

Licensing and Safety Committee (Special Meeting)

Wednesday, 2 November 2005

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

05.LS.49 APOLOGY FOR ABSENCE

An apology for absence was submitted on behalf of Councillor Hoyle.

05.LS.50 DISCLOSURE OF PERSONAL/PREJUDICIAL INTERESTS

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

05.LS.51 APPLICATION FOR RENEWAL OF A SEX SHOP LICENCE, BOLTON ROAD, CHORLEY

The Committee received a report of the Director of Legal Services on an application to renew the sex shop Licence for premises known/trading as 'M & M Sensations'.

In accordance with the requirements of paragraphs 9(7) - (10) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982, the applicant had advertised the application in the local press and on the applicant's premises within the statutory time limits.

The local police had been consulted and had responded by saying that they had no objections to the renewal of the licence.

The report indicated that a petition signed by 90 objectors had been received and was circulated to members at the meeting. The petition was on the basis that those who had signed 'object to the renewal of the Licence for a sex shop at 75a Bolton Street, Chorley. We have concerns about preserving and protection wholesome family values. As far as we are concerned, this business is sleazy and promotes an entirely wrong image of Chorley.'

The report set out under the Local Government (Miscellaneous Provisions) Act 1982 the grounds for an application for the renewal of a licence may be refused.

The applicant along with a companion attended the meeting to put forward representations in support of the grant for renewal of the Licence.

The objectors to the application attended the meeting to put forward their representation for objection.

RESOLVED - That the Committee after careful consideration of the representations made in support and on behalf of the objectors resolved that the application for renewal be granted subject to an additional condition that a self closing device be fitted to the front door to the premises and maintained in place at all times.

The Licensing and Safety Committee expressed the view that whilst it respected the rights of all citizens of Chorley to object to an application, the Committee must have regard to the relevant legislation, in this case, the Local Government

(Miscellaneous Provisions) Act 1982. Section 12 of the Act sets out the grounds on which a licence may be refused.

The Committee was of the view that there was no issue regarding the management of the premises raised either by Lancashire Police or the Council's Licensing Officer. The Committee was also of the view that there had been no change in the locality of the premises or the use to which the premises were put that would make the renewal of the sex establishment licence in appropriate.

05.LS.52 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 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.53 APPLICATION FOR LICENSE TO DRIVE HACKNEY CARRIAGE/PRIVATE HIRE VEHICLES WITHIN THE BOROUGH OF CHORLEY - MR J M S (DOB 5/11/68)

The Director of Legal Services submitted a report requesting the Committee to determine an application submitted by Mr JMS for a licence to drive hackney carriage vehicles within Chorley.

A Criminal Records Bureau check had revealed information which would determine that the grant of a licence would only be made following the deliberation of the Licensing and Safety Committee.

The applicant attended the meeting to put forward representation in support of his application and the Committee carefully considered the representation made.

RESOLVED - 1) That the Licensing and Safety Committee after careful consideration of the representations made by the applicant resolved that the application be refused. The Committee was of the view that the applicant was not a fit and proper person as he had been involved in two driving incidents, which resulted in receiving convictions for common assault and robbery. The Committee was of the view that these incidents were indication of him failing to manage his temper and was of the view that this was not responsible behaviour. 2) That the Committee also considered human rights implications and the proportionate principle and was of the view that the protection of the public (including other road users) was of paramount concern.

Chair