

Chief Executive's Office

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Date: 14 July 2005

Chorley
Borough Council

Town Hall
Market Street
Chorley
Lancashire
PR7 1DP

Chief Executive:
Jeffrey W Davies MA LLM

Dear Councillor

A meeting of the Licensing and Safety Committee is to be held in the Council Chamber, Town Hall, Chorley on Tuesday, 19th July, 2005 commencing at 2.00 pm.

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 meetings of the Licensing and Safety Committee held on 25 May 2005 and 3 June 2005.

4. **Licensing and Registration Licences issued from 8 April 2005 to 27 June 2005 (Pages 5 - 8)**

Report of Director of Legal Services (enclosed).

5. **Cedar Farm Galleries - Tiaras & Wellies Fund Raising Ball - Remission Fee (Pages 9 - 10)**

Report of Director of Legal Services (enclosed).

Further information to follow.

Continued....

6. **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 it involves the likely disclosure of exempt information as defined in Paragraph 4 of Part 1 of Schedule 12A to the Local Government Act 1972.

7. **Application for licence to drive Hackney Carriage/Private Hire Vehicles within the Borough of Chorley - Mr M A (01/11/54). (Pages 11 - 12)**

Report of Director of Legal Services (enclosed).

8. **Application for licence to drive Hackney Carriage/Private Hire Vehicles within the Borough of Chorley Mr N B (14/12/76). (Pages 13 - 14)**

Report of Director of Legal Services (enclosed).

9. **Application for licence to drive Hackney Carriage/Private Hire Vehicles within the Borough of Chorley Mr B P (05/06/61). (Pages 15 - 16)**

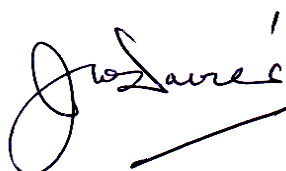
Report of Director of Legal Services (enclosed).

10. **Private Hire driver - Conviction Mr PRB (Pages 17 - 18)**

Report of Director of Legal Services (enclosed).

11. **Any other item(s) which the Chairman decides is/are urgent**

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.
3. Agenda and reports to all remaining Chief Officers for information.
4. Agenda and reports to all remaining Members of the Council for information.

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LICENSING AND SAFETY COMMITTEE**25 MAY 2005**

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

05.LS.31 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Mrs D Dickinson and Hoyle.

05.LS.32 DISCLOSURE OF PERSONAL/PREJUDICIAL INTERESTS

The under mentioned Member declared a personal/prejudicial interest in relation to the report indicated below included on the meeting's agenda for consideration.

Councillor David Dickinson Item 4 Application for the Renewal of a Public Entertainment Licence – The Sirloin Inn, Station Road, Hoghton, Preston

05.LS.33 APPLICATION FOR THE RENEWAL OF A PUBLIC ENTERTAINMENT LICENCE – THE SIRLOIN INN, STATION ROAD, HOGHTON, PRESTON

The Director of Legal Services submitted a report requesting the Committee to determine an application for the renewal of a public entertainment licence in respect of The Sirloin Inn, Station Road, Hoghton, Preston.

The application was based on the same permitted hours of Wednesdays 11.00am until 11.00pm and Saturdays 11.00am until 11.00pm.

Objection had been received from two residents due to noise from the establishment and had been invited to the meeting, but did not attend. No objection had been received from the Police and the Council's Environmental Services did not object but had made recommendations regarding work to the premises that would reduce the escape of noise from the entertainment at the premises.

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

RESOLVED – That the Public Entertainment Licence in respect of The Sirloin, Station Road, Hoghton be renewed on the hours requested, subject to complying with the recommendations of the Environmental Services Unit.

(Councillor David Dickinson declared an interest in the above mentioned item and left the room during the discussion and voting)

05.LS.34 ECCLESTON CRICKET CLUB – REMISSION OF FEE

The Committee received a report of the Director of Legal Services on a request from Eccleston Cricket Club for the public entertainment licence fee in respect of a forthcoming fund-raising event to be remitted.

The Cricket Club was holding an event on 24 September 2005 to raise funds for the Club and Junior Football event and had paid a fee of £180 for an occasional public entertainment licence.

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RESOLVED – That consideration of the remission of the fee be deferred pending the receipt of more information in the way of receipt of a balance sheet and breakdown of expected costs for the event.

05.LS.35 LICENCES AND PERMITS ISSUED 8 APRIL 2005 TO 12 MAY 2005

The Committee received a report of the Director of Legal Services on the various licences and permits issued and the registrations effected by the Licensing Section since the last ordinary meeting.

RESOLVED – That the report be noted.

05.LS.36 APPLICATION FOR LICENCE TO DRIVE PRIVATE HIRE VEHICLES – MR A MALIK

The Chairman accepted as urgent, consideration of this item, not included on the agenda in order to consider an application received from Mr A Malik for a Hackney Carriage and Private Hire drivers licence in view of the fact that the next scheduled meeting was until 14 September 2005.

The application had been referred to the Committee for consideration because the applicant had held a driving licence since 27 June 2002 and the Council's policy was that applications for Hackney Carriage/Private Hire Drivers' Licence who have not attained the age of 21 years at the date of applying or do not have three years of experience driving under a full DVLA licence be not normally granted a licence, but that applicants who wish to put forward reasons why an exception be made from this general policy in their case be given an opportunity to appear before the Committee.

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

RESOLVED – 1) That Mr Malik's application be approved, subject to the usual medical and checks, as the applicant is considered to be a fit and proper person to hold a Private Hire/Hackney Carriage Drivers' Licence.

2) That the Council's policy on the issue of a Hackney Carriage/Private Hire Drivers' Licence to those applicants who have had a DVLA Licence for at least three years be reviewed and reported back to a future meeting of the Committee.

05.LS.37 CHAPEL STREET MUSIC FESTIVAL

The Director of Legal Services informed the Committee that the Chapel Street Music Festival was to take place on 6 August and that the activities would indicate the need to blocking off the taxi rank.

RESOLVED - That if enough notice is given an informal rank be arranged in the area for 6 August.

05.LS.38 PRIVATE HIRE OPERATOR – COMPLAINTS

The Director of Legal Services informed the Committee that a complaint had been received regarding a private hire operator in Chorley and that a special meeting of the Committee should be arranged as soon as possible to bring to the attention of members, the continuing problems associated with the operator.

RESOLVED – That a Special Meeting of the Licensing and Safety Committee be held on Friday, 3 June 2005 commencing at 2.00pm.

Chair

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LICENSING AND SAFETY COMMITTEE (SPECIAL MEETING)

3 June 2005

Present: Councillor R Snape (Chairman), Councillors David Dickinson, Mrs D Dickinson, T Gray, Mrs M Lees, McGowan, Mrs I Smith, E Smith and Mrs Walsh.

05.LS.39 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Miss Iddon (Vice-Chair), and Councillors Bedford, Lennox and Walker.

05.LS.40 DISCLOSURE OF PERSONAL/PREJUDICIAL INTERESTS

No Member declared an interest in relation to matters under consideration at the meeting.

05.LS.41 MINUTES

RESOLVED - That the minutes of the meeting of the Licensing and Safety Committee held on 29 April 2005 be received as a correct record and signed by the Chairman.

05.LS.42 EXCLUSION OF PRESS AND PUBLIC

RESOLVED - That the press and public be excluded from the meeting for the following item of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraph 4 of Part 1 of Schedule 12A of the Local Government Act 1972.

05.LS.43 PRIVATE HIRE LICENSED OPERATOR - NON COMPLIANCE WITH CONDITIONS OF LICENCE

The Committee received a report of the Director of Legal Services bringing to the attention of the Committee continuing problems relating to a Private Hire Operator in the name of MA.

The report indicated that MA had held the operators licence since 2 February 2005. The licence had previously been held by RS until February 2005 until it was revoked by the Committee in October 2004.

Following receipt of a complaint on 16 May 2005 officers investigating had found it was not possible to contact the licence holder MA with letters sent to the operators base. No response was received to these letters and officers had been unable to gain access to the operators base to follow up the complaint as the premises were closed until 4.00pm and after that time officers had been told that they could not enter the premises as it would mean passing through the food preparation area on the ground floor of the premises.

Following a letter delivered to the house of MA he attended an interview with the Enforcement Officer at the Union Street offices. The Enforcement Officer was of the view that MA had little or no understanding of his responsibilities as a licensed operator and also indicated that the previous licensed operator RS had sole control of the business.

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The Committee was informed that it was a condition of a private hire operator's licence that the operator on receiving a complaint should notify the complainant of his right to forward the complaint to the Council. In addition the operator must investigate the complaint immediately and notify the complainant of the outcome. If the complaint is investigated by an authorised officer of the Council, the operator must conform to any direction of the officer.

In addition to the failure to deal with the complaint, MA's lack of apparent involvement in the operation of the firm raised concerns as to whether he was a fit and proper person to continue to hold an Operator's Licence.

RS, MA along with his interpreter and a representative, attended the meeting to put forward representation in support of retaining the Private Hire Operator's Licence.

RESOLVED - That MA continues to hold a private hire operators licence as the Committee considers him to be a fit and proper person but that a strongly written letter be sent to him stating that the Committee was unhappy with the running of the business and that the conditions of the licence must be adhered to at all times, including making access for officers to attend the operating base at all times.

Chairman

Report of	Meeting	Date
Director of Legal Services	Licensing & Safety Committee	19 July 2005

LICENSING AND REGISTRATION LICENCES ISSUED FROM 8 APRIL 2005 TO 27 JUNE 2005

1. PURPOSE OF REPORT

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

2. CORPORATE PRIORITIES

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

3. 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.

4. PUBLIC ENTERTAINMENT LICENCES - GRANTED UNDER DELEGATED AUTHORITY

Occasional

St Gregory's Church Marquee
Astley Hall

New

Truffles Restaurant
Whittle Le Woods Community Centre

Transfers

The Hop Pocket, Time Square

Continued....



Renewals

The Barons Rest	The Crown
Clayton Brook	Clayton Green Sports Centre
The Springfield	The Sirloin
Harry's Bar	Euxton Parish Community Centre
Prince of Wales	The White Hart

Variations

Applejax

5. SECOND HAND GOODS

6. HACKNEY CARRIAGES, PRIVATE HIRE AND DOORMAN/SECURITY PERSON REGISTRATIONS

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

<u>Number of</u>	<u>New</u>	<u>Renewals</u>	<u>Transfers</u>
Private Hire Vehicles	10	21	10
Private Hire Driver's Licences	16	44	0
Private Hire Operator	2	1	1
Hackney Carriage Driver's Licences	6	11	0
Hackney Carriage Vehicles		3	5
Motor Salvage Operator	0	0	0

7. HOUSE TO HOUSE COLLECTIONS

Age Concern

8. STREET COLLECTION PERMITS

There have been three applications granted for Street Collection Permits on behalf of the following:

9. LOTTERIES AND AMUSEMENTS ACT 1976 (AS AMENDED)

There have been 5 Lottery permits issued.

10. LATE NIGHT REFRESHMENT HOUSE LICENCES

There have been no applications granted for Late Night Refreshment House Licences on behalf of the following:

11. GAMING MACHINE SECTION 34 (5E) PERMIT

M.P.M. Investments

12. MOTOR SALVAGE OPERATOR

Thornley Salvage

Enforcement visits for period from 01 April to 27 June 2005

13. During the above period I have made 100 visits to premises in connection with licensing matters.

14. 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:

KSR Motors. A visit was made with the Police and the proprietors of KSR Motors were told that they needed to register as Motor Salvage Operators. A final warning was delivered on 11 May 2005 and hopefully the matter will be being dealt with by the time of this meeting

Nobles Amusements, Chapel Street. The company have now changed their policy to admit only persons over 18 years of age.

Top Lock, Wheelton. information that entertainment was taking place on the premises. Licensee has been reported for allowing the premises to be used for public entertainment without a licence.

21 Gorsey Lane, Mawdesley. a number of visits have been made following complaints from a neighbour, no breaches of conditions have been observed but the proprietor has been given suitable advice.

Suspension of vehicles

15. Two vehicle licences have been suspended during this period. Plate recovery notices have been served in respect of 12 private hire vehicles

Investigation of complaints

16. Five complaints have been received during this period. Four have been completed and the remaining one involving Chorley Private Hire has not been answered at the date of this report. A deadline has been given to the proprietor for a reply.

Joint Operations

17. One joint operation has taken place during this period. This involved engineers from Lancashire County Council and VOSA. No defects were found on any vehicles licensed by this Council.

Report compiled 27 June 2005
Keith Ogden
Licensing Enforcement Officer

COMMENTS OF DIRECTOR OF FINANCE

18. There are no comments from the Director of Finance.

COMMENTS OF THE DIRECTOR OF HUMAN RESOURCES.

19. There are no comments from the Head of Human Resources.

RECOMMENDATION(S)

20. Members are asked to note the report

ROSEMARY A LYON
DIRECTOR OF LEGAL SERVICES

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Background Papers			
Document	Date	File	Place of Inspection
Various applications	Various dates	Various files	Licensing Unit, Legal Services, Chorley

Report Author	Ext	Date	Doc ID
Jayne Day	516	27 June 2005	ADMINREP\LICENSING & REGISTRATION

Report of	Meeting	Date
Director of Legal Services	Licensing and Safety Committee	19/07/05

CEDAR FARM GALLERIES – TIARAS & WELLIES FUND RAISING BALL – REMISSION OF FEE

PURPOSE OF REPORT

- To bring to the attention of Members a request by Cedar Farm Galleries for the public entertainment licence fee in respect of a forthcoming fund raising event to be remitted.

CORPORATE PRIORITIES

- There are no specific implications 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	

- There are risk considerations in that the Council will lose revenue in not charging for this event.

BACKGROUND

- Cedar Farm Galleries are holding this event to raise funds for the Galleries which run children's workshops and art based events on a non-profit making basis. Cedar Farm have paid for an occasional public entertainment licence which is currently £290 for up to six events.
- No objections have been received either from Lancashire Constabulary or the Council's Environmental Services Unit.

CURRENT POSITION

- The applicant has written to the Council asking that the fee be remitted. Additional information has been supplied and is attached to the body of this report.
- The applicant has been invited to attend today's committee.

COMMENTS OF THE DIRECTOR OF FINANCE

9. There are no comments in relation to financial implications, other than those contained in the body of this report.

COMMENTS FROM THE HEAD OF HUMAN RESOURCES

10. There are no staffing implications.

RECOMMENDATION

11. Members are asked to consider whether or not to remit the fee in respect of the fund raising event organised by Cedar Farm Galleries.

ROSEMARY LYON
DIRECTOR OF LEGAL SERVICES

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Jayne Day	5161	11 July 2005	LEGREP/89557LK

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