



# Licensing and Public Safety Committee

Agenda and Reports

For consideration on

**Wednesday, 15th September  
2010**

In the Council Chamber, Town Hall, Chorley

At 2.00 pm



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06 September 2010

Dear Councillor

**LICENSING AND PUBLIC SAFETY COMMITTEE - WEDNESDAY, 15TH  
SEPTEMBER 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, 15th September 2010 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**

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

- a) 9 June 2010 - Licensing and Public Safety Committee (enclosed) (Pages 1 - 2)
- b) 7 July 2010 - Special Licensing and Public Safety Committee (enclosed) (Pages 3 - 6)

4. **Minutes of the Licensing Sub-Committee**

To confirm and sign as a correct record the minutes of the licensing Sub-Committees which took place on the following dates (enclosed):

- a) 7 July 2010 - General Licensing Sub-Committee (enclosed) (Pages 7 - 8)
- b) 4 August 2010 - General Licensing Sub-Committee (enclosed) (Pages 9 - 10)

c) 1 September 2010 - General Licensing Sub-Committee (enclosed) (Pages 11 - 12)

5. **Sexual Entertainment Venues - Police Crime Act 2009 - Adoptive Powers** (Pages 13 - 16)

To consider a report from the Head of Environment to seek approval for adoption of powers to regulate sexual entertainment venues (enclosed).

6. **Sexual Entertainment Venues - Proposed Policy and Procedure** (Pages 17 - 48)

To consider a report from the Director of People and Places on a policy and procedure for dealing with applications for sexual entertainment venue licences should the adoption of the provisions for sexual entertainment venues in the above item be confirmed by Council (enclosed).

7. **Taxi Driver Conditions Review** (Pages 49 - 66)

To consider a report from the Director of People and Places (enclosed).

8. **Change to Vehicle Condition** (Pages 67 - 70)

To consider a report from the Director of People and Places (enclosed).

9. **Licensing Performance Report - Quarter 1** (Pages 71 - 80)

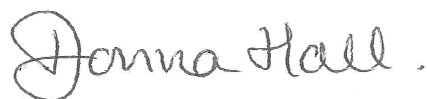
To receive for information the enclosed report of the Director of People and Places.

10. **Hackney Carriage - Vehicle Type Approval** (Pages 81 - 92)

To receive and consider a report from the Director of People and Places which seeks Members approval to add a new vehicle type to the list of approved Hackney Carriage vehicle types (enclosed).

11. **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 Haughton (Vice-Chair) and Councillors Judith Boothman, Terry Brown, David Dickinson, Doreen Dickinson, Anthony Gee, Hasina Khan, Laura Lennox, Marion Lowe, 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), Paul Carter (Public Protection Co-ordinator), Cathryn Barrett (Democratic and Member Services Officer), Legal Services, Jamie Carson (Director of People and Places), File and Room 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

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## Licensing and Public Safety Committee

**Wednesday, 9 June 2010**

**Present:** Councillor Keith Iddon (Chair), Councillor Pat Haughton (Vice-Chair) and Councillors Judith Boothman, Terry Brown, Doreen Dickinson, Anthony Gee, Catherine Hoyle, Hasina Khan, Laura Lennox, Alan Platt, Debra Platt, Edward Smith, Ralph Snape, John Walker and Stella Walsh

**Also in attendance:** Simon Clark (Head of Environment), Chris Moister (Head of Governance) and Cathryn Barrett (Democratic and Member Services Officer)

### 10.LPS.53 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors David Dickinson and Beverley Murray.

### 10.LPS.54 DECLARATIONS OF ANY INTERESTS

There were no declarations of interest received.

### 10.LPS.55 MINUTES

**RESOLVED – that the minutes of the meetings held on 10 March 2010 and 28 April 2010 were confirmed as a correct record and signed by the Chair.**

### 10.LPS.56 MINUTES OF THE GENERAL LICENSING SUB-COMMITTEE

**RESOLVED – that the minutes of the meeting held on 28 April 2010 were confirmed as a correct record and signed by the Chair.**

### 10.LPS.57 MOTION WITHOUT NOTICE RECEIVED

It was proposed by Councillor Ralph Snape, seconded by Councillor Stella Walsh and subsequently **RESOLVED – by a majority decision, that it would be appropriate to convene a special meeting of the Licensing and Public Safety Committee on 7 July 2010 at 10am to hear the Section 61 (A) (II) (B) of the Local Government (Miscellaneous Provisions) Act 1976 review.**

### 10.LPS.58 LICENSING PERFORMANCE QUARTER 4

Members of the Committee received a report from the Director of People and which detailed the performance of the Council's licensing functions during Quarter 4.

Enforcement action had resulted in four Private Hire Drivers being suspended (two drivers were suspended due to accident damage and two for non compliance), all suspensions have since been lifted.

After a discussion relating to the general issue of licences in particular that of House to House Collection Licence it was **RESOLVED – that future**

**performance reports to include the names of the charities/organisations who have applied for a general licence.**

Chair



## Licensing and Public Safety Committee

**Wednesday, 7 July 2010**

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

**Also in attendance:** Alex Jackson (Senior Lawyer), Stephen Culleton (Public Protection Officer) and Cathryn Barrett (Democratic and Member Services Officer)

### **10.LPS.59 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Catherine Hoyle and Beverley Murray.

### **10.LPS.60 DECLARATIONS OF ANY INTERESTS**

Councillors Pat Haughton and John Walker declared a personal and prejudicial interest in respect of agenda item 4, and left the meeting for consideration of this item.

### **10.LPS.61 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.LPS.62 APPLICATION FOR RENEWAL**

Following the adjournment of the General Licensing Sub-Committee on 28 April 2010, and a meeting of the Licensing and Public Safety Committee on 9 June 2010 when it was resolved to convene a special meeting of the Licensing and Public Safety Committee to consider a report from the Director of People and Places which sought Members' instructions under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 in light of information received which indicated that a taxi driver had failed to declare a driving conviction on his application to renew his Private Hire and Hackney Carriage Driver's Licence, namely that on the 19 June 2009 he had been found using a Private Hire Vehicle in an unroadworthy condition, and to take into account the driver's previous history.

The driver and his representative (accompanied by the representative's wife) attended the meeting to put forward representations.

The driver's representative asked that the meeting be adjourned to a future date as a Public Protection Officer whom he felt was an essential witness was not present. This request was refused by the Chair on the grounds that the Public Protection Officer who had compiled the report was present, and that it was not a legal obligation for a particular officer to attend the meeting.

At this time the driver's representative did not feel that either the driver or himself should participate further in the meeting. After a brief discussion the Chair suggested that there be a short recess to allow the opportunity for the driver and his representative to discuss the matter in private.

After a short recess the driver and his representative (accompanied by the representative's wife) returned to the meeting and agreed, against the representative's advice, to participate fully in the meeting.

The Committee was presented with a report of the Director of People and Places which gave a detailed summary of the driver's application history and the relevant convictions which had not previously been considered by the Committee, with direct reference to his conduct as a Private Hire/Hackney Carriage driver and previously 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 driver was a fit and proper person to continue to hold the driver licences.

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

- A comprehensive summary of the driver's application history and conviction record since the 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 2003.
- The issue on 19 June 2009 of a vehicle suspension notice in respect of Private Hire Vehicle PHV 250 driven by the driver 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.
- The driver's failure to disclose on his application form to renew his Private Hire and Hackney Carriage Driver's Licence a recent conviction relating to a fixed penalty notice issued by Lancashire Constabulary in respect of Private Hire Vehicle 250. The inspection had revealed that PHV 250 had two front tyres below the legal tread depth limit.
- Copies of extracts from the Vehicle Operating Standards Agency's documents showing the outcome of the inspection of several vehicles operated by a taxi firm where the proprietor of the vehicles was shown as the driver. 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.

After careful consideration of all the relevant factors, including the representations from the driver and his representative, the relevance of the history as laid down in the report, and the Council's adopted Policy on Previous Convictions, the Committee **RESOLVED to revoke the driver's Private Hire and Hackney Carriage Drivers Licences as Members felt he was not a fit and proper person to hold a licence for the following reasons:**

1. **The driver had persistently driven, or allowed to be driven, vehicles over many years with defects which pose a risk to public safety.**

2. **There was a long history of warnings and other sanctions from the Council which had not caused an improvement in the driver's behaviour.**
3. **Members were concerned about the numerous motoring convictions, and that the driver had used vehicles without insurance or tax discs.**
4. **Members were particularly concerned at the condition of the tyres on vehicle Private Hire Vehicle PHV 250 which had been stopped at a 'day of action' on the 19 June 2009.**
5. **The driver's failure to declare the conviction for the offence on the 19 June 2009 within 7 days as required under his conditions of his Private Hire Driver Licence. Members were conscious that the driver had disputed that fact and claimed to have had a verbal conversation with one of the Public Protection Officers. However it was accepted by the driver that he had failed to disclose the conviction on his application form to renew his Private Hire and Hackney Carriage Drivers Licence on 15 January 2010.**
6. **The Committee noted that the driver's representative had concern that the Committee had considered matters that had already been decided upon which went back many years. However, Members did consider that the issues raised in the report were nonetheless relevant to whether the driver was a fit and proper person to drive a taxi and were minded of the driver's representative's own admission who said of the driver that he had "an appalling record".**

Chair

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**General Licensing Sub-Committee****Wednesday, 7 July 2010**

**Present:** Councillor Pat Haughton (Chair) and Councillors Hasina Khan, Alan Platt, Ralph Snape and John Walker

**10.LSC.35 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**10.LSC.36 DECLARATIONS OF ANY INTERESTS**

There were no declarations of interests declared by any of the Sub-Committee Members.

**10.LSC.37 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.38 APPLICATION FOR A PRIVATE HIRE DRIVERS LICENCE**

With the consent of the Chair this item had been withdrawn.

**10.LSC.39 APPLICATION FOR A PRIVATE HIRE AND HACKNEY CARRIAGE DRIVERS LICENCE**

The Sub-Committee considered a report from the Director of People and Places, seeking Members' instructions on an application for a Private Hire and a Hackney Carriage Driver's Licence.

The application could only be determined by the General Licensing Sub-Committee as the applicant had not met the Council's licensing condition that stated an applicant was required to have a minimum of three years driving experience on a full UK driving licence as set out in the Council's Guidance to Taxi Licensing.

Members noted that the applicant had held a full UK drivers' licence since 28 September 2007.

The Public Protection Officer confirmed that the applicants Criminal Records Bureau check, convictions declaration, medical and knowledge test had satisfied Licensing conditions.

The applicant attended the meeting to put forward representations in support of his application, and advised if Members were minded to grant his application he would work for his father who was the owner of a Hackney Carriage vehicle, which operated in Chorley.

The Sub-Committee considered all aspects of the application, including representations from the applicant, the Public Protection Officer, and the Council's Guidance to Taxi Licensing.

After careful consideration of all the relevant factors, the Sub-Committee unanimously **RESOLVED to grant the application for a Private Hire and Hackney Carriage Driver's Licence.**

Chair of the General Licensing Sub-Committee

## General Licensing Sub-Committee

**Wednesday, 4 August 2010**

**Present:** Councillor Pat Haughton (Chair) and Councillors Judith Boothman, Hasina Khan, Ralph Snape and John Walker

### **10.LSC.40 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

### **10.LSC.41 DECLARATIONS OF ANY INTERESTS**

There were no declarations of interest.

### **10.LSC.42 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.43 APPLICATION FOR A PRIVATE HIRE DRIVER'S LICENCE**

The Sub-Committee considered a report from the Director of People and Places, seeking Members' instructions on an application for a Private Hire Driver's Licence.

The application could only be determined by the General Licensing Sub-Committee as the applicant had not met the Council's licensing policy that stated an applicant was required to have a minimum of three years driving experience on a full UK driving licence as set out in the Council's Guidance to Taxi Licensing.

Members noted that the applicant had held a full UK drivers' licence since 9 August 2008.

The Public Protection Officer confirmed that the applicant's Criminal Records Bureau check, convictions declaration, medical and knowledge test had satisfied the Council's requirements.

The applicant and his employer attended the meeting to put forward representations in support of the application. The applicant informed Members that he was the holder of a PSV licence and that he had been employed, for the previous twelve months, as a driver of a fourteen seat vehicle. Members were further informed, if they were minded to grant the

application, the applicant would continue to drive for his present employer as a Private Hire Driver.

The Sub-Committee considered all aspects of the application, including representations from the applicant, the applicant's employer, the Public Protection Officer, and the Council's Guidance to Taxi Licensing.

After careful consideration of all the relevant factors, the Sub-Committee unanimously **RESOLVED to grant the application for a Private Hire Driver's Licence.**

Chair



## General Licensing Sub-Committee

**Wednesday, 1 September 2010**

**Present:** Councillor Pat Haughton (Chair) and Councillors Laura Lennox, Alan Platt, Edward Smith and Stella Walsh

### **10.LSC.44 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

### **10.LSC.45 DECLARATIONS OF ANY INTERESTS**

There were no declarations of interests.

### **10.LSC.46 EXCLUSION OF THE PUBLIC AND PRESS**

**RESOLVED – That the press and public be excluded from the meeting for the following item 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.47 APPLICATION FOR A PRIVATE HIRE DRIVERS LICENCE**

The Sub-Committee considered a report from the Director of People and Places, which sought the Sub-Committee's decision on an application for a Private Hire Driver's Licence. The application could only be determined by the General Licensing Sub-Committee as the applicant's Criminal Records Bureau check had revealed a relevant conviction which had not been disclosed on the application form.

In addition, allegations had been made against the applicant that he had been operating a vehicle and acting as a private hire driver contrary to Section 46(a) and 46(b) of the Local Government (Miscellaneous Provisions) Act 1976 respectively on at least five separate occasions. It had been further alleged that the applicant was the owner of a Private Hire Company in Chorley. The applicant had denied that he had any financial involvement in the company but was an acquaintance of the operator, and did light work for the company occasionally.

The applicant had held a full DVLA driving licence since June 1998, and his medical and knowledge test had satisfied the Council's licensing conditions.

The applicant, accompanied by his wife, attended the meeting to put forward representations in support of his application.

The applicant expressed remorse that he had failed to disclose his conviction on the application form. The applicant had been under the impression that the conviction would not be recorded on his Criminal Records Bureau check as he had thought the conviction had been spent and therefore did not feel it had been relevant to include the conviction on his application form.

The Sub-Committee was informed that the applicant was a personal friend of the operator of Royal Executive Cars and confirmed that he acted as a joint operator occasionally to support the Private Hire Company, by answering the telephone and managing the office when asked to do so by the operator. The applicant denied operating a vehicle as a taxi.

The Public Protection Officer informed the Sub-Committee that from the four witnesses who had claimed to have seen the applicant operating as a Private Hire Driver, two of them had failed to identify him from a photograph, while the other two had not had the opportunity to identify him to date.

The applicant informed the Sub-Committee that if it was minded to grant the Private Hire Driver's Licence he had been offered a position as a Private Hire Driver for Royal Executive Cars.

The Sub-Committee considered all aspects of the application, including representations from the applicant, the Public Protection Officer, and the Council's Statement of Policy concerning the relevance for conviction.

After careful consideration of all the relevant factors, the Sub-Committee, by a majority decision (4:1) **RESOLVED not to grant the applicant a Private Hire Driver's Licence as it did not consider that he was a fit and proper person to hold a licence. The Sub-Committee felt that the applicant had dishonestly and deliberately failed to complete his application form correctly which resulted in his conviction not being disclosed at that time. The Sub-Committee also considered the relevance of his conviction, in conjunction with Council Policy and felt that in the interest of public protection it would not be appropriate to grant the licence.**

Chair

Report of	Meeting	Date
Head of Environment	Licensing & Public Safety Committee	15 September 2010

## **POLICE AND CRIME ACT 2009 – ADOPTION OF POWERS**

### **PURPOSE OF REPORT**

1. For Committee to consider the adoption of the provisions for sexual entertainment venues introduced into the Local Government (Miscellaneous Provisions) Act 1982 by the Police and Crime Act 2009.

### **RECOMMENDATION(S)**

2. That Members recommend adoption, under section 2 of the Local Government (Miscellaneous Provisions) Act 1982, of the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 Police and Crime Act 2009 and that this decision is taken to the next stage for adoption by Chorley Council.
3. That the Members approve the ‘first appointed day’ or the day on which adoption becomes effective as 1 January 2011
4. That delegation is given to the Licensing and Public Safety Committee to determine any policy framework and fee structure within which applications for Sexual Entertainment Venue licenses are considered.
5. If the provisions are adopted that the Licensing and Public Safety Committee be the determining body for all applications for Sexual Entertainment Venue licenses

### **EXECUTIVE SUMMARY OF REPORT**

6. New legislative provisions exist under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to licence premises that provide entertainment defined as sexual entertainment. This includes entertainment such as that provided by lap dancing and pole dancing where the intention is to provide sexual stimulation for an audience and where the organiser or entertainer gains financially from such entertainment.
7. These new provisions are introduced by section 27 of the Police and Crime Act 2009 and require local authorities who wish to adopt the provisions to pass a resolution to that effect.
8. Members should note that the Council has previously adopted provisions of Schedule 3 Local Government (Miscellaneous Provisions) Act 1982 that relate to sex shops and sex cinemas. A new resolution does not have any effect on existing adoption of powers under Schedule 3.

**REASONS FOR RECOMMENDATION(S)****(If the recommendations are accepted)**

9. To enable the Licensing and the Public Safety Committee to determine applications for sexual entertainment venues using the wider consideration criteria that the adoptive powers of the amended Schedule 3 allow.
10. To ensure that the adoptive powers are introduced in accordance with the legislative requirements and Home Office guidance.

**ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

11. To delay consideration of adoption of these powers until after 6 April 2011 when consideration of adoption, together with public consultation is compulsory. This alternative was rejected on the grounds that a decision on adoption of the powers should not be delayed.

**CORPORATE PRIORITIES**

12. 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	x
Involving people in their communities	x	Ensure Chorley Borough Council is a performing organization	

**BACKGROUND**

13. In April 2010 a change in the law was introduced by the Policing and Crime Act 2009 to give local communities a stronger say over the establishment and location of lap dancing clubs and similar establishments in their area. In addition the change in legislation gives Local Authorities greater power to reject applications for lap dancing clubs and similar types of entertainment or impose conditions on such licensed premises.
14. The Local Government (Miscellaneous Provisions) Act 1982 is amended by an insertion into Schedule 3 which defines a sexual entertainment venue (SEV) and makes such premises licensable as a separate entity to other licensable activities. The effect of this is that certain premises may well have several licences dependant on the licensable activities they wish to offer. Hence a business with a Premises Licence issued under the Licensing Act 2003 to sell alcohol may also apply and be granted licence to operate as a sexual entertainment venue.
15. The transitional arrangements permit local authorities to adopt these new provisions prior to 6 April 2011, after which time any such adoption would need to be subject to widespread consultation. It is believed that adoption of these powers at this time will avoid the need for costly consultation for a power which is believed to be widely supported by the community at large.
16. In addition the transitional arrangements allow any existing providers of sexual entertainment that comes within the scope of the legislation sufficient time in which to make application without them providing such entertainment unlawfully.
17. It is believed that no such entertainment which would fall within the scope of the adoptive provisions is currently provided in the Chorley Council area.

- 18. Members should note that the legislation does provide exemptions to this new licensing provision for ‘infrequent entertainment’ i.e. where premises undertake 11 occasional SEV events separated by 28 days within a twelve month period, then no licence is required. In addition the Secretary of State may prescribe other types of sexual entertainment as falling outside the definition.
- 19. If the provisions are adopted the Council may draft and consult on an amendment to the Councils current Licensing Policy. Such an amendment will provide a framework around which decisions on the determination of applications for a SEV Licence can be made. This will be the subject of a future report to Members.
- 20. In addition to amendments to the Councils Licensing Policy this Committee will need to determine a fee structure for the new licence regime applicable to Sexual Entertainment Venues. This will be the subject of a future report to the Licensing and Public Safety Committee.

**IMPLICATIONS OF REPORT**

- 21. This report has implications in the following areas and the relevant Directors’ comments are included:

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

**COMMENTS OF THE DIRECTOR OF TRANSFORMATION**

- 22. The provisions in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 are adoptable and it is necessary for the Council to pass a resolution in order to adopt. Should such a resolution be passed it will need to be advertised in a newspaper circulated in the local area on 2 consecutive weeks the first such advertisement should not be placed later than 28 days before the date on which the resolution comes into force.

JAMIE CARSON  
DIRECTOR PEOPLE AND PLACES

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Simon Clark	5732	28/07/10	SEV/adoption

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Report of	Meeting	Date
Director People & Places	Licensing & Public Safety Committee	15 September 2010

## **SEXUAL ENTERTAINMENT VENUES – POLICY AND PROCEDURE**

### **PURPOSE OF REPORT**

1. For Members to consider a policy and procedure for dealing with applications for sexual entertainment venue licences should the adoption of the provisions for sexual entertainment venues (SEV's) introduced into the Local Government (Miscellaneous Provisions) Act 1982 by the Police and Crime Act 2009 be confirmed by Council.

### **RECOMMENDATION(S)**

2. That Members agree the proposed policy as set out in Appendix 1 to this report for the determination of applications for SEV licences.
3. That Members agree the proposed procedural arrangements as set out in Appendix 2 to this report for receiving, considering and determining applications for SEV licences.
4. That Members agree the proposed fee structure for SEV licence applications

### **EXECUTIVE SUMMARY OF REPORT**

5. The new legislative provisions that exist under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to licence premises that provide entertainment defined as sexual entertainment have been considered by this Committee as a previous agenda item.
6. Should these new provisions be adopted by the Council and come into force on the proposed commencement date of 1 January 2011, the Council will need to have an agreed policy and procedure in place for receiving, considering and determining any applications for sexual entertainment venue licences. A proposed policy document is attached to this report as Appendix 1 and a proposed procedure document is attached as Appendix 2.
7. Members should note that the Council has previously adopted provisions of Schedule 3 Local Government (Miscellaneous Provisions) Act 1982 that relate to sex shops and sex cinemas. The policy and licence conditions relating to these types of establishment are not affected by these proposals.

### **REASONS FOR RECOMMENDATION(S)**

#### **(If the recommendations are accepted)**

8. To enable the Licensing and the Public Safety Committee to determine applications for sexual entertainment venues licences under an agreed policy and within set procedures
9. To set a suitable licence fee that reflects the level of administrative and enforcement activity that can be expected with such premises.

**ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

- 10. None

**CORPORATE PRIORITIES**

- 11. 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	x
Involving people in their communities	x	Ensure Chorley Borough Council is a performing organization	x

**BACKGROUND**

- 12. The Local Government (Miscellaneous Provisions) Act 1982 is amended by an insertion into Schedule 3 which defines a sexual entertainment venue (SEV) and makes such premises licensable as a separate entity to other licensable activities. In order to enable the Council as the Licensing Authority to receive, consider and determine applications for SEV's, a policy and procedure needs to be approved.
- 13. The primary issues for Members to consider in approving the policy and procedure are the ability to take into consideration local objections to the licence being granted and the issue of locality in determining if an application is to be granted.
- 14. In addition the Council will need to set a fee structure for SEV licences that reflect the cost of administering applications and subsequent enforcement activity.
- 15. Appendices 1 and 2 to this report are the draft policy and procedure. Within Appendix 1 the proposed fee structure has been set out as follows:

**SEXUAL ENTERTAINMENT VENUE LICENCE FEES**

Sexual entertainment venue licences will be issued for a maximum period of 12 months following payment of the full fee and will be renewable on the date specified in the Licence. Cheques should be made payable to 'Council Borough Council'.

Fees

Licence Fee (grant new licence)	£8,000
Licence Variation	£4,000
Renewal Fee	£8,000
Transfer Fee	£177
Change of Name	£177

A fee of £10.50 will be made for replacement of documentation, dealing with dishonoured cheques and refunding fees for surrendered or revoked licences. If a cheque is dishonoured by a bank this will result in the revocation of the Sexual entertainment venue licence issued by the Council unless satisfactory arrangements are made for payment of the outstanding fees is made within 5 working days of the initial contact with the Council.

- 16. In drafting the fee structure reference has been made to the guidance for setting licensing fees issued by the Local Government Regulation body (LGR) and Dept of Business



Innovation and Skills. (Guidance on how the EC Services Directive impacts councils setting and administering fees within the service sector – 2009)

**IMPLICATIONS OF REPORT**

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

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

**COMMENTS OF THE DIRECTOR OF TRANSFORMATION**

18. The responsibility for determining these applications lies with the Local Licensing Authority (CBC). The adoption of the Policy, Procedure and Fee structure proposed will provide a transparent and consistent approach to these applications which is of benefit to both the Council and residents.

JAMIE CARSON  
DIRECTOR PEOPLE AND PLACES

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Simon Clark	5732	4/8/10	SEV/policy

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# **Statement of Licensing Policy Sexual Entertainment Venues**

**(UNDER THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 )**



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## The Borough of Chorley

The Borough of Chorley is set in attractive countryside between the West Pennine Moors and the Lancashire Plain. It has been an important market and trading centre since medieval times. Its location at the centre of the North West and its excellent road and rail links has meant that we have been able to develop a thriving economic base without sacrificing the appeal of rural life.

The Borough has a population of just over 105,000 and extends over an area of 80 square miles. It has a workforce of around 49,000 and attracts some three million visitors a year. Two wards are eligible for Transitional Area funding. Independent research has shown that the general quality of life in Chorley is 20% better than the average for the UK. As such Chorley stands out as one of the top 15 districts to live in the whole of the North of England, with low unemployment, high owner-occupancy, and academic achievement above average. Property prices in many parts of the Borough are very reasonable. A map of the area is given at Appendix 1

Because of its position on the edge of the West Pennine Moors, the informal leisure and recreation opportunities in Chorley are superb and England's longest canal, the Leeds and Liverpool, winds its way through the Borough, with facilities for boating and other activities along the route. The Borough also has four leisure centres and four golf courses, not to mention numerous public parks and open spaces. Other attractions include Hoghton Tower, a historic fortified hill top mansion, and Camelot Theme Park, where Arthurian jousting tournaments are held alongside thrilling white knuckle rides.

Chorley is just a short distance from the coast and within easy reach of the Lake District and Yorkshire Dales. The commercial, shopping, cultural and sporting attractions of the regional capital of Manchester are close by and there is a frequent direct train service to the city and also to Manchester International Airport.

The town of Chorley itself is famous locally for its "Flat Iron" and covered markets. The weekly Flat Iron market, originating from 1498, developed from an agricultural produce market into one of the best open-air markets in the North West. Throughout the Borough, several craft galleries and antiques markets can be found and in the Town Centre there is the Market Walk shopping complex which features many high street names.

There are approximately 377 premises licensed to sell alcohol ranging from off licences to public houses, members only clubs, restaurants and nightclubs.

The Council's vision in its cultural strategy is to improve the economic viability for performing artists and local creative industries. The Council aims to extend and develop opportunities for the culture and leisure sectors that will help sustain regular employment. The Council aims to assist through helping promote and market creative events locally, regionally and nationally, by working with cultural and leisure employers to raise the profile of the sector, assisting with the training needs of artists and developing a festival programme to celebrate local talent. The Council recognises that local pubs and clubs provide a valuable training ground for musicians and performers as well as providing a support network for young artists.

The Council wishes for this to continue and develop. The challenge for the future is to find more creative and innovative ways to develop partnership working to produce more exciting and dynamic cultural experiences for customers and visitors alike.

The Council seeks to maintain a balance between the business operating in its area, the residents living within its area and cultural, entertainment and tourist interests. Full consideration has been given to all these issues in formulating this Policy Statement.

## 1. EXECUTIVE SUMMARY

- 1.1 The Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 provides a licensing system for the provision of entertainment of a sexual nature. Applications for such licences will be considered by the Licensing and Public Safety Committee.
- 1.2 In drafting this policy consideration of current Home Office Guidance on Sexual Entertainment Venues has been taken.
- 1.3 In determining applications for sexual entertainment venue licenses the Licensing Committee shall treat each application on an individual basis, on its own merits, in accordance with the Local Government (Miscellaneous Provisions) Act 1982 (as amended) and having regard to the matters detailed in this policy.

## 2. GROUNDS FOR GRANTING OR REFUSING THE APPLICATION

- 2.1 A decision to refuse the licence may not be made solely on the ground that the establishment may cause offence. A licence must be refused on any of the grounds listed in paragraph 12(1) of Schedule 3 of the Local Government (Miscellaneous provisions) Act 1982, that is to say:-
  - (a) to a person under the age of 18;
  - (b) to a person who is for the time being disqualified as being a licence holder whose licence has been revoked within the previous 12 months;
  - (c) to a person, other than a body corporate, who is not resident in the United Kingdom or who was not so resident throughout the period of six months immediately preceding the date when the application was made; or
  - (d) to a body corporate that was not incorporated in the United Kingdom; or
  - (e) to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.
- 2.2 A licence may be refused where any of the following matters mentioned in paragraph 12(2) and (3) applies:
  - (a) The applicant is unsuitable to hold a licence by reason of having been convicted of any offence or for any other reason
  - (b) That if the licence were to be granted, renewed, varied or transferred the business to which it relates would be managed by or carried on for the benefit of a person other than the applicant, who would be refused the grant, renewal, variation or transfer of such a licence if he made the application himself.With regard to the unsuitability of an applicant to hold a licence (see a above), officers will make diligent enquiries with the applicant to establish:-
  - That the operator is honest
  - That the operator is qualified by experience to run the type of sex establishment in question
  - That the operator understands the general conditions
  - That the operator is proposing a management structure which delivers compliance with the operating conditions, eg through:- managerial competence, presence, a credible management structure, enforcement of rules internally, a viable business plan and policies for welfare of performers
  - That the operator can be relied upon to act in the best interests of performers, e.g. in how they are remunerated, the facilities they enjoy, how they are protected and how and by whom their physical and psychological welfare is monitored
  - That the operator can be relied upon to protect the public, e.g. transparent charging, freedom from solicitation.

- That the operator can show a track record of management of compliant premises, or that s/he will employ individuals who have such a track record.

With regard to (b) above by interviewing the applicant and the questions asked in the application form officers will try to establish that there would be no third party beneficiary.

(c) That the number of sexual entertainment venues in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality. Consideration will be given to the relevant locality, and to the number of sexual entertainment venues suitable for it. The locality cannot include for example the whole of the administrative area or an entire town. The relevant locality might cover the area of a ward, specific estates, shopping areas or areas bounded by rivers and major roads or the Committee may wish to consider a distance x metres from the applicant premises or some other nearby landmark as comprising the relevant locality. When considering the number of premises that is appropriate for the locality, the following factors will be taken into account:-

- The suitability of the applicant.
- The character of the locality - e.g. family residential / family leisure / educational.
- Presence of sensitive uses - e.g. places of worship, schools, youth clubs, community centre, library, park, swimming pool.
- Gender equality - will this use deter female users of the locality?
- Fear of crime, as well as actual crime.
- Regeneration / tourism efforts and the effect of sex-related uses.
- Views of other authorities e.g. police, environmental health, planning.
- Level of genuine demand - excess supply may drive down standards and encourage non-compliant conduct.

The number can be nil, but this decision needs to be rationally underpinned.

(d) That the grant or renewal of the licence would be inappropriate, having regard to the :

- (i) character of the relevant location; or
- (ii) use to which any premises in the vicinity are put; or
- (iii) layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

Consideration will be given to the following in this regard:

- (i) the character of the relevant locality:

Regard will be given to the following points when addressing relevant locality:-

- Uses of the area e.g. commercial, industrial, mixed commercial, residential?
- Users of the area e.g. adults, children, shoppers?
- How the area is perceived e.g. tourist attraction, shopping centre?
- Is there a local vision/plan for the area ?
- What type of area would not be acceptable in character terms e.g. predominantly residential areas and small communities with little commercial activity?
- What areas might be acceptable e.g. In the larger towns on commercial streets later at night when other commercial activities have closed, or on mixed commercial sites out of towns ?

- (ii) the use to which any premises in the vicinity are put.

Regard will be given to the proximity of the proposed establishment to schools, places of worship and premises such as nurseries, playgroups, village halls and playgrounds.

(iii) The layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made. The premises should meet or can be made to meet the layout and structural requirements set out in the “standard conditions applicable to licenses for sexual entertainment venues” contained in this document.

### **3. STANDARD CONDITIONS APPLICABLE TO LICENCES FOR SEXUAL ENTERTAINMENT VENUES**

#### 3.1 Definitions

- i. ‘The Council’ shall mean Chorley Council.
- ii. ‘Sexual Entertainment Venue’ means any premises at which relevant entertainment is provided before a live audience, directly or indirectly for the financial gain of the organiser (i.e. a person who is responsible for organisation of management of the entertainment or the premises).
- iii. ‘Authorised officer’ means an officer employed by Chorley Council and authorised by Council to act in accordance with provisions of the Local Government (Miscellaneous Provisions) Act 1982.
- iv. ‘Premises’ includes any vehicle, vessel, or stall but does not include any private dwelling to which the public is not admitted.
- v. ‘Special Conditions’ shall mean any terms, conditions or restrictions contained or referred to in the Schedule to a licence granted under Schedule 3 aforesaid, but does not include any private dwelling to which the public is not admitted.
- vi. ‘Licence’ means any sexual entertainment venue licence that the Council can grant under this Act. This includes any associated consent or permission.
- vii. ‘Licensee’ means the holder of a sexual entertainment venue licence.
- viii. These conditions may be dispensed with, added to or modified by the Council in any special case.
- ix. Where in these rules there is any reference to the consent of the Council being required, such consent may be given on such terms and conditions and subject to such restrictions as may be so specified.
- x. If the licensee wishes any of the terms of the licence to be varied, an application must be made to the Council.
- xi. Relevant entertainment means any live performance; or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

The following are not sexual entertainment venues for the purpose of this Schedule

- sex cinemas and sex shops
- premises at which the provision of relevant entertainment is such that, at the time in question and including any relevant entertainment which is being so provided at that time there have not been more than eleven occasions on which relevant entertainment has been so provided which fall(wholly or partly) within the period of 12 months ending with that time; no such occasion has lasted more than 24 hours; and no such occasion has begun within the period of one month beginning with the end of any previous occasion on which relevant entertainment has been so provided(whether or not that previous occasion falls within the 12 month period mentioned above)
- premises specified or described in an order made by the relevant national authority.



xii Display of nudity means (a) in the case of a woman, exposure of her nipples, pubic area, genitals or anus; and (b) in the case of a man, exposure of his pubic area, genitals or anus.

### 3.2 Exhibition of the Licence

The licence or a clear copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises, the police, the fire authority and authorised officers of the Council. A copy of the Conditions attached to the Licence shall be kept on the premises and be available for inspection by an Authorised Officer of the Council, or the Police or Fire Authority.

### 3.3 Hours of Opening

Except with the written consent of the Council, the premises shall not remain open to the public outside the hours specified in the license.

### 3.4 Conduct on the Premises

- a) The licensee or any other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation or touting from the premises.
- b) Relevant entertainment shall only be performed by the entertainer there must be no audience participation.
- c) Entertainers shall be aged not less than 18 years and be accompanied and monitored by a member of security staff licensed by the Security Industry Authority to protect the entertainer from harm.
- d) Entertainers shall only perform on the stage area, to seated and segregated customers or in such other areas of the licensed premises as may be agreed with the Licensing Authority.
- e) The licensee shall not permit the display outside the premises of photographs or other images that indicate or suggest the striptease or similar entertainment takes place on the premises to be offensive.
- f) There must be no physical contact between performers and no photography on the premises.
- g) There must be no physical contact between performers and customers before, during or after the performance, (other than the transfer of money or tokens to the hands of the entertainer at the beginning or conclusion of the performance). Notices to this effect shall be clearly displayed at each table and at each entrance to the premises.
- h) Whilst dancers are performing there shall be a minimum distance of one metre between the dancer and the audience.
- i) Any performance will be restricted to dancing and the removal of clothes. There must not be any other form of sexual activity or stimulation.
- j) No performance shall be visible to any person outside the premises (e.g. through windows or open doors).
- k) Sex toys must not be used and penetration of the genital area by any means must not take place.
- l) Podium dancers must not entice other dancers onto the podium;
- m) Patrons shall not be permitted to throw money at the performers.
- n) Patrons will not be permitted to arrange contacts or liaisons with the dancers whilst on the licensed premises or exchange telephone numbers or other means of making future contact with each other.

### 3.5 External Appearance

a) There shall be displayed in each entrance or doorway to the premises a notice which states the following ; -

“WARNING”

“STRICTLY NO ADMITTANCE TO PERSONS UNDER  
18 YEARS OF AGE. THIS PREMISES OPERATES A  
CHALLENGE 21 POLICY AND PERSONS UNDER THE  
AGE OF 21 SHALL BE REQUIRED TO SHOW PROOF  
OF THEIR AGE”

The word “WARNING” must appear as a heading and no pictures or other matter shall appear on the notice.

b) No other words or signs, or any displays or advertisements, shall be displayed on the outside or in the vicinity of the premises except those mentioned in conditions 3.5(a) above or otherwise approved by the Council in writing. Leafleting is not permitted

c) The licensee shall ensure that no form of loudspeaker or sound amplification equipment is sited on or near the exterior of the licensed premises or in or near any foyer, doorway, window or opening to those premises.

d) The entrance to the premises shall be of a material or covered with a material which will render the interior of the premises invisible to passers by whilst “relevant entertainment” is being performed.

e) Windows and any form of openings to the premises other than entrances shall either be obscured by blinds, or a material approved by the Council. Door entrances shall also be obscured by blinds or material approved by the Council so as to prevent any member of the public from seeing through to the premises whilst “relevant entertainment” is being performed.

### 3.6 State, Condition and Layout of the Premises

a) External doors shall be closed at all times other than when persons are entering or leaving the premises. The external doors shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.

b) No access shall be permitted through the premises to any other premises adjoining or adjacent except in the case of an emergency.

c) No alterations (including temporary alterations) shall be made to the structure and installations of the premises, without the prior written consent of the Council. This condition shall not require notice to be given in respect of routine maintenance works. Where there is any doubt the licensee shall seek advice from the Council.

d) Where works necessitate the premises being closed for a long period of time, the premises shall not reopen for the purpose of the licence, until the licensee has been notified in writing by the Council of the satisfactory completion of the work.

### 3.7 Management of the Premises

a) The licensee, or a responsible person nominated by him for the purpose of managing the sexual entertainment venue (‘the Manager’) shall have personal responsibility for and be present on the premises whilst relevant entertainment is being performed. Any such nomination shall be produced on demand to an authorised officer of the Council or police.

The licence holder shall ensure that any person nominated by him under the above: -

(i) Has been provided with a copy of the conditions relating to the premises and is fully conversant with them;

(ii) Is in possession of a written nomination referred to above at all times when they are in charge of and present on the premises.

- b) Where the licensee is a body corporate or an incorporated body, any change of director, company secretary or other person responsible for the management of the body shall be notified in writing to the Council within 14 days of such change and such details as the Council may require in respect of the change of personnel shall be furnished within 14 days of a request in writing from the Council.
- c) The name of the person responsible for the management of the premises, whether the licensee or manager, shall be displayed in a conspicuous position within the premises throughout the period during which he is responsible for the conduct of the premises.
- d) The licensee shall retain control over all parts of the premises and shall not let, licence or part with possession of any part of the premises. The Council must be immediately notified in the event that any part of the premises is affected by the termination of a lease or other event affecting the licensee's control of the premises.
- e) The licensee shall ensure that the public is not admitted to any part or parts of the premises that has not been approved by the Council.
- f) No person under the age of 18 shall be admitted to the premises and a Notice to this effect, in accordance with condition 3.5a shall be displayed on the outside of the premises.
- g) The licensee shall operate a Challenge 21 Policy and persons under the age of 21 shall be required to show proof of ID. A notice to this effect, in accordance with Condition 3.5a shall be displayed on the premises.
- h) The licensee shall not employ any person under 18 years of age in the business of the establishment.
- i) The licensee shall be responsible for ensuring compliance with these and any special conditions of the licence and shall be held responsible for any breach thereof.
- j) The licensee shall comply with all statutory provisions and any regulations made thereunder.

### 3.8 Safety and Security

- a) The licensee shall install a CCTV system covering all of the licensed area. This system shall be linked to a date and time recording facility and the system shall provide a high standard recording facility that will be admissible in court. This CCTV system shall be maintained in good working order and shall operate at all time when the premises are open.
- b) The licensee shall comply with fire prevention and safety measures that the Council may require.
- c) The licensee shall maintain good order in the premises at all times and shall ensure that persons entering or leaving the licensed premises conduct themselves in an orderly manner and do not in any way cause annoyance to residents and persons passing by.

### 3.9 Vessels, Stalls and Vehicles

- a) In the case of licensed premises that are a vessel, vehicle or stall, the licensee shall not move the vessel or stall from the location specified in the licence unless 28 days' written notice is given to the Council of such intended removal. The Council may require the licensee to lodge such written application as it may deem appropriate and pay such a fee as it may deem reasonable in respect of such application. This requirement shall not apply to a vessel, vehicle or stall, habitually operating from a fixed location, which is regularly moved (whether under its own propulsion or otherwise) from another place for storage purposes. This place must be specified in the licence and must not be used for the purposes for which the licence is granted and any other location than that which is specified in the licence.

### 3.10 Variation of Conditions

- a) The Council may at any time waive, modify or vary these conditions or impose additional conditions in any particular case as it thinks fit.
- b) Applications to vary conditions of the Licence shall be advertised by the licensee in the same manner as the application for the issue, renewal or transfer of the licence.

### 3.11 Change of Licensee Name

An application in respect of a change of licensee name shall be made to the Council in writing not less than 28 days prior to the proposed change and the Council shall have an absolute and unfettered discretion to permit or refuse such change.

### 3.12 General

- a) The licence granted shall operate for one year from the date on the Licence, after which it will cease to be in effect unless an application for renewal is submitted in accordance with the Schedule of the Act, in the manner prescribed by the Council.
- b) The licence may be revoked by the Council if at any time the holder is convicted of an offence of using the licensed premises, or other premises for which a similar licence has been granted, other than in accordance with the terms, conditions or restrictions of the licence or is convicted of any offence under any enactment defined in Paragraph 1 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982(as amended).
- c) The licensee shall afford all reasonable assistance to authorised officers in connection with these conditions and other licensing requirements.
- d) In the event of a conflict between these conditions and any special conditions contained in a licence relating to a sexual entertainment venue, the special conditions shall prevail.
- e) The grant of a Licence for a Sexual entertainment venue should not be deemed to convey any approval or consent which may be required under any enactment, bye-law, Order or Regulation other than the Third Schedule of the Local Government (Miscellaneous Provisions) Act 1982 as amended.
- f) The Licensee shall provide (subject to the approval of both the Police and Licensing Authority) a code of conduct for dancers and rules of conduct for customers.
- g) Licensees shall ensure performers have secure dressing rooms and proper sanitation facilities available to them.
- h) Suitable numbers of SIA licensed doorstaff (numbers to be subject to police and licensing Authority approval) will be present on the premises during the performance of relevant entertainment.
- i) Suitable and sufficient training to be provided to all staff including the Licensee. The training of all staff to be recorded and these documents to be made available upon request to both the police and authorised Council Officers.
- j) All club rules ( customer conduct, dispersal policies, etc) to be prominently displayed on the premises.

**APPENDIX 1****SEXUAL ENTERTAINMENT VENUE LICENCE FEES**

Sexual entertainment venue licences will be issued for a maximum period of 12 months following payment of the full fee and will be renewable on the date specified in the Licence. Cheques should be made payable to 'Council Borough Council'.

## Fees

Licence Fee (grant new licence)	£8,000
Licence Variation	£4,000
Renewal Fee	£8,000
Transfer Fee	£177
Change of Name	£177

A fee of £10.50 will be made for replacement of documentation, dealing with dishonoured cheques and refunding fees for surrendered or revoked licences. If a cheque is dishonoured by a bank this will result in the revocation of the Sexual entertainment venue licence issued by the Council unless satisfactory arrangements are made for payment of the outstanding fees is made within 5 working days of the initial contact with the Council.

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# Sexual Entertainment Venues

## Licence Application Procedure & Application Form

## SEXUAL ENTERTAINMENT VENUES – LICENCE APPLICATION PROCEDURES

### INTRODUCTION

These procedures set out the Council's standards for determining applications for, and enforcement of, sexual entertainment venues in the Council district.

Chorley Borough Council has adopted Section 27 of the Policing and Crime Act 2009 which amends Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 to allow the Licensing Authority to licence sexual entertainment venues, where relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer. The Council will apply these guidelines to sexual entertainment venues in its area to ensure consistency of decision making, however, each application or contravention will be considered on its own merits so that individual circumstances, where appropriate, are taken into consideration.

### Section 1 Interpretation

In this procedure:

**The Act** means the Local Government (Miscellaneous Provisions) Act 1982

**Applicant** means the applicant for the grant, variation, renewal or transfer of a licence as appropriate

**Application** means an application for one or more of the following, as the case may be:

- a) grant of a licence;
- b) transfer of a licence;
- c) renewal of a licence;
- d) variation of a licence

**Audience** includes an audience of one

**Authorised Officer** means an officer employed by Chorley Borough Council and authorised by Council to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

**Display of nudity** means (a) in the case of a woman, exposure of her nipples, pubic area, genitals or anus; and (b) in the case of a man, exposure of his pubic area genitals or anus.

**Financial gain** for the purposes of the meaning of sexual entertainment venue and relevant entertainment it does not matter whether the financial gain arises directly or indirectly from the performance or display of nudity.

**Licence** means any sexual entertainment venue licence that the Council can grant under the Act. This includes any associated consent or permission.

**Licensee** means the holder of such a sexual entertainment venue licence.



**Objector** means any person who has given Notice of Objection in accordance with Paragraph 10 (15) of the Schedule.

**Observations** means the giving of views by the statutory authorities such as the Police Authority.

**The Organiser** in relation to the provision of relevant entertainment at premises, means any person who is responsible for the organisation or management of (a) the relevant entertainment ; or (b) the premises

**Parties** means the applicant(s) and any objector(s) to the grant of the application. In the case of revocation proceedings it means the licensee and the persons seeking revocation.

**Premises** includes any vehicle, vessel or stall but does not include any private dwelling to which the public is not admitted.

**Relevant entertainment** means any live performance; or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means). The following are not sexual entertainment venues for the purpose of this Schedule

- sex cinemas and sex shops
- premises at which the provision of relevant entertainment is such that, at the time in question and including any relevant entertainment which is being so provided at that time:

there have not been more than eleven occasions on which relevant entertainment has been so provided which fall(wholly or partly) within the period of 12 months ending with that time;

no such occasion has lasted more than 24 hours; and

no such occasion has begun within the period of one month beginning with the end of any previous occasion on which relevant entertainment has been so provided(whether or not that previous occasion falls within the 12 month period mentioned above)

- premises specified or described in an order made by the relevant national authority.

**Relevant National Authority** means in relation to England, the Secretary of State

**Revocation** means the revocation of a licence under Paragraph 17 of the Schedule or a proposal to revoke the licence.

**Sexual Entertainment Venue** means any premises at which relevant entertainment is provided before a live audience, directly or indirectly for the financial gain of the organiser (ie a person who is responsible for organisation of management of the entertainment or the premises).

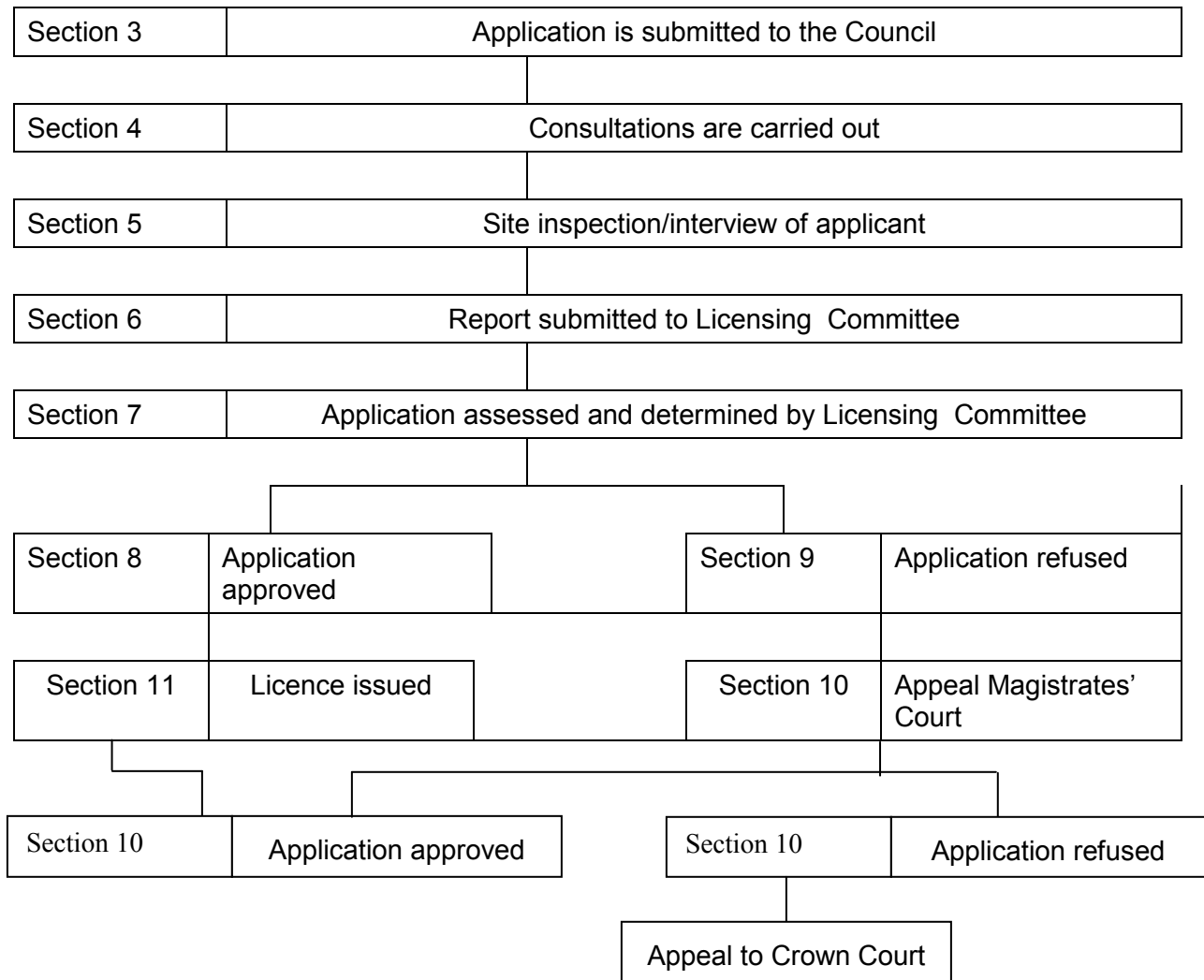
**The Council** means Chorley Borough Council.

**The Committee** means Chorley Borough Council's Licensing Committee.

**The Schedule** means Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009.

## Section 2 Procedure for Determining Sexual Entertainment Venue Licence Applications

The application and approval procedure comprises of the following stages. The descriptions on the side of the boxes refer to the explanatory notes in the sequent sections of this guide:



### Section 3 mission of the Application

An application for a sexual entertainment venue licence must be made to Chorley Borough Council on the form shown in **Appendix 1** and include:

- A site plan (scale 1:500) clearly outlining the locality in which the proposed sexual entertainment venue will be situated. The plan should clearly identify the proposed sexual entertainment venue by marking the site/premises boundary with a red line.
- A plan of the premises (scale 1:100) showing the part(s) of the premises that it is proposed to license as a sexual entertainment venue. All areas requiring to be licensed should be outlined in red on the plan.
- Full Licence Fee and completed application form. This will be rejected and returned to the applicant if all the relevant boxes are incomplete or additional documentation not enclosed.

**The application must be complete and all information provided otherwise it will be rejected.**

Additionally, public notice of the application shall be given by:

- Displaying a prescribed notice in, on or near the premises, in a place where it can be conveniently read by the public, continuously for 21 days beginning with the date of the application. The Notice shall be of a size equal or larger than A4, of a Yellow colour and printed legibly in black ink or typed in a font of a size equal to or larger than 16. The format of the approved notice is given in **Appendix 2(a)**.
- By publishing an advertisement detailing the above notice in a local newspaper circulating in the area not later than 7 days after the date of the application, see **Appendix 2(b)**.
- By sending Chorley Borough Council one complete copy of the newspaper containing the Advertisement to the Council as soon as is reasonably practicable.

NB Templates of both Notice and advert are available from the authority upon request.

As well as sending a complete copy of the application together with the appropriate fee to Chorley Borough Council, the applicant must also send a copy of the completed application form to the Chief Officer of Police at Lancashire Constabulary within 7 days of the application being made.

Help in completing the application form can be obtained from the Council on 01257 515151 or by email: [contact@chorley.gov.uk](mailto:contact@chorley.gov.uk)

### Section 4 Consultations on Applications Made

Before a sexual entertainment venue licence is granted or renewed the applicant has to serve a copy of the application on the Chief Officer of Police at Chorley Police Station. Further, a Notice of the application has to be displayed on the premises for 21 days and another Notice advertised in a local newspaper, this forms the necessary consultation required (see Section 3 above). Details of all such applications will be posted on the Councils website at [www.chorley.gov.uk](http://www.chorley.gov.uk) for residents and local people to comment on.

Objections to the application must be made in writing and be received by the licensing authority within 28 days of the application being made. The objection should state in general terms the grounds of objection

## Section 5 Inspection and interview of Sexual Entertainment Venue / applicant

On receipt of an application the premises will be visited and inspected by an Authorised Officer of the Council to determine compliance with the sexual entertainment venue licence conditions.. In addition, the applicant will be invited to attend an interview with the authorised officer to fully discuss the applicants proposals. Following on from both of these the authorised officer will prepare a report for submission to a hearing of the Councils Licensing Committee. The applicant will be notified in writing of the date and time of the hearing when their application is to be considered. The date of this hearing will be within 30 working days from the day following the end of the consultation period. One extension, for a limited period of time can be made to this timescale but notice will be given to the applicant with reasons for the extension before the expiry of the original time period.

**NB please note that tacit consent will not apply for public interest reasons.**

## Section 6 Report Submitted to the Licensing Committee

Following inspection of the proposed establishment and interview of the applicant, a report will be prepared by the authorised officer for consideration by the Council's Licensing Committee. **NB All new and variation applications shall be referred to the Council's Licensing Committee.**

If objections are received against the granting of a sexual entertainment venue licence, copies of such objections will be included in the authorised officers report to the Licensing Committee for consideration when determining the application.

Persons making written objections will also be informed of the date and time of the Licensing Committee hearing where they will be invited to address the Committee and ask questions relating to the application. The Council shall not, without the written consent of the person making the objection, reveal his name or address to the applicant.

## Sections 7 & 8 Determining and Granting an Application

In determining applications for sexual entertainment venues, the Licensing Committee shall have regard to the relevant matters of the relevant policy and licence conditions contained in the **Statement of Licencing Policy** document relating to sexual entertainment venues. Each case though will be assessed on its merits and individual circumstances where appropriate, may be taken into consideration.

The Licensing Committee has been established to consider applications, hear objections and appeals in relation to licensing matters. The Licensing Committee consists of elected members of Chorley Borough Council and is supported by the Council's Legal Officer and Licensing Officer. Licensing Committee meetings are normally held in public unless there are matters to be considered that are of a confidential nature.

The role of the Licensing Committee is to:

- Determine applications, or
- Hear appeals from applicants against the imposition of a condition (see Section 9)

As stated above once arrangements have been made for the application to be heard by the Licensing Committee, the applicant will be advised, in writing, of the date, time and place where the application will be heard.

The applicant will be expected to attend the hearing and can be accompanied by a solicitor, or supported by a friend or colleague. The Licensing Committee hearing will follow the same procedure that currently applies to applications under the Licensing Act 2003. Copies of this procedure will be sent to the applicant in advance of the meeting, along with the officer reports that will be presented at the hearing.

In determining an application the Licensing Committee will consider the applicants presentation and the Council's authorised Officers report. Either side may use witnesses and supporting documentation may be mitted to the Licensing Committee for consideration.

The Licensing Committee will consider all the evidence presented to it during the hearing and members may ask questions of officers and the applicant. After hearing the evidence presented to it, the Licensing Committee will retire and come to a decision on the application. When a decision has been reached the Licensing Committee will inform the applicant of their decision and the reasons for coming to that particular decision. The decision of the Licensing Committee will be confirmed, in writing, to the applicant within 5 working days of the meeting at which the application was considered giving reasons for the decision.

Where objections have been raised to the granting of a sexual entertainment venue licence the Licensing Committee will consider the objections made. Persons who have raised objections to the application will be allowed the opportunity to address the Licensing Committee and ask questions relating to the application. Letters of objection that have been received by the Council will be circulated to members of the Licensing Committee (contained in the authorised officers report) in advance of a meeting where a contested application is being considered. The letters of objection will also be sent to the applicant but without any information that would identify the person submitting the objection. The applicant will be given a broad indication of the proximity of the objector's property in relation to the proposed Sexual Entertainment venue.

The Licensing Committee will always strive to ensure that when it is considering an application that all persons get a proper and fair hearing through:

1. Considering each case on its merits.
2. Using these guidelines to assess applications where it is felt appropriate.
3. Dealing with the application in a balanced and impartial manner.
4. Ensuring that the rules of natural justice are applied in any hearings held.
5. Giving a person making an application or an objection sufficient opportunity to present their case, ask questions of officers and members of the Panel and present information for consideration in support of their appeal or objection.

When a sexual entertainment venue licence is granted by the Licensing Committee, the Licence will be provided to the applicant as soon as possible.

## **Section 9 Criteria for Refusal of an Application**

The grounds for refusal are given in the **Statement of Licensing Policy** document relating to sexual entertainment venues; The Council will consider its own policy when determining any application.

## Section 10 Appeals Against Decisions

The Local Government (Miscellaneous Provisions) Act 1982, Section 27 permits appeals against the decisions of the Council in relation to sexual entertainment venues. Appeals will be heard in the first instance by the Magistrates' Court. An appeal should be made within 21 days of the decision to the Magistrates Courts'.

An appeal can be made in the following circumstances:

1. Refusal of an application for the grant, renewal or transfer of a licence.
2. Refusal of an application to vary terms, conditions or restrictions on or subject to which any licence is held.
3. A grievance relating to any term, condition or restriction on or subject to which a licence is held.
4. Revocation of a licence.
5. There is no right of appeal for objectors

There is a right of appeal against refusal on mandatory grounds, only where appellant alleges ground did not apply to them. There is no right of appeal against refusal on the grounds that there are sufficient sex establishments in the locality or that to grant would be inappropriate having regard to the character of the locality, use of premises in the vicinity and the layout, character, condition and location of the premises. A person wishing to appeal against a Council decision on a sexual entertainment venue licence is strongly advised to seek assistance from a solicitor, prior to commencing action in a Court of Law.

## Section 11 Issue of Sexual Entertainment Venue Licences

Sexual entertainment venue licences will be issued for a maximum period of 12 months following payment of the full fee and will be renewable on the date specified in the Licence. Cheques should be made payable to 'Council Borough Council'.

### Fees

Licence Fee (grant new licence)	£8,000
Licence Variation	£4,000
Renewal Fee	£8,000
Transfer Fee	£177
Change of Name	£177

A charge of £10.50 will be made for replacement of documentation, dealing with dishonoured cheques and refunding fees for surrendered or revoked licences. If a cheque is dishonoured by a bank this will result in the revocation of the Sexual entertainment venue licence issued by the Council unless satisfactory arrangements are made for payment of the outstanding fees is made within 5 working days of the initial contact with the Council.

**APPENDIX 1**

**For Office Use**

Licence Ref. No.	
Visited	
Officer Licence Issued	

People and Places Directorate  
 Chorley Borough Council  
 Civic Offices  
 Union Street  
 CHORLEY  
 PR7 1AL

Local Government (Miscellaneous Provisions) Act 1982

Please complete in **BLOCK CAPITALS** and **BLACK INK**

**Form of Application for a Sex Establishment Licence**

<b>Is the applicant:</b>	a) An individual <input type="checkbox"/> b) A partnership or other unincorporated body <input type="checkbox"/> c) A body corporate <input type="checkbox"/>
<b>Give the full name of the applicant(s,) or body applying for the licence. If an individual or partnership, please state any previous name(s), date name changed together with date and place of birth.</b>	
<b>Telephone number on which the applicant can be contacted during office hours</b>	
<b>Address to which any communications for the applicant are to be sent</b>	
<b>Applicants permanent address. If a company, please give the registered or principal address</b>	
<b>If the applicant is a company, please supply the following information on a separate sheet in respect of each Director and persons who will manage or otherwise be involved in running the establishment or who have an interest/will benefit</b>	<b>Forename, Surname, Former Names (and date name changed), Permanent Address, Date of Birth, Place of Birth.</b>
<b>What is the nature of the applicant's interest in the premises? Please state whether it is:</b>	Freehold <input type="checkbox"/> Leasehold <input type="checkbox"/>
<b>If the applicant's interest in the premises is leasehold, please supply the following information:</b>	a) Is the lease headlease <input type="checkbox"/> underlease? <input type="checkbox"/> b) Landlord's name and address:

<p><b>Has the applicant been resident in the United Kingdom throughout the period of 6 months proceeding the date of this application?</b></p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>
--	---

<p><b>Does the applicant or any persons named in this form have any Convictions/Cautions?</b></p> <p>If the answer to the above is yes, please give details below:</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>
--	---

Convictions						
Forenames	Surname	Former Name (if any)	Court	Date	Offence	Penalty or Sentence



Cautions						
Forenames	Surname	Former Name (if any)	Court	Date	Offence	Penalty or Sentence

SECTION B – ABOUT THE PREMISES	
Trading name, address, telephone number and internet address (where applicable) of premises to be licensed	Name: Address: Tel: <span style="float: right;">e-mail/website:</span>
Part of premises to be licensed (e.g. ground floor, first floor etc)	
Please provide details of what form of relevant entertainment will be performed on the premises	
If only part of the premises are to be used, to what use are the other parts of the premises put?	
Please state the name(s) of the person(s) responsible for running the part(s) of the premises that are not to be used as a sexual entertainment venue.	

<p>If the premises are already used as a sexual entertainment venue, please give the name and address of the persons or body who now operate the business, and the date on which the premises were first used as a sexual entertainment venue</p>	
<p>Is the application in respect of a premises, vehicle or vessel?</p>	<p>Premises <input type="checkbox"/></p>
	<p>Vehicle <input type="checkbox"/></p>
	<p>Vessel/Stall <input type="checkbox"/></p>
<p>If the application is in respect of a vehicle, stall or vessel , please state where it is to be used as a sexual entertainment venue</p>	
<p>Are the premises fitted with a CCTV system</p>	
<p>Please confirm the number of SIA doorstaff to be present on the premises whilst relevant entertainment is being performed</p>	

<p><b>SECTION C – ABOUT THE LICENCE</b></p>	
<p><b>FIRST APPLICATION</b> Choose this option if this is the first time this premises has been licensed or if the previous licence held by the premises has lapsed. You <b>MUST</b> provide a copy of a plan of the premises with the application to enable it to be processed</p>	
<p><b>RENEWAL APPLICATION</b> Choose this option if you already hold a licence for the premises that is due to expire shortly</p>	
<p><b>VARIATION APPLICATION</b> Choose this option if you are proposing to change the hours of operation, or the premises layout (new plans may be required depending on the scale of alterations) etc</p>	
<p><b>TRANSFER APPLICATION</b> Choose this option to transfer the licence from one licence holder to another</p>	

SECTION D – ABOUT THE BUSINESS	
<b>Under what name is or will the business be known?</b>	
<b>What means are to be taken to prevent the interior of the premises being viewed by passers by?</b>	
<b>State which days and hours you intend to open the premises</b>	<b>Monday</b>
	<b>Tuesday</b>
	<b>Wednesday</b>
	<b>Thursday</b>
	<b>Friday</b>
	<b>Saturday</b>
	<b>Sunday</b>

SECTION E – OTHER PARTICULARS TO BE PROVIDED	
A site plan, with the premises outlined in red – Scale 1:500	<input type="checkbox"/>
Scale plan of the premises (1:50) in respect of which the licence is sought including all means of ingress and egress to and from the premises, parts used in common with any other building, and details of how the premises lie in relation to the street.	<input type="checkbox"/>
A complete copy of the newspaper in which the notice of the application has been published (this must be sent within seven working days of making the application)	<input type="checkbox"/>

SECTION F – DECLARATION	
I/We enclose the requisite fee	<input type="checkbox"/>
I/We confirm that a copy of this application has been served on the Chief Officer of Police at Harrogate Police Station within 7 days of the application being submitted	<input type="checkbox"/>
I/We confirm that a notice publicising this application will be displayed for 21 days beginning with the date of the application on or near the premises and in a place where it can conveniently be read by the public	<input type="checkbox"/>
I/We confirm that a Notice of application has been given by publishing an advertisement in a Local Newspaper circulating in the local area. The publication of the notice shall not be later than seven days after the date of application	<input type="checkbox"/>

**DECLARATION BY APPLICANT FOR LICENCE**

I understand that any person who, in connection with an application for the grant, renewal or transfer of a licence makes a false statement which he knows to be false in any material respect, or which he does not believe to be true, shall be guilty of an offence punishable on summary conviction by a fine not exceeding £20,000.

I declare that the information I have given in this form is true and complete in every respect.

Where the application is made on the behalf of a Limited Company, the Company Secretary or Director(s) should sign this form, In the case of a Partnership each Partner should sign.

<b>Signed</b>		<b>Signed</b>	
<b>Name</b>		<b>Name</b>	
<b>Capacity</b>		<b>Capacity</b>	
<b>Date</b>		<b>Date</b>	

Appendix 2(a)

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)**  
**ACT 1982 (as amended)**

**SCHEDULE 3-CONTROL OF SEXUAL  
ENTERTAINMENT VENUES**

**APPLICATION NOTICE FOR THE GRANT OF A  
SEXUAL ENTERTAINMENT VENUE LICENCE**

Application has today been made to Council Borough Council in accordance with Section 2 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) for a sexual entertainment venue licence in respect of the premises named below.

Address of Premises

Signature of Applicant

Name of Applicant

Date

**Any objections to this application should be made not later than 28 days after the date hereon in writing stating in general terms the grounds for objection to:**

**People & Places Directorate  
Council Borough Council  
Civic Offices  
Union Street  
CHORLEY  
PR7 1AL**

**PLEASE NOTE: Objections will be sent to the applicant and will become public documents. However, personal details such as name, address and telephone number will be removed.**

**This notice to be prominently displayed on the outside of the premises for a period of twenty-one days after the date hereon.**

Appendix 2(b)  
Press Notice

## SEXUAL ENTERTAINMENT VENUE LICENCE

### LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (as amended)

#### APPLICATION FOR GRANT OF A LICENCE

Take notice that on

I/We

Of

Made application to Council Borough Council for the grant of a sexual entertainment venue Licence at (address of proposed premises):

**Any objections to this application should be made to :**

People & Places Directorate, Chorley Borough Council, Civic Offices, Union Street, Chorley, PR7 1AL

**PLEASE NOTE: Objections will be sent to the applicant and will become public documents. However, personal details such as name, address and telephone number will be removed.**

Within 28 days from the date of this advertisement stating in general terms the grounds of objection.

Report of	Meeting	Date
Director People & Places	Licensing & Public Safety Committee	15 September 2010

## **HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE CONDITIONS**

### **PURPOSE OF REPORT**

1. To seek Member approval for the revised Hackney Carriage and Private Hire Driver Licence conditions.

### **RECOMMENDATION(S)**

2. It is recommended that Members approve the revised conditions relating to the application and issue of Hackney Carriage and Private Hire Driver Licences in so far as the renewal period and medical examination is concerned.
3. Members are asked to consider the most appropriate level of training qualification that is required as a condition of application and granting of a hackney carriage and private hire driver licence.
4. Members are asked to approve the changes with regard to the Knowledge Test and DVLA driver licence checks.
5. It is recommended that the proposed changes are implemented for all new driver licence applications from 1 October 2010

### **EXECUTIVE SUMMARY OF REPORT**

6. Members will recall that at the Licensing and Public Safety Committee in March 2010, it was agreed that the current driver licence conditions be reviewed in consultation with the trade and in particular to look at the training requirements for drivers applying to be licensed.
7. A working group made up of officers and representatives of the taxi trade have met on several occasions to review the driver licence conditions and propose changes which ensure that the objectives set out in legislation for driver licences are met:
  - that the person is fit and proper
  - that the person is medically fit
 as well as determining what level training should be made a requirement for new driver applicants.
8. In addition and in order to reduce the administrative burden on drivers the period that a licence remains in force has been reviewed. It is proposed to increase the length of time a licence can be held prior to renewal to a period of 3 years.

**REASONS FOR RECOMMENDATION(S)**

**(If the recommendations are accepted)**

9. To provide a comprehensive set of conditions for application and licence holders to ensure that the legislative criteria for granting driver licences are met.

**ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

10. None

**CORPORATE PRIORITIES**

11. 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	x
Involving people in their communities		Ensure Chorley Borough Council is a performing organization	x

**BACKGROUND**

12. The revised conditions are set out below and have been incorporated into a comprehensive set of conditions for Hackney Carriage and private hire driver licences as set out in Appendix A with the exception of the proposed training requirement which will be incorporated in the conditions following this Committees resolution

**DRIVER TRAINING**

13. New driver licence applicants are currently required to successfully complete the Councils knowledge test which covers taxi and private hire legislation, the highway code, customer care, disability awareness and topographical knowledge of the Chorley area. This test has recently been revised to reflect changes in recent legislation.
14. They are not required to provide any further evidence of training to demonstrate driver proficiency. With the introduction of the Disabled Discrimination Act and the desire for the Council to ensure that the public transport service provided by the hackney and private hire fleet, it is necessary to ensure that any new applicants for a driver licence meet a basic level of understanding of customer service.
15. Currently there are two recognised courses and qualifications that appear to meet the desire to provide potential licensed drivers with the skills and knowledge with regard to customer services and legal aspects of hackney carriage and private hire services.
  - Driving Standards Agency (DSA) – Two Part Course (Practical)
    - Part 1 – Practical Driving Assessment
    - Cost £80 (approx)
    - Availability- Test Centres in Preston / Blackburn
    - Curriculum includes- practical driving assessment to a standard higher than learner driver test based on taxi activities / passenger safety.
  - Part 2 – Wheelchair Exercise



- Cost £90 (approx)
  - Curriculum includes- practical exercise to demonstrate the driver is competent to operate the equipment safely. **Note- A wheelchair accessible vehicle is required to be provided for this test at the expense of the applicant.**
- BTEC – Level 2 Award - Transporting Passengers by Taxi and Private Hire (Classroom)
    - 4 Full Day Course
    - Cost £150 (approx)
    - Availability – Currently provided by Runshaw College
    - Curriculum includes customer service standards, equal opportunities, disability awareness, safety issues, taxi legislation, route planning, luggage.
16. The Department of Transport “Taxi and Private Hire Licensing Best Practice Guidance” encourages local authorities to carefully consider whether requiring further training / testing produces benefits which are commensurate with the costs involved for would-be-drivers. However, it does note that the DSA provides a driving proficiency assessment specifically designed for taxis. It also notes that there may well be advantage in encouraging drivers to obtain further training such as the BTEC as they will cover customer care and include how best to meet the needs of people with disabilities.
17. Should either or both of the above training elements be made conditional on the granting of a driver licence, the above costs would have to be found by the applicant.

#### **DRIVER MEDICAL**

18. The current medical examination required to be taken by new applicants and existing drivers at specified intervals is flawed. The current medical examination makes no requirement for the medical examiner to take account of the applicant’s full medical history. The medical examination form has been amended to ensure that the medical examiner declares that the applicant’s full medical history has been taken into account as part of the medical examination. Having taken medical history into account the medical examiner is then able to make a more comprehensive assessment of the applicant’s ability to operate as a licensed taxi driver. A revised medical examination report is attached as Appendix 2

#### **DRIVER KNOWLEDGE**

19. New applicants for a driver licence currently undertake a knowledge test which examines the applicant’s knowledge of the geography of the Chorley area. The current test has been in place for some years and is now deemed not to be fit for purpose. A revised knowledge test has been drafted which includes elements of taxi and road traffic law. For reasons of concealment to prospective applicants the test will not be published but will be provided for Members consideration as a separate paper to this report. Successful completion of the knowledge test has been included as a licence condition.

#### **LICENCE PERIOD**

20. The current period for which a hackney or private hire driver licence is valid is one year after which the licence must be renewed. In order to reduce the burden on drivers it is intended to extend the period to three years. The revised licence period has been included as a condition to the licence. The effect of this change has an impact on the fee structure for hackney and private hire licences and a revised fee structure is attached as Appendix 3.

**DVLA LICENCE CHECKS**

- 21. At the time of application for a hackney or private hire driver licence, applicants are required to provide a copy of their DVLA driver licence for scrutiny to determine any relevant previous convictions. Should the recommendation for new 3 year licence period be approved the Council will need the ability to scrutinise DVLA licences on a more frequent basis than afforded by a three year renewal interval.
- 22. A service that provides access to the most up to date DVLA records for any DVLA driving licence has been identified but requires hackney and private hire driver licence applicants to sign a mandate, valid for three years, allowing the Council to access their driving licence records. The hackney and private hire driver licence application form has been amended to facilitate this.
- 23. The cost of this service is £7.50 per application for a three year period and will be met out of the current licensing fee receipts.

**IMPLICATIONS OF REPORT**

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

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

**COMMENTS OF THE DIRECTOR OF TRANSFORMATION**

- 25. Local Authorities should regularly review their conditions as they relate to drivers. This review has been done in consultation with the trade and the Authority are entitled to adopt amended conditions where it is reasonable to do so. The steps taken to consult and the proposed conditions are reasonable.

JAMIE CARSON  
 DIRECTOR PEOPLE AND PLACES

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Simon Clark	5732	9 August 2010	driverliccondition

**DEFINITIONS**

1. "The Council" means the Council of the Borough of Chorley.  
 "Identification plate" means the plate issued by the Council for the purpose of identifying a licensed vehicle as a hackney carriage or private hire vehicle.  
 "The Proprietor" has the same meaning as in Section 80 of the Local Government (Miscellaneous provisions) Act 1976.  
 "The Operator" means a person holding a licence to operate private hire vehicles issued pursuant to Section 55 of the Local Government (Miscellaneous provisions) Act 1976.  
 "Taximeter" has the same meaning as in Section 80 of the Local Government (Miscellaneous provisions) Act 1976.

**CONVICTIONS**

2. The licensee shall notify the Council in writing of any conviction or caution recorded against him/her and/or the imposition of any endorsable or non-endorsable fixed penalty within 7 days of such conviction or caution or penalty being imposed.
3. If on application, there are 9 or more current penalty points on the applicants' drivers licence the Licensing Officer will determine whether to his delegated powers to grant the licence or to defer the decision to the Licensing Committee.

**DRIVERS**

4. The licensee shall not cause or procure or permit any other person to drive a licensed hackney carriage or private hire vehicle of which he/she is in charge except with the consent of the proprietor of the hackney carriage or private hire vehicle respectively.

**CONDUCT**

5. The Driver shall:
  - (a) Afford all reasonable assistance with passengers' luggage.
  - (b) At all times be clean and respectable in his/her dress and person and behave in a civil and orderly manner.
  - (c) Take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him/her.
  - (d) Not without the express consent of the hirer, drink or eat in the vehicle.
  - (e) Not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.
  - (f) At no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he/she is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.

**IDENTIFICATION PLATE**

6. The licensee shall not conceal the exterior identification plate of the vehicle or the details painted or marked thereon, and will keep the identification plate in a clean condition.
7. The plate showing the licence number and the maximum numbers of passengers **MUST** be displayed in the manner prescribed by the Council. This plate should be on the outside of the vehicle and fixed in such a way that any Authorised Officer or Police Constable may, in certain circumstances, remove it.

**DRIVERS' LICENCE**

8. The licensee shall deposit his licence to drive issued by the Council with the proprietor/operator for which the vehicle is being used during the time it is so used for that proprietor/operator.
9. Drivers licences are issued for a period of 3 years.
10. Every driver of a licensed vehicle must be licensed by the District Council (Section 46 LG(MP)A).  
 A Council cannot grant a licence unless it is satisfied that the applicant:
  - (a) is a 'fit and proper person'.
  - (b) has held a full ordinary GB driving licence, or other full licence issued by an EEA State, for at least 12 months, for motor cars. (It is Council policy that an applicant must be over 21 years of age and must have three years experience driving under a full licence).
  - (c) is medically fit to drive a licensed vehicle (Section 51 and 57 LG(MP)A) and has been assessed to DVLA group 2 standards by a doctor that has access to the applicants medical records.
  - (d) has produced an enhanced Criminal Records Bureau disclosure.
  - (e) has passed the Councils knowledge test.
  - (f) has successfully completed the training requirements as follows:  
 \*\*\*\*to be confirmed by Committed resolution\*\*\*\*
  - (g) submitted a completed application and has paid the relevant fee.

**DRIVERS' BADGES**

11. The Driver's badge provided by the Council shall be worn by the driver of a vehicle in such position and manner as to be plainly visible.  
 The badge need not be worn if:
  - (a) the vehicle is being used in connection with a wedding or funeral.
  - (b) the vehicle is carrying written permission from the Council that the plate need not be displayed (Section 75 LG(MP)A).
 On revocation or suspension of the driver's licence, the badge must be returned to the Council on demand (Section 61 LG(MP)A).

**PROLONGATION OF JOURNEYS**

12. A driver must proceed by the shortest route, subject to the instructions of the hirer (Section 69 LG(MP)A).

**ACCIDENTS**

13. All accidents, however minor, **MUST** be reported to the owner/proprietor who, in turn, must report the incident to the Council as soon as is reasonably practicable and in any event within 72 hours.

**SMOKING**

14. It is an offence for the driver or passengers to smoke in a licensed vehicle at any time.

**SUSPENSION AND REVOCATION OF DRIVER'S LICENCE**

15. The Council may suspend or revoke or refuse to renew any licence on the following grounds:
  - (a) the commission of an offence involving dishonesty, indecency or violence.
  - (b) the commission of an offence under LG(MP)A.
  - (c) any other reasonable cause (Section 61 (LG(MP)A).

**DRIVERS OF LICENSED VEHICLES MUST BE LICENSED**

16. Once a vehicle is licensed every driver of that vehicle whether it be used for business or pleasure, must possess a current drivers' licence from the Council who licenses the vehicle.

**HIRERS' PROPERTY**

17. The licensee shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the licensed vehicle for any property which may accidentally have been left therein.
18. The licensee of a licensed vehicle shall if any property is accidentally left therein by any person who may have been conveyed in the licensed vehicle and be found by or handed to him/her carry it, as soon as possible and in any event within 24 hours if not sooner claimed by or on behalf of its owner, to a Police Station in the district in order to receive instructions from the Police regarding its custody.

**PASSENGERS**

19. The licensee shall at all times when a licensed vehicle is hired take all reasonable steps to ensure the safety of passengers converted therein and persons entering and alighting from the licensed vehicle.
20. The licensee shall allow only one passenger to be carried in the front of the licensed vehicle beside the driver.
21. The proprietor/licensee shall not permit the Hackney Carriage/Private Hire Vehicle to be used to carry a greater number of passengers than that prescribed in the licence.

**NOTE:** It must be remembered that a licence is issued for a maximum number of passengers, be it 4, 5 or 8 (regardless of age or size) and it is an offence to carry more than the number licensed for, (this may also invalidate the vehicle insurance). The allowance of two children under the age of ten being counted as one person insofar as the rear seating only is concerned is only for the purpose of the fare charged and not for increasing the number of persons being carried as passengers.

**'ALL PASSENGERS & DRIVERS MUST COMPLY WITH CURRENT SEAT BELT REGULATIONS'**

**ANIMALS**

22. The licensee shall not permit any animal to ride in a licensed vehicle except an animal in the custody or control of the hirer which animal shall be conveyed in the rear of the vehicle.
23. The licensee must carry a guide, hearing or other prescribed assistance dog belonging to a passenger, free of charge, unless the driver has a proven medical condition that would preclude such action. Drivers have a responsibility to ensure that their operator/company is aware of such medical condition when they are first employed.

**CHANGE OF ADDRESS**

24. The licensee shall notify the Council in writing of any change of his/her address within 7 days of such change taking place.

**RECORD BOOKS & RECEIPTS**

25. A record book must be kept at all times in the vehicle to show when a receipt is issued. A receipt must be given if requested and each receipt must show the licence number of the driver, the date and the amount charged.

**TOUTING, ETC**

26. The licensee shall not while driving or in charge of a licensed vehicle:
  - (a) TOUT OR SOLICIT IN A PUBLIC PLACE ANY PERSON TO HIRE OR BE CARRIED FOR HIRE IN ANY LICENSED VEHICLE OR
  - (b) CAUSE OR PROCURE ANY OTHER PERSON TO TOUT OR SOLICIT IN A PUBLIC PLACE ANY PERSON TO HIRE OR BE CARRIED FOR HIRE IN ANY LICENSED VEHICLE.

In this condition:  
**"public place" includes any highway and any other premises or place to which at the material time the public have or are permitted to have access (whether on payment or otherwise).**

**CHEQUES**

27. A licence in respect of which the licence fee has been paid by cheque shall not be effective until the cheque has been cleared.

**FARES / TARIFF CARDS**

28. The licensee shall not demand a fare in excess of that previously agreed between the hirer and the operator at the time of booking. The tariff may vary to that set by the Council, but a Table of Fares **MUST** be clearly displayed for the benefit of passengers.
29. The tariff for Taxis is set by the Council. All tariffs are a maximum, which may not be exceeded. A card showing the tariff **MUST** be clearly displayed in the vehicle.

**ILLNESS OR INJURY**

30. A Licensee must immediately inform the Council in writing of any deterioration in health or of any injury that would affect the licensee's ability to drive Hackney Carriage or Private Hire Vehicles. (This is in addition to the requirement of Section 94 of the Road Traffic Act 1988 requiring any driver to notify the Secretary of State of any relevant disability).

**RADIO SCANNERS**

31. The driver shall not fit, carry or use any radio frequency scanning apparatus in or on a licensed vehicle.

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**MEDICAL EXAMINATION REPORT FOR  
HACKNEY CARRIAGE  
AND PRIVATE HIRE DRIVERS**

**When completed, please return this form with your application or  
renewal application to:**

**CHORLEY COUNCIL  
PUBLIC PROTECTION TEAM (LICENSING)  
PEOPLE & PLACES DIRECTORATE  
CIVIC OFFICES, UNION STREET  
CHORLEY, PR7 1AL**

**MEDICAL EXAMINATION REPORT**

**To be completed by the Doctor (please use black ink)**

Please give patient's weight (kg/st)  Height (cms/ft)

Please give details of smoking habits, if any

Please give number of alcohol units taken each week

Is the urine analysis positive for Glucose? No  Yes  (please tick appropriate box)

Details of specialist(s)/ consultants, including address	1	2	3
	<input type="text"/>	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>
Speciality	<input type="text"/>	<input type="text"/>	<input type="text"/>

Date last seen

**Current medication including exact dosage and reason for each treatment**

Date when first licensed to drive a taxi/PH vehicle  And/or lorry  And/or bus

**1 Vision**

**Please tick the appropriate boxes**

**YES NO**

- 1. Is the visual acuity **at least** 6/9 in the better eye and at least 6/12 in the other? (corrective lenses may be worn) as measured with the full size 6m Snellen chart
- 2. Do corrective lenses have to be worn to achieve this standard?
- If **YES**, is the:-
- a) uncorrected acuity at least 3/60 in the right eye?
- b) uncorrected acuity at least 3/60 in the left eye? (3/60 being the ability to read the 6/60 line of the full size 6m Snellen chart at 3 metres)
- c) correction well tolerated?

Please tick the appropriate boxes

YES NO

3. Please state the visual acuities of each eye in terms of the 6m Snellen chart. Please convert any 3 metre readings to the 6 metre equivalent.

Uncorrected

Corrected (if applicable)

Right  Left  Right  Left

4. Is there a defect in his/her binocular field of vision (central and/or peripheral)?  YES  NO
5. Is there diplopia? (controlled or uncontrolled)?  YES  NO
6. Does the applicant have any other ophthalmic condition?  YES  NO

If YES to 4, 5 or 6, please give details in Section 7 and enclose any relevant visual field charts or hospital letters.

## 2 Nervous System

Please tick the appropriate boxes

YES NO

1. Has the applicant had any form of epileptic attack?  YES  NO

a) If Yes, please give date of last attack

DD	MM	YY
DD	MM	YY

b) If treated, please give date when treatment ceased

- c) Is the applicant currently on anti-epileptic medication?  YES  NO  
If YES, please complete current medication on the appropriate section of the front of this form

2. Is there a history of blackout or impaired consciousness within the last 5 years?  YES  NO  
If YES, please give date(s) and details in Section 7

3. Does the applicant suffer from narcolepsy/cataplexy?  YES  NO  
If YES, please give details in Section 7

4. Is there a history of, or evidence of any of the conditions listed at a-h below?  YES  NO  
If NO, go to Section 3.

If YES, please tick the relevant box(es) and give dates and full details at Section 7.

- a) Stroke/TIA *please delete as appropriate*
- b) Sudden and disabling dizziness/vertigo within the last 1 year with a liability to recur
- c) Subarachnoid haemorrhage
- d) Serious head injury within the last 10 years
- e) Brain tumour, either benign or malignant, primary or secondary
- f) Other brain surgery
- g) Chronic neurological disorders e.g. Parkinson's disease, Multiple Sclerosis
- h) Dementia or cognitive impairment

## 3 Diabetes Mellitus

Please tick  the appropriate boxes

YES NO

1. Does the applicant have diabetes mellitus?  YES  NO  
If NO, please proceed to Section 4  
If YES, please answer the following questions.

**Please tick the appropriate boxes**

**YES NO**

**2. Is the diabetes managed by:-**

a) Insulin?

If **YES**, please give date started on insulin

D D	M M	Y Y
-----	-----	-----

b) Oral hypoglycaemic agents and diet?

If **YES**, please complete current medication on the appropriate section on the front of this form

c) Diet only?

**3. Does the applicant test blood glucose at least twice every day?**

**4. Is there evidence of:-**

a) Loss of visual field?

b) Severe peripheral neuropathy, sufficient to impair limb function for safe driving?

c) Diminished/Absent awareness of hypoglycaemia?

**5. Has there been laser treatment for retinopathy?**

If **YES**, please give date(s) of treatment

**6. Is there a history of hypoglycaemia during **waking** hours in the last 12 months requiring assistance from a third party?**

If **YES** to any of 4-6 above, please give details in **Section 7**

#### **4 Psychiatric Illness**

---

**Please tick  the appropriate boxes**

**YES NO**

**Is there a history of, or evidence of any of the conditions listed at 1-6 below?**

If **NO**, please go to **Section 3**

If **YES**, please tick the relevant box(es) below and give date(s), prognosis, period of stability and details of medication, dosage and any side effects in **Section 7**.

**NB.** If applicant remains under specialist clinic(s) ensure details are completed at the top of page 1.

1. Significant psychiatric disorder within the past 6 months

2. A psychotic illness within the past 3 years, including psychotic depression

3. Persistent alcohol misuse in the past 12 months

4. Alcohol dependency in the past 3 years

5. Persistent drug misuse in the past 12 months

6. Drug dependency in the past 3 years

**NB.** Please enclose relevant hospital notes with reference to this condition

#### **5 Cardiac**

---

**Please follow the instructions in all sections (5A-5G) giving details as required in Section 7 and enclose hospital notes relevant to this condition.**

**NB.** If applicant remains under specialist cardiac clinic(s) ensure details are completed on page 5.



**5A Coronary Artery Disease**

---

Please tick the appropriate boxes

**YES NO**

Is there a history of, or evidence of, coronary artery disease?

If NO, proceed to **Section 5B**

If YES please answer all questions below and give details at **Section 7** of the form.

1. Acute Coronary Syndrome including Myocardial Infarction?

If YES, please give date(s)

DD	MM	YY
----	----	----

2. Coronary artery by-pass graft?

If YES, please give date(s)

DD	MM	YY
----	----	----

3. Coronary Angioplasty (P.C.I)

If YES, please give date(s)

DD	MM	YY
----	----	----

4. Has the applicant suffered from Angina?

If YES, please give the date of the last attack

DD	MM	YY
----	----	----

Please proceed to next **Section 5B**

**5B Cardiac Arrhythmia**

---

Please tick the appropriate boxes

**YES NO**

Is there a history of, or evidence of, cardiac arrhythmia?

If NO, proceed to **Section 5C**

If YES please answer all questions below and give details at **Section 7** of the form.

1. Has the applicant had a significant documented disturbance of cardiac rhythm within the past 5 years?

2. Has the arrhythmia been controlled satisfactorily for at least 3 months?

3. Has a cardiac defibrillator device (I.C.D) been implanted

4. Has a pacemaker been implanted?

If YES:-

a) Has the pacemaker been implanted for at least 6 weeks?

b) Since implantation of the pacemaker, is the applicant now symptom free as a result?

c) Does the applicant attend a pacemaker clinic regularly?

Please proceed to next **Section 5C**

**5C Peripheral Arterial Disease**

---

Please tick the appropriate boxes

**YES NO**

1. Is there a history or evidence of ANY of the below:

If YES please tick  ALL relevant boxes below, and give details at **Section 7** of the form.

**PERIPHERAL ARTERIAL DISEASE**

**AORTIC ANEURYSM**

**IF YES:**

a) Site of Aneurysm: Thoracic  Abdominal

b) Has it been repaired successfully?

c) Is the transverse diameter more than 5cms?

**Please tick the appropriate boxes** **YES** **NO**

**DISSECTION OF THE AORTA**

**IF YES:**

d) Has it been repaired successfully?

**Please proceed to next Section 5D**

**5D Valvular/Congenital Heart Disease**

---

**Please tick  the appropriate boxes** **YES** **NO**

**Is there a history of, or evidence of, valvular/congenital heart disease?**

**IF NO,** proceed to **Section 5E**

**IF YES** please answer all questions below and give details at **Section 7** of the form.

1. Is there a history of congenital heart disorder?

2. Is there a history of heart valve disease?

3. Is there any history of embolism? (**not** pulmonary embolism)

4. Does the applicant currently have significant symptoms?

5. Has there been any progression since the last licence application? (if relevant)

**Please proceed to next Section 5E**

**5E Cardiomyopathy**

---

**Please tick the appropriate boxes** **YES** **NO**

**Does the applicant have a history of ANY of the following conditions:**

a) a history of, or evidence of heart failure?

b) established cardiomyopathy?

c) a heart or heart/lung transplant?

**If YES to any part of the above, please give full details in Section 7 of the form. If NO proceed to next Section 5F.**

**5F Cardiac Investigations**

---

**Please tick the appropriate boxes** **YES** **NO**

**This section must be completed for all applicants.**

1. Has a resting ECG been undertaken?

**If YES** does it show:-

a) pathological Q waves?

b) left bundle branch block?

c) right bundle branch block?

2. Has an exercise ECG been undertaken (or planned)?

**If YES,** please give date and give details in **Section 7**

DD	MM	YY
----	----	----

*Sight/copy of the exercise test result/report (if done in the last 3 years) would be helpful*

**Please tick the appropriate boxes**

**YES NO**

3. Has an echocardiogram been undertaken (or planned)?

a) If **YES** please give date and give details in Section 7 

DD	MM	YY
----	----	----

b) If undertaken, is/was the left ventricular ejection fraction greater than or equal to 40%?    
*Sight/copy of the echocardiogram result/report would be helpful*

4. Has a coronary angiogram been undertaken (or planned)?

If **YES**, please give date and give details in **Section 7**

DD	MM	YY
----	----	----

  
*Sight/copy of the angiogram result/report would be helpful*

5. Has a 24 hour ECG tape been undertaken (or planned)?

If **YES**, please give date and give details in **Section 7**

DD	MM	YY
----	----	----

  
*Sight/copy of the 24 hour tape result/report would be helpful*

6. Has a myocardial perfusion scan or stress echo study been undertaken (or planned)?

If **YES**, please give date and give details in **Section 7**

DD	MM	YY
----	----	----

  
*Sight/copy of the scan result/report would be helpful*

**Please proceed to Section 5G**

**5G Blood Pressure**

---

**Please tick the appropriate boxes**

**YES NO**

**This section must be completed for all applicants.**

1. Is today's resting systolic pressure 180mm Hg or greater?

2. Is today's resting diastolic pressure 100mm Hg or greater?

3. Is the applicant on anti-hypertensive treatment?

**If YES, to any of the above, please supply today's reading and three previous readings and dates.**

--	--	--	--

**6 General**

---

**Please tick the appropriate boxes**

**YES NO**

**Please answer all questions in this section. If your answer is 'YES' to any of the questions, please give full details in Section 7.**

1. Is there **currently** a disability of the spine or limbs, likely to impair control of the vehicle?

2. Is there a history of bronchogenic carcinoma or other malignant tumour, for example, malignant melanoma, with a significant liability to metastasise cerebrally?

If **YES**, please give dates and diagnosis and state whether there is current evidence of dissemination.


**Please tick the appropriate boxes**

**YES NO**

**3.** Is the applicant profoundly deaf?    
 If **YES**,  
 is he/she able to communicate in the event of an emergency by speech or by using  
 a device, e.g. a MINICOM/text phone?

**4.** Is there a history of either renal or hepatic failure?

**5.** Does the applicant have sleep apnoea syndrome?    
 If **YES**, please supply details

a) Date of diagnosis 

DD	MM	YY
----	----	----

  
 b) Is it controlled successfully?

c) If **YES**, please state treatment  d) Please state period of control

**6.** Is there any other **Medical Condition**, causing excessive daytime sleepiness?    
 If **YES**, please supply details

a) Diagnosis   
 b) Date of diagnosis 

DD	MM	YY
----	----	----

c) Is it controlled successfully?

d) If **YES**, please state treatment  e) Please state period of control

**7.** Does the applicant have severe symptomatic respiratory disease causing chronic hypoxia?

**8.** Does any medication currently taken cause the applicant side effects that could affect safe driving?    
 If **YES**, please supply details of medication


**9.** Does the applicant have any other medical condition that could affect safe driving?    
 If **YES**, please supply details


**THIS SECTION IS INTENTIONALLY BLANK**

- 7 Please forward copies of relevant hospital notes **only**.  
PLEASE DO NOT send any notes not related to fitness to drive.

**8 Applicant’s consent and declaration**

**Consent and Declaration**

This section **MUST** be completed and must **NOT** be altered in any way.  
 Please read the following important information carefully then sign the statements below.

**Important information about Consent**

On occasion, as part of the investigation into your fitness to drive, Chorley Council, may require you to undergo a medical examination or some form of practical assessment. In these circumstances, those personnel involved will require your background medical details to undertake an appropriate and adequate assessment. Such personnel might include doctors, orthoptists at eye clinics or paramedical staff at a driving assessment centre. Only information relevant to the assessment of your fitness to drive will be released. In addition, where the circumstances of your case appear exceptional, the relevant medical information would need to be considered by one or more of the Secretary of State’s Honorary Medical Advisory Panels. The membership of these Panels conforms strictly to the principle of confidentiality.

**Consent and Declaration**

**I authorise my Doctor(s) and Specialist(s) to release report/medical information about my condition, relevant to my fitness to drive, to the Secretary of State’s medical adviser.**

**I authorise the Secretary of State to disclose such relevant medical information as may be necessary to the investigation of my fitness to drive, to doctors, paramedical staff and Panel members, and to inform my doctor(s) of the outcome of the case where appropriate.**

**I declare that I have checked the details I have given on the enclosed questionnaire and that, to the best of my knowledge and belief, they are correct.**

**“I understand that it is a criminal offence if I make a false declaration to obtain a driving licence and can lead to prosecution.”**

**Signature**

**Date**

### Applicant's Details

To be completed in the presence of the Medical Practitioner carrying out the examination

#### 9 Your details

Your full name		Date of Birth	DD	MM	YY
Your address		Home tel. no.			
		Work/Day no.			
Email address					

About your GP/Group Practice

GP/Group name	
Address	
Telephone	
Email address	
Fax number	

### Medical Practitioner Details

To be completed by Doctor carrying out the examination

#### 10 Doctor's details

Name		<b>Surgery Stamp</b>
Address		
Email address		
Fax number		

I confirm that:  is registered with this Doctors Practice and I have checked and have had access to their medical history.

I consider the above named person to be medically **FIT**  **UNFIT**  to undertake the duties of a Hackney Carriage/Private Hire Driver.

**Signature of Medical Practitioner**  **Date**

APPENDIX 3

	CURRENT ANNUAL CHARGES 2010	PROPOSED CHARGES (OVER 3 YEARS)
Grant (1 Badge + Knowledge Test)	£70	£160
Grant (Both Badges + Knowledge Test)	£92	£220
Renewal (One Badge)	£47	£140
Renewal (Both Badges)	£70	£200
Second Drivers Badge (after initial grant)	£46	£130

**Examples over 3 years:**

<b>1 Badge (HC/PH)</b>	
<b>New Applicants *:</b>	
Current: Grant- £70 + 2x renewals= £164	Proposed: £160
<b>Existing Drivers:</b>	
Current: 3x renewals= £141	Proposed: £140
* prices don't include CRB / Medical / Training Costs	

<b>Both Badges (HC &amp; PH)</b>	
<b>New Applicants *:</b>	
Current: Grant- £92 + 2x renewals= £232	Proposed: £222
<b>Existing Drivers:</b>	
Current: 3x renewals= £210	Proposed: £200
* prices don't include CRB / Medical / Training Costs	

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Report of	Meeting	Date
Director People & Places	Licensing & Public Safety Committee	15 September 2010

## **HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENCE CONDITIONS**

### **PURPOSE OF REPORT**

1. To seek Member approval for a revision to the Hackney Carriage and Private Hire Taxi Licence conditions.

### **RECOMMENDATION(S)**

2. It is recommended that Members approve a revised condition relating to the display of relevant trade association membership within Hackney Carriage and Private Hire vehicles

### **EXECUTIVE SUMMARY OF REPORT**

3. The current conditions relating to signs, notices and advertising on or within licensed taxi vehicles are as follows:

#### **SIGNS, NOTICES ETC**

12. *No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle except as may be required by any statutory provision or required or permitted by these conditions, provided, however, that this condition shall not apply to a sign which:-*

- (a) *Contains no words or numbers other than the name, address and telephone number of the operator of the vehicle or the name under which he carries on his business and his business address and telephone number; provided that in the opinion of the Council the wording of any sign does not appear to lead any person to believe that the vehicle is a hackney carriage;*
- (b) *Displays sponsored commercial advertisements to be displayed on the rear passenger's doors, for which display prior written permission has been obtained from the Council.*
- (c) *There may be displayed within the vehicle for the information of the passengers a table of fares in a form and type of printing previously submitted to and approved by the Council.*
- (d) *Roof signs are not permitted on private hire vehicles.*
- (e) *Any additional livery must not be above 12" measured from the bottom of the door, and in any case must not protrude higher than the bump bar strip fitted to the door, this area will be regarded as the lower panel of the door.*

4. Representation has been made from the trade to allow the display of membership of appropriate organisations relating to the taxi trade since the above condition would preclude any such display.
5. It is therefore proposed to amend the above condition to allow the display of membership of trade bodies by the insertion of an additional exemption to the overall presumption that only licence details and livery is permitted as follows:

*“(f) The display of an information sticker or disc describing membership of a taxi trade associations or similar taxi trade body is permitted in the windscreen of licensed hackney carriage and private hire vehicles provided that it is of such a size and in such a position so as not to obscure the field of vision of the driver. The display of such sticker or disc shall be limited to one per vehicle”*

- 6. It is perceived that the presence of such information will promote public reassurance that the driver/vehicle operator conforms to a recognised standard of service notwithstanding the terms and conditions of holding the various Council hackney carriage. and private hire licences.

**REASONS FOR RECOMMENDATION(S)**

**(If the recommendations are accepted)**

- 7. To allow hackney carriage and private hire vehicles to display appropriate trade membership details within vehicles

**ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

- 8. None

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

**IMPLICATIONS OF REPORT**

- 10. This report has implications in the following areas and the relevant Directors’ comments are included:

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

**COMMENTS OF THE DIRECTOR OF TRANSFORMATION**

- 11. Local Authorities are responsible for adopting reasonable and appropriate conditions dealing with the signage attached to Hackney Carriage and Private Hire Vehicles. The proposed amendment to the existing conditions is both reasonable and appropriate for the reasons given in the report.

JAMIE CARSON  
DIRECTOR PEOPLE AND PLACES

There are no background papers to this report.

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
Simon Clark	5732	20 August 2010	vehiclecondition

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Report of	Meeting	Date
Director of People & Places	Licensing & Public Safety Committee	15 September 2010

**LICENSING PERFORMANCE QUARTER 1**

**PURPOSE OF REPORT**

To present to Members the Quarter 1 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 1.
- Members requested details of organisations who are licensed to undertake house to house and street collections under the current period. These details are attached at Appendix 2.

**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**

9. 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	20 August 2010	Q1perf

# APPLICATIONS LIST

## General Licensing

### House to House Collection Licence

Total Cancel/Surrender Applications: 2

Total New Applications: 2

**Total House to House Collection Licence Applications: 4**

### Second Hand Dealers Registration

Total New Applications: 1

**Total Second Hand Dealers Registration Applications: 1**

### Sex Shop Licence

Total Renewal Applications: 2

**Total Sex Shop Licence Applications: 2**

### Street Collection Permit

Total Amendment Applications: 2

Total New Applications: 8

**Total Street Collection Permit Applications: 10**

**General Licensing Total Applications: 17**

# APPLICATIONS LIST

## Taxi Licensing

### Hackney Carriage Driver Licence

Total New Applications: 4

Total Renewal Applications: 22

**Total Hackney Carriage Driver Licence Applications: 26**

### Hackney Carriage Licence

Total Amendment Applications: 5

Total Renew/Transfer Applications: 1

Total Renew/Transfer/VehCh Applications: 2

Total Renewal Applications: 15

Total Vehicle Change Applications: 2

**Total Hackney Carriage Licence Applications: 25**

### Private Hire Driver Licence

Total New Applications: 9

Total Renewal Applications: 45

**Total Private Hire Driver Licence Applications: 54**

### Private Hire Operator Licence

Total New Applications: 4

Total Renewal Applications: 4

**Total Private Hire Operator Licence Applications: 8**

### Private Hire Vehicle Licence

Total Cancel/Surrender Applications: 6

Total Amendment Applications: 6

Total New Applications: 5

Total Renew/Transfer Applications: 3

Total Renew/Transfer/VehCh Applications: 2

Total Renewal Applications: 44

Total Transfer Applications: 6

Total Vehicle Change Applications: 3

Total Vehicle Test Applications: 1

**Total Private Hire Vehicle Licence Applications: 76**

**Taxi Licensing Total Applications: 189**



# APPLICATIONS LIST

## Licensing Act 2003

### Personal Alcohol Licence

Total Change N/A Holder Applications: 8

Total New Applications: 11

**Total Personal Alcohol Licence Applications: 19**

### Premises Licence

Total Cancel/Surrender Applications: 3

Total Change Prem Name Applications: 2

Total Change Supervisor Applications: 13

Total Amendment Applications: 7

Total New Applications: 5

Total Transfer Applications: 7

Total Variation Applications: 1

**Total Premises Licence Applications: 38**

### Temporary Event Notice - NO Alcohol

Total Temp Event Notice Applications: 11

**Total Temporary Event Notice - NO Alcohol Applications: 11**

### Temporary Event Notice - WITH Alcohol

Total Amendment Applications: 2

Total Temp Event Notice Applications: 40

Total Withdraw Applications: 1

**Total Temporary Event Notice - WITH Alcohol Applications: 43**

**Licensing Act 2003 Total Applications: 111**

# 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 New Applications: 2

Total Club Machine Permit Applications: 2

### Notification of Gaming Machines

Total Int Amend Applications: 1

Total Notice of Intent Applications: 8

Total Notification of Gaming Machines Applications: 9

### Small Society Lotteries

Total Annual Fee Applications: 1

Total Cancel Applications: 1

Total Change of Promoter Applications: 1

Total Int Amend Applications: 1

Total New Applications: 6

Total Small Society Lotteries Applications: 10

Gambling Act 2005 Total Applications: 23

Total Applications: 340

## Street Collection Permit List

<b>SC0179</b>	<b>Royal British Legion Poppy Appeal</b>	commences	<b>15 Jun 2009</b>	expires	<b>13 Nov 2010</b>
Promoter	Robert Russell THOMPSON Royal British Legion Poppy Appeal Royal British Legion Village Aylesford Kent ME20 7NX	issued	06/11/2010	reason	New
<b>SC0186</b>	<b>Royal Air Forces Association</b>	commences	<b>14 Sep 2009</b>	expires	<b>18 Sep 2010</b>
Promoter	Peter BROCKLEHURST C/O Royal Air Forces Association, Wings Appeal, Ce 1171/2 Loughborough Road Leicester LE4 5ND	issued	18/09/2010	reason	New
<b>SC0198</b>	<b>Galloways Society for the Blind</b>	commences	<b>10 Feb 2010</b>	expires	<b>14 Sep 2010</b>
Promoter	George Louis TURNER 6 Starfield Close Lytham Lancashire FY8 4QA	issued	14/09/2010	reason	New
<b>SC0199</b>	<b>Chorley Lions Club</b>	commences	<b>11 Feb 2010</b>	expires	<b>11 Dec 2010</b>
Promoter	Neil Jeffrey MURGATROYD 39 The Farthings Astley Village Chorley Lancashire PR7 1TP	issued	11/12/2010	reason	New
<b>SC0205</b>	<b>Amnesty International UK (Leyland &amp; Chorley)</b>	commences	<b>16 Apr 2010</b>	expires	<b>4 Sep 2010</b>
Promoter	Stephen HARMAN 12 Wrights Fold Leyland Preston Lancashire PR25 4HT	issued	04/09/2010	reason	Variation
<b>SC0207</b>	<b>Barnardo's</b>	commences	<b>26 Apr 2010</b>	expires	<b>27 Nov 2010</b>
Promoter	Nancy HART 7 Lineside Close Liverpool Merseyside L25 2UD	issued	27/11/2010	reason	New
<b>SC0208</b>	<b>THE PHOENIX CHILDREN'S FOUNDATION</b>	commences	<b>27 Apr 2010</b>	expires	<b>14 Dec 2010</b>
Promoter	Anita WITHERS C/O The Phoenix Children's Foundation 8 Wilson House 270 Leicester Road, Ibstock Leicester LE67 6HP	issued	14/12/2010	reason	New

## Street Collection Permit List

<b>SC0209</b>	<b>Chorley Lions Club</b>	commences	<b>14 Jun 2010</b>	expires	<b>31 May 2011</b>
Promoter	Neil Jeffrey MURGATROYD 39 The Farthings Astley Village Chorley Lancashire PR7 1TP	issued	31/05/2011	reason	New
<b>SC0210</b>	<b>The Royal British Legion Poppy Appeal</b>	commences	<b>15 Jun 2010</b>	expires	<b>12 Nov 2011</b>
Promoter	Robert Russell THOMPSON Royal British Legion Poppy Appeal Royal British Legion Village Aylesford Kent ME20 7NX	issued	05/11/2011	reason	New
<b>SC0211</b>	<b>THE PHOENIX CHILDREN'S FOUNDATION</b>	commences	<b>21 Jun 2010</b>	expires	<b>5 Oct 2010</b>
Promoter	Anita WITHERS C/O The Phoenix Children's Foundation 8 Wilson House 270 Leicester Road, Ibstock Leicester LE67 6HP	issued	05/10/2010	reason	New
<b>SC0213</b>	<b>Royal National Lifeboat Institution (Chorley)</b>	commences	<b>22 Jul 2010</b>	expires	<b>11 Sep 2010</b>
Promoter	William Michael TAYLOR Tower Cottage Duxon Hill Brindle Lancashire PR6 8PF	issued	11/09/2010	reason	New
<b>SC0214</b>	<b>Royal Air Forces Association</b>	commences	<b>9 Aug 2010</b>	expires	<b>17 Sep 2010</b>
Promoter	Peter BROCKLEHURST C/O Royal Air Forces Association, Wings Appeal, Ce 1171/2 Loughborough Road Leicester LE4 5ND	issued	17/09/2010	reason	New

## House to House Collection Licence List

<b>HH0036</b>	<b>Make a Wish Foundation UK</b>	commences	<b>23 Feb 2010</b>	expires	<b>11 Sep 2010</b>
Promoter	Jacqueline Anne TAYLOR Clothes Aid, Unit 4R 436 - 438 Essex Road London N1 3QP	issued	06/09/2010	reason	New
<b>HH0037</b>	<b>Make a Wish Foundation UK</b>	commences	<b>23 Feb 2010</b>	expires	<b>6 Nov 2010</b>
Promoter	Jacqueline Anne TAYLOR Clothes Aid, Unit 4R 436 - 438 Essex Road London N1 3QP	issued	01/11/2010	reason	New
<b>HH0040</b>	<b>Zoe's Place Baby Hospice</b>	commences	<b>23 Feb 2010</b>	expires	<b>14 Aug 2010</b>
Promoter	Jacqueline Anne TAYLOR Clothes Aid, Unit 4R 436 - 438 Essex Road London N1 3QP	issued	09/08/2010	reason	New
<b>HH0041</b>	<b>Zoe's Place Baby Hospice</b>	commences	<b>23 Feb 2010</b>	expires	<b>9 Oct 2010</b>
Promoter	Jacqueline Anne TAYLOR Clothes Aid, Unit 4R 436 - 438 Essex Road London N1 3QP	issued	04/10/2010	reason	New
<b>HH0042</b>	<b>Zoe's Place Baby Hospice</b>	commences	<b>23 Feb 2010</b>	expires	<b>4 Dec 2010</b>
Promoter	Jacqueline Anne TAYLOR Clothes Aid, Unit 4R 436 - 438 Essex Road London N1 3QP	issued	29/11/2010	reason	New
<b>HH0044</b>	<b>Cancer Research and Genetics UK</b>	commences	<b>4 Jun 2010</b>	expires	<b>9 Sep 2010</b>
Promoter	Nicholas PHILLIPS Sherwood, LLandraw Woods Pontypridd CF37 1EX	issued	10/06/2010	reason	New
<b>HH0045</b>	<b>Mercy Ships</b>	commences	<b>22 Jul 2010</b>	expires	<b>31 Dec 2010</b>
Promoter	INTERSECOND LTD Mr R Biguzas Unit 12, Clipper Park Industrial Estate Thurrock Park Way, Tilbury RM18	issued	01/10/2010	reason	New

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Report of	Meeting	Date
Director for People and Places	Licensing and Safety Committee.	15 September 2010

## **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 CONDITIONS OF LICENSING HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE**

### **PURPOSE OF REPORT**

1. To bring to the attention of Members proposals to amend the Councils Hackney Carriage and Private Hire Vehicle conditions of licensing in relation to vehicle type and disabled access.

### **RECOMMENDATION**

2. Members are recommended to consider the contents of the report and to inspect example models of any modified vehicles presented and any representations received from members of the taxi trade.
3. Members are asked to approve the amended vehicle conditions as set out in this report and appendices.

### **EXECUTIVE SUMMARY OF REPORT**

4. Members will be aware of the recent consultation work that the Governments Department for Transport has conducted with regards to the Disability Discrimination Act with reference to Hackney Carriages; this was intended to give Government appropriate guidance for the implementation for the type and design requirements for disabled access Hackney Carriage Vehicles in 2010.
5. Members may recall that there were a number of considerations to be determined as a result of the Councils last significant unmet demand survey, which would influence the type of vehicles the Council would licence as Hackney Carriages, these areas of consideration were postponed awaiting the findings of the Governments consultation.
6. The findings of the consultation indicate that Government are satisfied that it is not possible to prescribe a certain type or exact specification of a vehicle design to accommodate all disabled groups at the present time, and has produced little by way of guidance to assist Councils in prescribing an exact specification for a disabled access vehicle. However Government have defined the following disabled vehicle types as a result of the consultation with regards to disabled access Hackney Carriages :
 

Type One: Wheelchair Accessible taxis: accessible taxis capable of carrying the majority, but not all passengers who travel in their wheelchair as well as other people with other disabilities;

Type Two: Standard Accessible Taxis: vehicles which feature designs to make use by disabled people easier, but would be able to carry a wheelchair user who can transfer from a taxi seat.
7. Government has now indicated that Local Authorities are best placed to determine what the needs are of their communities are with regards the number of disabled access Hackney

Carriage vehicles, and has moved away from the position of requiring a 100% Disabled Hackney Carriage fleet. Government has indicated that it intends to ensure that a significant percentage of Hackney Carriage Vehicles licensed by councils shall be classified as disabled and we may presume by this that they are able to accommodate a wheel chair with reference to Type one vehicles. This percentage will apply to all councils irrespective of whether the authority has or has not deregulated its Hackney Carriage provision. Any changes herewith proposed should not interfere with the anticipated changes to legislation.

8. There are several reasons for the proposed change to Hackney Carriage and Private Hire Vehicle licence conditions:

The present conditions do not encourage proprietors to purchase suitable vehicles that meet the requirements at Type one above.

The present conditions penalise those proprietors of such vehicles by restricting occupancy over luggage requirements and ignores the provision of disabled access.

The current conditions favour old traditional type Hackney Carriages and ignore the benefits of modern converted vehicles.

The Council's conditions do not encourage proprietors to invest in disabled access vehicles.

## HACKNEY VEHICLES

9. It is now appropriate to ask Members to approve the proposed changes to the Councils Hackney Carriage Vehicle Licences Conditions of Application and the proposed Conditions attached to the issue of a hackney carriage licence additional to the statutory byelaws.. A revised set of conditions are attached as Appendix 1 (paragraph 13).

10. Members will recognise the inherent virtues of the traditional taxi which can be summarised as:
- a) they are easily recognisable,
  - b) they have a longevity,
  - c) they operate on a small turning circle.

It is recommended for those reasons this type of vehicle should remain in the Councils list of exempt vehicles with regards to luggage carrying capacity.

11. However non traditional vehicles can also provide a disabled transport facility provided they have been suitably converted and are deemed fit for purpose. In order to allow such vehicles it is proposed to change the current licence conditions as follows :

*All Vehicles presented at first licensing for the provision of a Hackney Carriage Licence shall be;*

*A type approved purpose built vehicle described as the Austin FX4, Reliant Metro Cab and Fairway Hackney Carriages, and any subsequent replacement models thereof.*

*Converted purpose built vehicles shall be;*

*Type approved. Under Section. 58 (1) of the Road Traffic Act 1988. British national type approval in conjunction with the existing type approval certificate as detailed in the Councils conditions of vehicle application. Only original certificates will be accepted. Any Type approval will only be recognised by the council where the original certificate for modification / conversion was issued prior to first UK registration*

*A Council approved conversion will consist of a vehicle with the following:—*

1. *Wheel chair means of access and egress and means of securing wheelchairs safely in the vehicle where all fixtures and fitting meet E1 Type Approval.*
2. *A fixed bulkhead incorporating;*
  - 1) *A partition screen*
  - 2) *A pay point*
  - 3) *Assisted means of communication.*



3. *Offer suitable accommodation for the provision of at least one adult size occupied wheelchair.*
4. *Suitable hand grips designed to be clearly recognisable to aid in the access and egress of passengers.*
5. *A forward facing illuminated top sign permanently fixed to; or a built-in taxi sign as an integral part of the structure and operated by the taxi meter ( The top sign does not have to display the words Chorley Borough Council )*
6. *All vehicles will have 2 side passenger doors to access the rear compartment of the vehicle.*
7. *All seats must be accessible by a clear permanent opening of 400mm*
8. *All wheelchair accessible vehicles will have provision for at least two permanently fixed passenger seats in the rear compartment of the vehicle.*
9. *All vehicles will have been converted by a recognized coachbuilder / conversion company.*
10. *Any ancillary equipment shall be capable of being stored securely*
11. *All vehicles will be inspected and licensed at the discretion of the Council.*
12. *Where any lifting device is used in association with*
13. *Those vehicles that are presented for licensing that are purpose built as defined or professionally converted vehicles as conforms to 1 – 8 above shall be white or any other colour as agreed by the Council at first licensing.*
14. *Any vehicle presented at first licensing that satisfies 1 – 8 above shall be exempt from the requirements of luggage requirements as detailed at 6 c) of the Councils Hackney Carriage Vehicle Licenses Conditions of Application*

#### **PRIVATE HIRE VEHICLES**

12. It would be appropriate at this time to ask Members to consider conditions relating to the provisions for disabled access vehicles applicable to Private Hire Vehicles.
13. There are currently few meaningful Council conditions governing the type of or requirements for disabled Private Hire Vehicles. The private hire trade is the predominant sector of the Councils transport provision that serves the disabled community, largely through contract arrangements between the County Council and operators of Private Hire Vehicles.
14. Over recent years officers have been limited in being able to restrict the use of or entry of a vehicle to the private hire fleet with regards to its suitability for disabled access use. There are no specific requirements in place to control which duties private hire vehicles are permitted to undertake. Moreover the travelling public have no means to access the suitability of a private hire vehicle with regards to disabled access nor can they rely on the Council to have ensured that a vehicle is suitable, fit for purpose and safe.
15. Appendix 2 (paragraph 12 and 13) introduces conditions that would address the issues raised without affecting those private hire vehicles that do not undertake disabled access work. Members are asked to consider these proposed changes.

#### **REASONS FOR RECOMMENDATION**

##### **(If the recommendations are accepted)**

16. To ensure the Councils conditions for the hackney carriage and private hire fleets have particular conditions relating to disabled access where applicants wish to provide vehicles for that purpose.

#### **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

17. None

#### **CORPORATE PRIORITIES**

18. 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	x	Develop the Character and feel of Chorley as a good place to live	x
Involving people in their communities		Ensure Chorley Borough Council is a performing organization	x

**IMPLICATIONS OF REPORT**

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

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

**COMMENTS OF THE DIRECTOR OF TRANSFORMATION (HEAD OF GOVERNANCE)**

20. The Licensing Authority are legally empowered to attach conditions, as they may think reasonably necessary and appropriate to Hackney Carriage and Private Hire Vehicle Licences. The Local Government (Miscellaneous Provisions) Act 1976 authorises the imposition of conditions on such licences.
21. A review of the policies and conditions is necessary to ensure they are reasonable, that they reflect current safety and quality issues to adequately maintain public and driver safety. Furthermore, licensing the type of vehicles referred to in this report will provide a further range of transport options for members of the public. In accordance with the provisions detailed in the Disability Discrimination Act 1995, the Licensing Authority needs to have an inclusive approach and policy enabling disabled persons and wheelchair users access to the services that they provide.
22. The Act also provides a right of appeal to the Magistrates' Court for "any person aggrieved by the conditions attached to a licence".

JAMIE CARSON  
DIRECTOR PEOPLE AND PLACES

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Stephen Culleton	***	6 Sept 2010	Taxidisabled

**HACKNEY CARRIAGE VEHICLE LICENSES****CONDITIONS OF APPLICATION**

Chorley Council will not issue a Hackney Carriage Vehicle licence unless it is satisfied that the person applying for the licence is the proprietor, and all proprietors connected to the vehicle have been declared at the time of application.

- 1) Has completed and submitted the application on the prescribed form.
- 2) Has satisfied the Council that he is a fit and proper person to hold such a licence and to operate a Hackney Carriage.
- 3) Has satisfied the Council that the vehicle is registered under the Vehicles (Excise) Act 1949 or the Vehicles (Excise) Act 1971 or any statutory amendments of those Acts by producing the vehicle's registration document at the time of application, bearing the name of the proprietor. Where the vehicle is new (not previously registered within the UK) a vendors bill of sale will be acceptable detailing the name, address, date of purchase, and vehicle chassis number will be acceptable, the proprietor of the vehicle will produce to the council the V5 document within 7 days of him receiving it.
- 4) Has satisfied the Council that there is in force, in relation to the use of the vehicle as a Hackney Carriage Vehicle, a policy of insurance or security complying with the provisions of Part VI of the Road Traffic Act 1972, which covers third party liability both in respect of physical injury or death and also in respect of damage to personal belongings. The policy/certificate of insurance or security must be produced before a licence may be granted.
- 5) Will present the vehicle for inspection at such place and at such time as the Council may by notice require.
- 6) Has satisfied the Council that the vehicle is suitable for use as a Hackney Carriage. For this purpose the proprietor must satisfy the Council that the vehicle complies with the following requirements:-
  - a) It must have at least two rear side doors for the boarding and alighting of passengers in addition to a separate door for the driver and it must be fitted with at least four road wheels and be a right-hand drive vehicle.
  - b) The engine capacity must be adequate for the loads to be carried. Accordingly, the vehicle should have an engine capacity of at least 1200cc.
  - c) Any vehicle applying for a grant or transfer of a Hackney Carriage Vehicle licence from the 1<sup>st</sup> October 2008 on first application to carry more than four passengers shall have sufficient luggage carrying capacity to accommodate a suitcase or other type of luggage in the dimensions of 7" x 20" x 28" or (equal cubic capacity) for each passenger. Exceptions to this condition will apply to purpose built taxis recognised as the Austin FX4 Reliant, Metro cab and Fairway Hackney Carriages, or any subsequent replacement model thereof or any other vehicle as recognised by the Council as a purpose built or approved converted / modified Hackney Carriage.
  - d) Only one passenger may be accommodated in the front of the vehicle next to the driver in cases where the vehicle is designed to take only one front seat passenger.
  - e) Door catches must be secure at all times whilst being capable of easy operation by passengers.

## APPENDIX 1

- f) Forward mounted driving mirrors must be fitted on both sides of the vehicle and an interior rear mirror must be fitted. The mirrors must be maintained all times.
  - g) The vehicle must be white unless it is a purpose built or approved converted / modified wheelchair accessible Hackney Carriage. Bizarre or garish colour schemes will not be permitted.
  - h) A 1kg (2.2lb) fire extinguisher of the dry powder type shall be fitted to the vehicle so as to be readily available for use at all times. The fire extinguisher shall be maintained in good working order at all times.
  - i) Every estate type vehicle be fitted with the manufacturers approved or other universal type approved grille, securely fixed to the frame of the vehicle between the passenger area and load (luggage) carrying area.
  - j) Seating for each passenger must be **not** less than 400mm (16") with a minimum width, measured between the arm rests, or any other point that is protruding into passenger seating area, of 1220mm (48").
  - k) The minimum width between the back of the driver's seat and the front of the rear seating, measured when the driver's seat is fully pushed back, must **not** be less than 180mm (7").
  - l) The height as measured between the rear seat and the height to the roof lining in a vertical plane must be **not** less than 860mm (34").
  - m) No vehicle will be licensed if the passenger has to climb over seats or luggage to gain egress, or where such entrance or exit is sited over a fuel tank, high sill, or has been fitted with handles which are not clearly visible and of a type consistent with those fitted to all other doors of the vehicle.
  - n) Any person applying for a hackney carriage vehicle licence with regards to the grant/renewal or transfer of a vehicle licence, the proposed vehicle shall be subjected to the approval of the council.
  - o)
    - i) provide sufficient means by which any person in the vehicle may communicate with the driver;
    - ii) Cause the roof or covering to be kept watertight;
    - iii) Provide any necessary windows and a means of opening and closing with not less than one window on each side;
    - iv) cause the seats to be properly cushioned or covered;
    - v) cause the floor to be provided with a proper carpet, mat, or other suitable covering;
    - vi) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public use;
    - vii) provide means for securing luggage;
    - viii) Provide within the constraints of Construction and Use Regulations, at least two rear side doors for the use of persons conveyed in such a vehicle and a separate means of ingress and egress for the driver.
- 7) The licence plate on the rear of the vehicle which must be displayed at all times. A hackney carriage, shall have a roof sign, illuminated when it's plying for hire and shall be extinguished once the taximeter is reset at the commencement of a journey, until such time as that journey is complete.
- a) The roof sign must be firmly affixed to the roof of the vehicle and must display the words "Chorley Borough Taxi" on both the forward and rearward faces of the sign. The taxi meter only shall control the operation of illuminating the prescribed top sign.

- 8) **With effect from 4<sup>th</sup> January 2010 all vehicles on first application and on renewal for a vehicle licence will:**

Pay for 6 month vehicle licence and have MOT/ Vehicle Inspection & Safety Test every 6 months

No vehicle will be accepted at first licensing unless it is less than three years old at first registration, or unless it is in exceptionally good condition and further considered by an officer in regards to vehicle type, class, colour, condition, service history, passenger numbers and suitability.

9. No 'Q' plated vehicles will be considered for licensing.

Vehicles that have been categorised as 'write offs' by any insurance company at any level will not be considered for licensing.

10) DOCUMENTATION

Proprietors must produce the following documents at the time of testing:

- i) The DVLA V5 'log book' or other certificate or document that the proprietor declares the first date of registration. Only vehicles declared as new at first registration in the UK will be considered for licensing, except stretched limos etc. Such vehicles will be licensed at the discretion of the Council.
  - ii) An LPG Gas Association Safety Certificate, where applicable.
- 11) The vehicle shall display the Council's approved door signs on the front passenger and drivers doors. The internal disc must be fixed to the windscreen outside the swiped area not obscuring the driver's view with the expiry date information visible from the vehicle exterior. Any additional livery must not be above 12" measured from the bottom of the door, and in any case must not protrude higher than the bump bar strip fitted to the door, this area will be regarded as the lower panel of the door.
- 12) Any vehicle presented for Hackney carriage licensing shall meet the technical standards for type approval to
- a) European Whole vehicle type approval
  - b) British National type approval
  - c) British Single vehicles approval or
  - d) British Low volume type approval

13) ***Vehicles presented at first licensing from 5<sup>th</sup> October 2010 intended to provide disability access shall for the purpose of Type 1 Disability Access have the following:***

1. ***Wheel chair means of access and egress and means of securing wheelchairs safely in the vehicle where all fixtures and fitting meet E1 Type Approval or equivalent.***
2. ***A fixed bulkhead incorporating;***
  - 1) ***A partition screen***
  - 2) ***A pay point***
  - 3) ***Assisted means of communication.***
3. ***Offer suitable accommodation for the provision of at least one adult size occupied wheelchair.***
4. ***Suitable hand grips designed to be clearly recognisable to aid in the access and egress of passengers.***
5. ***A forward facing illuminated top sign permanently fixed to; or a built-in taxi sign as an integral part of the structure and operated by the taxi meter ( The top sign does not have to display the words Chorley Borough Council )***
6. ***All vehicles will have 2 side passenger doors to access the rear compartment of the vehicle.***
7. ***All seats must be accessible by a clear permanent opening of 400mm.***

8. *All wheelchair accessible vehicles will have provision for at least two permanently fixed passenger seats in the rear compartment of the vehicle.*
9. *All vehicles will have been converted by a recognized coachbuilder / conversion company.*
10. *Any ancillary equipment shall be capable of being stored securely and safely*
11. *All vehicles will be inspected and licensed at the discretion of the Council.*
12. *Any lifting device used in association with any vehicle for the purposes of disabled access must be fully compliant with current Health and Safety requirements.*
13. *Those vehicles that are presented for licensing that are purpose built as defined or professionally converted vehicles as conforms to 1 – 8 above shall be white or any other colour as agreed by the Council at first licensing.*
14. *Any vehicle presented at first licensing that satisfies 1 – 8 above shall be exempt from the requirements of luggage requirements as detailed at 6 c) of the Councils Hackney Carriage Vehicle Licenses Conditions of Application*

**PRIVATE HIRE VEHICLE LICENCES****CONDITIONS OF APPLICATION**

Chorley Council will not issue a Private Hire Vehicle licence unless it is satisfied that the person applying for the licence is the proprietor, and all proprietors connected to the vehicle have been declared at the time of application.

1. Has completed and submitted the application on the prescribed form.
2. Has satisfied the Council that he is a fit and proper person to hold such a licence and to operate a Private Hire Vehicle.
3. Has satisfied the Council that the vehicle is registered under the Vehicles (Excise) Act 1949 or the Vehicles (Excise) Act 1971 or any statutory amendments of those Acts by producing the vehicles registration document at the time of application bearing the name of the proprietor. Where the vehicle is new (not previously registered within the UK) a vendors bill of sale will be acceptable detailing the name , address, date of purchase, and vehicle chassis number will be acceptable , the proprietor of the vehicle will produce to the council the V5 document within 7 days of him receiving it.
4. Has satisfied the Council that there is in force, in relation to the use of the vehicle as a Private Hire Vehicle, a policy of insurance or security complying with the provisions of Part VI of the Road Traffic Act 1972, which covers third party liability both in respect of physical injury or death and also in respect of damage to personal belongings. The policy/certificate of insurance or security must be produced before a licence may be granted.
5. Will present the vehicle for inspection at such place and at such time as the Council may by notice require.
6. Has satisfied the Council that the vehicle is suitable for use as a Private Hire Vehicle for this purpose the proprietor must satisfy the Council that the vehicle complies with the following requirements:-
  - a) It must have at least two rear side doors for the boarding and alighting of passengers in addition to a separate door for the driver and it must be fitted with at least four road wheels and be a right-hand drive vehicle. Except for stretch limousines and similar vehicles.
  - b) The engine capacity must be adequate for the loads to be carried. Accordingly, the vehicle should have an engine capacity of at least 1200cc.
  - c) Only one passenger may be accommodated in the front of the vehicle next to the driver in cases where the vehicle is designed to take only one front seat passenger.
  - d) Door catches must be secure at all times whilst being capable of easy operation by passengers.
  - e) Forward mounted driving mirrors must be fitted on both sides of the vehicle and an interior rear mirror must be fitted. The mirrors must be maintained all times.
  - f) The vehicle must be a suitable colour other than white, except for stretch limousines or similar. Bizarre or garish colour schemes will not be permitted.
  - g) A 1kg (2.2lb) British standards fire extinguisher of the dry powder type shall be fitted to the vehicle so as to be readily available for use at all times. The fire extinguisher shall be maintained in good working order at all times.
  - h) Every estate type vehicle be fitted with the manufacturers approved or other universal type approved grille, securely fixed to the frame of the vehicle between the passenger area and load (luggage) carrying area.

- i) Seating for each passenger must be **not** less than 400mm (16") with a minimum width, measured between the arm rests, or any other point that is protruding into passenger seating area, of 1220mm (48").
- j) The minimum width between the back of the driver's seat and the front of the rear seating, measured when the driver's seat is fully pushed back, must **not** be less than 180mm (7").
- k) The height as measured between the rear seat and the height to the roof lining in a vertical plane must be **not** less than 860mm (34").
- l) No vehicle will be licensed if the passenger has to climb over seats or luggage to gain egress, or where such entrance or exit is sited over a fuel tank, high sill, or has been fitted with handles which are not clearly visible and of a type consistent with those fitted to all other doors of the vehicle.
- m) The proprietor of a private hire vehicle shall
  - (a) Provide sufficient means by which any person in the vehicle may communicate with the driver;
  - (b) Cause the roof or covering to be kept watertight;
  - (c) Provide any necessary windows and a means of opening and closing with not less than one window on each side;
  - (d) Cause the seats to be properly cushioned or covered;
  - (e) Cause the floor to be provided with a proper carpet, mat, or other suitable covering;
  - (f) Cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public use;
  - (g) Provide means for securing luggage;
  - (h) Provide if possible within the constraints of Construction and Use Regulations, at least two rear side doors for the use of persons conveyed in such a vehicle and a separate means of ingress and egress for the driver.
- n) At the time of booking the operator shall establish the luggage requirements of the fare and ensure that the vehicle or vehicles provided are sufficient to safely and securely accommodate the fares luggage requirements within the vehicle(s) without compromising the safety of passengers, driver and other road users.
- o) Any person applying for a private hire vehicle licence with regards to the grant/renewal or transfer of a vehicle licence, the proposed vehicle shall be subjected to the approval of the Council.

**7. With effect from 4<sup>th</sup> January 2010 all vehicles on first application and on renewal for a vehicle licence will:**

Pay for 6 month vehicle licence and have MOT/ Vehicle Inspection & Safety Test every 6 months.

No vehicle will be accepted at first licensing unless it is less than three years old at first registration, or unless it is in exceptionally good condition, and considered by an officer in regards to vehicle type, class, colour, condition, service history, passenger numbers and suitability.

**8. No 'Q' plated vehicles will be considered for licensing.**

Vehicles that have been categorised as 'write offs' by any insurance company at any level will not be considered for licensing.

**9. DOCUMENTATION**

Proprietors must produce the following documents at the time of testing



- i) The DVLA V5 'log book' or other certificate or document that the proprietor declares the first date of registration. Only vehicles declared as new at first registration in the UK will be considered for licensing, except stretched limos etc. Such vehicles will be licensed at the discretion of the Council.
  - ii) An LPG Gas Association Safety Certificate, where applicable.
10. The vehicle shall display the Council's approved door signs on the front passenger and drivers doors. The internal disc must be fixed to the windscreen outside the swiped area not obscuring the driver's view with the expiry date information visible from the vehicle exterior. Any additional livery must not be above 12" measured from the bottom of the door, and in any case must not protrude higher than the bump bar strip fitted to the door, this area will be regarded as the lower panel of the door.
11. Any vehicle presented for Private Hire licensing shall meet the technical standards for type approval to
- a) European Whole vehicle type approval
  - b) British National type approval
  - c) British Single vehicles approval or
  - d) British Low volume type approval
12. ***Vehicles presented at first licensing from 5<sup>th</sup> October 2010 intended to provide disability access shall, for the purpose of Type 1 Disability Access have the following:***
- a) ***A means of permitting access & egress to the rear interior of the vehicle for a occupied adult wheelchair.***
  - b) ***Has a British National Type Approval (section 1 of the Road Traffic Act 1998) Certificate issued prior to first UK registration, in conjunction with type approval as detailed at 11 above.***
  - c) ***The vehicle shall be able to accommodate 2 additional passengers in permanent seats in addition to the provision of a wheel chair.***
  - d) ***The vehicle shall be of a suitable design to accommodate a wheelchair and passengers in comfort.***
  - e) ***Any and all modifications shall be to E1 type Approved and marked accordingly or equivalent.***
  - f) ***The vehicle shall be designed to accommodate all equipment securely and safely.***
  - g) ***Handles and grips should be sufficient to aid the access and egress of passengers and be brightly coloured. Any lifting device used in association with any vehicle for the purposes of disabled access must be fully compliant with current Health and Safety requirements.***
13. ***Vehicles presented at first licensing from 5<sup>th</sup> October 2010 intended to provide Disability access shall for the purpose of Type 2 Disability Access will have the following.***
- a) ***Handles and grips should be sufficient to aid the access and egress of passengers and be brightly coloured.***
  - b) ***Offer suitable space to accommodate a folded wheelchair and will not protrude into the cabin space and be safely secured.***

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