



Licensing and Public Safety Committee

Agenda and Reports

For consideration on

Tuesday, 3rd February 2009

In the Council Chamber, Town Hall, Chorley

At 2.00 pm



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26 January 2009

Dear Councillor

**LICENSING AND PUBLIC SAFETY COMMITTEE - TUESDAY, 3RD
FEBRUARY 2009**

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 Tuesday, 3rd February 2009 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 Public Safety Committee held on 10 December 2008 (enclosed).

4. **Annual Review of Licensing Fees for 2009/10 (Pages 3 - 6)**

To receive and consider the enclosed report of the Director of Corporate Governance.

5. **Local Government (Miscellaneous Provisions) Act 1976 - Testing of Hackney Carriages and Private Hire Vehicles (Pages 7 - 10)**

To receive and consider the enclosed report of the Director of Corporate Governance.

6. **Licensing and Registration - Summary of Activity from 1 November 2008 to 9 January 2009 (Pages 11 - 14)**

To receive and consider the enclosed report of the Director of Corporate Governance.

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

Yours sincerely

Donna Hall

Donna Hall
Chief Executive

Tony Uren
Democratic and Member 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), Councillor Edward Smith (Vice-Chair) and Councillors Judith Boothman, Magda Cullens, David Dickinson, Doreen Dickinson, Anthony Gee, Pat Haughton, Catherine Hoyle, Keith Iddon, Hasina Khan, Marion Lowe, Thomas McGowan, Debra Platt, Ralph Snape, John Walker and Stella Walsh) for attendance.
2. Agenda and reports to Stephen Culleton (Licensing Manager), Bob Beeston (Licensing Enforcement Officer), Janet Brereton (Legal Assistant (Licensing and Registration)) and Tony Uren (Democratic and Member 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 آپ کی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون

01257 515823

کیجئے:

Licensing and Public Safety Committee**Wednesday, 10 December 2008**

Present: Councillor Iris Smith (Chair), Councillor Edward Smith (Vice-Chair) and Councillors Doreen Dickinson, Anthony Gee, Pat Haughton, Catherine Hoyle, Hasina Khan, Marion Lowe, Thomas McGowan, Debra Platt, Ralph Snape and John Walker

08.LPS.20 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Judith Boothman, Magda Cullens, David Dickinson, Keith Iddon and Stella Walsh.

08.LPS.21 MINUTES

RESOLVED - That the Minutes of the meeting of the Licensing and Public Safety Committee held on 17 September 2008 be confirmed as a correct record subject to an amendment on the resolution for minute 08.LPS.16, delete 'objectives' insert 'objections'.

08.LPS.22 REVIEW OF HACKNEY CARRIAGE VEHICLE LICENCES (UNMET DEMAND)

With reference to Minute 08.LPS.17, the Committee received from the Licensing Manager notification that the independent survey to establish whether there was any unmet demand for additional hackney carriage vehicle licences had now been received from Transportation and Planning International Ltd.

A full report would be submitted to the next meeting of the Committee on 3 February 2009 but Members noted that the report was not supporting any change to the current situation and that it was unlikely that any changes would be made.

RESOLVED - That as the report was detailed and lengthy, a small group of Members from the Committee meet with Officers to examine the conclusions and recommendations.

08.LPS.23 LICENSING AND REGISTRATION - SUMMARY OF ACTIVITY FROM 2 SEPTEMBER 2008 TO 31 OCTOBER 2008

The Committee received a report from the Corporate Director (Governance) on the various licenses and permits issued, regulations effected and enforcement activity by the Licensing Section between 2 September and 31 October 2008.

RESOLVED - That the report be noted.

08.LPS.24 LICENSING OF LIMOUSINES - PROCEDURES AND CONDITIONS

The Committee received a report from the Corporate Director of (Governance) on proposals on the procedure and conditions of licensing for stretched limousines.

The report indicated that in recent years there had been a rapid growth in demand for the hire of limousine vehicles and prior to the introduction of this policy the industry had been largely unlicensed and unregulated, with neither drivers nor vehicles being licensed. Chorley Council had licensed vehicles and drivers using officers discretion to determine the application and this proposed policy would provide a transparent and

consistent framework for the licensing of limousines and had been drawn up in accordance with the guidance of the Department of Transport outlined in their publication 'Taxi and Private Hire Vehicles Licensing – Best Practice Guidance'.

The report set out the pre-licensing requirements and licensing conditions.

RESOLVED - That the proposals for the procedure and conditions of licensing of stretched limousines as set out in the report be approved for consultation, prior to recommendations being submitted to a future meeting of the Committee.

08.LPS.25 PRIVATE HIRE VEHICLE VEHICLE PLATE EXEMPTIONS-CONDITIONS OF LICENSING

The Committee received a report from the Corporate Director of (Governance) that enabled Members to consider proposed private hire plate exemption conditions and policy.

The report set out the current practice regarding the issuing of private hire plate exemptions. This was at the discretion of the licensing enforcement officer and the licensing manager. There was no written Council Policy or other guidance on private hire vehicles plated exemptions.

Those vehicles hired under contract lasting not less than seven days were exempt from private hire licensing and therefore were not required to display a private hire plate. On 28 January 2008 Section 53 of the Road Safety Act came into force which repealed the contract hire exemption, effectively bringing more vehicles into the scope of private hire licensing. Since the legislation under Section 53 of the Road Safety Act came into force there had been a significant increase in the number of private hire vehicle operators asking for private hire vehicle plate exemptions, these include operators of stretch limousines and vehicles being used for contract work.

The report set out the exemption from displaying plates notice conditions and the corresponding policy for their issue.

RESOLVED - That the proposals for the conditions for plate exemption for private hire vehicles as set out in the report be approved for consultation, prior to recommendations being submitted to a future meeting of the Committee.

08.LPS.26 DEMOCRATIC SERVICES OFFICER

The Chair informed the meeting that this was the last meeting that Gordon Bankes, the Democratic Services Officer, was attending as he was taking early retirement from the authority.

The Chair and Members of the Committee thanked him for his assistance and advice he had given to the Committee and wished him well for the future.

08.LPS.27 LICENSING SECTION

The Committee received from the Licensing Manager an appraisal of the work of the Licensing Section throughout the last twelve months. He outlined the achievements and gave an overview of the work of the section, providing an effective and efficient team in the administration of the issuing of licences. The next twelve months would see an increase in officer training and a rise in the profile of the section, as well as an effective integration into the Neighbourhood Directorate.

Chair

LICENSING AND PUBLIC SAFETY COMMITTEE

Wednesday, 10 December 2008

Report of	Meeting	Date
Director of Corporate Governance	Licensing and Safety Committee	3 February 2009

ANNUAL REVIEW OF LICENCE FEES

PURPOSE OF REPORT

- To present to Members the proposed licensing fees for 2009/2010 and to inform the Committee of those licensing fees which we are obliged to collect as a statutory function.

RECOMMENDATION(S)

- Members are asked to consider the report and support the proposed fees as attached.

EXECUTIVE SUMMARY OF REPORT

- Licensing fees were last reviewed on 16 January 2008 when Members approved recommendations contained in that report.
- The purpose of this report is to underpin the financial liabilities of the Council's licensing section. In the majority of cases the services that the licensing section deliver are provided for by statute, where the Council may recover the reasonable cost involved in providing that service.
- In order that the Council can maintain the high standards of service delivery expected by our customers, the fees associated with the various licences where applicable will need to be set according to the cost of realistically delivering the service and it would be prudent to increase such charges by not more than 3% (+ or – rounding) for this financial year and any fees affected by the increase shall be amended to the nearest pound.

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	
Involving people in their communities		Ensure Chorley Borough Council is a performing organization	✓

BACKGROUND

7. There is no proposal to adjust those fees that have been set with regards to The Gambling Act 2005, Issues of enforcement regarding gambling have occupied the time of the licensing department this year. Further enforcement actions and proactive measures taken in partnership with the Gambling Commission, have led to a regularised and legitimate structure of gambling within Chorley and for this reason the fees attached to premises licenses, authorised under the Gambling Act 2005 should remain unchanged.
8. Members are reminded that there is no scope to adjust those fees associated with the Licensing Act 2003, as these are fixed by central government. It was an expectation during 2008 that a government report would address the fees associated with the Licensing Act 2003; however this has not been produced. Members should be aware that the expected income from fees raised in 2009/10 is likely to be less than in previous years, due to decreasing numbers of licensed premises within the Borough; this has been estimated at approx 15% over the next year. Should any amended regulations regarding Licensing Act 2003 fees become apparent in the future members will be advised.
9. Officers of the licensing unit are now consulting with the trade regarding Hackney Carriage/Private Hire drivers licence applications and consideration will be given to extending the length of time a driver may be licensed prior to renewal. The council has discretion to licence drivers for up to 3 years. Any proposals to alter the period of driver’s licences would be put before Members for their consideration and it is likely that there would be budget considerations at that time, these will be measured against efficiency savings in administration time, benefits to customer services and preserving the integrity of the licensing regime.
10. Members will recall that aspects of Hackney Carriage/Private Hire vehicle licences, in terms of vehicle testing, were considered by members in September 2008. Part of those considerations took account of the VOSA fees for the MOT. Members agreed that any increases, in respect of charges made by garages for undertaking the MOT, would reflect the maximum charge allowable by VOSA. Currently this charge is £53.10 and any further increases will be in accordance with those authorised by VOSA. Therefore it is recommended that the element of the Hackney Carriage/Private Hire vehicle licence application, relating to the MOT test, only be exempt from any further increase proposed in this report.
11. Attached as Appendix 1 are the proposed fees and charges from 1 April 2009. This list is not exhaustive, any incidental fees and charges where a charge is affixed shall also be affected by any determined increase.
12. The proposed increases in fees must be advertised and any representations must be considered by this Committee.

IMPLICATIONS OF REPORT

13. 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 BUSINESS TRANSFORMATION

14. The agreed income arising from the recommended fee increase was reflected in the draft General Fund revenue budget for 2009/10 presented to the Executive Cabinet on 8 January 2009.

ANDREW DOCHERTY
CORPORATE DIRECTOR OF GOVERNANCE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Stephen Culleton	5665	22 January 2009	LEGREP/2201LM3

		
PROPOSED TAXI FEES FROM 1 APRIL 2009		
Hackney Carriage Licence:	12 months	£428.00
	6 months	£223.00
	4 months	£160.00
Private Hire Operator's Licence:	1 - 5 vehicles	£268.00
	6 - 10 vehicles	£317.00
	11 + vehicles	£375.00
Private Hire Vehicle Licence:	12 months (new)	£227.00
	12 months (renewal)	£214.00
	6 months (new)	£129.00
	6 months (renewal)	£118.00
	4 months	£88.00
Driver's Licence	Grant (<i>includes knowledge test</i>)	£70.00
	Grant (<i>including 2nd badge</i>)	£92.00
	Renewal £47.00. If 2 nd badge included £70.00	
Administration Fee (for 1 st hour or part thereof)		£27.00
Criminal Record Bureau Check (<i>subject to change by CRB</i>)		£37.00
Full set of livery		£39.00
Rear plate – on renewal		£11.00
Second Drivers Badge (after initial grant)		£46.00
Vehicle Change /Transfer Fee		£47.00
Replacement items: These will be charged at the Council's minimum charge		£22.00
OTHER FEES		
Data Access Release		£8.00
Highway Amenity Licence	Grant	£289.00
	Renewal	£237.00
Motor Salvage Operators		£103.00
Second Hand Goods Dealers	Shop Premises	£103.00
	Stalls	£38.00
Sex Shop Licence		£1983.00
Small Society Lottery Licence	Grant	£40.00
	Renewal	£20.00

Report of	Meeting	Date
Corporate Director of Governance	Licensing and Public Safety Committee	3 February 2009

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT
1976 SECTION 68
TESTING OF HACKNEY CARRIAGE (HC) AND PRIVATE HIRE
(PH) VEHICLES**

PURPOSE OF REPORT

- To present members with a revision to the arrangements for the testing of HC and PH vehicles.

RECOMMENDATION(S)

- Members are asked to consider the report and ask the Corporate Director of Governance implement the proposed arrangements forthwith.

EXECUTIVE SUMMARY OF REPORT

- Following the implementation of the Council's new conditions for the testing of vehicles in November 2008, and the introduction of new door signs and taxi plates in June 2008, it is now appropriate to modify those conditions for operational reasons.
- Officers have received representations from members of the taxi trade at a recent Licensing Liaison Meeting and in response to those concerns propose to implement a thirteen month provision for the taxi test. This will allow the taxi test expiry date to better synchronise with the taxi licence expiry dates. This together with the tailoring of the licence period will, in the greater majority of cases, allow for better synchronisation of the expiry dates and improve customer service and help reduce operating costs to all parties.

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	
Involving people in their communities		Ensure Chorley Borough Council is a performing organization	✓

BACKGROUND

- Members will recall that the HC / PH vehicle testing arrangements were considered at a meeting of the Licensing and Public Safety Committee on the 17 September 2008, which

introduced the new vehicle testing arrangements and formalised those arrangements with six testing garages. I am pleased to say those arrangements are working well and improvements in the condition of HC and PH vehicles is improving as the taxi trade have embraced the revised conditions and are presenting vehicles that meet the higher standards adopted by the Council.

7. Members will also recall that at a previous meeting of the Licensing and Safety Committee held in June 2008 the Council adopted conditions to include on the taxi plate the expiry date of the vehicle test date or the expiry date of the vehicle licence whichever came first. This clarified and enhanced transparency for the purpose of licence plate validity and enforcement.
8. The present arrangements allow for vehicle operators to synchronise the vehicle test date and the licence expiry date, however in practice operators are finding this difficult to accomplish due to a number of reasons:
 - a) This Council encourages operators to present vehicles for testing in advance of the expiry date of the current test / licence date to ensure the renewal period is met to avoid the necessity of having to apply for the grant of a licence.
 - b) Many operators are responding appropriately to the six weeks notice of the test / licence expiry and are having vehicles tested earlier, this increases the gap between the date of the expiry dates.
 - c) Historically there has always been a possibility that the vehicle test date and licence date have not been in synchronisation due to operators changing vehicles mid way through the licence period.
9. In order to address the issues which are concerns to both the Licensing Office and to the trade, Members are asked to approve the concept of a 13 month taxi test. The principle behind the concept will mirror the Vehicle Operating Standards Agency (VOSA) rules for the 13 month Ministry of Transport Test (MOT) and takes advantage of this arrangement.
10. In principle when a vehicle is presented at an approved MOT station for testing and the valid MOT certificate is produced at that time, then the new MOT certificate can be issued bearing the year to date of the original expiry date of the existing MOT, and reflects the date the vehicle was actually tested. This provision is valid up to 31 days prior to the expiry of the MOT certificate.
11. For example; an MOT expires 28 February 2009 – the car is presented on 1 February 2009 (existing MOT certificate is presented at the time of the test) the new MOT certificate is then dated 30 January to 28 February 2010 which is 13 months.
12. It is now appropriate to include this provision to the Council's testing regime for the following reasons:

That there are three taxi test elements of the taxi licensing procedure

 - a) The Council's specific conditions relating to the condition of the vehicle
 - b) The VOSA MOT to ensure the vehicles mechanical condition
 - c) The Vehicle Safety Report (VSR) which establishes that a vehicle over 3 years of age is in exceptional condition to become or remain a Chorley licensed vehicle.
13. Members are reminded that depending on a vehicles age, the vehicle may be tested up to three times per year. Common to each test is part a) and b) above, the VSR is an annual requirement for vehicles over three years old only. This gives the opportunity for the disparity of licence expiry and test expiry dates to occur up to three times per year creating

a longer gap between expiry dates. This will result in increased visits to the Council to licence vehicles and collect licence plates and increase the administration burden on the Licensing Officers.

- 14. Should the Council recognise the thirteen month provision as operated by VOSA and apply this to the taxi test procedure, (this will allow officers to narrow the gap between licences and vehicle test dates).
- 15. However it must be clear that it is the date that first expires that will always be the one assigned to the vehicle licence plate.
- 16. Members will be aware that for operators to be able to renew a HC / PH vehicle licence, a licence must be in force. This thirteen month provision further supports this requirement as operators will be able to better manage their testing of vehicles and licences more succinctly by allowing overlap as a 13 month taxi test will be available over a 12 month licence. Vehicle renewal applications will only be accepted up to and including the day of expiry of the licence and a vehicle must have a valid vehicle test in order to satisfy the application requirements.

IMPLICATIONS OF REPORT

- 17. 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
S Culleton	5665	26/01/2009	LEGREP/2601LM1

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Report of	Meeting	Date
Corporate Director of Governance	Licensing and Public Safety Committee	03 February 2009

LICENSING AND REGISTRATION – SUMMARY OF ACTIVITY FROM 01 NOVEMBER 2008 - 09 JANUARY 2009

PURPOSE OF REPORT

- To inform the 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 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

- 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 Name/Address	Transfer of Premises Licence	Change of DPS
Personal Licences	12	N/A	4	N/A	N/A
Premises Licences with alcohol	3	6	1	3	10
Premises Licences without alcohol	0	0	0	1	0
Club with alcohol	0	1	0	0	0
Club without alcohol	0	0	0	0	0
Temporary Event Notice with alcohol	30	0	0	0	0
Temporary Event Notice without alcohol	0	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 for The Shanghai Restaurant.

HEARINGS

8. Five hearings have taken place during this period.

GAMBLING ACT 2005

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

Number of	New	Variations	Change of name/address
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
Notification of Intent to have 2 Gaming Machines	9	0	0
Small Society Lottery Registration	3	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	5	27	1	4
Private Hire Drivers Licence	13	22	N/A	N/A
Private Hire Operator	1	1	N/A	N/A
Hackney Carriage Drivers Licence	6	6	N/A	N/A
Hackney Carriage Vehicle	0	3	0	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 have been 4 applications made for a House to House Permit during this period for the following charities.

Name of Charity	Date of Collection
Make a Wish Foundation	16/02/09 – 22/02/09, 11/05/09 – 17/05/09 03/08/09 – 09/08/09 02/11/09 – 08/11/09

STREET COLELCTION PERMITS

13. There have been 3 applications granted for a Street Collection Permit during this period for the following charities.

Name of Charity	Date of Street Collection
St Marys Church (in aid of Rainbow House)	06/12/08
Bowland Pennine Mountain Rescue	13/06/09
Croston Village Festivities Group	14/12/08

MOTOR SALVAGE OPERATOR

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

ENFORCEMENT/INSPECTION VISITS FOR PERIOD FROM 01 NOVEMBER 2008 – 09 JANUARY 2009

15. There have been 12 enforcement visits for private hire and hackney carriage vehicles.

SUSPENSION OF VEHICLES

16. 5 suspension notices have been issued to taxis on the grounds of public safety.

JOINT OPERATIONS

17. There have been 3 joint operations with Licensing, Lancashire Police and Trading Standards. 30 visits were made to on and off licensed premises which resulted in 3 failed Test Purchases. These were for on licensed premises. One caution has been administered to the Designated Premises Supervisor for The Swann with Two knecks. Two other offences took place in which individuals have agreed to take further training at Runshaw College at their expense as opposed to receiving a fixed penalty notice.

COMPLAINTS

18. There have been 3 complaints received during this period.

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	

ANDREW DOCHERTY
CORPORATE DIRECTOR OF GOVERNANCE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Jayne Day	5161	22 January 2008	LEGREP/22011m1