

## Chief Executive's Office

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Date: 24 February 2006

### Chief Executive:

Donna Hall

Dear Councillor

A meeting of the Licensing and Safety Committee is to be held in the Council Chamber, Town Hall, Chorley on **Wednesday, 8th March 2006 commencing at 1.00pm.**

**Will members please note the early commencement time of the meeting, as consideration of some of the items may be lengthy.**

### AGENDA

1. **Apologies for absence**

2. **Declarations of Any Interests**

Members of the Committee are reminded of their responsibility to declare any personal interest in respect of matters contained in this agenda in accordance with the provisions of the Local Government Act 2000, the Council's Constitution and the Members Code of Conduct. If the personal interest is a prejudicial interest, then the individual Member should not participate in a discussion on the matter and must withdraw from the Council Chamber and not seek to influence a decision on the matter.

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

To confirm as a correct record the minutes of the meeting of the Licensing and Safety Committee held on 11 January 2006 (enclosed)

4. **Annual Review of Licence Fees**

Report of Director of Legal Services (to follow)

5. **Licensing and Registration - Licenses Issued from 12 November 2005 to 14 February 2006 (Pages 5 - 8)**

Report of Director of Legal Services (enclosed)

6. **The Hayrick, Lancaster Lane, Leyland - Application for Grant of 3 Gaming Machines**

Director of Legal Services to report at the meeting

Continued....

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

8. **Exclusion of the Public and Press**

To consider the exclusion of the press and public for the following items of business on the ground that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

9. **Use of Private Hire Vehicles without Insurance**

Report of Director of Legal Service (to follow)

10. **Hackney Carriage Driver Mr A S - Failure to Disclose Information (Pages 9 - 10)**

Report of Director of Legal Services (enclosed)

11. **Application for License to Drive Hackney Carriages/Private Hire Vehicles within Chorley - Mr A.J.M (Pages 11 - 12)**

Report of Director of Legal Services (enclosed)

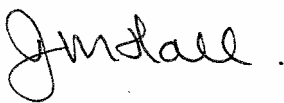
12. **Application for Private Hire Drivers Licence - Mr K.S (Pages 13 - 14)**

Report of Director of Legal Services (enclosed)

13. **Application for Private Hire Drivers License - Convictions Mr PSAH (Pages 15 - 22)**

Report of Director of Legal Services (enclosed)

Yours sincerely



Chief Executive

**Distribution**

1. Agenda and reports to all Members of the Licensing and Safety Committee (Councillor R Snape (Chair), Councillor Iddon (Vice-Chair), Councillors Bedford, Mrs D Dickinson, D Dickinson, A Gee, T Gray, Hoyle, M Lees, Lennox, McGowan, Mrs Smith, S Smith, Walker and Mrs Walsh) for attendance.
2. Agenda and reports to Director of Legal Services and Licensing Manager 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 کیجئے: 01257 515823

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**Licensing and Safety Committee****Wednesday, 11 January 2006**

**Present:** Councillor R Snape (Chair), Councillor Miss Iddon (Vice-Chair) and Councillors Bedford, Mrs D Dickinson, D Dickinson, A Gee, Gray, McGowan, Mrs I Smith, E Smith, Walker and Mrs S Walsh

**06.LS.01 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Lees and Lennox.

**06.LS.02 DECLARATIONS OF ANY INTERESTS**

No declarations of Interest were declared.

**06.LS.03 MINUTES**

**RESOLVED – That the minutes of the meeting of the Licensing and Safety Committee held on 6 December 2005 be received as a correct record and signed by the Chairman.**

**06.LS.04 LICENCE CONDITION RELATING TO INSURANCE OF LICENSED HACKNEY CARRIAGE/PRIVATE HIRE VEHICLES**

The Director of Legal Services submitted a report informing Members of a problem that has arisen regarding the insuring of licensed vehicles and sought approval of a new licence condition to address the problem.

It was a requirement that upon licensing a hackney carriage or private hire vehicle, a valid certificate of insurance must be produced. Often this was a cover note for a period of a month and it was becoming increasingly difficult to identify the proprietors who do not subsequently produce a full certificate of insurance. In addition one company was insuring some of its vehicles on a weekly basis which caused administrative and enforcement problems.

**RESOLVED – That the following licence condition be added to both hackney carriage and private hire vehicle licences:**

**INSURANCE**

**Where the insurance produced with the application for or renewal of this licence is due to expire before the date of expiry of the licence a current insurance document must be produced either on or before the date when the original insurance expires.**

**It is the responsibility of the licensee to ensure that a current insurance document is produced to the Licensing Section; failure to do so may result in the suspension of this licence.**

**06.LS.05 LICENCE CONDITION RELATING TO COLOUR OF LICENSED VEHICLES**

The Director of Legal Services submitted a report seeking approval to a change of licence condition relating to the colour of licensed vehicles.

Given that the Council had a “mixed fleet” of hackney carriages (London style taxis and other vehicles) the colour difference between hackney carriages and private hire vehicles was of great significance and it was therefore important to maintain distinction.

**RESOLVED – That the following changes be made to the hackney carriage proprietors licence and private hire vehicle licences, to be attached to the new grant of vehicle licence, the renewal of a vehicle and any transfers.**

**Hackney carriage condition 3. (g), ...The colour of the vehicle unless a purpose built hackney carriage shall be white.**

**The Authority will allow the current silver people carrier that is presently licensed as a Hackney Carriage to continue trading with this colour on the proviso that when the carriage is replaced it must conform to the new condition.**

**Private Hire Vehicle condition 4. (g), ...The colour of the vehicle shall not be white.**

#### **06.LS.06 AMENDMENTS TO DELEGATION SCHEME - SPENT CONVICTIONS**

The Director of Legal Services submitted a report to seek approval to amend the delegation powers of the Director of Legal Services under the Delegation Scheme regarding applications for private hire and hackney carriage vehicle licences where spent convictions exist.

The changes would allow officers to have delegated powers to issue private hire and hackney carriage drivers licences where convictions would ordinarily be “spent” under the Rehabilitation of Offenders Act 1974 unless the offence is of a serious nature.

**RESOLVED – 1. That approval is given to the policy on spent convictions and amendment to the delegated powers of the Director of Legal Services as set out in paragraphs 9 and 10 of the report.**

**2. That the Council’s Constitution is amended accordingly.**

#### **06.LS.07 OUSTANDING LICENCE APPLICATIONS THAT WERE RECEIVED PRIOR TO AMENDMENT TO DELEGATED SCHEME**

The Chair accepted as urgent, consideration of this item, not included on the agenda in order to consider three applications, received in November 2005 and the Committee needed to consider them before the next scheduled meeting on 8 March 2006.

With reference to the above minute relating to the amendment of the Delegation Scheme the Director of Legal Services sought approval to deal with these applications under the amended delegated powers.

**RESOLVED – That the three applications be dealt with under the amended Delegated Scheme with any doubt regarding the drink driving conviction to be brought to the attention of this Committee.**

#### **06.LS.08 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 of the Local Government Act 1972.**

#### **06.LS.09 SUSPENSION OF PRIVATE HIRE DRIVER’S LICENSE - PRB**

The Director of Legal Services submitted a report bringing to the attention of Members the suspension of Private Hire Driver’s Licence Mr PRB under delegated powers.

The Committee were requested to consider the circumstances leading to the suspension of the licence and, in the light of the information available and any explanation given by Mr PRB, decide if any further action was necessary.

The report set out the background to the suspension. The driver attended the meeting to put forward representation in his defence and the Committee carefully considered the representations made.

**RESOLVED – That the licence be revoked on the basis that Mr PRB is not a fit and proper person to hold a drivers licence. The Committee were concerned that the allegations made against the driver related to an inappropriate attitude and behaviour and the Committee was not satisfied by the explanations given.**

**In considering the responsibility placed on this Committee to ensure that drivers licensed by it are competent and responsible, the Committee decided that in the circumstances the protection of the public outweighed the drivers right to drive licensed vehicles.**

Chair

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Report of	Meeting	Date
Director of Legal Services	Licensing & Safety Committee	08/03/2006

## LICENSING AND REGISTRATION LICENCES ISSUED FROM 12 NOVEMBER 2005 TO 14 FEBRUARY 2006

### PURPOSE OF REPORT

- To inform the Committee of the various licences and permits issued and the registrations effected since the last Committee.

### CORPORATE PRIORITIES

- There are no specific implications for corporate policies arising from this report.

### RISK ISSUES

- The issue raised and recommendations made in this report involve risk considerations in the following categories:

Strategy	Information	✓
Reputation	Regulatory/Legal	
Financial	Operational	
People	Other	

This report is for information only.

- PUBLIC ENTERTAINMENT LICENCES - GRANTED UNDER DELEGATED AUTHORITY**

#### Occasional

#### New

#### Transfers

#### Renewals

The Quality Mill Hotel

#### Variations

Continued...



5. **SECOND HAND GOODS**

6. **HACKNEY CARRIAGES, PRIVATE HIRE REGISTRATIONS**

The table below shows the number of licences/registrations issued by me under my delegated powers since last Committee.

<b>Number of</b>	<b>New</b>	<b>Renewals</b>	<b>Transfers</b>	<b>Vehicle Change</b>
Private Hire Vehicles	7	38	7	10
Private Hire Drivers Licence	6	17	0	0
Private Hire Operator	0	8	0	0
Hackney Carriage Drivers Licence	8	23	1	0
Hackney Carriage Vehicle	0	6	3	1
Motor Salvage Operator	0	0	0	0

7. **HOUSE TO HOUSE COLLECTIONS**

8. **STREET COLLECTION PERMITS**

There have been 10 applications granted for Street Collection Permits during this period.

9. **LOTTERIES AND AMUSEMENTS ACT 1976 (AS AMENDED)**

There have been 73 Lottery permits issued.

10. **GAMING MACHINE SECTION 34 (5E) PERMIT**

There have been two Gaming Machine Permits issued during this period.

11. **MOTOR SALVAGE OPERATOR**

There have been no Motor Salvage Operator Licences issued during this period.

**Enforcement visits for period from 12 November 2005 to 14 February 2006**

12. During the above period I have made 54 visits to premises in connection with licensing matters.

13. The majority of the visits have been of a routine nature but the following visits have been made where breaches of the law are suspected:

**Suspension of vehicles**

14. One private hire vehicle licence was suspended following accident damage to the vehicle. One private hire vehicle licence was suspended following a failure to take a routine taxi test.

Five complaints have been received during this period. One complaint resulted in the suspension of a private hire driver's licence (this matter will be brought before the Committee)

One complaint was from a County Councillor regarding charges on Christmas Day, the other two complaints relate to an operator who has been given a warning letter and a

member of the public who was involved in an incident with a private hire vehicle and was concerned about the roadworthiness of the private hire vehicle.

**Investigation of complaints**

- 15. Two complaints have been received during this period; One complaint resulted in the suspension of a private hire driver’s licence (this matter will be brought before the Committee.)

**Joint Operations**

- 16. Two joint operations were conducted during this period, one with Lancashire County Council engineers found no defects with vehicles licensed by the Council, and the other operation with the Police and the Council’s Neighbourhood Wardens resulted in 2 private hire drivers being reported for illegally plying for hire.

Report compiled 14 February 2006  
 Keith Ogden  
 Licensing Enforcement Officer

**COMMENTS OF DIRECTOR OF FINANCE**

- 17. There are no comments from the Director of Finance.

**COMMENTS OF THE DIRECTOR OF HUMAN RESOURCES.**

- 18. There are no comments from the Head of Human Resources

**RECOMMENDATION(S)**

- 19. Members are asked to note the report

ROSEMARY A LYON  
 DIRECTOR OF LEGAL SERVICES

<b>Background Papers</b>			
<b>Document</b>	<b>Date</b>	<b>File</b>	<b>Place of Inspection</b>
Various applications	Various dates	Various files	Licensing Unit Legal Services Chorley

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
Jayne Day	5161	23 September 2005	LEGREP/91798AAS

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