughton declared a personal interest in relation to item 12 on the agenda.

08.LS.27 MINUTES

RESOLVED - That the Minutes of the meeting of the Licensing and Safety Committee held on 27 February 2008 be confirmed as a correct record and signed by the Chair.

08.LS.28 REVIEW OF THE LICENSING COMMITTEE STRUCTURE

The Committee received a report of the Corporate Director of Governance on proposals to simplify the Licensing Committee structure by combining the current Statutory Licensing and Licensing Safety Committee, including taking on the determination of Alcohol Designation Orders. It was also proposed that the process of hearing and reviews, including hackney carriage/private hire licensing application/reviews be dealt with by Licensing Sub-Committees made up of three Councillors.

The overarching Licensing Committee would be named the Licensing and Public Safety Committee to reflect its proactive role in public safety matters with membership to remain at 17 Councillors.

RESOLVED – That the proposals be forwarded to the full Council meeting on 22 April 2008 with an amendment that the Licensing Sub-Committee consist of five Councillors for consideration of hackney carriage and private hire licenses.

08.LS.29 REVIEW OF HACKNEY CARRIAGE VEHICLE LICENCES

The Corporate Director of Governance submitted a report advising Members of the Government's request for local authorities to review quantity control policies.

The report indicated that the Government had requested local authorities to establish whether there was any current demand for taxi services in their area and that consideration be given to an unmet demand survey. Should a survey not be commissioned the Council would be exposed to a possible legal challenge in maintaining a limited Hackney Carriage fleet.

The last survey was carried out in 2005 resulting in a further 7 Hackney Carriages being required to meet the identified significant unmet demand, on top of the existing provision of 30 vehicles.

The Government's view of the outcome of the review would either be:

- i) to remove restrictions and grant licences to anyone meeting the application criteria.
- ii) to continue restricting the number of licences issued. In this instance three scenarios would appear to be possible outcomes.
 - maintaining the current limit of taxi licences.
 - granting a number of new licences to meet any identified unmet demand.
 - granting a specific number of licences each year.

The report indicated that the local licensing forum had discussed the issue and the trade was of the view that there was no significant unmet demand for additional hackney carriage vehicle licences. The Hackney Carriage proprietors had all been written to to establish the need for a further survey or not, 34 had responded indicating they agree to a further survey and would be willing to contribute on an equal basis to the cost incurred for the survey. 3 proprietors had not responded and 1 proprietor who had the benefit of 2 hackney carriage vehicle licences was not contactable as he was out of the country.

RESOLVED -

- 1) **That the commissioning of a survey as outlined in the submitted report be approved.**
- 2) **That the Corporate Director of Governance be authorised to proceed with a tender for the independent survey.**
- 3) **That a report be submitted to a future meeting of the Committee on how the survey will be conducted.**
- 4) **That the results of the survey be reported back to this Committee.**

08.LS.30 REVIEW OF GUIDELINES ON THE RELEVANCE OF CONVICTIONS AND POLICE CAUTIONS FOR USE IN DETERMINING APPLICATIONS FOR HACKNEY CARRIAGES AND PRIVATE HIRE DRIVERS LICENCES

The Committee received a report of the Corporate Director of Governance requesting approval to consult on a draft Statement of Policy and revised guidelines on the relevance of convictions and Police cautions for use in determining applications for Hackney Carriage and Private Hire Drivers' Licence.

RESOLVED – That the draft policy and revised guidelines as set out in the attached appendix to the report be approved and that as part of the consultation, the section regarding 'Dishonesty' relating to the concealment of convictions be strengthened and be considered a serious matter.

08.LS.31 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 DISPLAY OF SIGNS ON HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES AND REVIEW OF STYLE AND FORMAT OF LICENCE PLATES

The Committee received a report of the Corporate Director of Governance on proposals to amend the current conditions attached to hackney carriage and private hire vehicle licences in relation to the display of identification signage and the style and format of license plate.

The proposals would raise the confidence of the customer who use Hackney Carriages and Private Hire Vehicles with Chorley Borough in respect that the vehicle was a bona fide licensed vehicle by this authority. The proposed livery would aid in

the instant recognition of legitimate licensed vehicles by taxi users and contribute to the health and safety of such customers. The provision of date expiry licence plates would ease the enforcement burden of the Councils Licensing and Enforcement officers and allow transparency to other enforcement and partner agencies to the legitimacy of the licence of that vehicle.

RESOLVED –

- 1) **That the Council's signage for hackney carriage and private hire vehicles should be compulsory.**
- 2) **That the Council's signage should be displayed on both front doors of the vehicle.**
- 3) **That the Council's internal disc should be attached to the inside of the front windscreen outside the swept area of the glass or to be fixed in a vertical position on the dash board as not to obstruct the drivers view.**
- 4) **That the sample signs circulated at the meeting should be the adopted signs, in terms of shape, size, colour and content and the supply to hackney carriage and private hire proprietors from the Council's licensing office as detailed in the report.**
- 5) **That in addition to the above, hackney carriage and private hire proprietors may display other signs on their vehicles acquired from a supplier of their own choice, advertising the name and telephone number of their business. Where applicable, such signs to comply with the specifications contained within this report.**
- 6) **That the council's sampled licence plates circulated at the meeting should be compulsory.**

08.LS.32 LICENSING AND REGISTRATION - SUMMARY OF ACTIVITY FROM 09 FEBRUARY - 14 MARCH 2008

The Committee received a report of the Corporate Director of Governance on the various licenses and permits used, registration effected and enforcement activity by the Licensing Section between 9 February 2008 and 14 March 2008.

RESOLVED – That the report be noted.

08.LS.33 ALLOCATION OF HACKNEY CARRIAGE PLATE

The Committee received a report of the Corporate Director of Governance requesting Members to approve a method to issue one Hackney Carriage Licence.

The report indicated that at present the Council restricted the number of Hackney Carriage Vehicle Licences. One of the Hackney Carriage vehicle licences had been returned to the Council as the proprietor had failed to renew the licence within the prescribed period. Members were requested to consider whether to reallocate the Hackney Carriage vehicle licence that would best serve the Hackney Carriage trade and the taxi travelling public.

Members were informed that a letter had been received from the proprietor putting forward an explanation as to the failure to renew the licence and giving support to their account of the situation. Officers needed to check the records to collaborate the facts.

RESOLVED - That the decision of the Committee be deferred and that the outcome and decision be made under the delegated powers of the Corporate Director of Governance in consultation with the Chairman and Vice-Chairman of the Committee.

08.LS.34 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 ground that they involve the likely disclosure of exempt information in Paragraph 4 of Part 1 of Schedule 12A to the Local Government Act 1972.

08.LS.35 PRIVATE HIRE DRIVER SUSPENSION ON THE GROUNDS OF PUBLIC SAFETY

The Committee received a report of the Corporate Director of Governance bringing Members attention to the inappropriate conduct of a licensed private hire driver following a number of complaints and an investigation which had taken place into the driver's conduct. The investigation had led to evidence which was contained in the submitted report which also contained two written witness statements by two complainants.

The driver attended the meeting to make representations and answer questions from Members of the Committee.

RESOLVED – That having regard to the witness statements of X and Y together with the full and frank admissions from the licensed driver, the Committee determined that given the unsolicited grossly inappropriate material of an explicit sexual nature being displayed in the vehicle, that the licensed driver was not a fit and proper person to hold a private hire driver's licence and a private hire vehicle licence.

(Councillor Pat Haughton had declared a personal interest in the above item and left the room prior to consideration and voting).

08.LS.36 PRIVATE HIRE OPERATOR/PRIVATE HIRE VEHICLE LICENCE HOLDER AND PRIVATE HIRE DRIVER LICENCE - FAILURE TO NOTIFY OF CONVICTION

The Committee received a report of the Corporate Director of Governance bringing Members attention to a relevant conviction of a driver for operating a private hire vehicle for hire or reward in a controlled district without an operator's licence.

The report indicated that the licensed driver had informed the Council's Licensing Section by e-mail on 25 January 2008 that he had been convicted by Ashton under Lyme Magistrates Court on 9 August 2006 for an offence of operating a private hire vehicle on 25 November 2005 in a controlled district, without having a current licence under Section 55 of the Local Government (Miscellaneous Provisions) Act 1976. This conviction was the result of a test purchase by Tameside Council Licensing Section.

The conditions attached to the issue of a private hire operator's licence, a private hire driver's licence and a private hire vehicle licence state that the Council shall be notified in writing of any conviction recorded against a private hire operator, a private hire driver's licence holder or the proprietor of a private hire vehicle within seven days of such conviction being imposed. It had taken the driver/operator approximately 18 months to report the offence to Chorley Council's Licensing Office.

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

RESOLVED – That having regard to the conviction on 9 August 2006 at Ashton under Lyme Magistrates Court and hearing the oral submissions from the licensed driver, the Committee decided that the driver had failed to report the conviction within the pre-requisite period and that he was not a fit and proper person to hold a private hire operator’s licence, a private hire driver’s licence and a private hire vehicle licence.

Chair

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LICENSING LIAISON PANEL – 31 March 2008

PRESENT Councillor Iris Smith, Councillor Edward Smith, Councillor Peter Malpas, Stephen Culleton, Janet Brereton, Brian Crompton, Mohammed Essa, Mazaffar Hussain, Shakhail Ahmed, Peter Verhaege.

1 APOLOGIES: Bob Beeston, Phil and Lynne Cooper, Yaqoob Illahi.

2 MATTERS ARISING FROM LAST MEETING

2.1 Traffic Light Signals, A6 Hartwood Roundabout, Chorley – Janet Brereton read out an email received from Lancashire County Council which pointed out that the layout of this junction was not suitable for uncontrolled operation. The junction had been re-designed to improve the capacity for the recent and future increase in traffic load due to Buckshaw Village and the associated industrial development. The signals operate between 06:30 and 18:45 on a fixed time plan and after the evening peak hours, they operate under local vehicle-actuated control. Any change from this would affect the pedestrian and cyclists crossings.

2.2 Pavement Café Design Guide (update) – Steve Culleton informed the panel that the Pavement Café scheme would be implemented by Licensing. He was currently going through the document to clarify a number of points, such as method of application. A panel member brought up the issue of town centre venues which did not comply with the design guide and Steve Culleton told him that he had had background meetings regarding this. Steve Culleton said that he was keen to work with the recently appointed Town Centre Manager to address this issue.

2.3 Sign at head of Taxi Rank, High Street – As requested, Janet Brereton had brought up this matter at a recent Town Centre Working Party. The problem arises because the roundabout is located at the end of a pedestrianised area. It was agreed that Janet Brereton raise it again at the next Town Centre Working Party, to ask if it would be possible to erect a suitable sign. In the meantime, it was agreed that the hackney carriage drivers should continue to take care in this area. This discussion led on to the lack of signage from the train station/bus interchange area and whether a rank could be appointed at the train station. Steve Culleton said that the issue of ranks would be covered within the hackney carriage survey. Janet Brereton said that this matter also links in with Agenda Item 6.

3 PARKING ISSUES

Councillor Peter Malpas, the Executive Member for Economic Development and Regeneration, attended to speak to the panel regarding parking issues following a previous meeting. He explained that there had been changes to the parking tariff on all short stay car parks so that anyone paying £1 could park for three hours. This would benefit the town centre by allowing for a more relaxed shopping experience and people could shop for longer. The barriers had been removed from Fleet Street car park to free up more spaces near to the town centre. He pointed out that every month car parking tickets bought did increase.

A panel member raised the issue of Portland Street car park being used as a shortcut through to Brown Street. It was generally felt that this was unsafe, especially on a Tuesday when the area was busier. Janet Brereton was asked to look into this issue and report back.

4 PUB WATCH ITEMS

There were no specific items from Pub Watch, however the representative did say that it was saddening that two town centre venues had recently closed. He said it would have a further affect on the night-time economy. Councillor Iris Smith asked for clarification on the Pub Watch scheme which banned persistent offenders from town centre venues and the representative went through the process.

5 POLICE ITEMS

There were no items from the Police.

6 TOWN CENTRE SURVEY

Janet Brereton informed the panel that a Town Centre Survey had recently taken place which would form the basis of a Chorley Town Centre Audit and Design Strategy. This should address some of the issues previously raised such as signage to Ranks etc. Councillor Malpas explained the survey was very detailed and thorough. In addition, the Council had recently appointed a Town Centre Manager who had agreed to attend a future meeting of the Licensing Liaison Panel.

7 UPDATE ON SIGNS AND LIVERY

Steve Culleton updated the panel on this and said that a report would be going to the Licensing and Safety Committee on 2 April 2008 and he would be presenting the new livery. It was agreed that a representative from the trade be allocated time to speak to Committee. Concern was expressed about hackney carriages which had been resprayed white being damaged by the door signs. Steve Culleton pointed out that at the working party the option to take away the white only saloon cars for hackney carriages was not considered necessary and said that if the top signs were removed, the vehicle would not be recognisable as a hackney carriage. Steve Culleton said that any new livery would be promoted and advertised in the local papers and pubs and clubs.

8 UPDATE ON UNMET DEMAND SURVEY

Steve Culleton said that there had been 32 responses in favour of a survey and 5 'no responses', although one of these was from a proprietor with two hackney carriages who was currently out of the country. A report was being taken to the Licensing and Safety Committee on Wednesday 2 April 2008 to update Committee. Discussion followed concerning the funding of the survey, but Steve Culleton pointed out that the survey must be paid for before it went ahead as there was no allocation for it in the budget.

9 GUIDELINES ON CONVICTIONS

Steve Culleton explained that the last guidelines were produced in 1992. He had updated them and a report would be taken to the Licensing and Safety Committee on Wednesday 2 April 2008. The guidelines ensure that a new applicant with previous convictions will be able to decide whether to proceed with an application. The guidelines have been adopted by a number of other local authorities and worked on by the Council's legal section.

10 OPERATORS AND PLANNING PERMISSION

Steve Culleton pointed out that there was an issue had come to light concerning an operator obtaining planning permission and said that he would shortly be looking at this part of the licensing process.

11 ANY OTHER BUSINESS

11.1 PRINTER FOR MAKING BADGES – Steve Culleton let the panel know that the Licensing Section had now obtained a new printer. This means that in the near future the Licensing Section will be able to make badges and be able to take photographs for these badges within the One Stop Shop. This meant that taxi badges would be turned around within 24 hours to improve the service provided to drivers.

11.2 SECOND DRIVER'S LICENCES – a Panel member sought clarification regarding drivers with existing 'dual' licences. At the meeting of the Licensing Liaison Panel on 4 February 2008, some changes to procedures were explained. In relation to second driver's licences, the following was noted:

'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.'

This also ensures that the medical and CRB check are kept in line.

11.3 VEHICLE TESTING ARRANGEMENTS – Steve Culleton informed the panel that he would shortly be looking at the current vehicle testing arrangements with a view to improving them. He welcomed suggestions from the trade and it was agreed that a working party be arranged to consider suggestions from the trade. Invitations would be sent out shortly.

DATE AND TIME OF NEXT MEETING – the next meeting has been arranged for Monday 12 May 2008 at 10.30am in the Council Chamber, Town Hall, Chorley. (Please note different room)

ALL THOSE WISHING TO RECEIVE THE AGENDA AND MEETING NOTES BY EMAIL, PLEASE LET ME HAVE YOUR EMAIL ADDRESS BY EMAILING ME ON janet.brereton@chorley.gov.uk

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Report of	Meeting	Date
Corporate Director of Governance	Licensing and Public Safety Committee	4 June 2008

REVIEW OF GUIDELINES ON THE RELEVANCE OF CONVICTIONS AND POLICE CAUTIONS FOR USE IN DETERMINING APPLICATIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS LICENCES AND THE OPERATORS AND PROPRIETORS OF THOSE VEHICLES

PURPOSE OF REPORT

1. To enable Members to consider the adoption of a Statement of Policy and Revised guidelines on the relevance of convictions and police cautions for use in determining applications for Hackney Carriage and Private Hire drivers licences.

RECOMMENDATION(S)

2. Members are recommended to approve the draft policy and revised guidelines as attached at Appendix A to this report.

EXECUTIVE SUMMARY OF REPORT

3. Members are reminded that at a meeting of the Licensing and Safety Committee held on 2 April 2008. It was resolved that agenda item no 30 “that the draft policy and revised guidelines as set out in the attached appendix to the report be approved and that as part of the consultation, the section regarding ‘Dishonesty’ relating to the concealment of convictions be strengthened and be considered a serious matter”.
4. Following the decision of that meeting and in consultation with the Council’s Legal Department the following guidance has now been included as part F4 of that document:
 “When an applicant has concealed any offence or caution at any time during the making of an application for the purposes of obtaining a Hackney Carriage or Private Hire Drivers Licence, the Council shall view such an omission in a serious light and expect that a period of at least three to five years free of convictions will be required before entertaining an application. In the instance where such a circumstance relates to an existing licence holder, or a person fails to inform the Licensing Authority of any convictions or cautions in accordance with the Council’s conditions at the time of the period of validity of a drivers licence, or has been reported for any offence then this regard shall be viewed together with the guidance given at F3 above and may result in the revocation of the licence.”

CORPORATE PRIORITIES

5. 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

6. Following the decision of that meeting the document was forwarded to the following organisations for consultation:

Lancashire Constabulary
 Lancashire County Council Child Protection Unit
 Lancashire County Council Social Services
 who were asked to respond by no later than 14 May 2008.

7. In response to the consultation one reply has been received from Lancashire Constabulary who have stated that in reviewing the document at divisional level, that further consultation should be given to its contents at regional level within the Constabulary’s Policy Unit. No further responses were received.

8. In the absence of any other representations to the stated document. It is the opinion of the Licensing Manager and the Corporate Director of Governance that Members should now consider adopting the revised guidance. Should any relevant representations be received in the future from Lancashire Constabulary’s Divisional Policy Unit, this may be brought to the attention of the Licensing and Public Safety Committee at that time.

9. Members are recommended to adopt the draft Statement of Policy and revised guidelines on the relevance of convictions and police cautions as shown in Appendix A to this report. For use in determining all future applications for hackney carriage and private hire drivers licences, and to be used in consideration of existing hackney carriage and private hire drivers where convictions and police cautions become evidence during the validity of hackney carriage and private hire drivers licences.

IMPLICATIONS OF REPORT

10. 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	√	No significant implications in this area	

ANDREW DOCHERTY
 CORPORATE DIRECTOR OF GOVERNANCE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Stephen Culleton	5665	21 May 2008	LEGREP/2105LM1

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**STATEMENT OF POLICY CONCERNING THE RELEVANCE OF
CRIMINAL CONVICTIONS RELATING TO THE DETERMINATION OF APPLICATION
OR RENEWAL FOR A HACKNEY CARRIAGE OR
PRIVATE HIRE VEHICLE DRIVER'S LICENCE AND THE OPERATORS AND
PROPRIETORS OF THOSE VEHICLES**

Adopted *** 2008

1. When submitting an application for the grant or renewal of a Hackney Carriage/Private Hire Vehicle Driver's Licence, applicants are required to declare all convictions and cautions they may have.
2. The Council recognises that employment plays an important part in preventing exoffenders from reoffending. Therefore we will also pay due attention to the principles of rehabilitation, so there are no unnecessary barriers for the employment of exoffenders. However, the Council's role as Licensing Authority is to protect members of the public who travel in Hackney Carriage and Private Hire Vehicles. The safety of the public will therefore be the overriding concern of the Council.
3. Applicants need to be aware that as a consequence of the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002, applicants for a licence are excluded from the provisions of the Rehabilitation of Offenders Act 1974 in relation to spent convictions and that **all** convictions and cautions (including motoring convictions and fixed penalties) **must** be declared.
4. We will in all cases verify an applicant's identity and require an enhanced criminal record check (CRB) to be undertaken. Where the check reveals that the applicant has a record of convictions or cautions and warnings, we will consider these carefully on the basis of:-
 - How relevant the offences were to the licence applied for;
 - How serious the offences were; and
 - How recent they were.

We reserve the right to seek intelligence from all 'approved sources' such as the Police, Social Services Alcohol and Drug Rehabilitation Units, Probation Services, Child Protection Agency, General Practitioners, etc.
5. We will consider all convictions based upon the Council's guidelines. However we will pay special attention to criminal offences involving dishonesty, violence, drugs, alcohol, criminal damage and sexual offences, together with serious offences connected with the driving of a motor vehicle.
6. Whilst a licence is in force, we shall receive updates from the Police and Courts, of new convictions and cautions for licence holders. This will allow us to decide whether action needs to be taken on the continuation of the licence. It is the responsibility of each licence holder to inform the Council of any conviction, caution or fixed penalty arising during the currency of the licence. A criminal record check is required on application, and thereafter every three years.
7. Any applicant refused a driver's licence on the ground that he/she is not a fit and proper person to hold such a licence has the right of appeal to a Magistrates' Court. Such appeal must be made within 21 days of being notified of the Council's decision.

GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS

NOTE:

For the purpose of these guidelines formal cautions and endorsable fixed penalties shall be treated as though they were convictions.

A. General Arrangements for Determining an Application when a Criminal Conviction has to be taken into account.

- A1 All convictions will be considered on merit, having regard to the Council's Statement of Policy and these guidelines relating to the Relevance of Criminal Convictions, and will be weighed against the need to protect the public. The protection of the public is though the Council's overriding concern.
- A2 The Licensing Section will determine the application and if any conviction or caution, as laid down in the following relevant conviction guidance, is disclosed through either the application or the Criminal Records Bureau check, the application will be referred to the appropriate licensing committee.
- A3 These guidelines set out minimum periods during which a person should be free of conviction before an application will normally be entertained. It does not follow that a licence should be granted after the minimum period has expired.

Specific Guidance on the Relevance of Convictions

B.1.1 Traffic Offences

B.1.2 Traffic Offences [Minor]

- B.1.2.1 Isolated convictions for minor traffic offences e.g. obstruction, waiting in a restricted street, speeding etc, should not normally prevent a person from being granted a licence.
- B.1.2.2 If an applicant has received more than six points within the last two years for speeding or other minor offences, the application will be considered by the appropriate licensing committee to determine his/her suitability.
- B.1.2.3 Convictions relating to minor driving offences committed when the applicant was driving a Hackney Carriage or Private Hire vehicle will be considered in a more serious light.

B.1.3 Traffic Offences [Major]

- B.1.3.1 More than one conviction for driving without due care and attention or similar offence etc, within the last two years will usually merit refusal and normally no further application will be entertained until a period of at least three years free from convictions has elapsed.
- B.1.3.2 A conviction for more serious motoring offences such as causing death by dangerous, careless driving or manslaughter will be treated more seriously and a longer period free of conviction (normally a period of between 5 and 10 years) will be required before an application is entertained.
- B.1.3.3 If an applicant has been disqualified from driving; a period of at least 12 months (after the restoration of the driving licence) should normally be required before an application is entertained.
- B.1.3.4 A conviction committed when the applicant was driving a Hackney Carriage or Private Hire Vehicle whilst engaged on licensed activities will be considered in a more serious light and a much longer period of rehabilitation will need to be demonstrated before a licence application will be entertained.

C Drunkenness & Drugs**C.1 With a Motor Vehicle**

- C.1.1 A serious view will be taken of convictions of driving or being in charge of a vehicle under the influence of drink or drugs. A conviction for these offences will raise grave doubts as to the applicant's fitness to hold a licence. A period of 3 years (after restoration of the driving licence) would normally be required before a licence application is entertained.
- C.1.2 If there is any suggestion that the applicant is an alcoholic or has a drug problem, a medical examination with a doctor nominated by the Council will be arranged (the costs of which will be born by the applicant) before an application is entertained. If the applicant is found to be an alcoholic or a drug addict, normally a period of between 5 to 10 years will need to elapse after completion of treatment before a licence application is entertained.
- C.1.3 Convictions for offences relating to alcohol or drug abuse commissioned when the applicant was driving a Hackney Carriage or Private Hire will be considered in a more serious light and a much longer period of rehabilitation will need to be demonstrated before a licence application will be entertained.
- C.1.4 In this instance confirmation may be sought from a doctor nominated by the Council that the rehabilitation programme has been effective.

C.2 Not in a Motor Vehicle

- C.2.1 An isolated conviction for drunkenness or drugs need not debar an applicant from gaining a licence, although further consideration of the application should be required having regard to the circumstances of the offence. However, a number of convictions would usually merit refusal and normally no further application will be entertained until a period of at least 3 years free from convictions has elapsed.

D Indecency Offences

- D.1 As Hackney Carriage and Private Hire Vehicle drivers often carry unaccompanied passengers, applicants with convictions for rape, indecent assault or other similar offences will normally be refused a license.
- D.2 For less serious indecency offences applications will be refused in cases where the applicant remains on the Sex Offenders Register. In any case an application will only be entertained after a substantial period of rehabilitation after removal from the sex offenders register.

E Violence and Abusive Behaviour

- E.1 As Hackney Carriage and Private Hire Vehicle drivers maintain close contact with the public, a firm line will be taken with applicants who have convictions for violent or abusive offences. This category includes public order offences and criminal damage.
- E.2 At least five years free of such convictions will normally be necessary before an application is entertained and even then a strict warning as to future conduct will be given.
- E.3 A conviction for an offence relating to violence committed when the applicant was driving a Hackney Carriage or Private Hire vehicle will be considered in a more serious light and a much longer period of rehabilitation will need to be demonstrated before a licence application will be entertained. Convictions for racially motivated offences will be treated in a similar way.

F Dishonesty

- F.1 Hackney Carriage and Private Hire Vehicle drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare, etc. Foreign visitors can be confused by the change in currency and become “fair game” for an unscrupulous driver.
- F.2 For these reasons a serious view will be taken of any conviction involving dishonesty. Normally, a period of three to five years free of conviction will be required before entertaining an application.
- F.3 A conviction for an offence relating to dishonesty committed when the applicant was driving a Hackney Carriage or Private Hire Vehicle will be considered in a more serious light and a much longer period of rehabilitation will need to be demonstrated before a licence application will be entertained.
- F.4 When an applicant has concealed any offence or caution at any time during the making of an application for the purposes of obtaining a Hackney Carriage or Private Hire Drivers Licence, the Council shall view such an omission in a serious light and expect that a period of at least three to five years free of convictions will be required before entertaining an application. In the instance where such a circumstance relates to an existing licence holder, or a person fails to inform the Licensing Authority of any convictions or cautions in accordance with the Council's conditions during the period of validity of a drivers licence, then this regard shall be viewed together with the guidance given at F3 above and may result in the revocation of the licence.

G Offences Under The Town Police Clauses Act 1847 And Part II Of The Local Government (Miscellaneous Provisions) Act 1976 And Any Hackney Carriage Byelaws (Taxi legislation).

- G.1 One of the main purposes of the licensing regime set out in the taxi legislation is to ensure the protection of the public. For this reason, a serious view will be taken of convictions for offences under the legislation, particularly offences of illegal plying for hire, when deciding if a person is a fit and proper person to hold a licence.
- G.2 In particular, an application will normally be refused where an applicant has more than one conviction for an offence under the taxi legislation in the five years preceding the date of the application.
- G.3 A conviction for an offence relating to the taxi legislation committed while licensed as a Hackney Carriage or Private Hire Driver, Proprietor or Operator will be considered in a more serious light and a revocation of the appropriate licences may be instigated.



Report of	Meeting	Date
Corporate Director of Governance	Licensing and Public Safety Committee	04 June 2008

LICENSING AND REGISTRATION – SUMMARY OF ACTIVITY FROM 15 MARCH 2008 - 16 MAY 2008

PURPOSE OF REPORT

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

RECOMMENDATION(S)

2. Members are asked to not the report.

EXECUTIVE SUMMARY OF REPORT

3. This 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 under the Licensing Act 2003.

Number of	New	Variations	Change of Address	Transfer of Premises Licence	Change of DPS
Personal Licences	17	0	0	0	0
Premises Licences with alcohol	0	3	0	10	28
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	29	0	0	0	0
Temporary Event Notice without alcohol	2	0	0	0	0
Interim Authority Notice	0	0	0	0	0

REVIEW OF PREMISES LICENCES

7. There has been one review application of a premises licence.

HEARINGS

8. One hearing has taken place in respect of an application for a personal licence.

GAMBLING ACT 2005

9. The table below shows the number of licences/permits issued during this period under the Gambling Act 1995.

Number of	Conversion	New	Variations
Betting Premises Licence (other)	0	0	0
Bingo Premises Licence	0	0	0
Adult Gaming Centre	0	0	0
Family Entertainment Centre Premises Licence	0	0	0
PERMITS	0	0	0
0	0	0	0
Notification of Intent to have 2 Gaming Machines	0	10	0
Small Society Lottery Registration	0	0	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
Private Hire Vehicles	9	35	1	1
Private Hire Drivers Licence	4	33	0	0
Private Hire Operator	0	2	0	0
Hackney Carriage Drivers Licence	5	10	0	0
Hackney Carriage Vehicle	0	0	0	0

SECOND HAND GOODS

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

HOUSE TO HOUSE COLLECTIONS

12. There have been 3 applications made for a House to House Permit during this period for the following charities.

Name of Charity	Date of Collection
Clothes Aid	01/07/2008 – 17/08/2008
Clothes Aid	07/10/2008 – 12/10/2008
Clothes Aid	01/12/2008 – 07/12/2008

STREET COLELCTION PERMITS

13. There have been 4 applications granted for a Street Collection Permit during this period for the following charities.

Name of Charity	Date of Street Collection
St John Ambulance Brigade	20/06/2008
Royal National Lifeboat Institution	13/09/2008
Chorley Multiple Sclerosis Society	28/06/2008
Amnesty International	06/09/2008

MOTOR SALVAGE OPERATOR

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

ENFORCEMENT/INSPECTION VISITS FOR PERIOD FROM 15 MARCH 2008 – 16 MAY 2008

15. There have been 17 enforcement visits for private hire and hackney carriage vehicles during the above period, and 12 enforcement visits to licensed premises during the above period.

SUSPENSION OF VEHICLES

16. 4 private hire vehicles have been suspended on grounds of public safety.

JOINT OPERATIONS

17. There have been no joint operations during this period.

COMPLAINTS

18. There have been no complaints received during this period.

IMPLICATIONS OF REPORT

19. 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		No significant implications in this area	

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	19 May 2008	LEGREP/1905LM1