

## Chief Executive's Office

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Doc ID:  
Date: 15 August 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 Wednesday, 24th August, 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 special meeting of the Licensing and Safety Committee held on 19 July 2005 (enclosed)

4. **Application to License Over Age Vehicle (Pages 5 - 6)**

Report of Director of Legal Services (enclosed)

5. **Licensing and Registration Licences Issued From 28 June to 1 August 2005 (Pages 7 - 10)**

Report of Director of Legal Services (enclosed)

6. **Application For a Public Entertainment Licence - The Beaumont Public House Centre Drive, Clayton Green (Pages 11 - 16)**

Continued....

Report of Director of Legal Services (enclosed)

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

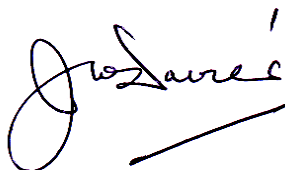
8. **Exclusion of the Public and Press**

To consider the exclusion of the press and public 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 to the Local Government Act 1972.

9. **Application for Licence to Drive Hackney Carriages/ Private Hire Vehicles within the Borough of Chorley Mr G A (Pages 17 - 18)**

Report of Director of Legal Services (enclosed)

Yours sincerely

A handwritten signature in black ink, appearing to read 'Joe Lawrence', with a horizontal line underneath.

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.

**LICENSING AND SAFETY COMMITTEE (SPECIAL MEETING)****19 July 2005**

Present: Councillor R Snape (Chairman), Councillor Miss Iddon (Vice-Chairman), Councillors Bedford, D Dickinson, Mrs D Dickinson, Mrs Lees, Lennox, McGowan, Mrs Smith, E Smith and Walker.

**05.LS.39 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors A Gee, T Gray and Mrs Walsh.

**05.LS.40 DISCLOSURE OF PERSONAL/PREJUDICIAL INTERESTS**

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

Vice-Chair Councillor Miss Iddon and Councillor Mrs D Dickinson - Item 11 (urgent item) - Croston Community Centre - Remission of Occasional Public Entertainment Licence Fee.

**05.LS.41 LICENSING AND REGISTRATION LICENCES ISSUED FROM 8 APRIL 2005 TO 27 JUNE 2005**

The Committee received a report of the Director of Legal Services on the various licences and permits issued and the registrations affected by the Licensing Section since the last ordinary meeting and Members raised questions relating to enforcement visits.

**RESOLVED - That the report be noted.**

**05.LS.42 CEDAR FARM GALLERIES - TIARAS AND WELLIES FUND RAISING BALL - REMISSION OF FEE**

The Committee received a report of the Director of Legal Services on a request from Cedar Farm Galleries for the occasional public entertainment licence fee of £290 in respect of a forthcoming fund raising event to be remitted. The event was to raise funds for the Galleries which run children's workshops and art based events on a non-profit making basis

A representative from Cedar Farm Galleries attended the meeting to put representations in support of the remittance.

**RESOLVED - That the Occasional Public Entertainment Licence Fee of £290 (up to six events) in respect of Cedar Farm Galleries forthcoming fund raising event be remitted.**

**05.LS.43 CROSTON COMMUNITY CENTRE - REMISSION OF OCCASIONAL PUBLIC ENTERTAINMENT LICENCE FEE**

The Chairman accepted as urgent consideration of this item, not included on the agenda because the next scheduled meeting was not until 14 September 2005.

The Committee received from the Chair of Croston Community Centre a request for the occasional public entertainment licence fee of £180 to be remitted in respect of an event to be held on Bank Holiday Monday 29 August, to raise funds for the Croston Community Centre.

The Chair of the Community Centre attended the meeting to put forward representations in support of the remittance.

**RESOLVED - 1) That the restricted occasional Public Entertainment Licence Fee of £180 in respect of Croston Community Centre forthcoming event on Monday, 29 August be waived.**

**2) That the Director of Legal Services, in consultation with the Chairman and Vice-Chairman, be given delegated power to approve the application for a Public Entertainment Licence in respect of Croston Community Centre, subject to no objections being received.**

(Councillors Mrs D Dickinson and M Iddon each declared an interest in the above item and left the room during the discussion and voting).

**05.LS.44 PRIVATE HIRE OPERATOR - COMPLAINT**

Further to Minute 05.LS.43 the Director of Legal Services informed the Committee of the continuing problems associated with a Private Hire Operator in Chorley and the failure by the operator to come to an arrangement with the complainant. An assurance had been given by the operator that a refund of £75 would be given to the complainant and this had not been forthcoming.

**RESOLVED - That letters be sent to the licensed operator and associated parties requesting confirmation of the action and informing them that if no response is received within 14 days of the date of the letter, the matter will be referred to the Committee for consideration.**

**05.LS.45 EXCLUSION OF PRESS AND PUBLIC**

**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.**

**05.LS.46 APPLICATION FOR LICENCE TO DRIVE HACKNEY CARRIAGE/PRIVATE HIRE VEHICLES WITHIN CHORLEY - MR MA (01/11/54)**

The Director of Legal Services submitted a report requesting the Committee to determine an application submitted by Mr MA for a licence to drive a private hire vehicle in the Borough of Chorley following a Criminal Record Bureau check that revealed offences that indicated that the application be considered by the Committee as to whether to grant a licence or otherwise.

The applicant attended the meeting to put forward representations in support of his application pointing out that the two offences took place in 1995 and 1996.

**RESOLVED - That a Hackney Carriage/Private Hire drivers licence be granted to Mr MA.**

**05.LS.47 APPLICATION FOR LICENCE TO DRIVE HACKEY CARRIAGE/PRIVATE HIRE VEHICLES WITHIN THE BOROUGH OF CHORLEY - MR NB (14/12/76)**

The Director of Legal Services submitted a report requesting the Committee to determine an application submitted by Mr NB for a licence to drive a private hire vehicle in the Borough of Chorley following a Criminal Record Bureau check had revealed offences in 1996, that indicate that the application be considered by the Committee as to whether to grant a licence or otherwise. Mr NB had failed to declare the convictions when he completed the application form.

The applicant attended the meeting to put forward representations in support of his application pointing out that as the convictions had been in 1996 relating to a single offence, which he had forgotten about it.

**RESOLVED - That a Hackney Carriage/Private Hire licence be granted to Mr NB.**

**05.LS.48 APPLICATION FOR LICENCE TO DRIVE HACKNEY CARRIAGE/PRIVATE HIRE VEHICLES WITHIN THE BOROUGH OF CHORLEY - MR BP (05/06/61)**

The Director of Legal Services submitted a report requesting the Committee to determine an application submitted by Mr BP for a licence to drive a private hire vehicle in the Borough of Chorley. Following a Criminal Record Bureau check, offences had been revealed indicating that this application be considered by the Committee as to whether to grant a licence or otherwise.

The applicant did not attend the meeting to put forward representations in support of his application.

**RESOLVED - That the applicant be informed in writing that another opportunity will be given for him to attend a future meeting of the Committee to put forward representations in support of his application and if he does not attend, the application will be considered in his absence.**

**05.LS.49 PRIVATE HIRE DRIVER - CONVICTION MR PRB**

The Committee received a report of the Director of Legal Services drawing the Committee's attention to the fact that licensed private hire driver Mr PRB had been convicted of using a motor vehicle without insurance and had failed to disclose this to the Licensing Section as requested by condition of licence.

The report indicated that information received from the DVLA had shown that Mr PRB had been convicted on 26 February 2004 for using a vehicle without insurance and that his DVLA licence had been ordered to be endorsed with seven penalty points, however he had failed to surrender his DVLA licence. A letter requesting him to contact the Licensing Section was sent to him and because of his failure to respond to this request the Enforcement Officer served a 14 day suspension notice under delegated powers pending receipt of written confirmation of the conviction

from the DVLA. This was confirmed.

The licensed private hire driver, along with his mother and father, attended the meeting to put forward representations in support of him retaining his private hire drivers licence and the Committee carefully considered the representations made.

**RESOLVED - 1) That the private hire driver Mr PRB be given a written warning and reminded of his responsibilities as a professional private hire driver to ensure compliance with all relevant legislation.**

**2) That, subject to Mr PRB providing written confirmation from the Magistrates' Court that the conviction dated 20 August 2004 for no insurance and using a motor vehicle without a test certificate have been quashed and the Summons withdrawn, the suspension notice issued by the Council and dated 14 June 2005 be withdrawn.**

Chairman

Report of	Meeting	Date
Director of Legal Services	Licensing & Safety Committee	24/08/05

## APPLICATION TO LICENCE OVER AGE VEHICLE

### PURPOSE OF REPORT

- To bring to the attention of members an application to licence a private hire vehicle that is over the Council's age limit.

### CORPORATE PRIORITIES

- This report is relevant to further the key corporate priorities of the Council ie making a safer Chorley by ensuring that all licensed vehicles are fit for the purpose.

### RISK ISSUES

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

Strategy		Information	
Reputation		Regulatory/Legal	4
Financial		Operational	
People		Other	

- There is a right of appeal against a refusal to licence to the Magistrates Court.

### BACKGROUND

- Frederick Lewis of 147 Chorley Road, Heath Charnock is a private hire driver licensed by the Council, Mr Lewis has applied to licence a Mercedes E230, registered number N908 JHG, as a private hire vehicle.
- It is a condition of private hire vehicle licences issues by this Council that "On the date of first licensing, a vehicle shall normally be no older than four years from the date of manufacture". This application is in respect of a vehicle that is nine years old.
- Although a Council can have a policy on ages of vehicles this policy cannot be inflexible and that is the reason for the word "normally" being inserted in the licence condition.
- Usually such applications are resolved at officer level but in this particular case it is felt that the decision should be made by Committee as a recent application was refused in respect of someone working for the same operator as Mr Lewis.

9. Mr Lewis has followed the correct procedure in presenting the vehicle for inspection prior to a licence application. A check of the vehicle found it to be in above average condition for it's age with a full service history and mileage of 65,000. In view of the inspecting officer this vehicle would be suitable for use as a private hire vehicle providing that it successfully completed a "taxi test". Should the vehicle be licensed it would be subject to a "taxi test" every 4 months in line with current practice.

#### **COMMENTS OF THE DIRECTOR OF FINANCE**

10. There are no comments in relation to this report.

#### **COMMENTS OF THE HEAD OF HUMAN RESOURCES**

11. There are no comments in relation to this report.

#### **RECOMMENDATION**

12. That the Committee considers in this particular case whether or not a private hire vehicle licence should be issued.

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

13. None.

ROSEMARY LYON  
DIRECTOR OF LEGAL SERVICES

There are no background papers to this report.

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
Keith Ogden	5163	4 August 2005	LEGREP/89874LM



Report of	Meeting	Date
Director of Legal Services	Licensing and Safety Committee	24/08/2005

## LICENSING AND REGISTRATION LICENCES ISSUED FROM 28 JUNE TO 1 AUGUST 2005

### 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**  
Marquee Cedar Farm Galleries, Mawdesley  
Chorley Football Club

#### **New**

#### **Transfers**

The Railway Inn, Chorley

#### **Renewals**

Parklands High School  
The George  
St John's Church Hall, Coppull

Heapey and Wheelton Village Hall  
The Gillibrand Arms

#### **Variations**



**SECOND HAND GOODS DEALERS.****HACKNEY CARRIAGE AND PRIVATE HIRE REGISTRATIONS**

5. The table below shows the number of licences/registrations issued by the licensing section under their delegated powers since last Committee.

<u>Number of</u>	<u>New</u>	<u>Renewals</u>	<u>Transfers</u>
Private Hire Vehicles	4	12	3
Private Hire Driver's Licences	4	13	0
Private Hire Operator	0	0	0
Hackney Carriage Driver's Licences	4	4	0
Hackney Carriage Vehicles	0	0	0

**HOUSE TO HOUSE COLLECTIONS****STREET COLLECTION PERMITS**

6. There have been 2 applications granted for Street Collection Permits on behalf of the following:

Royal Air Force Association, Guide Dogs for the Blind.

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

7. There have been 2 Lottery Permits issued.

**LATE NIGHT REFRESHMENT HOUSE LICENCE**

8. No Late Night Refreshment House Licences issued.

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

9. No Gaming Machine permits issued.

**MOTOR SALVAGE OPERATOR**

10. One Motor Salvage Operator Licence has been issued during this period.

**GAME DEALERS LICENCE**

11. One Game Dealers Licence has been issued during this period.

**ENFORCEMENT VISITS FOR THE PERIOD 28 JUNE TO 2 AUGUST 2005.**

12. During the above period 36 visits have been made 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:

14. Cardwell Arms, Adlington, further complaints of noise, no breaches of Public Entertainment Licence requirement. Environmental Health and Police are aware of the problem.

#### **SUSPENSION OF VEHICLES**

15. No vehicle licences have been suspended during this period.

#### **INVESTIGATION OF COMPLAINTS**

16. One complaint has been received during this period, in respect of Chorley Private Hire, this complaint has been dealt with. There is still an outstanding complaint relating to Chorley Private Hire that has been brought to the attention of the Committee previously, this complaint still has not been dealt with satisfactorily.

#### **JOINT OPERATIONS**

17. Two joint operations have taken place during this period. This involved engineers from Lancashire County Council. No defects were found on any vehicles licensed by this Council

Report compiled 2 August 2005  
Keith Ogden  
Licensing Enforcement Officer

#### **COMMENTS OF DIRECTOR OF FINANCE**

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

#### **COMMENTS FROM 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 LYON  
DIRECTOR OF LEGAL SERVICES  
There are no background papers to this report.

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
Jayne Day	5161	12 August 2005	LEGREP/89869JM2

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Report of	Meeting	Date
Director of Legal Services	Licensing & Safety Committee	24 August 2005

## **APPLICATION FOR A PUBLIC ENTERTAINMENT LICENCE – THE BEAUMONT PUBLIC HOUSE, CENTRE DRIVE, CLAYTON GREEN**

### **PURPOSE OF REPORT**

1. To enable Members to determine an application for a public entertainment licence following recommendations from the Council's Environmental Services Unit and objections from nearby residents.

### **CORPORATE PRIORITIES**

2. There are no specific implications arising from this report

### **RISK ISSUES**

3. 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	

4. There is a right of appeal against the decision of this Committee to the Magistrates Court.

### **BACKGROUND**

5. The Beaumont Public House applied for a public entertainment licence on 18 April 2005 to allow public music, singing and dancing. The hours of the licence applied for are:

Monday to Thursday 11am until 23.30pm  
 Friday and Saturday 11am until 24.00  
 Sunday 12noon until 23.30pm

### **CURRENT POSITION**

6. The Police have been consulted and inform me that after speaking to the applicant regarding this application he has agreed to reduce the hours to midnight on Friday and Saturday. The applicant has now supplied this in writing.

Continued....

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7. The Council’s Environmental Services Unit has been consulted and they have suggested the following conditions be added to the licence, if issued, as follows:

All licensed events should take place inside the building with all windows shut and the door shut other than for ingress and egress.

Both the entrance door and lobby door should be fitted with self-closing devices.

If ventilation/heat build-up becomes a problem this will need to be addressed by an air conditioning system or other active ventilation system.

8. The Council’s Building Control Section has carried out an inspection and everything is in order.
9. In addition, a letter of objection signed by 16 nearby residents living in Blackcroft and Peartree Road, Clayton le Woods has been received. Whilst these objections have been received outside the normal objection period, it is a matter for Members to decide what weight should be given to the objections. A copy of the letter is attached together with a map showing The Beaumont in relation to Blackcroft and Peartree Road.

The objectors have been invited to attend.

10. The applicant has been invited to attend.

**COMMENTS OF THE DIRECTOR OF FINANCE**

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

**COMMENTS OF THE HEAD OF HUMAN RESOURCES**

12. There are no staffing implications.

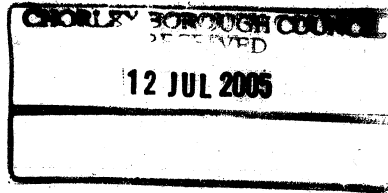
**RECOMMENDATION(S)**

13. Members are asked to determine the application for the public entertainment licence having considered the report and after hearing the representations, if any, made to them by the applicant and the objectors.

ROSEMARY A LYON  
DIRECTOR OF LEGAL SERVICES

Report Author	Ext	Date	Doc ID
Janet Brereton	5164	12/08/2005	LEGREP/89934AJS

Chorley Borough Council  
 License Services  
 Civic Centre  
 Union Street  
 Chorley  
 Preston.  
 PR7 1AL



Date: 11/07/2005

Dear Mr Ogden,

Further to my conversation with one of your colleagues today we wish to inform that on the Saturday 9<sup>th</sup> July 2005 we were subjected to excessive noise from the Beaumont Pub at Clayton Road, Chorley. This has also been reported to Susan Briggs at Environmental Services today.

We believe from conversations that the license has not been fully granted and that they are in process of granting the license but the publicans are obviously operating outside the parameters set. We believe that they should not have stayed open till 1am on Saturday with music till 12.30am. They also had ALL the windows and doors open at the pub, presumably due to the heat and having no air conditioning, which I believe was another parameter set by Environmental Health.

As the license is not fully granted myself and the residents here at [redacted] and [redacted] going to be working with our local MP Lindsay Hoyle to see if we can put a late objection in to stop the license being granted as we believe due to the area being residential allowing them to open all day and have music on till 1am at the weekends is not acceptable and is excessive and will cause environmental issues such as noise, litter and vandalism. They have already contravened the license (which hasn't even been passed yet) by opening late this Saturday and not adhering to the doors and windows being shut.

We believe that even with the restriction of having doors and windows closed whilst having music on will not work as it only takes one customer to open a door somewhere without the Manger knowing and the noise will filter out and cause a nuisance to residential neighbours who live in close proximity

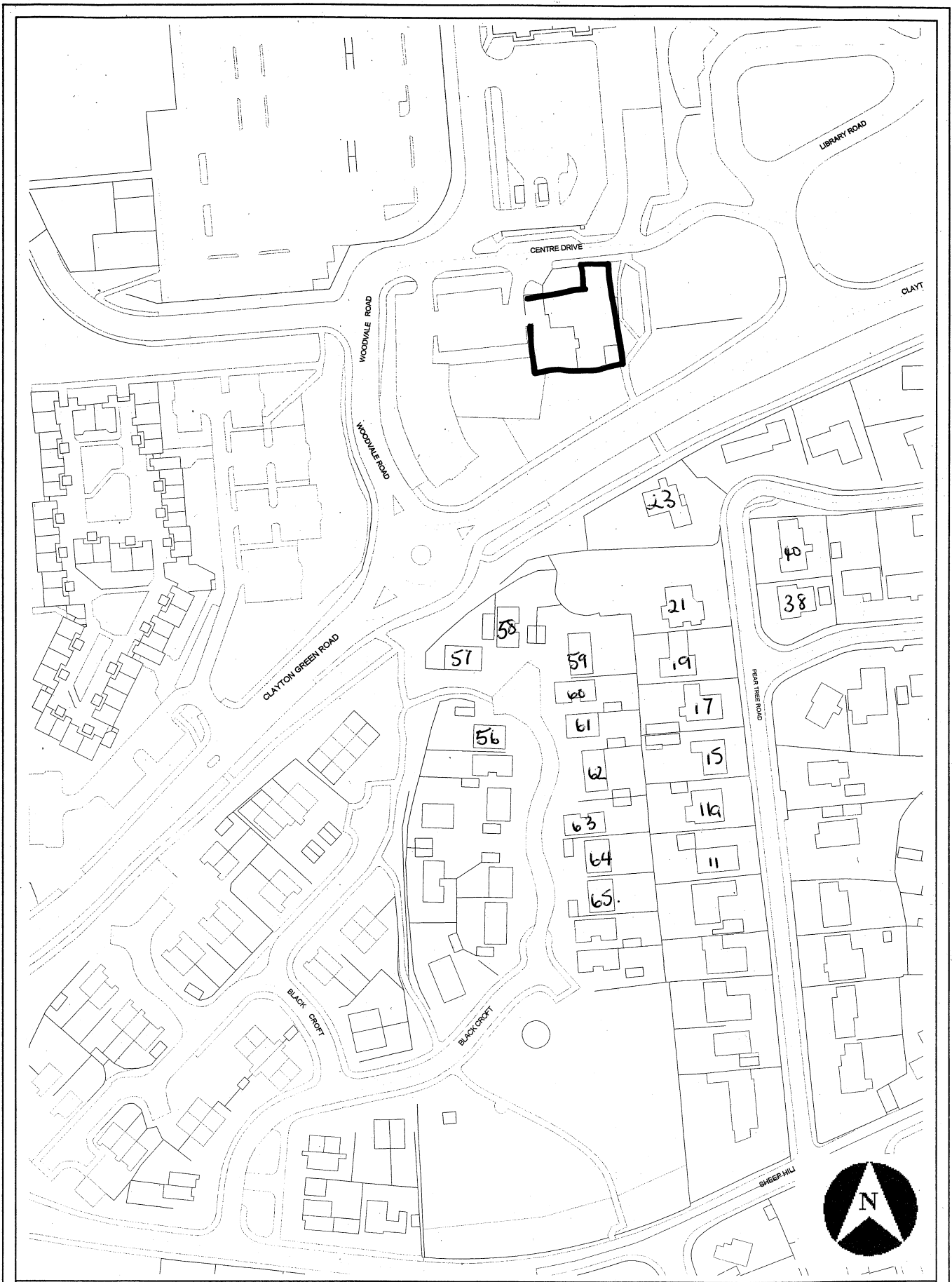
We also do not accept the procedure adopted when granting this license. We believe that it was only fair that we should have been written to about the license application being in such close proximity to the pub. Of all the 16 people who have signed the petition so far none of them have a local paper or drink at this pub to see a notice. I for one feel that I should have been written to as I have had several years of noise disturbance which I believe were on the application notes from Susan Briggs.

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Chorley Borough Council

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