



Licensing and Public Safety Committee

Agenda and Reports

For consideration on

Wednesday, 9th June 2010

In the Council Chamber, Town Hall, Chorley

At 3.30 pm



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28 May 2010

Dear Councillor

LICENSING AND PUBLIC SAFETY COMMITTEE - WEDNESDAY, 9TH JUNE 2010

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, 9th June 2010 commencing at 3.30 pm.

Please note there will be a licensing training session starting at 2pm on the same day in Committee Room 1, Town Hall, Chorley. The training session will cover procedural issues and relevant and appropriate questioning at licensing hearings.

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**

To confirm and sign as a correct report the minutes of the Licensing and Public Safety Committee held on the following dates:

- a) Minutes of meeting Wednesday, 10 March 2010 of Licensing and Public Safety Committee (enclosed) (Pages 1 - 4)
- b) Minutes of meeting Wednesday, 28 April 2010 of Licensing and Public Safety Committee (enclosed) (Pages 5 - 6)

4. **Minutes of the General Licensing Sub-Committee (Pages 7 - 10)**

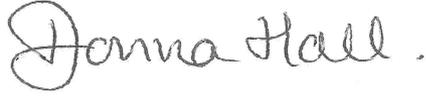
To confirm and sign as a correct record the minutes of the Licensing Sub-Committees which took place on 28 April 2010 (enclosed).

5. **Licensing Performance Quarter 4 (Pages 11 - 18)**

To receive for information the enclosed report of the Director of People and Places.

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

Yours sincerely



Donna Hall
Chief Executive

Cathryn Barrett
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 Keith Iddon (Chair), Councillor Pat Houghton (Vice-Chair) and Councillors Judith Boothman, Terry Brown, David Dickinson, Doreen Dickinson, Anthony Gee, Catherine Hoyle, Hasina Khan, Laura Lennox, Beverley Murray, Alan Platt, Debra Platt, Edward Smith, Ralph Snape, John Walker and Stella Walsh for attendance.
2. Agenda and reports to Simon Clark (Head of Environment), Chris Moister (Head of Governance), Paul Carter (Public Protection Co-ordinator) 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 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 March 2010

Present: Councillor Keith Iddon (Chair), Councillor Pat Haughton (Vice-Chair) and Councillors Judith Boothman, Terry Brown, Magda Cullens, David Dickinson, Doreen Dickinson, Anthony Gee, Hasina Khan, Adrian Lowe, Marion Lowe, Debra Platt, Edward Smith, Ralph Snape, John Walker and Stella Walsh

Also in attendance: Simon Clark (Head of Environment) and Paul Carter (Public Protection Co-ordinator), Alex Jackson (Senior Lawyer) and Tony Uren (Democratic and Member Services Officer).

10.LPS.39 WELCOME

The Chair welcomed everyone present to the meeting, including two observers from the Hackney Drivers' Association Limited.

10.LPS.40 APOLOGIES FOR ABSENCE

An apology for absence was submitted on behalf of Councillor Thomas McGowan.

10.LPS.41 DECLARATIONS OF ANY INTERESTS

Councillor Hasina Khan declared a prejudicial interest in Agenda Item 7 (Hackney Plate Allocation).

It subsequently transpired that this item was withdrawn from the meeting's agenda.

10.LPS.42 MINUTES

The minutes of the last meeting of the Licensing and Public Safety Committee held on 2 December 2009 were confirmed as a correct record for signature by the Chair.

10.LPS.43 MINUTES OF THE LICENSING SUB-COMMITTEES

The minutes of the meetings of the General Licensing Sub-Committee held on 2 December 2009 and 10 February 2010 were each confirmed as a correct record for signature by the respective Chair.

10.LPS.44 ANNUAL REVIEW OF LICENCE FEES

The Director of People and Places presented a report reviewing the licence fees for which the authority was able to determine and implement in 2010/11.

The report recommended a general increase of around 2% in the Hackney Carriage/Private Hire licence fees (excluding the element of the fees relating to MOT tests), and other miscellaneous fees, outlined in the schedule attached to the submitted report, with effect from 1 April 2010. The Council had no discretion to adjust the fees associated with the Licensing Act 2003 which were fixed by the Government and the report did not propose any revision of the fees for licences issued under the Gambling Act, 2005.

The proposals, if endorsed, would need to be advertised, with any opposing representations being reported to a future meeting for consideration.

One Member opposed the introduction of the higher fees until the taxi trade members had been consulted. The Head of Environment confirmed that the proposals would be discussed at the next Licensing Liaison meeting on 15 March 2010 and that any expressed objections would be assessed along with other representations. The Committee was also reminded that the increase in Hackney Carriage/Private Hire licence fees had been proposed in line with the expectations contained within the Council's budget for 2010/11 agreed at the Council meeting on 2 March 2010.

It was proposed by Councillor Adrian Lowe, seconded by Councillor Magda Cullens, and subsequently **RESOLVED that the revised licence fees and charges, as set out in the appendix to the submitted report, be approved for adoption with effect from 1 April 2010, subject to the required advertising and consideration of any subsequent representations.**

(In accordance with Council Procedure Rule 17.3, Councillor Ralph Snape's vote against the above motion was recorded).

10.LPS.45 TAXI UNMET DEMAND SURVEY

(a) **Representations from Hackney Drivers' Association Ltd**

Prior to the Committee's consideration of two reports of the Director of People and Places on (i) the outcome of the Taxi Unmet Demand Survey undertaken in November 2008 and (ii) the possible allocation of a Hackney Carriage Plate, a letter from the Chairman of the Hackney Drivers' Association Ltd was circulated for Members' attention.

The letter, in particular, referred to the criterion that had been stipulated by the Council that applicants for the currently vacant hackney carriage plate must be residents of Chorley. The Association viewed the criterion as unfair and not transparent and suggested that the later Committee item to consider the allocation of the vacant plate should be withdrawn in advance of a full review of the procedure and criteria for the allocation of the plate.

In response, the Head of Environment reminded the Members that the Licensing and Public Safety Committee at its meeting on 11 March 2009 had granted delegated authority to the Licensing Manager to agree the process for the issuing of the new licence. Consequently, following consultation with the Chair and Vice-Chair, the prerequisite to restrict applications to Borough residents, as a means of assisting Chorley businesses, had been agreed. The Council was legally authorised to fix the parameters of the issuing of hackney carriage licences and the restriction agreed by the authority did not contravene any British or European statute or regulation.

With the consent of the Chair, the Committee Members questioned the Chairman of the Hackney Drivers' Association present at the meeting, who was also allowed to clarify his request.

At the conclusion of the discussions, and after taking account of the Officer's advice, the Chair and Committee members confirmed their satisfaction with the legality and appropriateness of the decision to restrict applications for the issue of the new hackney carriage licence to Chorley residents.

(b) **Taxi Unmet Demand Survey Conclusions**

The Committee considered the report of the Director of People and Places on the conclusions and recommendations arising from the Taxi Unmet Demand Survey undertaken in November 2008.

Following consideration of the available options, the report had recommended the maintenance of the current 37 hackney plate licences. Only 36 hackney carriage licences were currently in operation in the Borough and the view was put forward that there was currently no justification to increase the number of licences to 37.

It was proposed by Councillor Terry Brown, seconded by Councillor Ralph Snape, and subsequently **RESOLVED:**

- (1) **That the number of hackney plate licences issued by the Council be reduced to 36.**

It was also proposed by Councillor Adrian Lowe, seconded by Councillor David Dickinson, and subsequently **RESOLVED:**

- (2) **That a review of the Council's hackney taxi rank provision with regard to disability access issues and locations be undertaken.**
- (3) **That a scheme be implemented to encourage appropriate driver training in customer care through the taxi driver licence regime.**

10.LPS.46 HACKNEY PLATE ALLOCATION

As a result of the Committee's previous decision to reduce the number of hackney plate licences issued in the Borough to 36, the item to consider the allocation of the 37th hackney plate was withdrawn from the agenda.

10.LPS.47 LICENSING AND ENFORCEMENT - SUMMARY OF ACTIVITY

The Committee received and considered a report of the Director of People and Places which summarised the enforcement activity of the Public Protection Team in relation to licensing issues, in addition to licensing applications received and processed by the Neighbourhoods Directorate, during the third quarter period of 2009/10.

A Committee member expressed concern that the compliance checks undertaken by the Public Protection Team had resulted in a significant number of Defect or Suspension Notices being issued, all of which had been complied with within the specified time period. The Chair requested the Officers to introduce a system that would illustrate the degree of seriousness of the vehicle defects revealed on future activity reports.

RESOLVED – That the report be noted.

Chair

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Licensing and Public Safety Committee

Wednesday, 28 April 2010

Present: Councillor Keith Iddon (Chair), Councillor Pat Haughton (Vice-Chair) and Councillors Judith Boothman, Terry Brown, Doreen Dickinson, Anthony Gee, Hasina Khan, Adrian Lowe, Marion Lowe, Thomas McGowan, Debra Platt, Edward Smith, Ralph Snape, John Walker and Stella Walsh

Also in attendance: Simon Clark (Head of Environment), Zeynab Patel (Solicitor) and Tony Uren (Democratic and Member Services Officer)

10.LPS.48 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Magda Cullens and David Dickinson.

10.LPS.49 DECLARATIONS OF ANY INTERESTS

There were no declarations of interest by any of the Members in any of the agenda items.

10.LPS.50 ANNUAL REVIEW OF LICENCE FEES

The Director of People and Places submitted a report on the outcome of the statutory notification of the proposed licence fees to be applied by the Council for 2010/11 and seeking the Committee's confirmation of the level of fees to be introduced on 1 May 2010.

The Committee, at its last meeting on 10 March, had agreed in principle to adopt a revised schedule of licence fees and charges (which included a general increase of around 2% in the Hackney Carriage/Private Hire licence fees), subject to the required advertising and consideration of any subsequent representations.

The Committee were informed that only one representation had been received from the Hackney Drivers Association Limited at the close of the notification period. A copy of the letter from the Association was attached to the Director's report. With the consent of the Chair, the Chairman of the Hackney Drivers Association, Mr C Oakes, who was present at the meeting, was allowed to explain the reasons for his Association's objections to the projected increases. Mr Oakes referred to the impact of the economic recession and the rising costs of fuel on the taxi trade and requested the Committee to reconsider its earlier decision.

A number of Members were sympathetic to the Association's request, being aware that the Council had not increased the 2010/11 market fees. The Committee was also reminded that the proposed licence fees increase had been taken into account in the compilation of the 2010/11 budget and that the consequences of any budget alteration would need to be addressed by the Executive Cabinet.

Councillor Adrian Lowe proposed, and Councillor Marion Lowe seconded, that having regard to the Hackney Drivers Association's representation, the projected 2% increase in licence fees be not implemented.

Councillor John Walker moved an amendment, seconded by Councillor Judith Boothman, that the recommended increase be approved and adopted.

On being put to the vote, the amendment was lost (6:7), and it was subsequently **RESOLVED that the licence fees and charges for 2010/11, as set out in Appendix A to the submitted report, be not increased.**

10.LPS.51 CHAIR'S THANKS

The Chair, Councillor Keith Iddon, thanked the Committee Members and Officers for their support and assistance given to him during the past municipal year.

10.LPS.52 COUNCILLOR THOMAS MCGOWAN

The Chair reminded the Members that Councillor Thomas McGowan was not seeking re-election at the forthcoming Borough election, and paid tribute to Councillor McGowan's past 23 years of service on the Council and the Licensing Committee, in particular. Councillor McGowan responded suitably and expressed his thanks to all the Councillors and Officers who had supported him during his long period of office.

Chair

General Licensing Sub-Committee

Wednesday, 28 April 2010

Present: Councillor Keith Iddon (Chair) and Councillors Judith Boothman, Doreen Dickinson, Thomas McGowan and Stella Walsh

10.LSC.31 DECLARATIONS OF ANY INTERESTS

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

10.LSC.32 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 as defined in Paragraph 4 of Part 1 of Schedule 12A to the Local Government Act 1972.

10.LSC.33 REVIEW OF PRIVATE HIRE/HACKNEY CARRIAGE VEHICLE DRIVER'S LICENCES

The Sub-Committee considered a report of the Director of People and Places seeking Members' instructions on an application for the renewal of Private Hire and Hackney Carriage Vehicle Driver's licences, each of which were due to expire on 20 February 2010.

The applicant, on the two application forms to renew the two licences, each dated 12 February 2010, had not declared any material changes to his personal circumstances since the last application. An inspection of the applicant's current driving licence, however, had revealed the following three convictions:

- SP30 (Driving over the 30mph speed limit) on 7 August 2007;
- SP30 (Driving over the 30mph speed limit) on 25 January 2009;
- CU30 (Construction and use tyre offence) on 4 April 2009.

Whilst the first conviction on 7 August 2007 had been declared on a past occasion by the applicant, neither of the latter two convictions had been declared by the applicant in contravention of the relevant conditions of the licences.

The applicant apologised for his failure to declare the convictions on his application form, which he claimed was an error on his part. The applicant's representative also clarified the nature of the CU30 conviction on 4 April 2009 relating to a defect in the construction of the vehicle tyre which was not visually detectable.

The Sub-Committee considered all relevant factors, including the representations from the applicant and his representative, the Council's Statement of Policy concerning the relevance of criminal convictions and the seriousness of the offences.

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

RESOVLED – (1) That the applications for the renewal of Private Hire and Hackney Carriage Vehicle driver's licences now under consideration be granted.

(2) That the applicant be informed that the Sub-Committee considers his failure to disclose the two relevant convictions as a serious breach of the licensing

conditions and that it be emphasised that further breaches of the licensing conditions will be viewed extremely seriously and the Sub-Committee will consider revocation of the licences.

10.LSC.34 REVIEW OF PRIVATE HIRE/HACKNEY CARRIAGE VEHICLE DRIVER'S LICENCES

The Director of People and Places presented a report on an application for the renewal of licences to drive both Private Hire and Hackney Carriage vehicles which were due to expire on 18 January 2010. The Members instructions on the application had been sought in the light of the applicant's failure to disclose on his application a recent conviction relating to a fixed penalty notice issued by the Lancashire Constabulary and the applicant's previous history as a licensed Private Hire/Hackney Carriage driver and operator of Private Hire vehicles, as detailed in the Director's report.

(a) **Request for adjournment of hearing**

The Sub-Committee were informed of a request from the applicant's representative on the applicant's behalf for an adjournment of the Sub-Committee hearing.

The applicant's representative attended the meeting and confirmed that he had advised the applicant not to attend the meeting.

The representative stated that the detailed report had not been issued until 19 April 2010. In view of the complexity and seriousness of the allegations within the report, the applicant wished to appoint a barrister to represent him at the hearing, but the lawyer selected had been unable to attend the 28 April meeting.

The Members were reminded that the applicant was still presently operating as a Private Hire/Hackney Carriage driver and that the Chair of the Sub-Committee had previously agreed to the adjournment of the meeting from 21 April to 28 April.

Following the representative's withdrawal from the meeting, the Sub-Committee considered a request for an adjournment, having regard to the need to address serious public safety considerations, and **RESOLVED to continue with the hearing at the meeting.**

The applicant's agent expressed his strong objection to this decision.

(b) **Sub-Committee Hearing**

The Public Protection Officer presented the Director of People and Places' report which gave a detailed summary of the applicant's application history and relevant Court convictions which had not previously been considered by the Sub-Committee, with direct reference to his conduct as a Private Hire/Hackney Carriage driver and as a Private Hire operator. The Members were requested to consider and determine, after assessing carefully the information within the report and any representations presented, whether the applicant was a fit and proper person to continue to hold the driver's licences.

The Director's report highlighted and commented, in particular, on:

- A comprehensive summary of the applicant's application history and conviction record since his original applications to Chorley Council for (i)

a Private hire Vehicle Driver's Licence on 2 January 2003 and (ii) a Private Hire Operator's Licence on 5 August 2008.

- A summary of the following two issues which required to be assessed in particular by the Sub-Committee.
 - (i) The issue on 19 June 2009 of a vehicle suspension notice on the applicant in respect of Private Hire Vehicle PHV 250 as a result of several faults with the vehicle being discovered on an inspection of the vehicle after it was stopped by the Police on 19 May 2009 during one of the Council's days of action.
 - (ii) The applicant's failure to disclose on his application form to renew his Private Hire and Hackney Carriage Drivers Licences a recent conviction relating to a fixed penalty notice issued by Lancashire Constabulary in respect of Private Hire Vehicle 250, which was revealed to have two front tyres below the legal tread depth limit.
- Copies of extracts from the Vehicle Operating Standards Agency's (VOSA) website showing the outcome of the inspection of several vehicles operated by the taxi firm where the proprietor of the vehicles was shown as the applicant. The extracts gave details of the reasons for the refusal to issue Certificates and the content of the Advisory Notices attached to issued Certificates, which gave a general indication of the maintenance record of the respective vehicles.

The Sub-Committee, after taking account of the presentation of the Director of People and Places' report and the representations of the applicant's representative, concluded that the seriousness and complexity of the issues involved overrode the earlier decision to proceed with the hearing and that the meeting should be adjourned to allow the applicant the opportunity to appoint appropriate legal representation to present his case.

It was, therefore, **RESOLVED – That the Sub-Committee hearing to consider the application for the renewal of the Private Hire and Hackney Carriage Vehicle Driver's licences, in the light of the information contained in the Director's submitted report, be adjourned to the next scheduled meeting of the General Licensing Sub-Committee on Wednesday, 9 June 2010. In the event of the applicant and/or his legal representative failing to appear before the Sub-Committee on 9 June, the hearing will proceed in their absence.**

Chair

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Report of	Meeting	Date
Director of People and Places	Licensing and Public Safety Committee	9 June 2010

LICENSING PERFORMANCE QUARTER 4

PURPOSE OF REPORT

To present to Members the Quarter 4 performance for the Councils licensing function.

RECOMMENDATION

- Members are asked to note 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 licensing applications received and processed by the Neighbourhoods Directorate.
- A verbal update on enforcement activity will be provided at the meeting.
- Administrative activity is summarised in the attached report at Appendix A.

REASONS FOR RECOMMENDATION

(If the recommendations are accepted)

- To ensure that Members are kept informed of the licensing activity within the Councils Public Protection Team.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- None

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	√

IMPLICATIONS OF REPORT

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

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

JAMIE CARSON
DIRECTOR PEOPLE AND PLACES

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Simon Clark	5732	24 May 2010	Q4perf

APPLICATIONS LIST

General Licensing

House to House Collection Licence

Total Cancel/Surrender Applications: 2

Total New Applications: 1

Total House to House Collection Licence Applications: 3

Second Hand Dealers Registration

Total New Applications: 1

Total Second Hand Dealers Registration Applications: 1

Street Collection Permit

Total Amendment Applications: 4

Total New Applications: 7

Total Street Collection Permit Applications: 11

General Licensing Total Applications: 15

APPLICATIONS LIST

Taxi Licensing

Hackney Carriage Driver Licence

Total New Applications: 2

Total Renewal Applications: 13

Total Hackney Carriage Driver Licence Applications: 15

Hackney Carriage Licence

Total Amendment Applications: 3

Total Renew/Transfer Applications: 1

Total Renew/Transfer/VehCh Applications: 2

Total Renew/VehChange Applications: 1

Total Renewal Applications: 11

Total Vehicle Change Applications: 1

Total Veh Det Change Applications: 1

Total Hackney Carriage Licence Applications: 20

Private Hire Driver Licence

Total Cancel/Surrender Applications: 1

Total New Applications: 4

Total Renewal Applications: 27

Total Private Hire Driver Licence Applications: 32

Private Hire Operator Licence

Total New Applications: 3

Total Renewal Applications: 1

Total Private Hire Operator Licence Applications: 4

Private Hire Vehicle Licence

Total Cancel/Surrender Applications: 5

Total Amendment Applications: 7

Total New Applications: 6

Total Renew/Transfer Applications: 4

Total Renew/Transfer/VehCh Applications: 2

Total Renewal Applications: 39

Total Transfer Applications: 4

Total Vehicle Change Applications: 4

Total Private Hire Vehicle Licence Applications: 71

APPLICATIONS LIST

Taxi Licensing

Taxi Licensing Total Applications: 142

APPLICATIONS LIST

Licensing Act 2003

Club Premises Certificate

Total Cancel/Surrender Applications: 1

Total Club Premises Certificate Applications: 1

Personal Alcohol Licence

Total Cancel/Surrender Applications: 1

Total Change N/A Holder Applications: 3

Total New Applications: 8

Total Personal Alcohol Licence Applications: 12

Premises Licence

Total Change N/A Holder Applications: 1

Total Change Prem Name Applications: 1

Total Change Supervisor Applications: 14

Total Amendment Applications: 2

Total New Applications: 2

Total Transfer Applications: 5

Total Premises Licence Applications: 25

Temporary Event Notice - NO Alcohol

Total Temp Event Notice Applications: 9

Total Temporary Event Notice - NO Alcohol Applications: 9

Temporary Event Notice - WITH Alcohol

Total Amendment Applications: 1

Total Temp Event Notice Applications: 21

Total Temporary Event Notice - WITH Alcohol Applications: 22

Licensing Act 2003 Total Applications: 69

APPLICATIONS LIST

Gambling Act 2005

Adult Gaming Centre Premises Licence

Total Cancel/Surrender Applications: 2

Total Adult Gaming Centre Premises Licence Applications: 2

Club Machine Permit

Total Annual Fee Applications: 1

Total New Applications: 2

Total Club Machine Permit Applications: 3

Notification of Gaming Machines

Total Int Amend Applications: 1

Total Notice of Intent Applications: 5

Total Notification of Gaming Machines Applications: 6

Small Society Lotteries

Total Annual Fee Applications: 12

Total Cancel Applications: 1

Total Change of Promoter Applications: 1

Total Int Amend Applications: 4

Total New Applications: 6

Total Small Society Lotteries Applications: 24

Gambling Act 2005 Total Applications: 35

Total Applications: 261

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