

## Chief Executive's Office

Please ask for: Mr G K Bankes  
Direct Dial: (01257) 515123  
E-mail address: gordon.bankes@chorley.gov.uk  
Your Ref:  
Our Ref: GKB/AJS  
Doc ID:  
Date: 24 November 2005

**Chorley**  
Borough Council

Town Hall  
Market Street  
Chorley  
Lancashire  
PR7 1DP

### Chief Executive:

Jeffrey W Davies MA LLM

Dear Councillor

A meeting of the Licensing and Safety Committee is to be held in the Council Chamber, Town Hall, Chorley on Tuesday, 6th December, 2005 commencing at 10.30 am.

Please note the commencement time of the meeting.

As the meeting is expected to continue into the early afternoon, a buffet lunch will be provided.

### AGENDA

1. **Apologies for absence**

2. **Declarations of Any Interests**

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

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

To confirm as a correct record the minutes of the meeting of the Licensing and Safety Committee held on 12 October and 2 November 2005 (Special Meeting)

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

5. **Licensing and Registrations Licenses issued from 23 September to 11 November 2005 (Pages 5 - 8)**

Report of Director of Legal Services (enclosed)

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

Continued....

To consider the exclusion of the press and public for the following items of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraph 4 of Part 1 of Schedule 12A to the Local Government Act 1972.

7. **Private Hire Driver Cautioned for Assault - Mr KS (DOB 01/09/73) (Pages 9 - 10)**

Report of Director of Legal Services (enclosed)

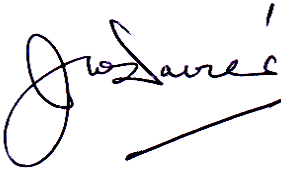
8. **Application to Operate Private Hire Vehicles within the Borough of Chorley (Pages 11 - 14)**

Report of Director of Legal Services (enclosed)

9. **Application for License to Drive Hackney Carriages/Private Hire Vehicles within the Borough of Chorley - Mr TJK (Pages 15 - 18)**

Report of Director of Legal Services (enclosed)

Yours sincerely



Chief Executive

**Distribution**

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

**This information can be made available to you in larger print or on audio tape, or translated into your own language. Please telephone 01257 515118 to access this service.**

આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822

ان معلومات کا ترجمہ آپکی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون

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**LICENSING AND SAFETY COMMITTEE****12 October 2005**

Present: Councillor R Snape (Chairman), Councillor Miss Iddon (Vice-Chairman), Councillors Bedford, David Dickinson, Mrs D Dickinson, A Gee, T Gray, Lennox, Hoyle, E Smith and Walker.

**05.LS.49 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors McGowan, Mrs Lees, Mrs Smith and Mrs Walsh.

**05.LS.50 DISCLOSURE OF PERSONAL/PREJUDICIAL INTERESTS**

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

**05.LS.51 MINUTES**

**RESOLVED - That the minutes of the meeting of the Licensing and Safety Committee held on 24 August 2005 be received as a correct record and signed by the Chairman.**

**05.LS.52 PROPOSED INCREASE IN HACKNEY CARRIAGE FARES**

The Committee considered a report of the Director of Legal Services on a request received from the local Hackney Carriage Association for an increase to be made to the rate of fares charged for the hire of hackney carriages due to the escalating cost of hackney carriage running costs, in particular fuel and insurance since the last fare increase on 12 May 2004.

A schedule comprising hackney carriage fares currently operating in Chorley and for surrounding districts was appended to the report for comparison.

**RESOLVED - That, subject to there being no objection following the publication of the required statutory notices, the rate of fares for the hire of hackney carriage operating in the Chorley Borough area to be varied as follows:**

Distance not exceeding ½ mile	£1.80p
For each subsequent 1/15 mile	£0.10p
For 1 mile	£2.60p
For 2 miles	£4.10p
For 3 miles	£5.60p
For 4 miles	£7.10p
Waiting time for each period of 30 seconds or part	£0.10p
Seating Charge	(Unchanged at £45.00)

**05.LS.53 LICENSING AND REGISTRATIONS LICENSES ISSUED FROM 2 AUGUST 2005 TO 22 SEPTEMBER 2005**

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

enforcement issues.

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

**05.LS.54 EXCLUSION OF PRESS AND PUBLIC**

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

**05.LS.55 APPLICATION FOR LICENCE TO DRIVE HACKNEY CARRIAGES/PRIVATE HIRE VEHICLES WITHIN THE BOROUGH OF CHORLEY (MR CC)**

The Director of Legal Services submitted a report requesting the Committee to determine an application submitted by Mr CC for a licence to drive a Hackney Carriages/Private Hire Vehicles.

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

On application, Mr CC maintained that he had no previous convictions after being told that in an application of this nature convictions are never spent and all convictions, however old, must be declared.

The applicant, along with his father, attended the meeting to put forward representations in support of his application and the Committee carefully considered the representations made.

**RESOLVED - 1) That the application be refused on the grounds that the Committee is not satisfied that the applicant is a fit and proper person to be granted a private hire/hackney carriage drivers licence.**

**2) That the reasons were that the Committee took the view that the applicant failed to accept that he had been convicted of an offence and accept responsibility with regard to his conviction and also that based on his demeanour at the meeting that he had anger management issues, therefore the Committee were concerned that he would not present appropriate behaviour within difficult situations.**

**05.LS.56 PRIVATE HIRE DRIVER - POLICE CAUTION FOR ASSAULT - MR KS**

This item was withdrawn from the agenda as further information was required.

**05.LS.01 FIELD\_TITLE**

Chairman

**Licensing and Safety Committee (Special Meeting)****Wednesday, 2 November 2005**

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

**05.LS.49 APOLOGY FOR ABSENCE**

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

**05.LS.50 DISCLOSURE OF PERSONAL/PREJUDICIAL INTERESTS**

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **05.LS.52 EXCLUSION OF THE PUBLIC AND PRESS**

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

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

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

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

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

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

Chair



Report of	Meeting	Date
Director of Legal Services	Licensing & Safety Committee	06/12/05

## LICENSING AND REGISTRATION LICENCES ISSUED FROM 23 SEPTEMBER TO 11 NOVEMBER 2005

### 1. PURPOSE OF REPORT

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

### 2. CORPORATE PRIORITIES

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

### 3. RISK ISSUES

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

Strategy	Information	✓
Reputation	Regulatory/Legal	
Financial	Operational	
People	Other	

This report is for information only.

### 4. PUBLIC ENTERTAINMENT LICENCES - GRANTED UNDER DELEGATED AUTHORITY

#### Occasional

#### New

#### Transfers

#### Renewals

Brindle St Josephs, Albany Science College, The Railway, Steeley lane, Tut N Shive.

#### Variations

Continued....



5. **SECOND HAND GOODS**

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

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

<u>Number of</u>	<u>New</u>	<u>Renewals</u>	<u>Transfers</u>
Private Hire Vehicles	3	26	2
Private Hire Driver's Licences	6	30	
Private Hire Operator	1	2	1
Hackney Carriage Driver's Licences	1	3	
Hackney Carriage Vehicles		4	1
Motor Salvage Operator			

7. **HOUSE TO HOUSE COLLECTIONS**

6 x Clothes Aid

8. **STREET COLLECTION PERMITS**

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

Barnardos, The Rotary Club of Chorley Astley, SLAP, National Antivivisection Society, Marie Curie Cancer Care, St Mary's Parochial Church Council.

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

There have been 20 Lottery permits issued.

10. **LATE NIGHT REFRESHMENT HOUSE LICENCES**

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

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

12. **MOTOR SALVAGE OPERATOR**

**Enforcement visits for period from 23 September to 11 November 2005.**

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

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

Sams 2, Moor Road, Chorley unlicensed entertainment taking place... warning letter give to licensee

**Suspension of vehicles**

15. One hackney carriage licence and four private hire vehicle licences were suspended. All suspensions have now been lifted.

**Investigation of complaints**

16. Two complaints have been received during this period. The previous complaint in respect of Chorley Private Hire has still not been dealt with satisfactorily. A translated letter was delivered to the operator who has subsequently told us that he no longer is concerned in the running of the company.

**Joint Operations**

17. Two joint operations were conducted during this period, one with Lancashire County Council engineers resulted in the suspension of 1 private hire vehicle. The other operation was with H.M. Customs road fuel unit at Manchester Airport. No offences were detected although Customs expressed an interest in conducting joint operations in our area.

Report compiled 14 November 2005  
 Keith Ogden  
 Licensing Enforcement Officer

**COMMENTS OF DIRECTOR OF FINANCE**

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

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

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

**RECOMMENDATION(S)**

20. Members are asked to note the report.

ROSEMARY A LYON  
 DIRECTOR OF LEGAL SERVICES

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

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
Jayne Day	5161	14 November 2005	LEGREP/90981AJS

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