



Licensing and Public Safety Committee

Agenda and Reports

For consideration on

**Wednesday, 2nd December
2009**

In the Council Chamber, Town Hall, Chorley

At 2.00 pm



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23 November 2009

Dear Councillor

LICENSING AND PUBLIC SAFETY COMMITTEE - WEDNESDAY, 2ND DECEMBER 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 Wednesday, 2nd December 2009 commencing at 2.00 pm.

AGENDA

1. **Welcome**
2. **Apologies for absence**
3. **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.

4. **Minutes (Pages 1 - 4)**

To confirm and sign as a correct record the minutes of the meeting of the Licensing and Public Safety Committee held on 16 September 2009 (enclosed).

5. **Minutes of the Licensing Sub-Committees**

To confirm and sign as a correct record the minutes of the meeting of the Licensing Sub-Committees on the following dates:

- a) Minutes of meeting Thursday, 17 September 2009 of Licensing Act 2003 Sub-Committee (enclosed) (Pages 5 - 8)
- b) Minutes of meeting Wednesday, 30 September 2009 of General Licensing Sub-Committee (enclosed) (Pages 9 - 10)

c) Minutes of meeting Wednesday, 4 November 2009 of General Licensing Sub-Committee (enclosed) (Pages 11 - 12)

6. **Review of Taxi Licensing Vehicle Conditions (Pages 13 - 16)**

To receive and consider a report of the Corporate Director (Neighbourhoods) (report enclosed).

7. **Review of the Licensing Liaison Panel (Pages 17 - 26)**

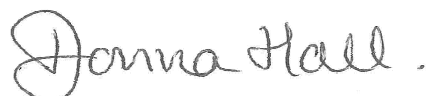
To receive and consider a report of the Corporate Director (Neighbourhoods) (report enclosed).

8. **Licensing Enforcement Activity and Performance (Pages 27 - 34)**

To receive and consider a report of the Corporate Director (Neighbourhoods) (report enclosed).

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

Yours sincerely



Donna Hall
Chief Executive

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Distribution

1. Agenda and reports to all Members of the Licensing and Public Safety Committee (Councillor Keith Iddon (Chair), Councillor Pat Haughton (Vice-Chair) and Councillors Edward Smith, Judith Boothman, Terry Brown, Magda Cullens, David Dickinson, Doreen Dickinson, Anthony Gee, Hasina Khan, Adrian Lowe, Marion Lowe, Thomas McGowan, Debra Platt, Ralph Snape, John Walker and Stella Walsh for attendance.
2. Agenda and reports to Simon Clark (Environmental Health Manager), Paul Carter (Public Protection Co-ordinator), Legal Services and Cathryn Barrett (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 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 Public Safety Committee

Wednesday, 16 September 2009

Present: Councillor Keith Iddon (Chair), Councillor Pat Haughton (Vice-Chair) and Councillors Judith Boothman, David Dickinson, Anthony Gee, Hasina Khan, Adrian Lowe, Marion Lowe, Thomas McGowan, Debra Platt and Ralph Snape

09.LPS.22 WELCOME

The Chair welcomed everyone present to the meeting.

09.LPS.23 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Terry Brown, Magda Cullens, Doreen Dickinson, Edward Smith, John Walker and Stella Walsh.

09.LPS.24 DECLARATIONS OF ANY INTERESTS

There were no declarations of interest submitted by the Sub-Committee Members.

09.LPS.25 MINUTES

The minutes of the meeting of the Licensing and Public Safety Committee held on 10 June 2009, be confirmed as a correct record and signed by the Chair.

09.LPS.26 MINUTES OF THE LICENSING SUB-COMMITTEES

The Committee was informed that there was a correction to the date of the Sub-Committee reported as the 14 August 2009. The hearing took place on 17 August 2009.

The minutes of the Licensing Sub Committees held on 25 June 2009, 5 August 2009, 17 August 2009, 25 August 2009 and 2 September 2009 be confirmed as correct records and signed by the Chair.

09.LPS.27 AMENDMENT TO THE SCHEME OF DELEGATION

The Committee considered a report of the Corporate Director (Governance) that proposed alterations to the Council's Scheme of Delegation to delegate to the Corporate Director (Neighbourhoods), in consultation with the Chair of Licensing and Public Safety Committee, the authority to make decisions to grant Hackney Carriage and Private Hire Drivers' Licence applications in limited circumstances.

Members of the Committee were reminded that under the terms of the current scheme of delegation all applications for Drivers' licences where the application does not comply with Council Policy must go before a General Licensing Sub-Committee. This had led to inappropriate matters being brought before the Sub-Committee, which had been frustrating to Committee members when the matter was the only agenda item.

The proposed alterations to the Scheme of Delegation would allow for more efficient resolution of Drivers' Applications and would prevent the convening of Sub-Committee's to consider straight forward applications. The main disadvantage would be reduced member input into these applications. Applications the Corporate Director (Neighbourhoods) felt unable to grant would still have the right to be heard by the Sub-Committee.

The report also proposed changes to the current briefing meetings for Licensing and Public Safety Committee as a combined consideration of delegated applications, agenda setting and briefing for the Sub-Committee meeting. It had been proposed to move the briefing meetings to an earlier date than the date of the Sub-Committee to enable the Corporate Director (Neighbourhoods) to consult the Chair of the Licensing and Public Safety Committee on the exercise of delegation and where it had been decided not to use delegated powers those matters could go forward to the next Sub-Committee's.

It was further proposed that the Corporate Director (Neighbourhoods) would bring a report to each Licensing and Public Safety Committee detailing the occasion on which discretion had been exercised.

RESOLVED - the Committee agreed by majority decision (10:1) to approve:

- 1. the delegation to the Corporate Director (Neighbourhoods) in consultation with the Chair of Licensing and Public Safety Committee the authority to approve applications for Driver's Licences (either Hackney Carriage or Private Hire Vehicles) which fall outside the Council's usual policies for approval.**
- 2. the alteration for the arrangements for Licensing Sub-Committee briefings as a combined consideration of delegated applications, agenda settings and briefing for the Sub-Committee meeting.**
- 3. the Corporate Director (Neighbourhoods) to report to each Licensing and Public Safety Committee details of the occasions when discretion had been exercised.**

09.LPS.28 HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENSING CONDITION - REVIEW

The Committee considered a report from the Corporate Director (Neighbourhoods) on progress made since the introduction of revised Hackney Carriage and Private Hire Vehicle Licensing conditions and seek permission to review them.

Simon Clark advised the Committee since its implementation, the new conditions had led to increased beaurocracy which had resulted in several representations from the licensed taxi trade and had seen an increase in the administrative burden placed on Licensing Team in dealing with new requirements.

Simon Clark suggested that the review of conditions would ensure that the Council would be actively seeking to reduce the regulatory burden on businesses whilst ensuring the Councils' public safety remit while providing an efficient administrative process in the processing and issuing of hackney carriage and private hire vehicle licences.

There was a short discussion and Members of the Committee were reassured that the increased administrative burden was not attributed to any posts of the former Licensing Team being made redundant due to a recent review and was

recognised as an issue prior to the transfer of the Licensing function from Corporate Governance to Neighbourhoods Directorate.

The review is expected to last four weeks, and the findings will be presented to the next meeting with any proposed changes for members' consideration.

RESOLVED – the Committee unanimously agreed:

1. **the review the Hackney Carriage and Private Hire Vehicle Licensing conditions review, in consultation with the trade with the purpose to reduce the regulatory burden on business, increase administrative efficiency within the Council and maintain the public protection that the licensing regime provides.**
2. **the results of the consultation be brought back before the next Committee.**

09.LPS.29 LICENCE LIAISON PANEL - REVIEW

The Committee considered a report from the Corporate Director (Neighbourhoods) which sought Members' approval to review the current arrangements for liaison with the licensed trade in Chorley.

Members of the Committee were informed that the Licence Liaison Panel met on a quarterly basis to provide a forum for all businesses subjected to the Councils licensing regime. The Committee were informed that recently the panel had been predominantly exercised on issues related to hackney and private hire issues with other business types not having the chance to raise issues relating to their business.

It was expected that the review would take twelve weeks, the results of which would be brought before a future Committee.

RESOLVED – the Committee unanimously agreed to:

1. **the review of the current liaison arrangements with the licensed trade in Chorley to provide a forum which is fit for purpose and contributes to the licensing objectives.**
2. **the results of the review to be brought back to a future Committee.**

09.LPS.30 ANY OTHER ITEM(S) THAT THE CHAIR DECIDES IS/ARE URGENT

Summary of Activity

Simon Clark advised that the standard item that gave information about the work of the Licensing Team had been omitted from this agenda as it was felt that although the previous reports had been difficult to research the Committee did not receive adequate information from the report to reflect the work of the Team.

Members were informed that a full and more detailed report was produced on a quarterly basis which not only provided information of the work the Licensing Team it also gave details of the outcomes. It was proposed that this report would be brought before future Committees on a quarterly basis.

RESOLVED – the Committee unanimously agreed to change the reporting arrangements detailing the activity of the Licensing Section.

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Licensing Act 2003 Sub-Committee**Thursday, 17 September 2009**

Present: Councillor Pat Haughton (Chair) and Councillors Debra Platt and Ralph Snape

09.LAS.10 WELCOME

The Chair, Councillor Pat Haughton, welcomed everyone present to the meeting.

09.LAS.11 APOLOGIES FOR ABSENCE

There were no apologies for absence.

09.LAS.12 DECLARATIONS OF ANY INTERESTS

None of the Sub-Committee members declared an interest in the principal item under consideration.

09.LAS.13 REVIEW OF PREMISES LICENCE UNDER SECTION 53C OF THE LICENSING ACT 2003 FOR THE CLAYTON BROOK, GREAT GREENS LANE, BAMBER BRIDGE, CHORLEY, PR5 8HL FOLLOWING A SUMMARY REVIEW HELD UNDER SECTION 53A OF THE LICENSING ACT 2003

The Sub-Committee considered a report from the Corporate Director (Neighbourhoods) on an application to review the Premises License for the Clayton Brook, Great Greens Lane, Bamber Bridge, Chorley in light of an application made under Section 53A of the Licensing Act 2003 for a Summary Review of the Premises Licence, the interim steps applied at the hearing and representations made by the responsible authorities, Interested Parties and the Premises Licence Holder.

Following a serious incident which took place on 23 August 2009, the Council's Licensing Section received an application and a certificate on 24 August 2009 served by the Chief Officers of the Police in accordance with Section 53A(1)(b) of the Licensing Act 2003, as amended by the Violent Crime Reduction Act 2006 for the Summary Review of the Premises Licence for the Clayton Brook Premises.

The application had been made on the grounds that the premises had been associated with serious crime and disorder, and had been made by an officer of the Police of Superintendent or above.

On 25 August 2009, the Council's Licensing Act 2003 Sub-Committee convened in accordance with the requirements of Section 53A and 53B of the Licensing Act 2003 pending the determination of the full review of the licence. At its meeting the Sub-Committee considered representations from the Premises Licence Holder, Lancashire Constabulary, and representations from Trust Inns. The Sub-Committee resolved to suspend the Premises Licence for a period no longer than 28 days as an interim measure pending a full review of the licence.

The Sub-Committee had considered the relevant legislation and the relevant guidance in relation to the Violent Crime Reduction Act 2006 and Licensing Act 2003 Section 53C and the Councils statement of Licensing Policy.

The Sub-Committee had agreed to a short adjournment while all interested parties discussed the proposed conditions put forward by the responsible authorities.

After a short recess the Sub-Committee members returned to the meeting.

Members of the Sub-Committee had been informed that through negotiation, all the proposed conditions suggested had been accepted by Trust Inns.

The Sub-Committee considered carefully the representations from the Public Protection Officer, Police, Fire Authority, Environmental Officer and Trust Inns.

After taking all due consideration of representation the Sub-Committee **RESOLVED -**

Removal of the DPS as members felt the DPS did not have day to day control of the premises and the lack of management led to serious crime and disorder at the premises and not a responsible person for the position and his past experience with the premises was unacceptable.

In accordance with Section 53C(2)(c) the interim step of suspension of the premises licence decided at the hearing on 25 August 2009 will cease to have effect.

To accept the changes to the Premises Licence conditions as recommended by the Police in their report and as modified at the Sub-Committee hearing which are as follows:

Annex 1 – Mandatory Conditions

Mandatory Conditions

Conditions to be retained.

Annex 2 – Conditions Consistent with the Operating Schedule

a) General – no change as none stated

b) Prevention of Crime and Disorder

Conditions 1, 2 and 3 to be removed at they duplicate the mandatory condition in relation to door supervisors

Condition 4 to be retained

Condition 5 to be removed and replaced with new conditions detailed below

Conditions 6 to be retained

Additional Conditions

- 1) A tamper proof CCTV system will be installed, operated and maintained in liaison with and to the satisfaction of Lancashire Constabulary, the system to record for 24 hours each and every day.**
- 2) There will be, at all times licensable activity is provided, someone at the premises who can operate and download images from the system and these will be provided to any responsible authority on reasonable request.**
- 3) The premises will have a written drugs policy in place and all staff will have a working knowledge of it.**
- 4) All staff will be trained in Drugs Awareness and this training will be recorded and retained by the premises. These records will be made available for inspection by any responsible authority on reasonable request.**
- 5) The premises will display notices which are securely fixed and visible to the public stating that drug use will not be tolerated on the premises.**

- 6) Staff will conduct hourly toilet checks for drug use and record these visits and results. These records will be made available for inspection by any reasonable authority on reasonable request.
- 7) The premises will be an active member of the local Pubwatch scheme, where one exists, and shall abide by its rules and constitution.

c) **Public Safety**

Condition 1 and 2 to be retained.

Additional Condition

- 1) All parts of the premises including fixtures and fittings, furniture, upholstery and decorations shall be kept free from defects and maintained in good order.

d) **The Prevention of Public Nuisance**

Condition 1 and 2 to be retained

e) **The Protection of Children from Harm**

Condition 1 to be retained

- 1) The premises will operate a Challenge 21 policy.
- 2) All staff to be trained with regards to the sale of age restricted products. Refresher training will be carried out on a regular basis and all training shall be recorded and retained by the premises. These records will be made available for inspection on reasonable request by any responsible authority.

The report dated 11 September 2009 by Lancashire Fire and Rescue Services the Fire Safety Department will be complied to the reasonable satisfaction of the Authority.

To ensure that conditions proposed which had been uncontested are implemented to the satisfaction of the responsible authorities who had made representations prior to the opening of the premises for any of the licensable activities contained within the licence.

Chair

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General Licensing Sub-Committee

Wednesday, 30 September 2009

Present: Councillor Keith Iddon (Chair) and Councillors Doreen Dickinson, Hasina Khan, Marion Lowe and Debra Platt

09.LSC.10 DECLARATIONS OF ANY INTERESTS

There are no declarations of interest by any of the Members in any of the meeting's agenda items.

09.LSC.11 EXCLUSION OF THE PUBLIC AND PRESS

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

09.LSC.12 SECTION 51, LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A PRIVATE HIRE/HACKNEY CARRIAGE DRIVERS LICENCE

The Sub-Committee considered a report of the Corporate Director of Neighbourhoods seeking instructions on an application for a licence to drive hackney carriage and private hire vehicles.

The application could only be determined by the General Licensing Sub-Committee as the applicant had not satisfied the Council's policy that applicants for a Hackney Carriage/Private Hire Vehicles Driver's licence should have at least three years driving experience as the holder of a full EC driving licence.

The applicant had held a DVLA driving licence from 13 November 2007, and had also produced copies of a Pakistani driving licence valid from April 2005 to April 2006 and a Pakistani driving licence valid from April 2009 to April 2012. However, the applicant claimed to have lost the Pakistani driving licence which covered the period from April 2006 to April 2009.

The applicant had passed the required medical and knowledge tests and the criminal records bureau check had not revealed any past or current convictions.

The applicant attended the meeting, accompanied by a friend, to put forward representations in support of the application. The applicant confirmed that, prior to the granting of an EEC driving licence in November 2007, he had driven for 12 months under an international driving licence.

The Sub-Committee considered all relevant factors, including the applicant's driving experience since 2005; the lack of any criminal convictions; and the applicant's offer of a job opportunity.

Following the Sub-Committee's deliberations, it was:

RESOLVED – That the application for a licence to drive Hackney Carriage and Private Hire Vehicles now under consideration be granted.

09.LSC.13 SECTION 51, LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 - APPLICATION FOR A PRIVATE HIRE DRIVERS LICENCE

The Sub-Committee considered a report of the Corporate Director of Neighbourhoods seeking instructions on an application for a licence to drive private hire vehicles.

The application could only be determined by the General Licensing Sub-Committee as the applicant had relevant convictions. The Sub-Committee would need to consider whether the applicant was deemed to be a fit and proper person to hold a driver's licence.

The applicant had submitted an application for the driver's licence in July 2009, and had passed both the Council's knowledge test and a Group 2 medical.

Whilst the driving licence produced by the applicant had revealed two convictions for traffic offences in September 2005 and October 2008, the applicant had not included on his application form reference to four other convictions in May 1999, June 2001, November 2004 and September 2005 which had been exposed by the criminal record bureau check in August 2009.

The applicant attended the meeting to put forward representations in support of his application.

The applicant stated his reasons for his failure to disclose past convictions on his application and explained the circumstances surrounding his last conviction in October 2008. The applicant reminded the Members that, with the exception of the conviction in October 2008, the past convictions were now "spent". His current driving licence showed only three penalty points.

The Sub-Committee considered all the relevant factors of the case and concluded that, in the light of the knowledge of the applicant's current conviction in October 2008 which evidenced that he had not been free of convictions in the last three years; the revocation of the licence granted by Blackburn and Darwen Council in July 2008 as a result of the invalidation of his insurance cover; and the relevance of past convictions for traffic offences which related to significant factors involving alcohol, children and insurance cover, the applicant was not deemed to be a fit and proper person to hold a private hire vehicles driver's licence.

Following the Sub-Committee's deliberations, it was:

RESOLVED – That the application for a licence to drive Private Hire vehicles now under consideration be refused.

Chair

General Licensing Sub-Committee

Wednesday, 4 November 2009

Present: Councillor Pat Haughton (Chair) and Councillors Doreen Dickinson, Anthony Gee and Hasina Khan

09.LSC.14 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Stella Walsh and Magda Cullens.

09.LSC.15 DECLARATIONS OF ANY INTERESTS

There were no declarations of interest submitted for any of the agenda items by any of the Sub-Committee Members.

09.LSC.16 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 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.

09.LSC.17 APPLICATION FOR A PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCE

The Sub-Committee considered a report of the Corporate Director of Neighbourhoods seeking instruction on an application for a licence to drive hackney carriage/private hire vehicles.

The Council's adopted policy stated that applicants for a hackney carriage/private hire drivers' licence should have a minimum of 3 years driving experience as the holder of a full UK driving licence. The applicant had held a full UK drivers licence since 6 September 2008, therefore the applicant did not meet the criteria and consequently under normal circumstances would not qualify for a drivers' licence.

The applicant attended the meeting to put forward representations in support of the application, and gave a detailed account of his driving experience since entering the UK.

After a lengthy discussion in which careful consideration of all the relevant factors was given, especially the applicant's driving experience, the lack of any criminal convictions, and offer of employment, the Sub-Committee **RESOLVED – that the application for a hackney carriage/private hire drivers' licence be granted.**

09.LSC.18 APPLICATION FOR A PRIVATE HIRE DRIVERS LICENCE

The Sub-Committee considered a report of the Corporate Director of Neighbourhoods seeking instructions on an application for a licence to drive private hire vehicles.

The application could only be determined by the Sub-Committee as the applicant had revealed a number of convictions and a medical condition that was relevant to the DVLA Group 2 Medical Conditions.

The applicant attended the meeting to put forward representations in support of his application.

Members of the Sub-Committee heard an account of the circumstances that led up to both convictions, which took place before the year 2000, for which the applicant expressed his remorse.

In relation to the applicant's medical condition, Members of the Sub-Committee were advised that the applicant had a medical condition relating to insulin treated diabetes and was under the supervision of the specialist diabetes unit at Wrightington, Wigan and Leigh Royal Albert Edward Infirmary. The applicant had managed his condition himself for the last 26 years, and had given a written undertaking with regard to his diabetic management.

The Sub-Committee considered all relevant factors, including the applicant's criminal convictions, his medical condition and the offer of a job opportunity.

Members of the Sub-Committee had expressed their concern that the consultant's report had not given a clear indication of the applicant's fitness to drive a private hire vehicle. Members of the Sub-Committee also expressed reservations that the applicant's convictions had both been alcohol related. Members did however accept that the convictions had been some time ago.

After considering all the information available to them, the Sub-Committee did not feel in a position to make a decision on the application, and elected to defer the decision until the next Sub-Committee on 2 December 2009. In the meantime the Sub-Committee asked the applicant to gain further clarity from his consultant, as to his fitness to drive a private hire drivers' licence. It was intended that this information will be presented to the next meeting for consideration, after which a decision will be made.

Chair

Report of	Meeting	Date
Corporate Director (Neighbourhoods)	Licensing and Public Safety Committee	2 December 2009

TAXI VEHICLE LICENSING CONDITION REVIEW

PURPOSE OF REPORT

1. To advise Members of proposals to amend the conditions applied to taxi vehicle licence applications and the subsequent licence conditions and seek approval for their implementation

RECOMMENDATION

2. It is recommended that Members approve the proposed amendments to the vehicle licensing conditions for taxis

EXECUTIVE SUMMARY OF REPORT

3. In September 2008 the Licensing and Public Safety Committee approved a new set of taxi licensing and testing conditions to seek improvement in the hackney and private hire fleet and ensure that the taxi licensing regime was fit for purpose to meet its statutory requirement for ensuring public safety.
4. This new regime has been operational for 12 months and during that time it has become apparent to officers and the taxi trade that some elements are over burdensome on the trade as well as introducing superfluous business process layers into the taxi application and testing system.
5. A sub group of the Licensing Liaison Panel was established including representatives of the private and hackney trade as well as officers in the Directorates Public Protection Team. The sub group has met on several occasions and determined the amendments proposed in this report.
6. Members should be assured that any proposed changes are made and recommended with the public safety requirement in mind but also with a view to reducing any unnecessary burden that the licensing regime puts on the private hire and hackney carriage trade.

REASONS FOR RECOMMENDATION

(If the recommendations are accepted)

7. To ensure the licensing conditions are fit for purpose, ensure public safety and reduce unnecessary burden on business.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

8. The continuation of the current conditions was considered for a further period but the ongoing transition of the business process element of the licensing function and the increased enforcement capability within the Public Protection Team provides an opportune time for a review.

CORPORATE PRIORITIES

9. 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

10. The proposed changes are dealt with below with a summary of the existing condition or requirement and the rationale for change together with the new proposal.

VEHICLE TESTING FREQUENCY (HACKNEY AND PRIVATE HIRE)

11. The current testing regime effectively limits the age of vehicles to 8 years old should they fail the testing regime beyond that age. In addition there is a complicated profile of testing frequencies dependant on the age of the vehicle with a 12 monthly period for new vehicles up to 3 years old rising to 6 monthly for vehicles 3 to 8 years old and then a test 3 times a year for vehicles over 8 years old provided they do not fail on any aspect of the test regime.
12. This system is over bureaucratic and burdensome on the trade. In addition it assumes that any vehicle over 8 years old is not repairable or capable of being made fit for purpose once it has failed on any aspect of the vehicle testing regime.
13. It is proposed that a streamlined testing frequency is introduced of a vehicle test every six months irrespective of age and that provided the vehicle can be repaired to a standard that meets the vehicle test requirements it should not be precluded from operating as a licensed taxi.

VEHICLE TESTING FORMAT (HACKNEY AND PRIVATE HIRE)

14. The current test format includes:
 - The standard MOT (VOSA) test
 - The Councils hackney carriage and private hire vehicle inspection (taxi test) which tests additional items such as signs, vehicle interior/exterior and compliance with the Councils conditions.
 - The Councils vehicle safety report (VSR) which effectively duplicates elements of the hackney carriage and private hire vehicle inspection test above.
15. This current system provides an unnecessary testing layer and the ‘Councils Vehicle Safety Test’ does not scrutinise anything that relates to the public safety remit of the licensing regime which is not scrutinised in either the MOT/VOSA test or the Councils hackney carriage and private hire vehicle inspection test (Taxi Test)
16. It is therefore proposed to withdraw the requirement of the third ‘Council Safety Test’ and rely on the MOT/VOSA test and the ‘Taxi Inspection and Safety Test’ to identify vehicles that are unsuitable or unsafe to operate as a taxi.
17. Testing garages will be provided with detailed guidance to assist them in assessing the elements of the Taxi Inspection and Safety Test.

TAXI PLATE REQUIREMENT (HACKNEY AND PRIVATE HIRE)

18. Linked to the testing frequency regime above is the current requirement for each licensed vehicle to operate with a plate that displays an expiry date in line with the next due test date.
19. This requirement does not provide any added benefit in either the enforcement function of the Council, neither is it believed that any other agency or the public have regard to the date displayed. The Council has received no calls or intelligence from the public relating to dated taxi plates where they have been known to out of date. In addition this requirement means an added layer of bureaucracy to the licensing process as well as an added cost to the trade each time a plate is re issued.
20. It is proposed to issue one plate for display at the initial licensing period with a renewable internal taxi badge to be displayed with the date of expiry of the taxi licence. This plate will be attached to the vehicle until such time as either the licence is not renewed or it is surrendered. The business process procedures within the Council will be used to monitor licences that have expired and not renewed or surrendered and our increased enforcement resource will be used to investigate and seize plates that are not properly licensed.

LUGGAGE CAPACITY REQUIREMENT (PRIVATE HIRE)

21. The current luggage capacity requirements make it a condition that any private licensed vehicle must be capable of effectively carrying one suitcase for each passenger that the vehicle is licensed to carry. Therefore a vehicle licensed to carry 6 passengers is required to have luggage capacity for six suitcases.
22. This condition effectively serves to preclude particular types of vehicle from use such as MPV's where additional seats are provided for passenger use. This could be challenged as anti competitive and it is not clear that this condition can be imposed on the grounds of public safety given that national and European safety standards exist for all vehicles sold and used on our roads. This condition does not apply to vehicles licensed as hackney carriages
23. It is proposed to remove this condition for private hire vehicles and replace it with a condition that requires operators to determine the luggage carrying capacity of the fare at the time of booking. The operator will then be required to inform the fare of any additional vehicles that will be required to accommodate luggage and ensure that all luggage is stowed internally in the vehicle in a manner that ensures the safety of passengers and other road users. No changes to luggage carrying capacity for hackney carriage vehicles are proposed.

TYRE TREAD REQUIREMENTS (HACKNEY AND PRIVATE HIRE)

24. The current vehicle testing regime makes it a condition that vehicles must have a minimum tyre tread depth of 3 mm over the central 3/4 of the tread pattern (including spare tyre).
25. This condition implies that should a vehicle not have a spare tyre then the vehicle fails the test. Members will be aware that some vehicles are manufactured with no spare wheel but fitted with 'run flat' or 'self inflate' tyres. In addition the current national legal standard for tyre tread depth is 1.6 mm over the central 3/4 of the tread pattern and the increased standard of 3 mm tread depth cannot be justified on the grounds of public safety.
26. It is proposed to remove the requirement for a 3mm tread depth and rely on the national standard of 1.6 mm over the central 3/4 of the tread pattern. In addition the test requirements will be clarified to state that the spare tyre where fitted must also comply to this standard and where the vehicle is not equipped with a spare tyre at the time of the vehicles manufacture then the vehicle manufacturers recommended 'run flat' or 'self inflatable' tyres should be fitted on all wheels. The use and carrying of proprietary puncture repair kits will not be considered as a suitable alternative.

IMPLICATIONS OF REPORT

27. 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

28. The Council is entitled to impose reasonable requirements on vehicle licenses which may include safety standards addressing issues going beyond or to a higher standard than the MOT test although the latest Department for Transport Best practice Guidance does suggest that for technical matters it seems appropriate to apply the same standards as for the MOT test. However, the same guidance recognises that taxi licensing issues are not purely about public safety matters and specifically indicates that: "taxis and PHVs provide a service to the public, so it is also appropriate to set criteria for the internal condition of the vehicle, though these should not be unreasonably onerous".

ISHBEL MURRAY
CORPORATE DIRECTOR (NEIGHBOURHOODS)

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Simon Clark	5732	12 November 2009	vehiclecondition



Report of	Meeting	Date
Corporate Director (Neighbourhoods)	Licensing and Public Safety Committee	2 December 2009

LICENSING LIAISON PANEL REVIEW

PURPOSE OF REPORT

1. To inform Members of the results of the review of the current licensing liaison arrangements

RECOMMENDATION(S)

2. Members to accept the results of the licensing liaison panel review and agree to the implementation of the proposed amendments.

EXECUTIVE SUMMARY OF REPORT

3. The Licensing and Public Safety Committee approved the undertaking of a review of the Licensing Liaison Panel at its meeting on 16 September 2009.
4. The matter was addressed at the Licensing Liaison Panel on Monday 28 September 2009 and through consultation with the Chair and Vice Chair of the Licensing and Public Safety Committee.
5. The review has resulted in the general view that the existing arrangements should be retained with some minor amendments and additions to the remit and make up of the Panel. These are detailed below.

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

6. To maintain a vibrant and appropriate forum for all agencies and trades involved in activities and business that are subject to licensing requirements by Chorley Council

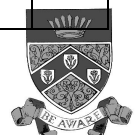
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

7. The current arrangements have been subject to a review and a variety of options were considered as part of that review.

CORPORATE PRIORITIES

8. 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

- 9. The licensing liaison panel was established several years ago to provide a discussion platform between Members, Officers and the licensed trade on issues arising out of the licensing process.
- 10. The recent change and transfer of the administration and enforcement function of licensing to the Neighbourhoods Directorate provides an opportunity to review aspects of the service and it was determined that a review of the liaison arrangements should take place.

CONSULTATION

- 11. The most recent Panel meeting has been consulted on the issue and it was agreed that subject to some minor improvements the make up and remit of the Licensing Liaison Panel should remain in the same format.
- 12. The proposed improvements can be summarised as follows:
 - a. Written constitution and code of conduct to be produced to outline the purpose of the panel and the conduct of its members. A draft document is attached to this report as Appendix A
 - b. Membership should include anyone with an interest in licensing issues and invitations should be extended to groups such as the Disability Forum
 - c. Matters for discussion should not be focussed on individual licensing applications or issues, but should consider the wider issues of how the licensing regime and business can better serve the economic development of the community whilst at the same time delivering services that meet the licensing objectives.
- 13. The Chair and Vice Chair of the Licensing and Public Safety Committee where consulted on their views and it was expressed that Member representation should continue on the panel by way of an open invitation to all L & PS Committee Members

OUTCOME

- 14. The outcome of the review and consultation results in the following proposed operation of a Licensing Liaison Panel in Chorley:
 - a. A Panel that meets on a quarterly basis to discuss wider matters of interest in the licensed trade in its widest sense.
 - b. A Panel consisting of an open membership drawn from Council Members, licensed premises trade, taxi licensing trade, other licensing trades, disability forum, Council enforcement officers, police, fire service and other Council Directorates.
 - c. A Panel that operates to a published constitution and code of conduct.
 - d. A Panel that does not have any decision making powers but through open discussion and published minutes will endeavour to influence decisions taken by other organisations and bodies.

IMPLICATIONS OF REPORT

15. 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	√

ISHBEL MURRAY
CORPORATE DIRECTOR (NEIGHBOURHOODS)

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Simon Clark	5732	11 November 2009	Liaisonpanel

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Appendix A

Licensing Liaison Panel

Constitution

And

Code of Conduct

Licensing Liaison Panel

CONSTITUTION

1. **Title**

The panel shall be called the Chorley Licensing Liaison Panel, hereafter called the Panel.

2. **Commitment**

- 2.1 The Panel is committed to joint consultation and partnership working regarding the Council's function in relation to all licensing (including registration and enforcement) functions. Co-operation between the Council and the respective trades will enable joint consultation and service improvement to take place most effectively.

3. **Purpose and Scope**

- 3.1 The purpose of the Panel is to establish a regular means of consultation and discussion between the Council (the licensing authority) and the trades and trade representation about licensing policy matters and issues that the trades may wish to bring to the Council's attention.
- 3.2 The Panel will only handle matters relating to wider issues and not issues relating to an individual licence holder or complaint, unless that issue or complaint has wider, policy implications.
- 3.3 The Consultative Panel does not have a decision making role. Rather, its purpose is to review licencing matters and the wider context of licenced businesses and make recommendations, as appropriate, to the relevant Council and other agencies. It is then for the relevant Council bodies and other agencies to consider as they deem appropriate and make any decision as necessary.

4. **Objectives**

- 4.1 The objectives of the Panel are to:
- raise issues and discuss matters in respect of licensing
 - encourage and promote discussion on and involvement in the way in which the Council plans and delivers its licensing function
 - seek and take account of the views of the trades and trade representatives
 - positively engage with any other relevant organisations or agencies in the work of the Panel and to ensure their views are represented accordingly to the Council
 - consider any relevant matter referred to it by the Council or other agency
 - agree a work programme for the forthcoming year and to monitor its progress

- make reports and recommendations to the appropriate Council bodies for decision, as appropriate
- promote public confidence in the Council's role in and the trades' delivery of a public service
- seek to prevent differences between the Council and the trades and seek to resolve them should they arise.

5. Representation

- 5.1 The Panel shall be made up of Elected Members, a reasonable and representative number of the trades, and officers of the Council.
- 5.2 Representatives unable to attend any meeting may appoint a substitute
- 5.3 In addition to the relevant Elected member representatives, the Council's input will be as follows:
- Other officers may attend for the purpose of giving advice on matters of interest, speaking on a specific item which they have knowledge of or responsibility for.
 - Representatives from other agencies may also attend, as appropriate, to give advice.
 - The format of the meeting will enable any individual with an interest in the licensing function of the Council to attend.

5. Meeting Chair

- 6.1 The meeting Chair shall be appointed by the Panel at the first meeting in each municipal year and shall hold that role until the first meeting of the following municipal year. The Chair to be appointed from amongst the Elected Members or Council Officers in attendance.
- 6.2 The Chair is vital to the effective conduct of the Panel's business. The role of the Chair shall include:
- managing and controlling the Panel meetings
 - assisting in leading discussions
 - encouraging and facilitating participation from attendees
 - providing advice and giving ruling on processes
 - brokering and mediating in disputes, and, along with the Elected Members, having the final say on how the matter is to be taken forward
 - ensuring meetings keep to time
 - reporting back to the Licensing and Public Safety Committee on proceedings
 - setting the agenda for each meeting in partnership with officers based on minutes from the last meeting and agreed topics on the work programme.

6. **Procedure**

- 7.1 The Panel will normally meet quarterly.
- 7.2 At least five working days before meetings an agenda, minutes from the previous meeting and any relevant papers will be circulated to Panel members. If it is impractical to circulate papers at the same time as the agenda then any outstanding items can be circulated as 'to follow' items. It is for the Chair to determine the items to be included on the agenda

8 **Code of Conduct**

All members of the Panel shall agree to sign and abide by the Liaison Panel's Code of Conduct. Failure to do so will result in the member being removed from the Panel membership.

Signed Date

Chair

Print Name

Licensing Liaison Panel

I agree to uphold the Constitution and Code of Conduct, and I understand I may be asked to leave the Panel should I fail to do so.

	Name	Representing	Signature	Date
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Breach of Code of Conduct

1. If anyone attending the Panel does not abide by the Code of Conduct, the Chair will warn that if they break the code again they may be asked to leave the meeting.
2. Panel members can be excluded and disqualified if they contravene the above Code of Conduct.
3. Any Panel member, who knowingly disseminates false information or brings the meeting into disrepute, will have their membership of the Panel reviewed.

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Report of	Meeting	Date
Corporate Director (Neighbourhoods)	Licensing and Public Safety Committee	2 December 2009

PUBLIC PROTECTION ENFORCEMENT ACTIVITY

PURPOSE OF REPORT

- To inform Members of the enforcement activity of the Public Protection Team in relation to licensing issues

RECOMMENDATION(S)

- Members are asked to note the contents of the report

EXECUTIVE SUMMARY OF REPORT

- The Licensing and Public Protection Committee expressed a desire at its meeting on 16 September 2009 to receive a regular update report on the enforcement activity undertaken by the Councils Public Protection Team as well as details of licencing applications received and processed by the Neighbourhoods Directorate.
- Taxi enforcement for Quarter 2 (July – Sept 09) there have been eighteen compliance checks on taxis resulting in the issue of nine Defect Notices and one Suspension Notice. All Notices were complied with in the specified time periods and resulted in no further action being necessary.
- Enforcement activity on Quarter 2 resulted in thirty five visits to licensed premises to check compliance with conditions and respond to complaints. In addition twelve joint visits with trading standards colleagues were made to licensed premises for the purposes of test purchasing. Eleven test purchases passed with only one failure which resulted in the issue of a ‘simple caution’ by the police to licence holder.
- Administrative activity is summarised in the attached report at Appendix A

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

- Not applicable

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- Not Applicable

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		Develop the Character and feel of	



life chances		Chorley as a good place to live	
Involving people in their communities		Ensure Chorley Borough Council is a performing organization	√

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	√

ISHBEL MURRAY
CORPORATE DIRECTOR (NEIGHBOURHOODS)

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Simon Clark	5732	16 November 2009	Q2Activity

APPLICATIONS LIST

General Licensing

House to House Collection Licence

Total New Applications: 1

Total House to House Collection Licence Applications: 1

Street Collection Permit

Total Amendment Applications: 3

Total New Applications: 11

Total Street Collection Permit Applications: 14

General Licensing Total Applications: 15

APPLICATIONS LIST

Taxi Licensing

Hackney Carriage Driver Licence

Total Cancel/Surrender Applications: 1

Total New Applications: 6

Total Renewal Applications: 22

Total Hackney Carriage Driver Licence Applications: 29

Hackney Carriage Licence

Total Cancel/Surrender Applications: 1

Total Amendment Applications: 1

Total New Applications: 1

Total Renew/Transfer Applications: 2

Total Renew/Transfer/VehCh Applications: 1

Total Renew/VehChange Applications: 2

Total Renewal Applications: 20

Total Transfer Applications: 3

Total Vehicle Change Applications: 4

Total Hackney Carriage Licence Applications: 35

Private Hire Driver Licence

Total Cancel/Surrender Applications: 2

Total New Applications: 19

Total Renewal Applications: 67

Total Private Hire Driver Licence Applications: 88

Private Hire Operator Licence

Total New Applications: 1

Total Renewal Applications: 14

Total Private Hire Operator Licence Applications: 15

APPLICATIONS LIST

Taxi Licensing

Private Hire Vehicle Licence

Total Cancel/Surrender Applications: 9

Total Amendment Applications: 2

Total New Applications: 11

Total Renew/Transfer Applications: 2

Total Renew/VehChange Applications: 3

Total Renewal Applications: 76

Total Transfer Applications: 4

Total Vehicle Change Applications: 3

Total Veh Det Change Applications: 1

Total Vehicle Test Applications: 1

Total Private Hire Vehicle Licence Applications: 112

Taxi Licensing Total Applications: 279

APPLICATIONS LIST

Licensing Act 2003

Personal Alcohol Licence

Total Change N/A Holder Applications: 8

Total New Applications: 25

Total Personal Alcohol Licence Applications: 33

Premises Licence

Total Cancel/Surrender Applications: 5

Total Change Prem Name Applications: 1

Total Change Supervisor Applications: 43

Total Amendment Applications: 10

Total New Applications: 5

Total Req Rem Prem Sup Applications: 3

Total Review Applications: 1

Total Transfer Applications: 18

Total Premises Licence Applications: 86

Temporary Event Notice - NO Alcohol

Total Temp Event Notice Applications: 5

Total Temporary Event Notice - NO Alcohol Applications: 5

Temporary Event Notice - WITH Alcohol

Total Amendment Applications: 2

Total Temp Event Notice Applications: 48

Total Withdraw Applications: 5

Total Temporary Event Notice - WITH Alcohol Applications: 55

Licensing Act 2003 Total Applications: 179

APPLICATIONS LIST

Gambling Act 2005

Club Machine Permit

Total New Applications: 1

Total Club Machine Permit Applications: 1

Notification of Gaming Machines

Total Notice of Intent Applications: 21

Total Notification of Gaming Machines Applications: 21

Small Society Lotteries

Total Int Amend Applications: 1

Total New Applications: 1

Total Small Society Lotteries Applications: 2

Gambling Act 2005 Total Applications: 24

Total Applications: 497

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