

LICENSING AND PUBLIC SAFETY COMMITTEE

WEDNESDAY, 20TH JULY 2016, 2.00 PM
COUNCIL CHAMBER, TOWN HALL, CHORLEY

AGENDA

APOLOGIES

1 **MINUTES OF MEETING WEDNESDAY, 3 FEBRUARY 2016 OF LICENSING AND PUBLIC SAFETY COMMITTEE**

(Pages 5 - 10)

2 **DECLARATIONS OF ANY INTERESTS**

Members are reminded of their responsibility to declare any pecuniary interest in respect of matters contained in this agenda.

If you have a pecuniary 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 **PUBLIC QUESTIONS**

At its Council meeting on 12 April 2016, the following speaking rights for members of the public attending the Licensing and Public Safety Committee were approved:

1. A maximum period of three minutes will be allowed for a question from a member of the public on an item on the agenda, including one supplementary question. A maximum period of up to 30 minutes to be allocated for public questions if necessary at each Licensing and Public Safety Committee meeting.
2. **Questions should be submitted to the Democratic Services Section by midday, two working days prior to each Licensing and Public Safety Committee meeting to allow time to prepare appropriate responses and investigate the issue if necessary.**
3. The question to be answered by the Chair or whoever is most appropriate as directed by the Chair.

4	MINUTES OF THE GENERAL LICENSING SUB COMMITTEES	
	A GENERAL LICENSING SUB-COMMITTEE HELD ON 3 FEBRUARY 2016	(Pages 11 - 12)
	B GENERAL LICENSING SUB-COMMITTEE HELD ON 16 MARCH 2016	(Pages 13 - 14)
	C GENERAL LICENSING SUB-COMMITTEE HELD ON 12 APRIL 2016	(Pages 15 - 20)
	D GENERAL LICENSING SUB-COMMITTEE HELD ON 27 APRIL 2016	(Pages 21 - 26)
5	MINUTES OF THE LICENSING ACT 2013 SUB COMMITTEE MEETINGS	
	A LICENSING ACT 2003 SUB-COMMITTEE HELD ON 2 MARCH 2016	(Pages 27 - 28)
	B LICENSING ACT 2003 SUB-COMMITTEE HELD ON 28 JUNE 2016	(Pages 29 - 32)
	C LICENSING ACT 2003 SUB-COMMITTEE HELD ON 30 JUNE 2016	(Pages 33 - 34)
6	LICENSING ACT 2003 - STATEMENT OF LICENSING POLICY REVIEW AND CONSULTATION	(Pages 35 - 58)
	Report of the Director of Early Intervention (enclosed)	
7	TAXI LICENSING - IMPLEMENTATION OF VEHICLE EMISSIONS AND NCAP SAFETY RATING CONDITIONS	(Pages 59 - 68)
	Report of the Director of Early Intervention (enclosed)	
8	SAFEGUARDING AND CHILD SEXUAL EXPLOITATION (CSE) AWARENESS TRAINING FOR THE LICENSING TRADE	(Pages 69 - 72)
	Report of the Director of Early Intervention (enclosed)	
9	ANY URGENT BUSINESS PREVIOUSLY AGREED WITH THE CHAIR	

GARY HALL
CHIEF EXECUTIVE

Electronic agendas sent to Members of the Licensing and Public Safety Committee Councillor Marion Lowe (Chair), Councillor Anthony Gee (Vice-Chair) and Councillors Jean Cronshaw, Gordon France, Margaret France, Tom Gray, Keith Iddon, Mark Jarnell, Hasina Khan, Sheila Long, Matthew Lynch, Mick Muncaster, Kim Snape, Ralph Snape and John Walker.

If you need this information in a different format, such as larger print or translation, please get in touch on 515151 or chorley.gov.uk

To view the procedure for public questions/ speaking click here

<https://democracy.chorley.gov.uk/documents/s60977/Appendix%203%20Standing%20Orders%20Jan%202016.pdf> and scroll to page 49

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**MINUTES OF LICENSING AND PUBLIC SAFETY COMMITTEE****MEETING DATE** Wednesday, 3 February 2016**MEMBERS PRESENT:** Councillor Roy Lees (Chair), Councillor Anthony Gee (Vice-Chair) and Councillors Doreen Dickinson, Gordon France, Margaret France, Tom Gray, Mark Jarnell, Hasina Khan, Matthew Lynch, Mick Muncaster, Steve Murfitt, Ralph Snape and John Walker**OFFICERS:** Lesley Miller (Regulatory Services Manager), Elizabeth Walsh (Solicitor), Stephen Culleton (Licensing Officer) and Ruth Rimmington (Democratic and Member Services Officer)**APOLOGIES:** Councillor Keith Iddon**16.LPS.21 Minutes**

RESOLVED – That the minutes of the Licensing and Public Safety Committee held on 18 November 2015 be confirmed as a correct record for signing by the Chair.

16.LPS.22 Declarations of Any Interests

No declarations of any interests were received.

16.LPS.23 Minutes of the General Licensing Sub Committee's

RESOLVED - That the minutes of the General Licensing Sub Committees held on 4 November 2015, 20 January (10am) and 20 January (2pm) be confirmed as a correct record.

16.LPS.24 Review of Hackney Carriage and Private Hire Vehicle Conditions

The Director of Public Protection, Streetscene and Community submitted a report for members to consider proposals to revise the existing Hackney Carriage and Private Hire Vehicles Conditions, following consultation with the trade on these conditions.

The Regulatory Services Manager advised that, as agreed by the Licensing Liaison Panel in June, a letter had been sent to all drivers, vehicle proprietors and private hire operators requesting comments. Four written responses were received and one further verbal response.

Members considered each recommendation in turn.

It was **RESOLVED**

(a) to approve the proposed layout of the vehicle conditions, including reasons for conditions.

(b) to note the comments made in the consultation in relation to conditions 5 (livery) and 8 (meters) and to retain the existing provisions.

(c) to note the comments in Paragraphs 18 to 27 and record that these matters had received due consideration by the trade and the Council and the current requirements remain relevant and should be kept unchanged.

Members debated the Council's pre-inspection process of vehicles and noted that appointments were available on a Tuesday and Thursday. It would be unusual for all of the allocated slots to be full and officers were flexible in these rare instances. Vehicles used as a taxi ought to be of the best quality when given a licence. Service centres would charge for this service and would need to be trained and monitored and there would potentially be issues of consistency and conflict if this service was outsourced.

Members discussed the risk to the vehicle proprietor if the vehicle did not pass the inspection. Even if the taxi test has been passed the vehicle could not be licenced and the proprietor would only be entitled to a refund of the application fee, minus an administration fee and also minus any fees paid for the taxi test, which under the current fee structure would effectively be a cost of £93.50.

It was proposed by the Vice Chair, Councillor Anthony Gee, seconded by Councillor Gordon France and subsequently **RESOLVED (d) not to allow an application to proceed before the Council's vehicle inspection.**

Members considered whether a vehicle that had been subject to an insurance write off, at any level, could be used as a hackney carriage or private hire vehicle. If a category C or D write off could be used, an additional assessment would be required by officers to ensure that such a vehicle was fully repaired and safe. This cost would have to be borne by the vehicle proprietor. In addition, it was likely that the insurance costs would be greater for the vehicle proprietor.

It was noted that if a private individual purchased a category C or D write off they did this knowingly, yet a passenger getting into a taxi would not know they were travelling in a vehicle that had been written off. The safety of residents was paramount.

An additional HPI check would need to be carried out to fill the gap left by the DVLA process change in relation to the removal of the Log book identification of category C and D write offs.

It was proposed by Councillor Margaret France, seconded by Councillor Matt Lynch and subsequently **RESOLVED e) condition 2 (insurance) to remain unchanged, with the addition of c) as set out in the report with the addition of, "except those newly registered"**.

Members discussed the type approval and vehicle adaptations and conversions and noted that the vehicles would be subject to the usual checks. **RESOLVED e) to agree the changes as set out in the report at e) in relation to condition 3 (type approval).**

Members considered clarifying provisions within several conditions.

RESOLVED f) to include the clarifying provisions suggested within the report for 9 (Radios and Communication devices), 11 (Engine Compartment), 14 (Dashboard and Steering column) and 15 (Interior trim) and determine whether each of those inclusions should be agreed or dismissed.

It was **AGREED** that a discussion be held with the Licensing Liaison Panel in relation to the procedure when a taxi had a flat tyre when carrying a passenger and that any manufacturer's approved kits ought to be used in accordance with the manufacturer's instructions.

Members discussed sliding doors and **RESOLVED e) condition 16 (Doors) should be altered as set out in the report.**

Members considered several clarifying provisions resulting from changes agreed earlier in the report. Members discussed comfort, leg room and ease of ingress and egress for passengers. Things had moved on since the provision was first introduced and so **RESOLVED e) in relation to condition 17 (Seats) to accept the replacement and additional condition as set out in the report, With the inclusion of the words "There must be a minimum opening of 400mm to the rear row of seats." At 17(k).**

Legroom provision across the County was deliberated. Committee had given consideration to the issues raised when the condition had been introduced.

It was proposed by Councillor Margaret France, seconded by Councillor Mick Muncaster and subsequently **RESOLVED e) condition 18 (Legroom) should remain unchanged.**

Members considered new proposed conditions 21 (Emissions Standards) and 22 (Safety rating) and **RESOLVED these should be included in the vehicle conditions. Officers would undertake consultation with the trade on these and report back to a future Committee on timescales for implementation.**

Members agreed that the condition in relation to engine capacity was outdated and **RESOLVED h) to the removal of the engine capacity condition (Condition 23).**

16.LPS.25 Hackney and private hire driver licence condition: Driver and Vehicle Standard Agency (DVSA) Test

The Director of Public Protection, Streetscene and Community submitted a report for members to review the current requirement for all new hackney and private hire driver licence applicants to successfully undertake the DVSA taxi driving test.

In 2011 the Council introduced a requirement for all hackney and private hire drivers to successfully complete the DVSA taxi Driver Test prior to, and as part of, a grant of licence. Consideration was given at that time to other options, such as a BTech or an NVQ, but these options were not considered appropriate. Other local authorities in the area required prospective taxi drivers to undertake the same test.

Representations had been made from the taxi trade identifying issues in obtaining test dates from the DVSA and questioning the credibility of the test when applicant drivers

failed the test. Officers explained that the test could be taken at any of the testing stations, and if local stations were busy there was the option to travel to other regional test centres to take the test sooner.

Members noted that in terms of the credibility and reasons for test failure, it should be a matter for individuals to take up with the centre at the time and not one that the Council as Local Authority should get involved in, bearing in mind the test was provided by a national Government agency.

Members highlighted that, depending on when taxi drivers had taken their driving test they might not have taken the theory or hazard awareness course. The DVSA test was considered best practice in guidance from the Department of Transport.

The Chair used his discretion to allow Mr Anthony Price of Yellow Cabs, to address the Committee. Mr Price advised that he believed the test should be discontinued. In his opinion, the test did not teach someone how to drive. There were costs to the test and it could cause a driver delays in receiving his licence.

Members expressed their view that the test should not teach a prospective taxi driver how to drive, but it would test their ability to drive passengers around. The DVSA test formed part of the fit and proper test required and ensured that Chorley taxi drivers were of the highest standard. Other professional drivers, like bus drivers and HGV drivers were obliged to take an additional test.

It was proposed by the Vice-Chair, Councillor Tony Gee, seconded by Councillor Steve Murfitt and subsequently **RESOLVED – to require the successful completion of the DVSA taxi driving test as a requirement before grant of a hackney carriage or private hire driver’s licence.**

16.LPS.26 Unmet demand and public interest survey

Lesley Miller, Regulatory Services Manager presented a verbal update on the progress of the unmet demand and public interest survey currently being undertaken by Chorley Council.

Consultation was currently being undertaken with the trade which would conclude shortly. A report would be presented to the next meeting of this Committee.

RESOLVED – That the update be noted.

16.LPS.27 Update on safeguarding training

Lesley Miller, Regulatory Services Manager, presented a verbal report to update Members of the proposal to introduce Child Sexual Exploitation and safeguarding training for licence holders (taxi and premises licences).

Officers had undertaken training, with the aim of being able to deliver safeguarding training for licence holders. Consultation was ongoing with other Local Authorities to ascertain best practice.

When plans were further developed these would be presented to the Committee.

RESOLVED – That the update be noted.

16.LPS.28 Any urgent business previously agreed with the Chair

The Chair noted that whilst he was happy to have contributions from members of the public, these were at his discretion and proposed that a formal public speaking procedure be introduced for the new municipal year.

It was proposed by the Chair, Councillor Roy Lees, seconded by Vice-Chair, Councillor Tony Gee and subsequently **RESOLVED – to request Council to amend the procedure rules for Licensing and Public Safety Committee to fall in line with those for Council, Executive Cabinet and Overview and Scrutiny Committee public questions / speaking procedure rules that questions be submitted to Democratic Services by midday, two workings days prior to the meeting to allow time to prepare appropriate responses and investigate the issue if necessary.**

Lesley Miller, Regulatory Services Manager, reported that guidance had been issued in relation to street parties for the Queen's 90th birthday. This guidance would be sent to all members via the next intheknow.

Chair

Date

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MINUTES OF GENERAL LICENSING SUB-COMMITTEE

MEETING DATE **Wednesday, 3 February 2016**

MEMBERS PRESENT: Councillor Roy Lees (Chair) and Councillors Gordon France, Margaret France, Tom Gray and John Walker

OFFICERS: Alex Jackson (Legal Services Team Leader), Stephen Culleton (Licensing Officer) and Ruth Rimmington (Democratic and Member Services Officer)

16.LSC.59 Declarations of Any Interests

No declarations of any interests were received.

16.LSC.60 Procedure

The Chair outlined the hearing procedure that would be used to conduct the meeting.

16.LSC.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 1 of Part 1 of schedule 12A of the Local Government Act 1972.

16.LSC.62 Application for the Grant of a Private Hire & Hackney Carriage Drivers Licence made under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 & Section 46 of the Town & Police Clauses Act 1847

The Sub Committee considered a report of the Director of Public Protection, Streetscene and Community to bring to the attention of Members matters relating to the applicant, with regards to his Disclosing and Barring Certificate.

On 29 September 2015 officers received an application from the applicant made under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 for the grant of a Private Hire Drivers licence (PHD) and Section 46 of the Town & Police Clauses Act 1847 for the grant of a Hackney Carriage Drivers Licence (HCD).

The applicant's Disclosure and Barring certificate identified a matter that fell within the Council's Convictions Policy: False Accounting, on the Theft Act 1968 S. 17 (1)(A)+S.17(1)(B). Issued by Merseyside Police on the 9th May 2012.

The applicant attended the meeting to make representations to the Sub Committee, along with his solicitor and his prospective employers.

The applicant had been employed as Manager of a premises from 2008 until 2015 by the owner. In 2012 the owner had instructed the applicant to discount the cost of an item within the café from £2.50 to £2 and enter it in the till as a miscellaneous purchase. The café was operated by a franchise, but the owner disagreed with the pricing operated by the franchise. When the applicant was on a day's leave the discounting was discovered by the franchise and reported to the police.

In the absence of his solicitor the applicant had accepted a caution, as a "slap on the wrists". He continued to work at the premises until it was sold in 2015. A written reference from the owner was presented for consideration.

The offence had not taken place within a taxi and the applicant had not benefited from the discounting. The caution had been accepted under False Accounting, which his solicitor submitted was rare as cases were more common under the Fraud Act. This, his solicitor suggested was potentially because it would be very difficult to prove loss or gain.

The applicant had no driving convictions recorded against his DVLA licence and had successfully passed the other requirements set down by the council in respect of his application.

After careful consideration and taking into account all the relevant factors in considering whether the applicant was a fit and proper person to hold a Private Hire Driver's Licence and a Hackney Carriage Driver Licence the Sub Committee **RESOLVED to grant the applications for both licences for the following reasons:**

- 1. The caution is over 3 1/2 years old and therefore it is within the Council's policy on previous convictions to grant the applications**
- 2. There was no financial benefit to the applicant**
- 3. The applicant had no other convictions**

Chair

Date



MINUTES OF GENERAL LICENSING SUB-COMMITTEE

MEETING DATE Wednesday, 16 March 2016

MEMBERS PRESENT: Councillor Roy Lees (Chair), Councillors Anthony Gee, Mark Jarnell, Matthew Lynch and Mick Muncaster

OFFICERS: Stephen Culleton (Licensing Officer), Alex Jackson (Legal Services Team Leader) and Ruth Rimmington (Democratic and Member Services Officer)

16.LSC.63 Declarations of Any Interests

There were no declarations of any interests.

16.LSC.64 Procedure

The Chair outlined the procedure that would be followed during the hearing.

The licence holder attended the meeting, with his solicitor, Mr Woosey (Parry, Welch and Lacey).

Mr Woosey requested that the Sub Committee be adjourned for four weeks. Mr Woosey had only received instruction from his client the previous day and more time was required to prepare the case to ensure that his client had a fair hearing. Mr Woosey made reference to Article 6 of the Human Rights Act 1998. There were a number of papers which were material to the case which could be produced to support the licence holder's case and there had also been technical difficulties in playing the dvd evidence.

Members felt that the receipt of this information was needed to help them decide on whether the licence holder was a fit and proper person. The Sub Committee **RESOLVED to adjourn the hearing, until Members had all the relevant information before them, for a period of at least two weeks.**

Chair

Date

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**MINUTES OF GENERAL LICENSING SUB-COMMITTEE****MEETING DATE** Tuesday, 12 April 2016**MEMBERS PRESENT:** Councillor Roy Lees (Chair) and Councillors Anthony Gee, Mark Jarnell, Matthew Lynch and Mick Muncaster**OFFICERS:** Stephen Culleton (Licensing Officer), Alex Jackson (Legal Services Team Leader), Ruth Rimmington (Democratic and Member Services Officer) and Simon Charnock (Support Engineer) present for only part of the hearing**16.LSC.65 Declarations of Any Interests**

No declarations of any interests were received.

16.LSC.66 Procedure

The Chair outlined the hearing procedure that would be used to conduct the meeting.

16.LSC.67 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 1 of Part 1 of schedule 12A of the Local Government Act 1972.

16.LSC.68 Section 60, 61 and 62 of the Local Government (Miscellaneous Provisions) Act 1976, Suspension / Revocation of Private Hire; Vehicle, Driver and Operators Licenses

The Sub Committee which had adjourned on 16 March reconvened. On 16 March the Licence Holder's solicitor had only received instruction from his client the previous day and more time was required to prepare the case to ensure that his client had a fair hearing. The Licence Holder's solicitor made reference to the Human Rights Act 1998.

The Licence Holder's solicitor had said on 16 March that there were a number of papers which were material to the case which could be produced to support the licence holder's case and there had also been technical difficulties in playing the DVD evidence. Members felt that the receipt of this information was needed to help them decide on whether the licence holder was a fit and proper person and so had adjourned until 8 April. When this proved impossible for the Licence Holder's solicitor Chair had authorised a further adjournment to 12 April.

The Sub Committee considered a report of the Director of Public Protection, Streetscene and Community to bring to the attention of Members matters relating to the conduct of the Licence Holder, in regards to the Private Hire Operator's Licence, Private Hire Driver's Licence, and Private Hire Vehicle Licences.

The Licence Holder came to the attention of officers on 27 August 2015, following a report from a member of the Taxi trade alleging that the Licence Holder was operating a vehicle in connection to his Private Hire Business and that vehicle was not a licensed Private Hire or Hackney Carriage Vehicle.

Officers had investigated the allegations and were satisfied that the circumstantial evidence, as presented, was sufficient to ask Members to consider whether the Licence Holder was a fit and proper person to continue to hold a Private Hire Operator, Driver and Vehicle Licences.

Officers had prepared a prosecution file requesting that the offences highlighted within that file be reported to the Courts. However, following legal advice, it was determined that the CCTV evidence might not be sufficient to enable a conviction beyond a reasonable doubt - therefore the file had not been progressed. Members were informed that the burden of proof in Committee hearings was less onerous than that required of the criminal legal system. Members need to be satisfied on the balance of probabilities, and did not have to be satisfied beyond a reasonable doubt when reaching their decision.

The Licence Holder attended the meeting on 12 April with his solicitor.

The Licence Holder had made an application for the grant of the Private Hire Vehicle Licence for the vehicle in question on 25 August 2015.

The Sub Committee watched the CCTV footage from 26 August 2015 which showed four occasions where the freephone telephone was used by shoppers. The telephone only called the Licence Holder's taxi company. On the four occasions the people were then observed to get into a vehicle which resembled a vehicle of the same manufacturer and model as that subject of the licence holder's application. Two further occasions were viewed when people got into a vehicle which resembled a vehicle of the same colour, manufacturer and model as that subject of the licence holder's application. It was not possible to see the registration of the vehicle.

Members noted that the time sequences supported the distance from where Licence Holder's taxi company was based and that the person driving the vehicle had distinctive white hair and was slightly taller than the vehicle. The vehicle had a badge on the side like the metallic ones used by Licence Holder's taxi company and the vehicle had tinted windows. The four sets of people who had used the phone moved towards the vehicle when it approached and the vehicle was insured as a taxi a month before it was actually licensed. The insurance that was in place could well have been invalid as there was no licence in place. There were no other vehicles of the same colour, manufacturer and model registered as a Private Hire Vehicles within the Borough at the time. The Licence Holder stated that he was not the driver and the vehicle observed was not his. On the V5 the vehicle was described as red.

The original complaint of plying for hire led the Licensing Officer to investigate further. The complainant had been invited to attend the meeting by the Licensing Officer at the end of the previous week and give evidence, but had declined to attend. The Licence

Holder said he only knew the complainant in passing and didn't know his name, but later said he did know his name.

The Licence Holder referred to frequent instances when taxis attended to pick passengers up, but another taxi had collected them and that this would be what had happened on 26 August. He had made complaints to other local authorities about this, however these were not evidenced in the records provided. All journeys booked should be recorded.

Simon Charnock, Support Engineer, left the room at this point.

The Licence Holder was an experienced Private Hire Driver and Operator and would have been aware of the requirements to keep records in accordance with his licence. When the Licence Holder attended the PACE interview he failed to mention that the book of records had in fact been stolen. He raised this in his witness statement submitted before the hearing and during the Sub Committee and alleged that the theft had occurred at the beginning of October. Officers had attended the premises on 5 October and requested the records. The Licence Holder stated at that time that his drivers made records of their bookings at the time of booking and these records were kept by the driver in the car.

These records identified the driver/vehicle by number, rather than by name. The records produced did not satisfy the requirements of the licence: the time of the booking, the full address of the hirer, the full destination address, the vehicle used and driver.

The changeover in driver was, at times, only denoted by a change in handwriting. This would not be sufficient for the Licensing Officer to investigate if needed.

The Licence Holder advised that the reason for the delay in him attending the Council offices was because he had requested that a manager be present. On the first two occasions a manager had not been available.

The vehicle in question had been presented to the testing station on 26 August. The Licence Holder originally stated he couldn't remember who had picked the vehicle up from the testing station. At the meeting the Licence Holder stated he had collected the vehicle at 6pm, but then said he picked it up when it was dark, about 8pm.

The skeleton argument from the Licence Holder's solicitor stated "it seems likely that the decision to grant the licence was made when the Licence Holder submitted the licence application with the fee and supporting evidence as to insurance and the test certificates that related to the vehicle having satisfied the authorised officer that all was in order". No legal authority was cited in support. However, the Licence Holder stated when questioned by the Council's legal officer that he did not consider the vehicle to be licensed for use until he had collected the licence and the plates.

Members carefully considered the officer reports containing material from the Licensing Officer, the driver and the oral representations at Sub Committee from the Licence Holder and his solicitor. Members also received advice on the driver's skeleton argument from the council's legal officer which dealt amongst other things with arguments about the fairness of the hearing under Article 6 of the European Convention on Human Rights. This advice was contained in a supplemental report which had been disclosed by e-mail to the driver's solicitors before the hearing.

Members also had sight of an e-mail from the Licence Holder's insurance underwriter in a further supplemental report.

After careful consideration and taking into account all the relevant factors the Sub Committee **RESOLVED** to revoke the Licence Holder's Private Hire Operator Licence under section 62(d) of the Local Government (Miscellaneous Provisions) Act 1976 ("the 1976 Act") and to revoke his Private Hire Driver Licence under Section 61(b) of the 1976 Act. There would be a requirement to pass the DSA Taxi Driver Assessment as a condition of any Hackney Carriage or Private Hire Driver licence application being made in the future for the following reasons:

1. **Members were satisfied that on the balance of probabilities the Licence Holder had on several occasions on 26 August 2015 been the driver of the vehicle shown picking up passengers in the CCTV footage, which would have been unlicensed and lacked a private hire plate. The phone in the outlet connects directly to his taxi company. The person driving the vehicle appeared to have distinctive white hair and was slightly taller than the vehicle. The vehicle had a badge on the side like the metallic ones used by the Licence Holder. The vehicle had tinted windows. The four sets of people who had used the phone moved towards the vehicle when it approached. There were no other vehicles of the same colour, manufacturer and model registered as a Private Hire Vehicles within the Borough at the time.**
2. **If the vehicle were unlicensed this created a risk on several journeys that the vehicle insurance was invalidated, which was supported by the e-mail dated 11 April 2016 from the underwriter. Members were aware that the effect on the insurance policy could be debated. However, the fact that its validity was put into question was not in Members' view acceptable. The travelling public should be assured that a taxi was properly insured and there should not be a question mark over the effectiveness of the insurance policy because of acts of the driver.**
3. **Members did not find the Licence Holder to be a reliable witness. He appeared to have changed his story from his earlier account given in the PACE interview. The Licence Holder originally stated in the PACE interview conducted on 4 November 2015 that he couldn't remember when he had picked the vehicle up on 26 August 2015 from the testing station. At the Sub Committee hearing the Licence Holder stated he had collected the vehicle at 6:00pm. He then said he picked it up when it was dark, about 8:00pm.**
4. **Members did not find his claim credible that other taxi firms might have intercepted passengers who had used the phone in the outlet to make a booking with his firm. If the Licence Holder's claim were true this would have happened by coincidence several times on 26 August 2015 very shortly after a phone booking was made with his firm. Even if it were true, the booking which did not result in a pick-up should still have been recorded. Its absence would be a further breach of the conditions attached to his operator licence and referred to in paragraph 5 below. When The Licence Holder attended the PACE interview he failed to mention that the operator records had been stolen from his premises. He alleged that the theft had occurred at the beginning of October 2015. Officers had attended the premises on 5 October 2015 and requested the records but the Licence Holder had not mentioned the theft. The Licence**

Holder said at the Sub Committee hearing that he only knew the complainant in passing and didn't know his name, but later said he did know his name. The Licence Holder accepted that he knew the complainant by sight.

5. The Licence Holder's operator records were materially in breach of the relevant conditions attached to his operator licence. The conditions require that both the time and date of the booking and time and date of the pick-up should be recorded. Only one time was shown. The vehicle used and the driver should be identified. The Licence Holder appeared to claim that a number on each page satisfied this requirement which Members did not accept. The name and address of the hirer should be recorded. Some entries appeared to have been doctored by the addition of passenger names at a later date. The records were not kept in book form as required by the conditions, but as loose leafs.
6. The Licence Holder did not appear to take on board any criticism at all of his operator records so there was every reason to believe that he would carry on as before. Poor record keeping meant that plying for hire and driving an unlicensed vehicle would be made easier. It would help facilitate the acts described in paragraph 1 above.
7. Overall Members concluded that the Licence Holder was dishonest and therefore not a fit and proper person to continue to hold the operator or driver licences.

The holder of the licences has 21 days from receipt of notice of the decision to appeal to the local magistrates' court.

Chair

Date

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MINUTES OF GENERAL LICENSING SUB-COMMITTEE

MEETING DATE **Wednesday, 27 April 2016**

MEMBERS PRESENT: Councillor Roy Lees (Chair) and Councillors Mark Jarnell, Matthew Lynch, Mick Muncaster and Tom Gray

OFFICERS: Elizabeth Walsh (Solicitor), Stephen Culleton (Licensing Officer), Ruth Rimmington (Democratic and Member Services Officer) and Nina Neisser (Democratic and Member Services Officer)

16.LSC.69 Declarations of Any Interests

There were no declarations of any interests.

16.LSC.70 Procedure

The Chair outlined the hearing procedure that would be used to conduct the meeting.

16.LSC.71 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 1 of Part 1 of schedule 12A of the Local Government Act 1972.

16.LSC.72 Application for the grant of a Private Hire and Hackney Carriage Drivers Licence made under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and Section 46 of the Town and Police Clauses Act 1847

The Sub Committee considered a report of the Director of Public Protection, Streetscene and Community to determine whether the applicant was a fit and proper person to hold a Private Hire and Hackney Carriage Drivers Licence.

The applicant did not attend the meeting.

The applicant made an application for a Private Hire and Hackney Carriage Drivers Licence on 16 January 2016. The applicant had passed the Council's Knowledge Test

and DSA Private Hire Driver Test Assessment. There were no convictions recorded against the Disclosure and Barring Certificate, the Council's Group II Medical had been returned with no issues and the applicant held a full DVLA Driver Licence.

The application process had identified that the applicant had a limited 'Leave to Remain-Residence Permit', where he was limited to remain in the UK until 9 April 2018. Officers believed it would be inappropriate to use delegated authority to issue a Private Hire and Hackney Carriage Driver Licence for three years to the applicant in light of the limited time he had to remain in the Country.

After careful consideration and taking into account all the relevant factors in considering whether the applicant was a fit and proper person to hold a Private Hire Driver's Licence and a Hackney Carriage Licence the Sub Committee **RESOLVED that the applicant was a fit and proper person to hold a Private Hire Driver Licence and Hackney Carriage Driver's Licence under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and that his application should be approved subject to the requirements of the standard conditions for the following reasons:**

1. **Members considered that the applicant had passed the Council's knowledge test and DSA Private Hire Driver Test Assessment and that there were no convictions recorded against the Disclosure and Barring Certificate. The applicant's Group II medical had been returned with no issues and that the applicant held a full DVLA Driver Licence.**
2. **Members considered the Council's Policy of issuing 3 year Private Hire and Hackney Carriage Driver Licence and felt that in this instance it was appropriate to depart from the Council's Policy. In light of this Members resolved to grant this licence with the following conditions:**
 - a) **To grant the application to a period not extending the applicant's leave to remain in the UK which currently expires on 9 April 2018.**
 - b) **To delegate to Licensing Officers upon receiving any evidence of any extension of that period to then extend the Private Hire and Hackney Carriage Driver Licences issued to:**
 - **A period not exceeding 3 years from the date of grant of those licences and**
 - **To not exceed any period of leave to remain as given on his residence permit**
 - c) **In the event that the applicant does obtain an extension to remain in the UK, the applicant will not be required to pay a fee for the extension of the Licence and that no extra fees are to be paid so as not to put him at a disadvantage to other drivers.**

16.LSC.73 Application for the grant of a Private Hire and Hackney Carriage Drivers Licence made under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and Section 46 of the Town and Police Clauses Act 1847

Councillor Matthew Lynch declared a personal interest and left the meeting for the duration of this item.

The Sub Committee considered a report of the Director of Public Protection, Streetscene and Community to determine whether the applicant was a fit and proper person to hold a Private Hire and Hackney Carriage Drivers Licence.

The applicant made an application for a Private Hire and Hackney Carriage Drivers Licence on 4 February 2016. The applicant had previously passed the Council's Knowledge Test and DSA Private Hire Driver Test Assessment. There were no convictions recorded against the Disclosure and Barring Certificate, the Council's Group II Medical had been returned with no issues and the applicant held a full DVLA Driver Licence.

The applicant attended the meeting to make representations to the Sub Committee, with his representative, Mr Charles Oakes.

The application identified a conviction for having no insurance where the applicant received six penalty points and a fine of £200. The application did not identify all the motoring offences the applicant had committed and offences which were held on Council records were set out within the report, including speeding endorsements.

The applicant had appeared before the Licensing Sub-Committee on 1 April 2009 to have an application determined. Members granted the applicant a Private Hire Drivers Licence with a warning that should he receive further speeding endorsements then he would be required to appear before the committee.

The Private Hire Drivers Licence was revoked on 14 August 2013 as the applicant had been found by the Police to be acting as Private Hire Vehicle without motor vehicle insurance, as required under Section 50 (4) of the local Government (Miscellaneous Provisions) Act 1976, and his vehicle was issued a PG9 statement for an illegal rear tyre.

The applicant advised that at the time his insurance was renewed on a weekly or monthly basis, rather than a contract. He had not realised that his insurance had lapsed. The speeding convictions had occurred when he was working as a delivery driver. He had decided that being a delivery driver wasn't for him as he felt he was always rushing, and that he would be better suited to being a taxi driver. He had not had any speeding convictions since 2012.

The applicant advised he was now 34 years old and a family man, whereas previously he was single with no responsibilities. He was planning to take out an insurance contract with monthly payments to ensure that his cover did not lapse. The applicant gave Members assurances that he would not act in a manner that would require him to be brought before them again.

After careful consideration and taking into account all the relevant factors in considering whether the applicant was a fit and proper person to hold a Private Hire Driver's Licence and a Hackney Carriage Licence the Sub Committee **RESOLVED that the applicant was a fit and proper person to hold a Private Hire and Hackney Carriage Drivers Licence under Section 51 of the Local Government Miscellaneous Provisions Act 1976 and that his application should be approved subject to the requirement of the standard conditions for the following reasons:**

- 1. Members considered that the applicant has previously passed the Council's knowledge test and DSA private hire driver test assessment in 2014. Members considered that the medical consultant was satisfied and**

that there were no issues with his medical and that the applicant held a full DVLA drivers licence.

2. Members considered the Council's Safeguarding, Suitability and Convictions statement of Policy for Taxi Licensing which envisages that significant periods for rehabilitation for major traffic offences.
3. In light of this Members noted that 3 years had passed since the applicant's conviction for driving without insurance and the grant of a Private Hire and Hackney Carriage Licence is within the Council's policy.
4. The applicant had not been convicted of any further offences in the intervening period and had expressed remorse.
5. Members noted that the applicant had given reasons for the offences committed.
6. Members expressed a view that a note be placed on the applicant's licensing file that should he commit any further offences that he will be brought back before Committee.
7. Members felt that the applicant should not be required to retake the DSA or the Council's knowledge test.

16.LSC.74 Application for the grant of a Private Hire and Hackney Carriage Drivers Licence made under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and Section 46 of the Town and Police Clauses Act 1847

The Sub Committee considered a report of the Director of Public Protection, Streetscene and Community to determine whether the applicant was a fit and proper person to hold a Private Hire and Hackney Carriage Drivers Licence.

The applicant attended the meeting to make representations to the Sub Committee, with Mr Anthony Price of Yellow Cabs (his prospective employer).

The applicant made an application for a Private Hire and Hackney Carriage Drivers Licence on 1 March 2016 and successfully passed the Council's Knowledge Test, the Council's Group II Medical requirements and the DSA Private Hire Driver Test Assessment.

There was one driving conviction recorded against the applicant's DVLA Driver Licence in October 2014: a SP50 resulting in 3 penalty points and a £35 fine. The applicant's Disclosure and Barring Certificate identified a number of offences which were set out in the report.

The applicant advised that the Conditional Caution in May 2007 was received for possessing controlled drug-Class A for personal use.

In April 2011 the applicant was convicted of Conspire / Being Concerned in Fraudulent Activity Undertaken with View to Obtain Payment of Tax Credit. The applicant explained that the offence had been committed when he was in his mid-twenties and that it had taken seven years for the matter to be dealt with through the courts. He had found the experience to be scary and advised that he would not do anything to put himself in that position again. All of the convictions on the Disclosure and Barring Certificate were now spent.

The applicant had been employed by a Parish Council as their lengthsman for two years and had worked installing gutters and fascia boards, but was currently unemployed.

The applicant was now 38 years old and settled with a wife and family. The applicant had been managing a local football team for several years and had responsibilities as the treasurer. This was a voluntary position.

Mr Price explained that the applicant had grown into a responsible family man and deserved the chance to prove himself as a taxi driver.

After careful consideration and taking into account all the relevant factors in considering whether the applicant was a fit and proper person to hold a Private Hire Driver's Licence and a Hackney Carriage Licence the Sub Committee **RESOLVED that the applicant was a fit and proper person to hold a Private Hire Driver Licence and Hackney Carriage Drivers Licence under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and that his application should be approved subject to the requirements of the standard conditions for the following reasons:**

1. **Members considered that the Council's medical consultant was satisfied that the applicant met Group II standards and that he successfully passed his DSA test and Knowledge Test.**
2. **Members considered the Council's Safeguarding, Suitability and Convictions Statement of Policy for Taxi Licensing which envisages rehabilitation periods of 3 - 5 years. In light of this Members noted that:**
 - a. **It was just over 5 years since the applicant's convictions and the grant of a Private Hire Driver's Licence and a Hackney Carriage Licence was therefore within the Council's Safeguarding, Suitability and Convictions Statement of Taxi Licensing.**
 - b. **The applicant had not been convicted of any further offences in the intervening period and has expressed remorse. Members noted that the applicant had given reasons for the offences committed.**
 - c. **Members took into consideration that the applicant had, since his convictions, managed a football team and been the treasurer.**
 - d. **The applicant was now married and settled with a family.**

Chair

Date

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**MINUTES OF LICENSING ACT 2003 SUB-COMMITTEE****MEETING DATE** **Wednesday, 2 March 2016****MEMBERS PRESENT:** Councillor Roy Lees (Chair) and Councillors Tom Gray and Keith Iddon**OFFICERS:** Chris Moister (Head of Governance and Property Services), Stephen Culleton (Lead Licensing and Enforcement Officer) and Ruth Rimmington (Democratic and Member Services Officer)**16.LAS.54 Declarations of Any Interests**

No declarations of any interests were received.

16.LAS.55 Procedure

The Chair outlined the procedure to be used to conduct the meeting.

16.LAS.56 The Gambling Act 2005 - Application for a gaming machine permit for more than two gaming machines

The Sub Committee considered a report of the Director of Public Protection, Streetscene and Community to determine an application received from Hawthorn Honey Limited, Touchstone Business Park, Coleshill Road, Maeston Green, Birmingham, in respect of an application for a Gaming Machine Permit for more than two gaming machines for a premise licensed under the Licensing Act 2003 known as the Lamplighter, 113 Market Street, Chorley. The Designated Premises Supervisor and Business Development Manager attended the hearing.

The Council had received an application made under Schedule 13 of the Gambling Act 2005 for more than two gaming machines for the public house now known as the Lamplighter, 113 Market Street, Chorley.

The premises benefits from a Premises licence issued under Section 17 of the Licensing Act 2003 authorising the sale of alcohol, and a copy of the licence and plan of the premises was provided for information. Where premises wished to have more than two machines, the premises holder needed to apply for a Gaming Machine permit and the authority would consider the application based upon the licensing objectives, Gambling Commission guidance, the Councils Gambling Act 2005 Statement of Licensing Policy and other such matters they felt relevant.

Officers attended the premises on 10 February 2016 to assess the suitability of the premises to accommodate additional gaming machines in line with the application received. One of the proposed Gaming Machines (B) would be compromised in terms

of being monitored when the machine closest to the bar (A) was being used. The officer advised that the premises offered better opportunities to site the requested number of machines in different locations, which would enable better monitoring opportunities.

Members noted that the premises had recently been refitted to enable the provision of light entertainment and dancing. The two existing machines were placed opposite the bar.

The applicant highlighted that the premises operated a challenge 25 policy and no children were allowed on the premises. Additional notices and signage had been ordered as recommended in the report.

The applicant advised that following discussions with officers they now proposed that the machines be sited opposite the bar, in location E, (with the fourth machine next to E). The machine currently at E would be relocated to A. This would enable better monitoring opportunities.

Members were reminded of the Gambling Act 2005 licensing objectives and the Gambling Commission's published code of practice, providing the requirements that must be complied with by the Gaming Machine Permit Holder. The applicant advised that staff would also be trained in relation to the Gambling Act 2005 licensing objectives.

After careful consideration of all the relevant information, the Sub Committee RESOLVED to grant the application for two additional Category C Gaming machines at The Lamplighter Lamplighter, 113 Market Street, Chorley, for the following reasons:

- 1. The granting of the application is reasonably consistent with the licensing objectives.**
- 2. The machines will be sited opposite the bar, in location E, (with the fourth machine next to E). The machine currently at E will be relocated to A.**
- 3. The applicant has taken into account the comments regarding signage and training and has taken steps to action these.**

Chair

Date



MINUTES OF LICENSING ACT 2003 SUB-COMMITTEE

MEETING DATE Tuesday, 28 June 2016

MEMBERS PRESENT: Councillor Marion Lowe (Chair), and Councillors Mark Jarnell and Sheila Long

OFFICERS: Elizabeth Walsh (Solicitor), Lesley Miller (Regulatory Services Manager) and Nina Neisser (Democratic and Member Services Officer)

16.LAS.57 Declarations of Any Interests

No declarations of any interests were received.

16.LAS.58 Procedure

The Chair outlined the procedure to be used to conduct the meeting.

16.LAS.59 Application for a Review of a Premises Licence Under Section 52 of the Licensing Act 2003, in respect of the Euro Star, 90 Market Street, Chorley

The Sub-Committee considered a report from the Director of Early Intervention of an application for a review of a Premises Licence submitted under Section 51 of the Licensing Act 2003 by Lancashire Constabulary acting as a Responsible Authority, representation from Lancashire County Council's Trading Standards Department also acting as a Responsible Authority, and the Premises Licence Holder.

The application of the review of the Euro Star, 90 Market Street Chorley was submitted on 17 May 2016. The reasons for this application were given under the licencing objectives for; The Prevention for Crime and Disorder and The Protection of Children from Harm.

The premises have been subject to a number of failed test purchases by both Lancashire Constabulary and Lancashire County Council Trading Standards in relation to the Sale of Alcohol and Tobacco products. On 5 January 2016 the Police and Lancashire Trading standards searched the premises and a hidden compartment built into the display counter containing counterfeit/illicit tobacco was found.

Subsequently, on 2 February 2016, the premises failed a test purchase in relation to the sale of counterfeit tobacco. The premises was searched and a quantity of counterfeit/illegal tobacco was seized.

On 10 March 2016 the Council received an application to transfer the premises licence and Designated Premises Supervisor position into the name of the now current premises licence holder. The application received representation from Lancashire Constabulary but was withdrawn as the Police were not in a position to provide sufficient information at the time.

Following this, on 5 April 2016 the premises failed a test purchase in relation to the sale of alcohol; the 17 year old shop assistant, who was alone in the shop at the time, permitted the sale of alcohol to a 15 year old female. The premises licence holder ensured the Sub-Committee that he had left the shop for 25 minutes and instructed the shop assistant to not permit the sale of alcohol during this time.

Members expressed concerns over the lack of training with regards to this and questioned whether the Challenge 25 Policy was in place at the premises. The premises licence holder assured Members that this policy did apply, however when questioned indicated uncertainty in affirming the provisions of the Challenge 25 Policy and was unable to provide any evidence that employees had been formally trained.

Members were reminded that although he had been the business owner since November 2015, the current licence holder had only held the premises licence for the shop since March 2016 when the licence transfer was confirmed. Therefore, several of the products seized and failed test purchases were carried out under the previous licence owner, who it was expressed, was never a business partner with the current premises licence holder. The premises licence holder presented numerous conditions that he was willing to implement going forward which included; at least two members of staff to be present in the shop at busy times (4-6pm), no person under the age of 18 to be working alone at any time, all staff to be trained to at least level one of the BIIAB Award in Alcohol Awareness, and to ensure that any refusal to serve alcohol always be logged in the refusal register.

The Sub-Committee had carefully considered the officer report, appendices and representations made by Lancashire Constabulary, Lancashire County Council Trading Standards, the Premises Licence Holder and his representative, the guidance issued under Section 4 of the Licensing Act 2003, its Statement of Policy and the amended guidance issued by the Secretary of State under Section 182 of the Act, together with the Council's Licensing Policy, in particular those paragraphs referred to in the report. The Sub-Committee had also considered the Human Rights Act implications and in particular Article 8 and Article 1 of the First Protocol.

The Sub-Committee were of the view that two of the licensing objectives had been undermined and the management of the premises had not achieved the safety of the town centre and the residential communities. The Sub-Committee concluded that there was a history of the premises selling counterfeit/illegal tobacco and the failure of the current premises licence holder to discharge his responsibilities under the Licensing Act and under the current licence had failed to promote the licensing objectives.

The Sub-Committee were minded that it had to achieve a balanced approach to the difficult issues it had heard throughout the hearing.

On this basis after careful consideration of all the relevant information, the Sub-Committee **RESOLVED** – to fully revoke the premises licence of The Euro Star for the following reasons:

- It is necessary for the promotion of the licensing objectives as the evidence before the Committee proves that the licensing objectives are being undermined significantly;
- **Prevention of Crime and Disorder**
 - The premises was managed in an irresponsible manner as to amount to crime and disorder by storing counterfeit tobacco in a secret compartment under the counter and goes against the guidance – this was confirmed by the guidance.
 - The selling of counterfeit/illegal tobacco is a criminal offence and the funds from the buying of the counterfeit/illegal tobacco could be used to potentially fund organised crime and terrorist activity. The counterfeit/illegal tobacco which was found. This goes against the promotion of this licensing objective.
 - The selling and permitting the sale of alcohol to under 18's is a criminal offence and evidence from Trading Standards and Police highlighted failed test purchases
 - The guidance confirms: for the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity of crime of young people caused by; the License-holder allowing the sale of alcohol to children which results in the delivering of alcohol on to the street.
- **Protection of Children from Harm**
 - This refers to underage sales and proxy sales, whereby in this instance a 17 year old was left working in the shop unattended. The same 17 year old then sold alcohol to a 15 year old female.
 - Unacceptable record-keeping of the Challenge 25 Policy – Members were not satisfied with the fact that the premises licence holder was unable to present training records or any authority to show that the staff were legally able to sell alcohol. Members were able to view the refusal register brought in by the DPS and noted the entries but were not satisfied by the non-descript entries e.g. 'Name/Description of Persons' as 'no idea'.
 - Unacceptable training for staff who were involved in the supply of alcohol to be made aware of the existence and content of the age verification policy which applies to the premises – Members were not satisfied that this had occurred, especially in relation to the sale of alcohol to under 18's. Additional evidence of Trading Standards and Police failed test purchases indicated that staff did not know they operated a Challenge 25 Policy – this was confirmed by the guidance.

Members were concerned that the DPS was unclear about his own policy.

- **Members felt that any additional conditions that the DPS had put forward would not satisfy the prevention of crime and disorder concerns and the protection of harm to children**
- **The selling and permitting sale of alcohol to under 18's – criminal offence-evidence of Trading Standards and Police Test purchases**
- **The Trading Standards Officer advised that they had attended the premises a number of times and every time there had been issues with the premises.**
- **Members considered the representations made by the DPS in relation to the financial effects the removal of the Licence would have on the premises licence holder but this did not outweigh the need to safeguard children and for prevention of crime and disorder and it was in the public interest to resolve the existing problems with the premises licence so Licensing objectives are met.**

The premises licence holder was unable to state what the four licensing objectives were which concerned Members.

The Committee also gave due regard to the draft Conditions proposed by the licence holder's legal representative. The Police confirmed that by putting conditions on the Licence this would not be effective. The Committee determined the revocation of the licence was necessary and proportionate in light of all the evidence as the premises had not operated with the existing licence.

The Sub-Committee was also made aware that the Premises License Holder had pleaded guilty to four offences, two offences of selling alcohol on 5 January and 1 February and two offences of possession with intent to supply on both dates. Members were aware that the premises licence holder did not notify the Court that he held a personal license at the time of his conviction.

The Sub-Committee concluded that the revocation of the licence was the course necessary to promote the Licensing Objectives.

There is a right of appeal to the Magistrates Court within 21 days from the date of receipt on the notification of the decision.

Chair

Date

**MINUTES OF LICENSING ACT 2003 SUB-COMMITTEE****MEETING DATE Thursday, 30 June 2016****MEMBERS PRESENT:** Councillor Anthony Gee (Vice-Chair), and Councillors Mark Jarnell and Mick Muncaster**OFFICERS:** Jodi Ingram (Solicitor), Paul Carter (Regulatory Services Officer) and Nina Neisser (Democratic and Member Services Officer)**16.LAS.60 Declarations of Any Interests**

No declarations of any interests were received.

16.LAS.61 Procedure

The Chair outlined the procedure to be used to conduct the meeting.

16.LAS.62 The Gambling Act 2005; Application For a Gaming Machine Permit for more than 2 Gaming Machines

The Sub-Committee considered a report from the Director of Early Intervention in respect of an application under Schedule 13 of the Gambling Act 2005 for a Gaming Machine Permit for more than 2 gaming machines on behalf of the premises licence holder of The Colliers Arms, 30 Moor Road Chorley.

The premises benefits from a Premises Licence (PLA0386) issued under Section 17 of the Licensing Act 2003 authorising the sale of alcohol, this authorisation is a prerequisite to enable the above application. The premises currently benefits from a gaming machine permit for three category C Machines, GMP0005 issued on 16 July 2013.

Officers attended the premises on 2 June 2016 to assess the suitability of the premises to accommodate an additional gaming machine in line with the application received. Officers noted that the premises had four Category C Gaming Machines in situ, where a permit for three machines existed.

When it was brought to his attention, the applicant apologised for the additional Machine and explained that he did not realise that the application required a committee hearing for it to be determined; Officers accepted this explanation given the manner in which the previous application had been determined. The applicant immediately complied with officer's request to remove the fourth Gaming Machine.

The applicant's representative confirmed that the applicant was aware of Chorley Council's Gambling Act 2005 Statement of Licensing Policy and the Licensing Objectives. The applicant reiterated his apologies regarding the inadvertent breach of the fourth Gaming Machine to the Sub-Committee.

The applicant's representative confirmed that all of the gaming machines were able to be monitored by the bar staff. He confirmed that the pay-out rates and maximum winning totals (£70) are clearly signposted on all the machines.

Members were informed that crime and disorder was not an issue at the establishment. It was confirmed that that the pub exercised a challenge 21 policy. In regards to vulnerable persons, the pub operates a self-exclusion policy whereby any individual who admits to having a gambling problem cannot use the machines for a six month period, and anyone with a gambling problem who does not voluntarily sign the self-exclusion policy will also experience a six month ban.

It was also confirmed that a notice has been produced to be strategically placed around the pub and the gaming machines and that Gamcare leaflets would be ordered and readily available at the establishment.

Member's expressed concerns as to whether new employees had received training regarding the licensing provisions surrounding the use of gambling machines. The applicant indicated that no training had been provided but stated that all of his employees had worked in the industry for several years and exercised awareness. Members were reminded of the Gambling Act 2005 licensing objectives and the Gambling Commission's published code of practice, providing the requirements that must be complied with by the Gaming Machine Permit Holder.

After careful consideration of all the relevant information, the Sub Committee RESOLVED – that the application for four category C Gaming machines at The Colliers Arms, Chorley be permitted for the following reasons:

1. **The granting of the application is reasonably consistent with the licensing objectives and the applicant was aware of the positive steps required to promote these licensing objectives.**
2. **The machines will be sited adjacent to the bar, with the fourth machine being sited directly opposite the bar and in sight of the staff. Members were satisfied that there were sufficient measures to ensure that the machines are monitored by staff and that any under 18 year olds do not have access to the adult only gaming machines.**
3. **The applicant has taken into account the comments regarding signage and supportive information and has produced a notice to be placed in the public house and would be ordering additional notices from Gamcare.**

Chair

Date



Report of	Meeting	Date
Director of Early Intervention	Licensing and Public Safety Committee	20 July 2016

LICENSING ACT 2003- STATEMENT OF LICENSING POLICY REVIEW AND CONSULTATION

PURPOSE OF REPORT

1. To advise members of the Licensing and Public Safety Committee of the current statutory review of the Council's Licensing Policy Statement made under the Licensing Act 2003 and to seek adoption of the Policy Statement subject to the outcome of the current consultation process.

RECOMMENDATION(S)

2. That the Licensing and Public Safety Committee are asked to recommend approval to the Council's Executive Cabinet of the reviewed Licensing Policy Statement (Licensing Act 2003) subject to the following:
 - a) On the expiration of the consultation period (11 September 2016) the Director of Early Intervention and Chair of Licensing and Public Safety Committee are given delegated authority to make any minor amendments arising out of any consultation responses.
 - b) On the expiration of the consultation period (11 September 2016) any major changes considered to be necessary as a result of the consultation response will be reported back to the Licensing and Public Safety Committee for further consideration and approval.

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

3. Recommendation for approval of the Policy Statement subject to the conditions noted is required to ensure that on the the Council has a Licensing Policy Statement that meets the statutory requirements of the Licensing Act 2003.

EXECUTIVE SUMMARY OF REPORT

4. The Council has a statutory duty under the Licensing Act 2003 to produce a Licensing Policy Statement which details how the council will determine applications for licenses determined under the Licensing Act 2003.
5. This duty also requires a periodic review of the licensing statement on a date prescribed by the secretary of state which is currently every 5 years.
6. The current Licensing Policy Statement has served the council well over the past 5 year period.

7. The Policy is subject to the consultation period which runs from 11 July 2016 to 11 September 2016.
8. There are a number of changes proposed in this document to reflect changes in organisations and structures that impact on the policy and include information pertinent to the public health and early intervention focus of the Council and also outline the additional tools available to the Licensing Authorities to promote the licensing objectives.
9. The proposed policy statement is attached at Appendix A.
10. The consultation has begun, and has been sent directly to partner agencies, including the responsible authorities and public health. The consultation is also available on the Council’s website and the trade have been encouraged to comment.

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

11. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy communities	X	An ambitious council that does more to meet the needs of residents and the local area	X

OTHER CONSIDERATIONS

12. No alternative options are appropriate or relevant due to the statutory requirement to produce the Statement of Licensing Policy.

IMPLICATIONS OF REPORT

13. 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	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

COMMENTS OF THE MONITORING OFFICER

14. The proposed revised Statement of Policy is in accordance with the Council’s legal powers under the Local Government (Miscellaneous Powers) Act 1976.
15. It is open to Committee to approve the revised Statement of Policy based on all the relevant information and following consideration of the report.

JAMIE CARSON
DIRECTOR OF EARLY INTERVENTION

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Lesley Miller	5299	June 2016	***

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Statement of Licensing Policy

(Licensing Act 2003)

2016 - 2021



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1 INTRODUCTION

- 1.1 The Licensing Act 2003 requires licensing authorities to publish a “statement of its licensing policy” every 5 years, which sets out how they intend to exercise their functions. The policy sets out a general approach to making licensing decisions. Each application will be considered on its own individual merits. The discretion of the licensing authority in relation to applications is only used if relevant representations are made.
- 1.2 The policy covers regulating licensable activities on licensed premises, by qualifying clubs and at temporary events. Nothing in this policy will prevent a person applying for a variety of permissions under the Act. The policy covers the following licensable activities:-
- Retail sales of alcohol
 - Supply of alcohol by or on behalf of a club
 - Provision of regulated entertainment
 - Provision of late night refreshment
- 1.3 The policy has been prepared in accordance with the provisions of the Licensing Act 2003 and the Guidance issued by the Secretary of State. We must carry out our licensing role with a view to promoting the four licensing objectives which are:-
- the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.
- These licensing objectives are the only matters that can be taken into account in determining applications and any conditions to be attached to premises licences or club premises certificates will be appropriate to promote the licensing objectives. Each licensing objective has equal importance.
- 1.4 This policy will assist us in reaching a decision on a particular application, having regard to it and any statutory guidance issued by the Secretary of State. That does not mean we cannot deviate from the policy and/or statutory guidance if we have good reason to do so, such as where it is appropriate to do so to promote one or more of the licensing objectives, having properly taken the policy and/or guidance into account.
- 1.5 The 2003 Act is part of a wider Government strategy to tackle crime, disorder and anti-social behaviour and reduce alcohol harm. It is recognised that the licensing functions under the Act are only one means of promoting the delivery of the licensing objectives and should not therefore be seen as a panacea for solving all problems within the community. The Licensing Authority will, therefore, continue to work with its partners, local businesses and local people towards the delivery of the licensing objectives.
- 1.6 In accordance with section 5 of the 2003 Act the licensing authority has consulted with the following:-
- Responsible Authorities (Police, Fire & Rescue, Trading Standards and Environmental Health)
 - Representatives of local licensing trades

- Representatives of local businesses and residents
- Licence and Certificate holders.

The Authority has also sought the views of:

- Lancashire County Council
- British Transport Police
- Parish Councils
- Public Health Lancashire

Public consultation was undertaken via the local media, the Council's website and the social network.

- 1.7 The aim of this policy is to secure the safety and amenity of residential communities whilst facilitating a sustainable entertainment and cultural industry. The Licensing Authority recognises both the needs of residents for a safe and healthy environment to live and work and the importance of well-run entertainment premises to the local economy and vibrancy of the Borough. To achieve this aim the Licensing Authority is committed to partnership working with the police, fire safety and rescue service, local businesses, licensing trade, residents and others towards the promotion of the licensing objectives.
- 1.8 The policy takes effect in 2016 and will remain in force for a period of not more than five years. During this time the policy will be subject to review and updating or modification as appropriate, such as the need to reflect changes in legislation.

2 BOROUGH PROFILE

- 2.1 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.
- 2.2 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. A map of the area is given at Appendix 1.
- 2.3 There are approximately 375 premises licensed to sell alcohol ranging from off licences to public houses, members only clubs, restaurants and nightclubs.
- 2.4 The Council seeks to maintain a balance between the businesses 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.

3 LICENSING PROCESS

3.1 Making an application

- 3.1.1 The procedure and documentation requirements for making applications is prescribed by the 2003 Act and Regulations and further advice on how to make an application can be found on the council's website (www.chorley.gov.uk) or on request from the Licensing Authority at contact@chorley.gov.uk or on 01257 515151.
- 3.1.2 This policy sets out the Licensing Authority's expectations with regard to applications. Whilst applicants are not obliged to meet these expectations in full it is more likely that responsible authorities and other persons will make representations if they do not.
- 3.1.3 The Licensing Authority recognises that licensed premises vary considerably in terms of what activities they provide, their size and location and therefore, there is no definitive list of control measures that can be applied to all licensed premises.
- 3.1.4 Applicants are encouraged to seek advice from the licensing authority and appropriate responsible authorities prior to submitting an application for a premises licence or club premises certificate or an application to vary a premises licence or club premises certificate.
- 3.1.5 It is expected that applicants will normally have obtained planning consent for the proposed use prior to application.

3.2 Representations

- 3.2.1 There is a prescribed period during which the Licensing Authority can receive written representations to an application. For the applications referred to in the previous paragraph it is 28 days starting from the day after applications are received. Relevant representations can include positive, supportive statements as well as objections.

3.3 Decision making process

- 3.3.1 It is our policy to provide an efficient and cost effective service to all parties involved in the licensing process. With the exception of the approval and review of this policy, decisions on licensing matters will be taken in accordance with our approved scheme of delegation which is detailed at Appendix 2.
- 3.3.2 The powers of the Council under the 2003 Act are undertaken by the Licensing and Public Safety Committee which comprises of 15 councillors, by the Licensing Act 2003 Sub-Committee (3 councillors), or by one or more officers acting under delegated authority.

3.4 Granting of Licences

- 3.4.1 If no relevant representations are received then the licence will be issued automatically with, in the case of a premises licence or club premises certificate, such conditions attached as are mandatory or are consistent with the operating schedule accompanying the application. The Licensing Authority will have no discretion to refuse the application or to alter or add to the conditions offered through the operating schedule.
- 3.4.2 Where relevant representations are made by a responsible authority, the Licensing Authority will seek to engage with all parties may agree a hearing is not necessary where an amended operating schedule containing additional conditions is negotiated between the relevant responsible authority and the applicant.
- 3.4.3 Where relevant representations have been received and concerns cannot be resolved, the Licensing Authority must hold a hearing before the Licensing Act 2003 Sub-Committee, who will take such of the following steps as it considers appropriate for the promotion of the licensing objectives. The steps are:-
- To grant the licence or certificate as presented;
 - To grant the licence or certificate subject to the operating schedule modified to such extent as the Sub-Committee considers necessary for the promotion of the licensing objectives, and subject to the relevant mandatory conditions;
 - To exclude from the scope of the licence or certificate any of the licensable activities to which the application relates;
 - To refuse to specify a person in the licence as the premises supervisor; and
 - To reject the application or refuse to grant the licence in its entirety.

3.5 Events on Council Land

- 3.5.1 The Council wishes to encourage cultural and community events across the borough and is aware of the Secretary of States' Guidance around the licensing of public open spaces. In accordance with the provisions of the 2003 Act, the Council has made applications and been granted premises licences for some of its areas of public land.
- 3.5.2 Persons or organisations wishing to provide a licensable activity on licensed public land are not required to obtain a premises licence *for regulated entertainment* but must obtain a temporary event notice for the sale of alcohol and do need the permission of the Council to put on an event and meet the licencing objectives and conditions. This can help to facilitate events that do require a premises licence, but which would be impractical to arrange, while giving the Council a degree of control over how the event is delivered.
- 3.5.3 All events will need to demonstrate how they intend to safely deliver their event in line with relevant H&S guidance and Council policy.
- 3.5.4 The Council may require its Event Safety Advisory Group to consider large scale or high risk events and provide the event organiser advice and guidance which may form part of the agreement. The Criteria for determining if the matter should be referred to the group is attached in Appendix 2.

- 3.5.5 All event organisers will be required to have in place and present to the Council: Public Liability Insurance to a minimum indemnity value of £5million and a higher level of insurance indemnity may be required, risk assessment, site plan and key contacts list. For larger scale or high risk events a full and detailed event management plan will be required for submission and approval by the Council.
- 3.5.6 Details on how to apply to host an event on Council land can be found on the Council's website and the following minimum notices periods to be adhered to: Small events (estimated attendance under 500 people) - 1 month notice. Medium events (estimated attendance 500-1000) - 2 months' notice. Large events (estimated attendance over 1000 people) - 3 months. Where the event will impact on external roads then longer periods of notice will be required (see below).

3.6 Large Scale Events

- 3.6.1 Large Scale or high risk events applicants will be expected to demonstrate, in their event management plan the positive steps taken to support the licensing objectives.
- 3.6.2 Organisers of large scale events are encouraged to consult with the relevant council officers, the Council's Licensing and, where the criteria are met, the Events Safety Advisory Group, to ensure that the event does not undermine the licensing objectives. A minimum period of 6 months is recommended as an appropriate timescale for engaging with the Council on such large scale events.

4 PUBLIC HEALTH

- 4.1 The Central Lancashire Joint Strategic Needs Assessment (2010) identifies the public health risks and impacts of alcohol for the area and in relation to each district. The public health data demonstrates that the use and misuse of alcohol in Central Lancashire both reduces life expectancy and increases hospital admissions. Hospital admissions specifically linked to alcohol are higher in Central Lancashire than the rest of England. Levels of binge drinking are also higher than other areas of England with the highest rate within the Central Lancashire area being in Chorley.
- 4.2 Although public health has yet to be adopted as a licensing objective, applicants should be mindful of the health impacts and the associated harms of alcohol. Operating schedules should be sufficient to address particular issues in the locality that link alcohol with crime and disorder and public safety objectives and the consequential high incidence of hospital admissions.

5 GENERAL POLICIES

5.1 Encouraging Diversity in the Evening and Night Time Economy

- 5.1.1 The Licensing Authority recognises that Chorley's night time economy plays an important role in creating a vibrant, sustainable economy for the town. This needs to be balanced with the ambition to expand our leisure, tourism and business visitor offer, providing an attractive offer for all age groups and continuing to diversify both the day and night time economy. The Licensing Authority will explore and support opportunities which are presented to increase events and other activities which are not necessarily alcohol led which are more socially-inclusive and drive the economy.
- 5.1.2 The Licensing authority will encourage and influence a more diverse mix of venues, events and visitor attractions so that a wider group of people, such as families and older adults can also enjoy their time in Chorley and this will be balanced against the potential for disturbance to local neighbourhoods.
- 5.1.3 It is the Council's intention to work with relevant partners to set out a shared vision for Chorley's night time economy. The Licensing Authority wishes to use its licensing function to promote and enhance the agreed vision.
- 5.1.4 The Licensing authority wishes to encourage applications for restaurants and other predominantly seated venues which do not adversely impact upon the licensing objectives in contrast to those that predominantly offer vertical drinking. If applications are made they must demonstrate how the licensing objectives are to be promoted.
- 5.1.5 The current staggered closing times of licensed premises that has developed since 2005 in the Town Centre initially helped to reduce the problems associated with large numbers of people leaving premises at the same time but a significant number of premises within this area have now similar closing times which has increased the risk of increased levels of crime, disorder and nuisance.

5.2 Off Licence Sales

- 5.2.1 There has been a significant increase in the number of shops licensed to sell alcohol for consumption off the premises to be consumed at home which has resulted in less being purchased and consumed in traditional pubs, bars, restaurants and night clubs than used to be the case in the past. The attention of the Licensing Authority has been drawn to the growing practice of "pre-loading" before going out to visit licensed establishments. This change has the potential to create specific problems and be of detriment to the licensing objectives. These include ease of access to alcohol by children, ease of thefts, encouragement of street drinking and increase of crime and disorder and public nuisance. The Licensing Authority will work with partners and the trade to address these concerns including requiring changes to operating schedules, training or enforcement action to ensure the licensing objectives are met.

5.2.2 Applicants seeking a licence that would enable them to provide alcohol as part of a delivery service should include in their operating schedule procedures they intend to operate to ensure that:

- The person they are selling alcohol to is over 18
- That the alcohol is only delivered to a person over 18
- That a clear document trail of the order process from order to delivery is maintained (with times and signatures) and available for inspections by an authorised officer
- The time that alcohol is sold on the website/by phone and the time the alcohol is delivered is within the hours stated in the licence for the sale and supply of alcohol.

5.3 Adult Entertainment

5.3.1 Applications for new licences must indicate the nature of any adult entertainment to be carried out at the premises. Where this section contains no details it will be assumed that there is no intention by the applicant to allow such activities and the licensing authority and Responsible Authorities will not include conditions to manage adult entertainment.

5.3.2 Chorley Council has adopted Schedule 3 Local Government (Miscellaneous Provisions) Act 1982, which means that venues proposing to provide sexual entertainment must apply for a sexual entertainment venue licence in addition to the premises licence under the Licensing Act 2003. Chorley Council has a Sexual Entertainment Venue Policy which was adopted in 2011.

5.3.3 There is an exemption under the Local Government (Miscellaneous Provisions) Act 1982 that does permit the premises to offer sexual entertainment no more than 11 times a year and no more frequently than monthly. Alternatively, TENS can be used to provide such entertainment. Where operators intend to take advantage of this exemption or the use of TENS, the licensing authority expects clear explanation in the operating schedule of the proposed signage, publicity and advertising/display materials. Explicit material should not be visible, while signage relating to the nature of the entertainment and the exclusion of children should be prominent and conspicuous.

5.4 Outside Areas

5.4.1 The prohibition on smoking in enclosed public spaces has increased the demand for outside areas. Applicants are reminded that whilst they can be a valuable addition to the business, they can cause increased nuisance and disorder for residents. Operating schedules should detail how noise nuisance and disorder will be dealt with and these outdoor areas managed.

5.4.2 Although consumption of alcohol is not a licensable activity, if the plan does not show outside areas, such as beer gardens etc. then any premises licence authorising the sale of alcohol on the premises would not authorise the use of such areas as part of the premises for any activities included in the premises licence.

5.4.3 The guidance requires the applicant to describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

5.5 Takeaways and Late Night Refreshment

There are a number of issues that applicants of late night refreshment licences must consider and address as part of their operating schedule. All four licensing objectives must be given due consideration and appropriate management controls included. In addition, consideration must be included for the prevention of nuisance associated with music, which although ancillary to the licensable activities at the premises, can still give rise to noise nuisance complaints. Conditions restricting outside speakers and/or music above background level would be viewed favourably on applications.

6 APPLICATION CONSIDERATIONS

6.1 Layout and Operation of Premises

6.1.1 In most cases applicants will be able to address the potential problems and detriment to the licensing objectives, through the layout and the operation of the premises. Applicants should set out the steps which they are proposing to take to promote the licensing objectives in the Operating Schedule included in applications.

6.1.2 Appropriate steps will differ according to the size and nature of the premises. Subject to those qualifications steps may include:-

- Security/CCTV and staff supervision and training.
- Area used for display of alcohol
- Segregated areas for display and sale of alcohol.
- Sales over the counter/no self-service of alcohol.

6.2 Conditions and Review

6.2.1 Applicants are expected to explain within their application how the licensing objectives will be promoted. These proposals must be included in the Operating Schedule together with an appropriate plan. The Licensing Authority will consider what conditions should be imposed as are consistent with the Operating Schedule.

- 6.2.2 Where relevant representations are received, there will be a hearing. Having regard to those representations, the Licensing Authority may impose conditions consistent with the Operating schedule modified to such extent as the Licensing Authority considers appropriate for the promotion of the licensing objectives.
- 6.2.3 If it becomes apparent that the licensed hours and/or the layout or operation of the premises are having a negative impact on the licensing objectives, it is possible that the licensing authority, a responsible authority, such as the police, or any other person may apply for a review of the licence. At the hearing the Licensing Authority may revoke or suspend the licence, require an alternative DPS, modify the conditions of the licence to restrict the hours or activities or impose conditions if it considers it appropriate for the promotion of the licensing objectives.

6.3 Temporary event notices (TENs) and Late TENs

- 6.3.1 The 2003 Act enables certain organised events to provide one or more licensable activities at either an unlicensed premises or at a licensed premise to extend the times or licensable activities, to take place following notification to the Licensing Authority, the Police and Environmental Health. A TEN can last for 168hrs and each premise may have up to 15 TENs per year. Each TEN must be given no later than 10 working days before the event. The event must be for less than 500 people. Guidance on how to give a notice can be found in the Home office fact sheet which is available at www.chorley.gov.uk
- 6.3.2 Applicants are encouraged to give the earliest possible notice of events to allow for proper consideration of the event. This gives the Licensing Authority the Police and Environmental Health the opportunity to offer advice and assistance to applicants and reduce the likelihood of objections by agreeing conditions where appropriate to the operation of the TEN/Late TEN.
- 6.3.3 A Late TEN may be given up to 5 working days but no earlier than 9 working days before the event is due to take place.
- 6.3.4 Where the police or Environmental Health objects to a late TEN, there is no provision for a hearing and the authority must serve a counter notice to prevent the event going ahead. There is no right to appeal against the decision by the applicant.

6.4 The Operating Schedule

- 6.4.1 All new and variation applications are expected to incorporate an operating schedule specific to the premises, which outlines how the premises will be operated and demonstrates how high standards of management will be achieved. It should include details of how the applicant will promote the licensing objectives and reduce any potential negative impact from the operation of their business on the local community, depending on the type of premises, location and profile of customers.
- 6.4.2 The proposals contained in the operating schedule will form the main body of the conditions to be applied in the licence, together with any applicable mandatory conditions, any conditions agreed with responsible authorities during the application

process and any conditions imposed by the Licensing Sub-Committee at a hearing following the receipt of representations during the application process.

- 6.4.3 The Licensing Authority expects the highest standards of management in licensed premises and expects the licence holder to consistently manage their premises in accordance with their operating schedule.
- 6.4.4 Applicants are not required to seek the views of responsible authorities before submitting their applications however they are encouraged to consult and may find them a useful source of expert advice about local issues that should be taken into consideration when making an application.

6.5 Irresponsible Drinks Promotions and Drunkenness on Premises

- 6.5.1 We know that low cost alcohol sold in on and off trade premises increases alcohol consumption which can lead to crime and disorder issues. The Licensing Authority through this policy would like to encourage the responsible consumption of alcohol and where there is evidence that the licensing objectives are not being promoted or are likely to be compromised the Licensing Authority will take the appropriate action.
- 6.5.2 Rather than having to resort to controls of this kind, the Licensing Authority would like to encourage a voluntary code of good practice in relation to drinks promotions including pricing, and to encourage licence holders and others working at licensed premises to familiarise themselves with the mandatory condition relating to drinks promotions.

7 MANAGEMENT OF PREMISES

7.1 Designated premises supervisor

- 7.1.1 Any premises where alcohol is sold under a premises licence must have a designated premises supervisor (DPS). The DPS will be named in the premises licence, a summary of which must be displayed on the premises. A DPS must be a personal licence holder. Every sale of alcohol must be made or authorised by a person that holds a personal licence (or must be made or authorised by the management committee in the case of a community premises).
- 7.1.2 The 2003 Act does not require a DPS or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the DPS and premises licence holder remain responsible for the premises at all times.
- 7.1.3 The Licensing Authority ordinarily presume that the DPS has the day-to-day responsibility for running the premises and as such it is expected that the DPS would usually be present at the licensed premises on a regular basis and is able to demonstrate appropriate management and control of the premises.
- 7.1.4 The premises licence holder is expected to ensure that the DPS has experience commensurate with the size, capacity, nature and style of the premises and licensable activities to be provided.

7.2 Dispersal policy

- 7.2.1 The Licensing Authority accepts that licensed premises can have a diffuse impact. People can cause disturbance when returning to residential areas from later opening premises elsewhere and people who use off-licences may locate to a remote spot to consume that alcohol. These problems are not within the scope of the 2003 Act but this Authority expects premises licence holders to take measures to encourage people to leave their premises quietly and considerately. The Licensing Authority encourages premises to adopt an appropriate dispersal policy.

7.3 Antisocial Behaviour and Nuisance

- 7.3.1 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy.

7.4 Risk assessments

- 7.4.1 The Licensing Authority will expect that appropriate documentation that might include risk assessments, management procedures and documentation are available to staff, to the relevant responsible authorities and to the Licensing Authority, that demonstrate that the public will be safe within and in the vicinity of the premises.

7.5 Children and licensed premises

- 7.5.1 Whilst the Licensing Authority wishes to see family-friendly premises thriving in the borough, it is of the opinion that the protection of children from harm in licensed premises is an important issue. Consequently, the risk of harm to children will be a paramount consideration when determining applications.
- 7.5.2 Applicants will be expected to include in their operating schedule a statement of the measures as appropriate to protect children from harm which may include moral, psychological and physical harm as well as the protection of children from exposure to strong language, sexual expletives and gambling. Once the applicant has undertaken assessments of any risk to children they can volunteer appropriate conditions.

7.6 Proxy sales

- 7.6.1 Adequate procedures must be in place to ensure that members of staff working at licensed premises are routinely trained and regularly reminded of their responsibilities in relation to the issue of underage sales and proxy sales of alcohol and shall ensure that all reasonable steps and procedures are in place and implemented to prevent adults purchasing alcohol for those underage.
- 7.6.2 Conditions must be included that ensure that any designated premises supervisors and members of staff involved with the delivery of alcohol to residential addresses

are made fully aware of their responsibilities to ensure that no alcohol is sold to persons underage.

7.7 Age verification Policies

- 7.7.1 It is mandatory for premises which sell or supply alcohol to have an age verification policy in place. The Council favours the Challenge 25 scheme and such a scheme volunteered as part of the operating schedule will be given appropriate weight when the Council determines an application.

8 PROBLEM PREMISES

8.1 Enforcement

- 8.1.1 The Local Authority will employ officers who are authorised to carry out functions under the 2003 Act and will use the full range of enforcement actions, including the use of statutory powers where necessary.
- 8.1.2 The Licensing Authority checks compliance with the licensing objectives through inspection and visits. Proactive visits are made to those premises where concerns have been raised in relation to the licensing.
- 8.1.3 The Licensing Authority expects that where enforcement action relates to a breach of one or more of the licensing objectives, one of the responsible authorities will consider making an application to the Licensing Authority to review the premises licence.
- 8.1.4 The Licensing Authority will undertake enforcement action in accordance with the Regulators' Code and the Council's Enforcement Policy.

8.2 Reviews of licences

- 8.2.1 The procedure for reviewing premises licences and club premises certificates represents a key protection for the community where there is evidence to show that a specific concern exists relating to one or more of the licensing objectives.
- 8.2.2 The Licensing Authority expects responsible authorities and other persons to give early notice to licence holders of any concerns about problems identified at premises and of the need for improvement. It is expected that requests for a review of any licence or certificate will be sought only if such interventions have failed to resolve the matter or problem.
- 8.2.3 Representations must be made in writing and must be relevant. They must not be vexatious, repetitious or frivolous.

9 GENERAL TOOLS

9.1 Public Space Protection Orders- PSPO's (previously Designated Public Places Orders)

The Licensing Authority supports the use of PSPO's as a tool to prevent crime and disorder by tackling anti-social behaviour associated with consumption of alcohol in the street. The Licensing Authority expects premises that operate in areas where PSPO's have been implemented to have measures in place to ensure their customers do not contribute to problems of anti-social drinking.

The Council will carry out a consultation on the implementation of Public Space Protection Orders in 2016/17 to replace the existing Designated Public Places Order. The up to date details of the current orders are available from the Council's website, due to the proposed changes the information will not be published in this document until those orders are finalised.

9.2 Cumulative Impact Areas (CIA)

9.2.1 There is evidence of a clear positive relationship between increased outlet density and alcohol consumption in adults and young people. The evidence shows that increases in alcohol outlet density tend to be associated not only with an increase in alcohol consumption, but also increased alcohol-related crime and violence and alcohol specific hospital admissions. Also where licensed premises are clustered together within an area they are more likely to compete on price and promotions which can lead to increased consumption and alcohol related injury and violence.

9.2.2 At this time Chorley Council has not identified any Cumulative Impact Areas. However, where evidence exists that demonstrates that a concentration of a significant number of licensed premises in one area is causing a negative cumulative impact on one or more of the licensing objectives, a Cumulative Impact Area will be considered. This will involve consultation with a number of interested parties and partner agencies.

The Council's policy would need to be agreed and should include a presumption that applications for licences which are likely to add to the existing cumulative impact will be refused, following relevant representations, unless applicants can demonstrate that there will be no negative cumulative impact on the licensing objectives. The policy would include late night fast food outlets which are not licensed to sell alcohol.

As public health is currently not a licensing objective this cannot be taken into consideration in relation to cumulative impact areas other than statistics directly correlating alcohol with crime and disorder or public safety impacts and the related hospital admission data. Therefore, the long term health implication of alcohol consumption or obesity associated with a clustering of particular premises currently lies outside the scope for the CIA.

9.2.3 It must be noted that the Licensing Authority can only give effect to this in respect of any application for premises within the cumulative impact area if a relevant representation is received. If none are received then the Licensing Authority is obliged to grant the application.

- 9.2.4 In coming to the conclusion that it is necessary to establish or retain a CIA the Licensing Authority must take cognizance of Statutory Guidance and there must be sufficient evidence to be satisfied that the following factors are occurring in the CIA:-
- Concerns about crime and disorder or public nuisance.
 - Crime and disorder, including anti-social behaviour, and nuisance are occurring and caused by customers of the licensed premises from within the CIA.
 - Takeaway outlets become the focus for disorder and occasional violence.
 - Concerns over public safety, supported by statistics for alcohol related ambulance attendances.
 - Concerns over alcohol related assaults resulting in attendance at accident and emergency departments, occurring either within the premises or immediate vicinity.
 - Concerns over public nuisance as a result of noise and disturbance on the streets several nights during the week and particularly at weekends.
 - High levels of anti-social behaviour in public places, particularly at night, with much of it being associated with excessive alcohol consumption.
 - Concerns over public safety as a result of high numbers of pedestrians on the footways which spill on to the roadways.
 - Concerns over public nuisance as a result of litter associated with takeaway outlets.
 - Fouling of highways, doorways, public areas and alleys by urination, defecation and vomiting.
- 9.2.5 The adoption of a CIA does not prevent any person making an application for a licence for a premises or an application to vary an existing licence within the CIA.
- 9.2.6 Any CIA would be reviewed regularly to ensure it is still required and is having an appropriate impact.

9.3 Deregulation of Late Night Refreshment Licences

The opportunity exists to deregulate late night refreshment. Chorley Council has not made any changes to the existing licensing requirements at the time of publication of this policy.

9.4 Closure Orders

Both the Police and the local authority may seek to close premises where there is significant nuisance and disorder using provisions with the Anti-social Behaviour, Crime and Policing Act 2014. The initial closure notice may be effective for up to 48hrs and within that time and application must be heard by the court for the closure order, which may be for up to 3 months and can be extended up to a maximum of 6 months.

These powers are only to be used in circumstances where there is significant impact on the public from a premises and where the closure of the premises is necessary to resolve those serious issues.

9.5 Late Night Levies (LNL)

The late night levy is a power, conferred on licensing authorities by provision in Chapter 2 of Part 2 of the Police Reform and Social Responsibility Act 2011. This enables licensing authorities to charge a levy to persons who are licensed to sell alcohol late at night in the authority's area, as a means of raising a contribution towards the costs of policing the late-night economy.

Currently, Chorley Council does not impose a late night levy on licenced premises in the borough.

9.6 Early Morning Restriction Orders (EMRO)

Early morning alcohol restriction orders enable a licensing authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.

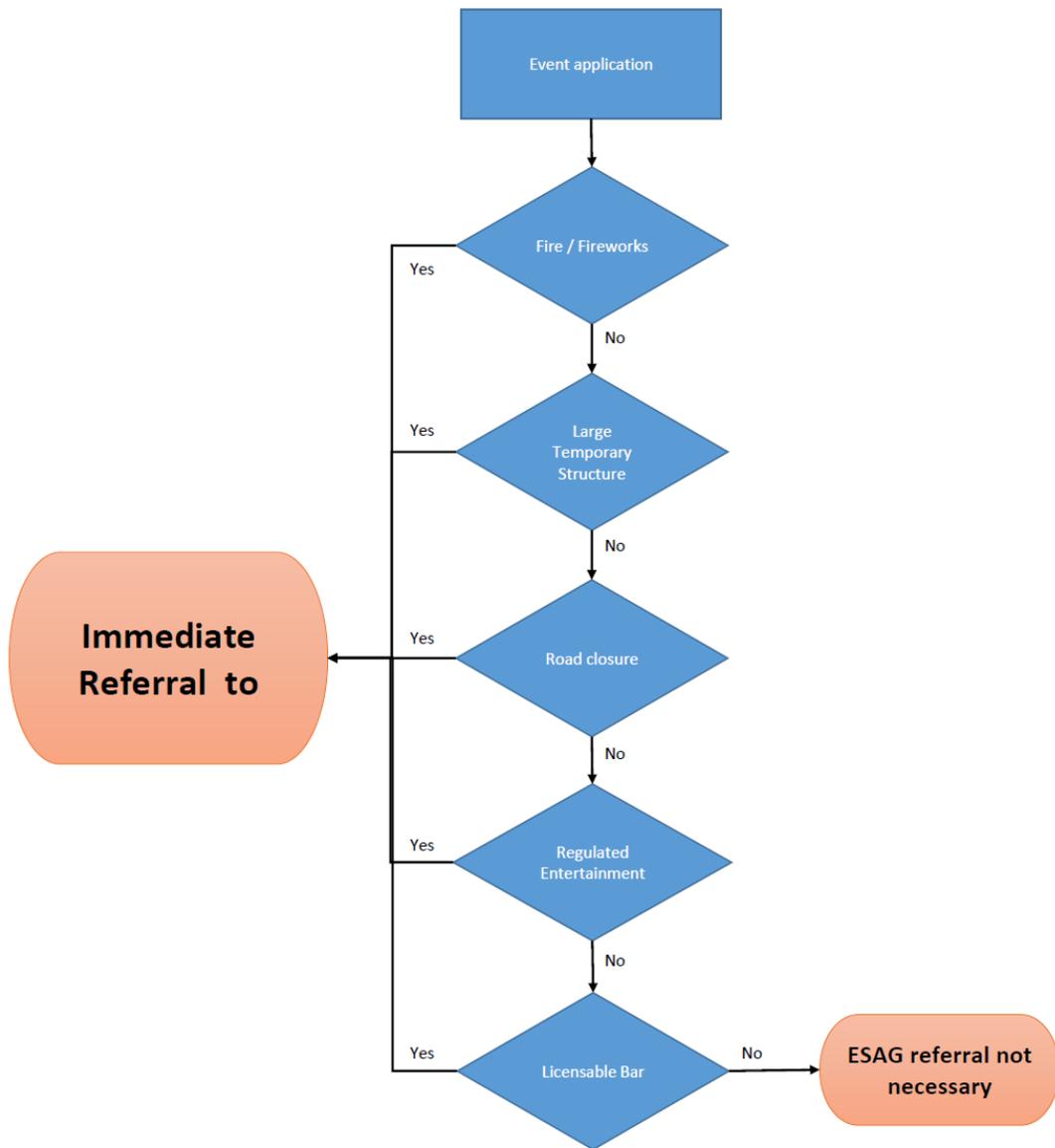
EMROs are designed to address recurring problems such as:

- high levels of alcohol-related crime and disorder in specific areas at specific times
- serious public nuisance
- other instances of alcohol-related antisocial behaviour which are not directly attributable to specific premises

Currently there are no proposed or designated EMRO's in Chorley.

Appendix 2- Event Safety Advisory Group Criteria

Chorley ESAG Referral Criteria





Report of	Meeting	Date
Director of Early Intervention	Licensing and Public Safety Committee	20 July 2016

TAXI LICENSING- IMPLEMENTATION OF VEHICLE EMISSIONS AND NCAP SAFETY RATING CONDITIONS

PURPOSE OF REPORT

1. For the Licensing and Public Safety Committee to agree the consultation and phased introductions of vehicle emissions standards and The European New Car Assessment Programme (NCAP) safety rating standards for Hackney Carriage and Private Hire Vehicle licences.

RECOMMENDATION(S)

2. That the Licensing and Public Safety Committee determine the implementation of conditions to be imposed for vehicle emissions standards and NCAP safety ratings from the following options, and agree the relevant dates from which those options apply:

Option 1

- a) Require all vehicles subject to a grant of a Hackney Carriage or Private Hire Vehicle Licence to meet Condition 21 (Emission standards of Euro 5 or above) and condition 22 (NCAP safety rating of 4* or above) by a date set by Committee; and
- b) Require all existing vehicles to comply with the conditions 21 and 22 by a date set by Committee.

Option 2

- a) Require all vehicles subject to a grant of a Hackney Carriage or Private Hire Vehicle Licence to meet Condition 21 (Emission standards of Euro 5 or above) and condition 22 (NCAP safety rating of 4* or above) by a date set by Committee; except allow those vehicles that have previously been subject to a licence, but where this has lapsed or been suspended, to be treated as existing vehicles and to comply, by a date set by Committee, rather than at the next grant application, (as would be required by Option 1 a), see paragraph 7), and
- b) Require all existing vehicles to comply with the conditions 21 and 22 by a date set by Committee

Option 3

- a) Require all vehicles subject to a grant of a Hackney Carriage or Private Hire Vehicle Licence to meet Condition 21 (Emission standards of Euro 5 or above) and condition 22 (NCAP safety rating of 4* or above) by 2030 as proposed by the Trade represented at the Licensing Liaison Panel, and
- b) Exempt all existing licensed vehicles from the provisions, as proposed by the Trade represented at the Licensing Liaison Panel.

EXECUTIVE SUMMARY OF REPORT

3. In February 2016 the Licensing and Public Safety Committee agreed in principle to the introduction of a minimum of Euro 5 emissions standards for licenced vehicles to preserve and protect air quality and to a minimum standards of 4* NCAP safety rating of vehicles to protect public safety as part of the review of the vehicle conditions.
4. The committee agreed to a considering the best way to implement such changes and over what period those changes should be phased in, at a future Committee Meeting.
5. Officers met with representatives from the trade on 23 June 2016 at the Licensing Liaison Panel meeting and consulted on the phased implementation of vehicle condition 21 (Emission Standards) and condition 22 (Safety Rating). In summary, the trade representatives attending this meeting proposed that all existing vehicles were exempt from the conditions and that the introduction for the grant of vehicles licences was 2030.
6. The minutes of the Licensing Liaison Panel are attached in Appendix 1.
7. Where the licence lapses because no application to renew is made in time or is surrendered (this usually happens where a Hackney Carriage Vehicle is suspended as a result of damage and the proprietor applies for a replacement vehicle to be granted a licence while preserving the plate number) and then an application is made to re-licence the vehicle, this will be subject to a grant application (as there is no existing licence to renew) and therefore **all** the vehicle conditions will be applicable at the time of the application unless otherwise agreed by Option 2 above.
8. NCAP safety ratings were established in 1997, and the scheme updated in February 2009 to provide an overall rating for vehicles. However, any vehicle registered after 1997 does have some form of rating. As each vehicle make and model has its own rating is it difficult to predict how many vehicles will be affected by the requirement to meet the condition.
9. Euro 5 diesel engines were introduced in September 2009, the number of vehicles currently licensed by Chorley Council that predate this are 24 of the 36 Hackney Carriage Vehicles and approximately 100 of the 140 Private Hire Vehicles. These vehicles, and possibly some that postdate 2009 but still do not meet the emission standards, will be affected by the introduction of this condition.
10. This equates to approximately 70% of the fleet, which are likely to be affected by the conditions due to the age of the vehicle (currently registered prior to September 2009 and 7 years old or more).
11. Chorley Council no longer imposes an age restriction on vehicles licenced as Hackney Carriages or Private Hire Vehicles.

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

12. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy communities	X	An ambitious council that does more to meet the needs of residents and the local area	X

BACKGROUND

13. The vehicle conditions review and consultation took place in 2015 and the updated vehicle conditions were presented to the Licensing and Public Safety Committee on 3 February 2016 along with the consultation comments.

14. There were no comments made with regard to the proposed conditions for a minimum Euro 5 emissions standard (condition 21) or for the minimum of 4* NCAP vehicle safety rating (condition 22).
15. In February 2016 the Licensing and Public Safety Committee agreed in principle to the introduction of a minimum of Euro 5 emissions standards for licenced vehicles to preserve and protect air quality and to a minimum standards of 4* NCAP safety rating of vehicles to protect public safety as part of the review of the vehicle conditions.
16. The committee agreed to a considering the best way to implement such changes and over what period those changes should be phased in, at a future Committee Meeting.
17. The current conditions are as follows:

Condition	Reason for Condition
<p>21. Emissions Standards:</p> <p>a) Hackney Carriage Vehicles waiting on the rank are required to switch off engines (except in extreme weather conditions where heaters would be required for the welfare of the driver) in order to reduce air pollution emissions in the town centre.</p> <p>b) Vehicles presented for licensing as taxis should meet a minimum Euro 5 emissions standard.</p>	<p><i>This proposed condition has been agreed in principle by the Committee. The implementation of the condition will be agreed at a future meeting.</i></p> <p><i>Taxis provide a public transport service and as such are subject to a large number of journeys and high mileage. These vehicles have the ability to impact on the air quality of the district in the same way that any other public transport vehicle does. In the same way that fleet vehicles and public transport vehicles are required to meet a minimum emissions standards, vehicles licenced by the Council should also meet a minimum standard to ensure that the Council is fulfilling its duty in reducing harmful air emissions that impact on public health.</i></p>
<p>22. NCAP Safety Rating:</p> <p>Vehicles presented for licensing as taxis should meet a minimum NCAP European Safety rating of 4 stars.</p>	<p><i>This proposed condition has been agreed in principle by the Committee. The implementation of the condition will be agreed at a future meeting.</i></p> <p><i>The purpose of vehicle licensing is primarily to protect public safety.</i></p>

IMPLICATIONS OF REPORT

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

Finance	X	Customer Services	X
Human Resources		Equality and Diversity	
Legal	X	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

COMMENTS OF THE MONITORING OFFICER

24. The Council has power to impose such conditions on the grant of a hackney carriage vehicle licence as it considers reasonably necessary under Section 47 of the Local Government (Miscellaneous Provisions) Act 1976. The Council has power to impose such conditions on the grant of a private hire vehicle licence as it considers reasonably necessary under Section 48 of the 1976 Act.
25. The proposed conditions are clearly subject to a test of reasonableness. Any conditions should reflect the adopted policy of the Council.
26. Any person aggrieved by the conditions attached to a licence may appeal to the magistrates' court within 21 days of notice of the decision. This appeal period will not therefore be triggered by any decision made by the Licensing and Public Safety Committee but only on the grant or renewal of a vehicle licence with any of the new proposed conditions which may be approved by Licensing and Public Safety Committee.

JAMIE CARSON
DIRECTOR OF EARLY INTERVENTION

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Lesley Miller	5299	June 2016	***

Licensing Liaison Panel

Meeting notes for 23 June 2016

Chorley Council, Town Hall

Attendance:

Chorley Council: Cllr Marion Lowe – Chair Licensing and Public Safety Committee
 Jamie Carson – Director of Early Intervention
 Lesley Miller- Regulatory Services Manager
 Steve Culleton- Lead Licensing and Enforcement Officer

Taxi Licensing Trade: Shakail Ahmed – Hackney
 Shamail Ahmed – Private Hire
 Andrew Price- Yellow Cabs
 Anthony Price – Yellow Cabs
 Paul Clitheroe – Chorley Auto Care
 Charles Oakes – The Hackney Drivers Association Ltd

Licensing Trade: Peter Verhaege- Pub Watch and Licenced Trade

Agenda Item	Discussion Notes	Actions
Part 1- 1	Apologies- Fred Lewis- Fred has offered his resignation of the Group and the Chair asked that the minutes note the Group’s thanks top Fred for his contribution over the years.	
2	Minutes from Meeting on 30 November 2015- LM apologised for the misunderstanding- she thought she had sent the previous minutes with the draft agenda but the group said they had not had them.	LM (these were sent out immediately after the meeting)
3	Matters Arising –to be deferred until the next meeting	LM
4	Licensed Premises – PV gave an update from pubwatch and raised concerns over bank holiday Monday CCTV coverage as the CCTV stops being manned at midnight and can this be extended on bank holidays as many premises are open until 4am SC asked if the issues with fans coming to football matches had been resolved and PV said that the police and club and sorted the matter. SC asked if there had been any issues associated with Euro 16- PV only aware of one at Last Orders – new DPS who is part of pubwatch PV reported some issues with barred individuals drinking at Trader Jacks- who are currently not attending pubwatch. PV explained that pubwatch has an emergency online link in addition to the town centre radio, which is useful Approx 18 pubs currently in pubwatch scheme. Town centre working group- nothing to report relating to taxis- PV to contact Anthony Price as he would like to represent the trade on this group.	JC to raise with Louise Elo and respond
5	Gambling Act – nothing to add from last time- policy still under review	
6	Police Items – police have not asked for any matters to be included in	

	<p>this item and are not in attendance.</p>	
<p>Part 2 1.</p>	<p>Taxi Items –</p> <p>LM asked the trade to consider what they would deem reasonable timescales for phasing in the conditions relating to emissions standards and safety ratings of vehicles for inclusion in the report for the next LPSC on 20th July.</p> <p>CO commented that here has never been any previous mention of the proposed condition 22- NCAP ratings-</p> <p>LM advised that it was consulted upon within the group prior to submission to LPSC in February where the conditions were agreed in principle and the role of the LLP today was to consider and proposed hwo those conditions would be implemented, not if.</p> <p>(the previous minutes state: Condition 21- Emissions- Agreed a) that engines would be switched off except in very cold conditions to allow heater to be used without draining the battery. Cllr Walmsley suggested that a pragmatic approach would be taken to enforcement in such weather conditions. b) Euro 5 requirements- confirmed that phased approach and timescales would be agreed by LPSC, but would not immediately impact on existing vehicles. Shak proposed that this conditions was scrapped until we know more. Condition 22- NCAP safety ratings- again a phased approach to this, but the panel agreed that this was an appropriate way to improve vehicle safety in the long term.)</p> <p>CO also commented that, in relation to the emissions condition, he wanted information on the air quality for the Town Centre.</p> <p>LM advised that this is not just about town centre air quality but the impact of transport across the borough, the bus services are controlled by LCC and Chorley Council have standards for our fleet vehicles, we are not able to control domestic/private vehicles but can exert control through the licensing regime on taxis- and this is an appropriate step to take to preserve public health.</p> <p>PC made a comment about banning all vehicles from the town centre and that this policy would force out all taxi trade over the next 2-3 years and he would organise a strike to demonstrate impact of removing taxis as part of the transport system.</p> <p>CO said the trade will disagree with the conditions proposed.</p> <p>With regard to the phased approach Anthony Price suggested that the conditions were not implemented until 2030. CO suggested that existing vehicles ought to be exempt from conditions 21 and 22. There were no other suggestions. The proposal will be put to LPSC as</p>	<p>JC advised that the last previous minutes would be checked and sent out and if there had been any omission to consult the trade then this would be rectified and the inclusion at the next LPSC meeting delayed if appropriate- the previous minutes show that both matters were previously consulted upon</p> <p>LM</p>

	part of the report.	
2.	<p>CSE training- LM advised that the LPSC had agreed that mandatory training for all drivers, proprietors and operators and that the Council had decided to follow the lead of a number of other Lancashire Authorities and ask the police to deliver the training.</p> <p>CO- stated it was not training but a presentation and asked if the cost was coming out of the public purse.</p> <p>SC advised that the costs would be looked at and in the future, the training for new drivers would likely be included in the cost of the application but it was hoped to use the low cost existing LCC online training package.</p> <p>CO suggested that we introduce a booklet for drivers to keep in the vehicle as a reference – this is what happens in Manchester- SC to obtain one and look at the feasibility of also producing something for Chorley.</p> <p>CO objected to SC’s terminology with regard to this being training. SC explained that this is safeguarding and CSE awareness training and that this is the correct terminology to use.</p>	<p>SC to confirm if the trade will eventually pick up the cost of this training and include information in the LPSC report- info suggests that the Council will need to fund this outside of the licensing budget.</p>
3	<p>LM advised that the CSE training report and phased implementation of the vehicle conditions 21 and 22 would be going to the next LPSC on 20th July.</p> <p>The licensing statement of policy for the Licensing Act 2003 would also be submitted for approval.</p>	LM
4	<p>Anthony Price asked for medical and DBS to be put on the agenda: Andrew said that as he turned 50 he was required to have a medical and lost half of his licence. There was also a question about why you can’t have a dual badge if you renew a single HCD or PHD badge.</p> <p>LM explained that you can’t renew something that does not exist and that it was agreed to align the medical and DBS and therefore each case is given the option on how best to do this and the most cost effective way at the time.</p> <p>LM advised that the licence fees review would start shortly so that new fees could be implemented in April 2017.</p>	LM
5	<p>SC provided clarification on the process and policy in relation to the suspension of a vehicle, in particular HCV, and how the plate number is preserved and given preferentially to the existing proprietor, what happens with a suspension and how a vehicle is no longer a taxi once suspended or where the licence is surrendered so that the plate can be used on another vehicle- requiring the application for a grant rather than a renewal if the proprietor wants to licence that vehicle again in the future.</p>	<p>SC to provide the notes relating to this to attach to the minutes</p>

	<p>CO did not agree with the use of the term 'preferential' in relation to this and argued that no grant should be given to another vehicle on the same plate number. He also argued that the law was unreasonable only allowing a suspension for 2 months and that the Council should be more flexible on this because of the prolonged periods the insurance companies take to resolve claims.</p> <p>SC advised that the Council are not able to act outside the provisions of the law. He also said that it was more than fair to ensure that the HCV proprietor was given preferential treatment to retain the plate under the current circumstances where Chorley limit the numbers of HCV's.</p>	
<p>6</p>	<p>AOB-</p> <p>There was a number of discussions and comments throughout the meeting as follows:</p> <p>a) Consultation- CO wanted to know the point of consultation to the trade, conceding that the Council do not have to consult, but that either we don't or we ask the whole trade, who are not going to respond. Shak also raised concerns about the consultation and if the NCAP ratings were consulted on- the previous minutes reflect the fact they were and also show his attendance at that meeting.</p> <p>It was unclear if CO just wanted all consultation to go through him for a response and not to the trade as a whole- CO is included on all consultations but the Council also consult with all licence holders that may be affected by the proposals. CO remarked that most of the trade do not understand the information sent to them and therefore we don't get sufficient responses to consultations.</p> <p>JC commented that CO had first said we don't; consult at all then that the people we ask won't respond, JC advised that we can't make people respond to consultations, but we should be asking them- we have no control over the responses. However, if there are other ways of consulting that would improve responses then we would like to explore those.</p> <p>b) Minutes- CO proposed a motion that as the trade pay for the LLP meetings through the licence fees then we should have someone from democratic services taking proper minutes because there are too many arguments about what has been said and done. It was also discussed that this is an informal meeting and that there may be issues with the scheme of delegation if this meeting were to be made more formal and put on the calendar of council meetings. SC confirmed that this is not a meeting for use as a platform for all matters to then be escalated to the LPSC, but more for discussion. It was agreed that the membership and inclusion of the panel should be expanded as this may assist in future consultation.</p> <p>c) Anthony Price commented that he thought officer lead committee in their decision making- SC explained that officers may make a number of recommendations to committee but the reports are in the public forum and there is no direction from</p>	<p>LM to raise with democratic and legal services</p>

	<p>officers and the committee are there to make the decision based on the information provided, but the reports are unbiased.</p> <p>d) AP also raised concern over Rossendale HCVs coming into the Borough. CO advised that there was a new policy that requires the HC licence holder to sign to say they are working in the Rossendale area, so this will phase out these issues in time, but there are also financial considerations for Rossendale Council to be considered. SC reported that we have had a number of recent applications from drivers that used to be licenced at Rossendale but as they are working in this area are applying for licences here.</p>	
	<p>Date and Time of Next Meeting</p> <p>Wednesday 5th October 12.30pm Wednesday 18th January 12.30pm</p> <p>CO asked why the meeting times had been changed from a Monday morning. Chair advised that she works mornings and is unable to reschedule her work commitments, but we can move the meeting to 12.30 to assist the trade.</p>	<p>LM</p>

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Report of	Meeting	Date
Director of Early Intervention	Licensing and Public Safety Committee	20 July 2016

SAFEGUARDING AND CSE AWARENESS TRAINING FOR THE LICENSING TRADE

PURPOSE OF REPORT

1. For the Licensing and Public Safety Committee to note the arrangements made for the safeguarding and child sexual exploitation (CSE) awareness training of the licensing trade.

RECOMMENDATION(S)

2. That the Licensing and Public Safety Committee consider to the following training proposals and resolve to adopt the recommendations:
 - a) That all current holders of Hackney Carriage and Private Hire Drivers Licences, Private Hire Operators Licences complete mandatory Safeguarding and CSE awareness training.
 - b) The mandatory training for existing licence holders will take the form of a seminar, facilitated by Chorley Council, where the police will provide the training, so to ensure a consistent level of training in line with that provided across the Lancashire Authorities.
 - c) Those invited for mandatory training will be provided with a selection of training dates and times. They must register for a training event and sign in at the event using their licence as identification.
 - d) A training certificate will be presented to each delegate at the end of the training session. They must retain this certificate as proof of attendance and completion of the training.
 - e) Training will also be available for other licence holders, such as premises licence holders and personal licence holders, this will be on a voluntary basis, numbers may be restricted for some seminars in order to ensure that all mandatory training requirements are met first.
 - f) The granting of any new Hackney Carriage and Private Hire Drivers Licence and Private Hire Operators Licence will include an application pre-requisite to complete the Lancashire County Council on-line training programme.
 - g) That on-line update training is required as part of the renewal processes for each driver and operator (timescales to be agreed by members with reference to Paragraph 17).
 - h) The current policies will be updated to reflect the requirement for training for both renewal and grant.
 - i) Where existing licence holders fail to attend the training they will be unable to renew their licence.

EXECUTIVE SUMMARY OF REPORT

3. On 18 November 2015 the Licensing and Public Safety Committee RESOLVED for officers to submit a report to the next meeting of the Licensing and Public Safety Committee to look at the options regarding the delivery of Child Sexual Exploitation training for all the Council's licensing functions and to consider making any such training a mandatory requirement.
4. Information was not available for the committee, with specific regard to the approach and delivery options that other Lancashire Authorities were pursuing, therefore, the report was deferred to a future meeting.

5. Many other Lancashire Authorities are commissioning Lancashire Constabulary or an approved consultant (former Lancashire Police CSE investigator Tony Baxter) to provide the training, and Chorley want to ensure consistency across the locality, as many drivers work across a number of boroughs.
6. The Police training package is free to Chorley Council and the Consultant Services are low cost, at £250 per day for delivery of up to 5 sessions per day. The Council will meet any costs of training for existing drivers from the public purse as it would be inappropriate to impose additional costs on those already licenced by the authority.
7. There are currently 353 hackney and private hire driver licences issued by the council, however, a number of these will be to the same individuals who have both licences. There are 13 private hire operators, 36 hackney carriage vehicle proprietors (most of which also hold a HC driver’s licence) and approximately 140 private hire vehicles. It is estimated that about 400-450 people will require mandatory training and it is proposed to limit attendance to 50 per session and therefore undertake approximately 8-10 training sessions over the course of two days over the next 2 months, depending upon trainer availability.
8. It is anticipated that the first training sessions will commence no later than August 2016 and we will write to all those licence holders with first come first served options for the sessions.
9. The cost of training associated with the grant of a new licence will be considered in the upcoming fees and charges review and the costs of the licence amended according to any additional costs incurred by the Council. Lancashire Council County on-line training is currently a free to use service.
10. Members need to consider if on-line update training is appropriate for the trade at renewal and also the timescales that would be appropriate.

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

11. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy communities	X	An ambitious council that does more to meet the needs of residents and the local area	X

BACKGROUND

12. Safeguarding and CSE awareness training for the licenced trades in Chorley is a top priority for Chorley Council.
13. The council has resolved to make such training mandatory for the taxi trade and voluntary for other licence holders.
14. Any costs associated with the training should not be a burden to existing licence holders as the Council cannot impose any additional costs after the grant of the current licence.
15. Any costs for training associated with the grant or renewal of a new licence will need to be reflected in the application fees following the next review of fees and charges.
16. The trade were consulted with regard to the potential impact on fees in the future at the licensing liaison panel meeting.
17. Driver licences currently last for 3 years and Private Hire Operator’s licences for 5 years. Members are asked to consider what would be appropriate for update training, if this is required by Committee. Where an existing driver or operator has attended training but their renewal is due within the next 12 months, members need to consider if it is appropriate to require additional training at renewal of that licence.

18. An amendment to the Policing Crime Bill places a duty on public authorities who have a licensing function under taxi and private hire vehicle legislation to exercise those functions so as to protect children and vulnerable adults from harm. The amendment provides for the Secretary of State to issue guidance and it also imposes a duty on those public authorities to have regard to the guidance.
19. The new Clause 56 reads:

Licensing functions under taxi and PHV legislation: protection of children and vulnerable adults

(1) The Secretary of State may issue guidance to public authorities as to how their licensing functions under taxi and private hire vehicle legislation may be exercised so as to protect children, and vulnerable individuals who are 18 or over, from harm.

(2) The Secretary of State may revise any guidance issued under this section.

(3) The Secretary of State must arrange for any guidance issued under this section, and any revision of it, to be published.

(4) Any public authority which has licensing functions under taxi and private hire vehicle legislation must have regard to any guidance issued under this section.

(5) Before issuing guidance under this section, the Secretary of State must consult—

(a) the National Police Chiefs' Council,

(b) persons who appear to the Secretary of State to represent the interests of public authorities who are required to have regard to the guidance,

(c) persons who appear to the Secretary of State to represent the interests of those whose livelihood is affected by the exercise of the licensing functions to which the guidance relates, and

(d) such other persons as the Secretary of State considers appropriate.

(6) In this section, "taxi and private hire vehicle legislation" means—

(a) the London Hackney Carriages Act 1843;

(b) sections 37 to 68 of the Town Police Clauses Act 1847;

(c) the Metropolitan Public Carriage Act 1869;

(d) Part 2 of the Local Government (Miscellaneous Provisions) Act 1976;

(e) the Private Hire Vehicles (London) Act 1998;

(f) the Plymouth City Council Act 1975

OTHER CONSIDERATIONS

20. A number of Chorley Council Early Intervention Directorate staff are qualified to present CSE training, however this option was discounted at this time due to limited staff resources following the recent restructure, the timescales to provide the training in house and the need to ensure consistency in the level of training across the County.

IMPLICATIONS OF REPORT

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

Finance	X	Customer Services	X
Human Resources		Equality and Diversity	
Legal	X	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

COMMENTS OF THE MONITORING OFFICER

- 22. The Council must only grant private hire driver licences, hackney carriage driver licences and private hire operator licences to persons who are fit and proper.
- 23. The Council has a responsibility to ensure that their policies and procedures are robust to ensure that only fit and proper persons hold a taxi licence. It is open to the Committee to update the Councils policies and procedures to require licensed drivers and operators to undertake safeguarding training.

COMMENTS OF THE FINANCE OFFICER

JAMIE CARSON
DIRECTOR OF EARLY INTERVENTION

The following background papers are pertinent to this report:

<http://mod/ieListDocuments.aspx?CId=564&MId=4444&Ver=4>

Report Author	Ext	Date	Doc ID
Lesley Miller	5299	June 2016	***