

## **LICENSING AND PUBLIC SAFETY COMMITTEE**

WEDNESDAY, 10TH JULY 2019, 2.00 PM

COUNCIL CHAMBER, TOWN HALL, CHORLEY

### **AGENDA**

#### **APOLOGIES**

##### **1 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.

##### **2 PUBLIC QUESTIONS**

Members of the public who have requested the opportunity to ask a question(s) on an item on the agenda will be asked to put their question(s) to the Committee. Each member of the public will be allowed to ask one supplementary question within his/her allocated 3 minutes.

<https://democracy.chorley.gov.uk/documents/s67429/Appendix%203%20Standing%20Orders%20Aug%2016.pdf>

##### **3 MINUTES OF MEETING WEDNESDAY, 6 FEBRUARY 2019 OF LICENSING AND PUBLIC SAFETY COMMITTEE**

(Pages 3 - 4)

##### **4 MINUTES OF THE GENERAL LICENSING SUB-COMMITTEES**

###### **A MINUTES OF MEETING WEDNESDAY, 13 FEBRUARY 2019 OF GENERAL LICENSING SUB-COMMITTEE**

(Pages 5 - 8)

##### **5 MINUTES OF MEETING WEDNESDAY, 19 JUNE 2019 OF GENERAL LICENSING SUB-COMMITTEE**

(Pages 9 - 18)

##### **6 MINUTES OF THE LICENSING ACT 2003 SUB-COMMITTEES**

###### **A MINUTES OF MEETING WEDNESDAY, 13 MARCH 2019 OF LICENSING ACT 2003 SUB-COMMITTEE**

(Pages 19 - 20)

**B MINUTES OF MEETING WEDNESDAY, 12 JUNE 2019 OF LICENSING ACT 2003 SUB-COMMITTEE**

(Pages 21 - 28)

**7 HACKNEY CARRIAGE TABLE OF FARES PROPOSED INCREASE**

(Pages 29 - 38)

**8 SCHEDULE OF MEETINGS**

Members to discuss the dates and times for future Licensing and Public Safety Committee and General Licensing Sub-Committee dates.

Current schedule is:

Licensing and Public Safety Committee:

- 13 Nov 2019 2.00 pm
- 12 Feb 2020 2.00 pm

General Licensing Sub-Committee:

- 24 Jul 2019 2.00 pm
- 14 Aug 2019 2.00 pm
- 11 Sep 2019 2.00 pm
- 9 Oct 2019 2.00 pm
- 6 Nov 2019 2.00 pm
- 4 Dec 2019 2.00 pm
- 8 Jan 2020 2.00 pm
- 5 Feb 2020 2.00 pm
- 4 Mar 2020 2.00 pm
- 8 Apr 2020 2.00 pm
- 20 May 2020 2.00 pm

**9 WRITING TO MINISTERS IN REGARDS OF INFORMATION REQUESTS**

Discussion item requested by the Chair, Councillor Matthew Lynch.

**10 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 Matthew Lynch (Chair), Councillor Margaret France (Vice-Chair) and Councillors Terry Brown, Mark Clifford, Jean Cronshaw, Gordon France, Danny Gee, Tom Gray, Steve Holgate, Laura Lennox, Sheila Long, Joyce 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](http://chorley.gov.uk)

To view the procedure for public questions/ speaking click here

<https://democracy.chorley.gov.uk/documents/s67429/Appendix%203%20Standing%20Orders%20Aug%2016.pdf> and scroll to page 48

## Licensing and Public Safety Committee

**Wednesday, 6 February 2019**

**Present:** Councillor Marion Lowe (Chair), and Councillors Doreen Dickinson, Gordon France, Margaret France, Tom Gray, Steve Holgate, Hasina Khan, Sheila Long, Adrian Lowe, Joyce Snape, Ralph Snape, John Walker and Aaron Beaver

**Officers:** Carl Gore (Enforcement Officer Licensing and Empty Properties), Alex Jackson (Legal Services Team Leader) and Philippa Braithwaite (Democratic and Member Services Officer)

### **19.L.93 DECLARATIONS OF ANY INTERESTS**

There were no declarations.

### **19.L.94 PUBLIC QUESTIONS**

There were no public questions.

### **19.L.95 MINUTES OF MEETING WEDNESDAY, 14 FEBRUARY 2018 OF LICENSING AND PUBLIC SAFETY COMMITTEE**

**RESOLVED – That the minutes of the Licensing and Public Safety Committee held on Wednesday, 14 February 2018 be confirmed as a correct record for signature by the Chair.**

### **19.L.96 MINUTES OF THE GENERAL LICENSING SUB-COMMITTEES**

**RESOLVED – That the minutes of the General Licensing Sub-Committees held on 14 February, 23 May, 9 July, 22 August, and 17 October 2018 be confirmed as a correct record.**

### **19.L.97 MINUTES OF THE LICENSING ACT 2003 SUB-COMMITTEES**

**RESOLVED – That the minutes of the Licensing Act 2003 Sub-Committees held on 7 June, 19 June, 20 June, 10 July and 8 October 2018 be confirmed as a correct record.**

### **19.L.98 UPDATE REPORT**

Carl Gore, Enforcement Officer Licensing and Empty Properties, presented a report of the Director (Customer and Digital) which provided an update on recent changes.

Following the formation of the Enforcement Team, which comprised Building Control, Planning Enforcement and Licensing Teams, the licensing section had seen increased efficiencies, particularly through being co-located within the Single Front Office leading to an increase in productivity of staff.

Members noted this increase of efficiency had resulted in better relationships with taxi drivers in the borough, observed at Licensing Liaison Panel meetings. In response to issues raised by Members, officers undertook to raise the following at the next Licensing Liaison Panel meeting:

- Taxi drivers exceeding speed limits on Euxton Lane, particularly near the hospital.
- The impact of long shifts behind the wheel on driving proficiency and safety.

The Enforcement Officer Licensing and Empty Properties also undertook to look into the latter issue with regards to using electronic systems to monitor or limit the number of hours a driver could work without a break.

A taxi/private hire operation had been undertaken in November 2018 which resulted in high levels of compliance. In response to a Member's query, officers advised that two vehicles had been displaying magnetic stickers which were against the vehicle licensing conditions found in Chorley Council Hackney Carriage and Private Hire Licensing Policy 2017-2020.

In conjunction with Legal Services, the team had seen a number of successes at the Magistrates' Court when defending appeals against decisions of both the General Licensing Sub Committee and the Licensing Act 2003 Committee. Members thanked Licensing and Legal officers for their good work, and also thanked the Members of those Sub-Committees for making strong, defensible decisions.

In response to a Member's query regarding advisories on taxi testing, officers reported that this had been discontinued but it was possible to revisit this as part of the current review of the licensing policy.

**RESOLVED – That the items discussed be added to the agenda for the next Licensing Liaison Panel meeting, and the report be noted.**

Chair

**MINUTES OF GENERAL LICENSING SUB-COMMITTEE****MEETING DATE**                    **Wednesday, 13 February 2019****MEMBERS PRESENT:**    Councillor Matthew Lynch (Chair), Councillor (Vice-Chair) and Councillors Steve Holgate, Sheila Long and John Walker**OFFICERS:**                    Nathan Howson (Enforcement Team Leader (Licensing)), Jodi Ingram (Solicitor) and Philippa Braithwaite (Democratic and Member Services Officer)**APOLOGIES:**                Councillor Jean Cronshaw**19.9 Declarations of Any Interests**

There were no declarations of interests received.

**19.10 Procedure**

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

**19.11 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 grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.**

**19.12 Determination of an Application for a Hackney Carriage and Private Hire Driver's Licence**

The Director of Customer and Digital submitted a report for the General Licensing Sub-Committee to determine whether the applicant was a fit and proper person to hold a Hackney Carriage and Private Hire Driver's licences.

The applicant was present at the Sub-Committee meeting.

The applicant had applied for a Hackney Carriage Driver's Licence and a Private Hire Driver's Licence. His application revealed a number of convictions, one of which fell within the Council's policy, namely supplying controlled Class A drug (Heroin) in December 2005. The applicant was convicted in August 2009 and released from prison in January 2010 (having already served five months on remand from July to December 2008 and released on bail for nine months from December 2008 to August 2009).

The applicant confirmed that this offence had occurred a long time ago and that he had matured into a more responsible, family orientated person. The applicant explained the circumstances of his two other convictions, possession of controlled Class B controlled drug (Cannabis/Cannabis Resin) and possession of a knife blade/sharp pointed article in a public place, both of which occurred in 2011. The applicant explained the knife blade/sharp pointed article was a Stanley knife with the blade locked out which had been found in a car he had been driving. This car belonged to his uncle who he worked for and the applicant confirmed it routinely had tools and other miscellaneous workshop items inside. The applicant stated he was not aware of the knife's presence before being stopped by the police, though acknowledged he still bore responsibility by driving the car.

The applicant was also charged with an offence of assault occasioning actual bodily harm in 2009 in relation to an assault on another person connected with other supply of drugs offences, as well as an offence for the supply of a controlled drug (other). The offences are recorded as "lie on file", which means the charges were not dealt with by the Court and as such the applicant was not convicted for the offences. The applicant stated he did not remember the details of these charges.

In response to Member's questions, the applicant confirmed he had been out of prison for nine years and had learnt from his mistakes. He was now married with young children and considered himself a family man. He had worked for his family's business for 15+ years before moving to Chorley in December 2017. The applicant confirmed he was currently in part-time employment and that he had not yet approached a taxi firm to work for, should his applications be granted.

The applicant submitted two character references and at the subsequent request of Members confirmed the timeline of the conviction from August 2009 and the sentence served.

After careful consideration of the report and representations from the Council's Licensing Enforcement Team Leader and from the applicant, and having regard to the Council's Safeguarding, Suitability and Convictions policy, the Sub-Committee **RESOLVED that the applicant is not fit and proper to hold a Private Hire Driver and Hackney Carriage Driver's Licence and that his applications be refused for the following reasons:**

- 1. The applicant was convicted of supplying a controlled drug Class A (heroin) in August 2009 which resulted in a three year prison sentence. Staffordshire Police have confirmed that the applicant was also charged with two further offences for the supply of a controlled drug other and for an assault occasioning actual bodily harm. However members acknowledge that the two charges are recorded as lie on file and as such the applicant was not convicted for these two offences.**
- 2. The applicant was also convicted for possession of a controlled drug Class B (cannabis/cannabis resin) in June 2011 and for possession of a knife/blade/sharp pointed article in a public place in October 2011.**
- 3. The Council's Safeguarding, Suitability and Convictions policy makes it clear that where an applicant has any recorded criminal activity this will be a critical factor in determining their application.**

4. **Members had regard to the policy which states that an application will normally be refused if a conviction for the supply of drugs is less than 5 to 10 years prior to the date of the application or release from prison (whichever is the most recent). The earliest that the applicant would have been eligible for release from prison is 4th January 2010 and the applicant confirmed he was released in January 2010.**
5. **The policy also states that an application will normally be refused where the applicant's conviction for possession of drugs is less than 5 years prior to the date of the application and where the applicant's conviction for possession of a knife/blade/sharp pointed article is less than three years from the date of conviction.**
6. **Members acknowledge that the period for rehabilitation has passed in relation to the convictions for possession of drugs and possession of a knife/blade/sharp pointed article. However the multiple offences, including the two lie on file charges, give members greater cause for concern and believe that this demonstrates a pattern of inappropriate behaviour.**
7. **Members considered the representations put forward by the applicant surrounding the circumstances of his previous convictions. Whilst having considered them, the Sub-Committee are unable to review the merits of the applicant's convictions.**
8. **Members acknowledge that there is evidence of the applicant's rehabilitation, however in light of the policy feel that the applications are premature. Furthermore, members do not consider that the applicant has put forward any exceptional circumstances or evidence demonstrating that he is now a fit and proper person to hold a licence in order for them to deviate from the policy.**
9. **Members would invite the applicant to re-apply for a licence in January 2020 once the rehabilitation period required by the policy has been fulfilled.**

#### **19.13 Review of a Hackney Carriage Driver's Licence**

This item was deferred.

#### **19.14 Review of a Hackney Carriage Vehicle Licence**

This item was deferred.

#### **19.15 Review of a Hackney Carriage Driver's Licence**

This item was withdrawn from the agenda.

Chair

Date

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**MINUTES OF GENERAL LICENSING SUB-COMMITTEE****MEETING DATE**                      **Wednesday, 19 June 2019****MEMBERS PRESENT:**      Councillor Matthew Lynch (Chair), Councillor (Vice-Chair) and Councillors Jean Cronshaw, Tom Gray, Sheila Long and John Walker**OFFICERS:**                      Nathan Howson (Enforcement Team Leader (Licensing)), Carl Gore (Enforcement Officer (Licensing and Empty Properties)), Elizabeth Walsh (Solicitor) and Philippa Braithwaite (Democratic and Member Services Officer)**19.16 Declarations of Any Interests**

There were no declarations of interests received.

**19.17 Procedure**

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

**19.18 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 grounds that it involved the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972.**

**19.19 Review of Private Hire Operator's Licence**

The Director of Customer and Digital submitted a report for the General Licensing Sub-Committee to determine whether the licence holder remains fit and proper to hold a Private Hire Operator's licence.

The three individuals named on the licence, Licence Holder 1, Licence Holder 2, and Licence Holder 3, and their legal representative were present at the Sub-Committee meeting.

Members were informed that a private hire operator's (PHO) licence has been held in respect of the premises for many years. Records maintained by the Council show a licence held as far back as 2001. This licence has been held by a number of persons during this period.

On 16 July 2014 an application was made by Licence Holder 1 for a PHO licence at the premises. This licence was granted and renewed on 16 July 2015. This licence

was subsequently surrendered by Licence Holder 1 on 27 June 2018. A new PHO licence was granted on 27 June 2018 and is jointly held by Licence Holder 1, Licence Holder 2 and Licence Holder 3. It was this current licence which was the subject of the review.

The Council's Enforcement Team Leader for Licensing informed the Sub-Committee that, on 28 September 2018, a formal warning was given to the licence holders in respect of their failure to produce adequate booking records following a request by an authorised officer.

Members noted that failure to provide records such as this is an offence contrary to S.56 of the Local Government (Miscellaneous Provisions) Act 1976 (LGMPA).

This request was made in relation to a complaint from a member of the public which implicated Licence Holder 1 as the driver. As a result of this and other complaints, Licence Holder 1's Hackney Carriage and Private Hire Driver licences were revoked with immediate effect on 23 August 2018.

Following another complaint by a member of the public, regarding a journey on 12 October 2018, booking records were again requested from the licence holders. These records were provided on 29 October 2018, after the deadline given in the request. The records failed to provide information as to the vehicle and driver used to fulfil the booking, despite having received a warning for the same issue the month previously.

Members noted that the complainant from the incident in October 2018 provided a registration of a vehicle. This vehicle was licensed in 2015 by Licence Holder 1 but has not been licensed since then.

Members noted that using a vehicle as a Private Hire Vehicle without a licence is an offence contrary to S. 46(1)(a) of the LGMPA.

Members also noted that it is a further offence, contrary to S.46(1)(e)(i) to operate a vehicle as a private hire vehicle without the vehicle having a licence.

A notice was served on Licence Holder 1, as the registered keeper of the vehicle, to provide the name of the driver at the time of the complaint. In his response, Licence Holder 1 declared that he was the driver of the vehicle despite his Hackney Carriage and Private Driver Hire driver's licences being revoked at the time of the incident.

Members noted that it is a further offence, contrary to S.46(e)(ii) to operate a vehicle as a private hire vehicle if the driver does not have a private hire driver's licence.

Members were informed that Licence Holder 1's appeal against the revocation of his driver licences was heard on 16 January 2019. Following a full, contested hearing, Magistrates decided to dismiss the appeal and awarded costs to the Council. Members noted that, in their reasoning, Magistrates placed significant weight on the complaint of 12 October 2018.

During this appeal, Licence Holder 1 gave evidence under oath regarding this complaint. He confirmed that he was the driver of the vehicle at the time of the incident, that he had been the person who had taken the booking initially, and that the temptation to complete the journey himself had been too much. Licence Holder 1

confirmed the monetary advantage of the journey was his main motivation for carrying out the journey.

On 18 February 2019, a letter was received from Licence Holder 1's legal advisor, informing the Council that he had resigned from the firm and so no longer has involvement in the business.

Members noted that the Private Hire Operator's licence is held by the three individuals, Licence Holder 1, Licence Holder 2, and Licence Holder 3, and that Licence Holder 1 remained a proprietor of the licence.

Members also noted this matter was previously listed to be determined by the Sub-Committee in April, but this date was postponed as Licence Holder 1 was not able to attend as a result of being out of the country.

Charges have been laid with the Magistrates Court regarding the prosecution of Licence Holder 1 in relation to the following offences:

<b>Charge</b>	<b>Offence</b>	<b>Description</b>
1.	<b>S.46(1)(a)</b> LG(MP)A76	Using a vehicle as a Private Hire Vehicle without a licence
2.	<b>S.46(1)(e)(i)</b> LG(MP)A76	Operating a vehicle as a Private Hire Vehicle without that vehicle being licensed
3.	<b>S.46(1)(e)(ii)</b> LG(MP)A76	Operating a vehicle as a private hire vehicle without the driver being licensed
4.	<b>S.56(2)</b> LG(MP)A76	Failing to keep a booking accepted by you in such form as specified by the Council

In relation to charge 1, Licence Holder 1 has pleaded guilty. In relation to charges 2-3, Licence Holder 1 has pleaded not guilty (Members noted this plea was being made on a legal basis rather than factual). In relation to charge 4, this was not being pursued by the Council since the offence applies to journeys where the proper licences are in place, which was not the case for this incident.

Despite it not being a charge the council were pursuing, the Enforcement Team Leader asked Members to take a serious view of the failure to disclose the identity of either the driver or vehicle used and argued that this was to conceal that an unlicensed driver and unlicensed vehicle were being used. He asked Members to take this into consideration as to whether this demonstrated the licence holder was fit and proper to hold a Private Hire Operator's licence. He reminded Members that Licence Holder 1 remained a proprietor of the licence and that there was no provision within the Act to remove individual proprietors from the licence.

In response to questions from the Sub-Committee, the Enforcement Team Leader clarified that a taxi base had been operating from the premises for many years but that the current PHO licence, held by Licence Holder 1, Licence Holder 2, and Licence Holder 3, had been granted on 27 June 2018. He further clarified that the complaints received had not been concerning the records of the booking taken but that these had been reviewed as part of the subsequent investigation. He confirmed that the complaint had been about the driving standards of the driver and a question as to whether the vehicle was licensed or not. The complainant's suspicion was raised due to the lack of taxi livery on the vehicle.

In response to further questions, the Enforcement Team Leader advised that there were no other applications for operator's licences for this premises or those trading names, nor had there been any application to amend the current PHO licence.

The Licence Holders' Legal Representative talked the Sub-Committee through the supplementary information he had submitted which had been circulated to Members in advance of the meeting. He started by clarifying that, by virtue of his guilty plea to the offence of using a private hire vehicle without a licence, Licence Holder 1 had admitted to being the unlicensed driver of the unlicensed vehicle on the 12th October 2018.

The Licence Holders' Legal Representative advised Members that the Local Government (Miscellaneous Provisions) Act 1976 makes it clear that an operator may be some one other than a single individual and gave examples of the issuing of licences to private and public limited companies, such as Uber, to illustrate. He stated that this PHO licence was granted to Licence Holder 1, Licence Holder 2 and Licence Holder 3 jointly and that they collectively carried out the business of a private hire vehicle operator.

The Licence Holders' Legal Representative informed Members that Section 1 of the Partnership Act 1980 states that a partnership, or firm, exists where persons carry on a business with a view to profit, provided that they are not incorporated or established under Royal Charter. He advised that this does not depend on the execution of a formal deed or agreement. Members heard that Licence Holder 1, Licence Holder 2, and Licence Holder 3 were in business together as private hire operators at the time that the licence was issued and that the firm had several trading names.

The Licence Holders' Legal Representative stated that, by section 20(1) of the Partnership Act 1890, all rights and property acquired by a firm becomes partnership property and argued that it therefore followed that the private hire operator's licence is an asset of the partnership, rather than that of any individual.

The resignation of Licence Holder 1 from the firm would therefore preclude him from working in the business with Licence Holder 2 and Licence Holder 3 with a view to profit. Licence Holder 2 and Licence Holder 3 continue to carry on the same business with a view to profit and are therefore a statutory partnership trading as a firm. They use the same premises and systems, previously approved by the council, under various names and with various participants for many years.

The Licence Holders' Legal Representative advised that the assets of the partnership remain a partnership asset and therefore any interest Licence Holder 1 had in the operator's licence, the only asset with which this Sub-Committee was concerned, is extinguished. He further advised that the operator of the licence is therefore the firm whose members are Licence Holder 2 and Licence Holder 3.

Members noted that no complaints had been received since Licence Holder 1 had resigned from the firm. The Licence Holders' Legal Representative stated that this suggested the business was being run properly. The Licence Holders' Legal Representative advised that the two surviving operators remained fit and proper to hold the licence, and that there had been no material change in the operator or the operator's business since the grant of the licence. He confirmed that, since his resignation, Licence Holder 1 had had no say in the business and no access to the data held by that company.

In response to questions from the Sub-Committee, Licence Holder 1 confirmed he resigned from the company in February 2019 and no longer worked there. In response to a follow-up question, Licence Holder 1 confirmed that he had found employment elsewhere.

Members queried why Licence Holder 1 waited until four months after the incident (in October 2018) to resign from the company (in February 2019). The Licence Holders' Legal Representative confirmed that the resignation had been undertaken after receiving advice. Members queried why no new application had been made for a PHO licence for Licence Holder 2 and Licence Holder 3. The Licence Holders' Legal Representative confirmed that another licence application was not required by the Act as a licence did not have to be held by an individual.

The Chair of the Sub-Committee asked Licence Holder 2 and Licence Holder 3 when they became aware of the incident in October 2018, and what was their reaction. Licence Holder 3 confirmed they had only become aware when the council had got in contact to investigate the complaint and ask for the booking records. Licence Holder 3 advised that his principal reaction was disbelief, and then anger.

The Chair asked what action Licence Holder 2 and Licence Holder 3 had taken on learning about the incident. Licence Holder 3 advised they had complied with the requests of the council for information and, once they had calmed down, asked Licence Holder 1 to step down from the company. In response to a follow-up question, Licence Holder 3 confirmed the four-month period between the incident and Licence Holder 1's resignation was the time taken to calm down. It was noted that no action was taken during this time.

The council's Legal Officer and the Licence Holders' Legal Representative briefly discussed caselaw concerning individual offences when part of a partnership, but it was agreed by all parties that this was a matter for the consideration of the Magistrates' Court and not for debate at this meeting.

The council's Legal Officer queried why, in clause 41 of the supplementary information circulated, Licence Holder 1 had conceded that, by his resignation from the partnership, that he is unlikely to be regarded as being a fit and proper person to participate in the holding of an operator's licence. The Licence Holders' Legal Representative responded that this was obvious, that Licence Holder 1's behaviour was not conducive with the high standards of an operator as he failed to properly record the booking and drove an unlicensed car without a valid driver's licence.

In response to the information contained in the supplementary information circulated in advance of the meeting, the Council's Enforcement Team Leader for Licensing clarified that the charges were not duplicitous, as they related to two separate offences (operating a vehicle as a Private Hire Vehicle without (a) a valid vehicle licence, and (b) a valid private hire driver's licence vehicle). He further clarified that the licence was issued to individuals, not to a firm, and furthermore that a PHO licence was not a property or asset of a partnership as a licence is not property. A licence is a permission to the named individuals to carry out an activity. This permission could not be transferred and could not be an asset of a partnership.

With regards to whether Licence Holder 1 was acting on his own account and not as a private hire operator, it was agreed by all parties that this was a matter for

consideration by the Magistrates' Court and should not be taken into account for the purposes of today's determination.

In response to further questioning from the Sub-Committee, it was established that the computer system used to record bookings had been in place for 5-6 years. The Licence Holders' Legal Representative confirmed that a hard copy of bookings had been kept concurrently, but that this was only done as a back-up and the intention was for the electronic system to be the sole record moving forwards.

In summary, the Licence Holders' Legal Representative advised that the Licence Holder 2 and Licence Holder 3 were of good character and were running the business properly. There was no requirement for a new licence as the current licence was still in force, and that the resignation of one partner was not a major matter. The operator was a firm, and the two remaining individuals comprising that firm were fit and proper to hold a Private Hire Operator's licence.

After careful consideration of the report and representations from the Council's Licensing Enforcement Officer and the representations of the respondent and their representative and having regard to the Council's Safeguarding, Suitability and Convictions Policy, the Sub Committee **RESOLVED that Licence Holder 1, Licence Holder 2 and Licence Holder 3 are no longer fit and proper persons to hold a Private Hire Operator's Licence for the following reasons:**

- 1. Members noted that in the report and representations it states that Licence Holder 1 has resigned from the firm. In the representation it states that this precludes him from working in the business with Licence Holder 2 and Licence Holder 3 with a view to profit. Although this may be true, it is clear from the representation and evidence heard that Licence Holder 1 did not resign as an operator and that he resigned from the partnership. Whilst Members heard from the representative that it is the partnership who are the proprietors of the licence, Members considered that the licence is held by the three individuals.**
- 2. Members noted that Licence Holder 1 is no longer being prosecuted for the fourth charge. However, Members felt that the representations made about this were still valid in considering this review. Even if Licence Holder 1 is not guilty of committing this offence, a serious view must still be taken of the wrongdoing. Licence Holder 1 provided a booking record but failed to disclose the identity of either the driver or vehicle used. This was to conceal the fact that both an unlicensed driver and vehicle were being used. For the purpose of determining Licence Holder 1's fitness and propriety to hold a licence, Members felt that this goes against him in the test of whether he is a fit and proper person.**
- 3. Members noted that in the representations Licence Holder 1 himself has reasonably inferred that by tendering his resignation he accepts that he is likely to be regarded as being unfit to participate in the holding of a private hire operator's licence.**
- 4. Whilst Members noted that the business is now run and controlled by the two surviving partners and note the comments made by the Respondent's Representative of page 9, clause 30 (b) Members felt that the argument that because both surviving partners are considered suitable fit and**

proper persons who have no relevant recorded convictions against them that this still satisfies the Council they were fit and proper persons to hold a licence, in Members view, this does not necessarily remain true.

5. The fact that there was a 4-month period between when the two surviving partners became aware of the incident October 2019 and Licence Holder 1's resignation in February 2019 their continued association with Licence Holder 1 and the lack of communication with the Council during this time calls in to question whether they are themselves fit and proper knowing the issues that surrounded the Operating Licence.

Members feel it is important to make clear to the proprietors of the licence that there is no provision within the Act to remove individual proprietors from the licence.

Members wanted to express that where a licence has been revoked, the General Licensing Sub-Committee will not entertain a further application within 12 months of the date of the previous revocation unless there are substantial material changes in the applicant's circumstances which can be supported by evidence.

An applicant will normally be refused a licence if there has been a conviction for an offence under any of the Acts at any time during the 2 years preceding the application or where there is more than one conviction, within the 5 years preceding the date of the application. However, Members have the right to depart from its own policy if it feels that the evidence presented to them warrants this.

The applicant has the right to appeal to the local Magistrates' Court within 21 days of receiving this notice.

## **19.20 Review of Hackney Carriage Driver's Licence and Review of Hackney Carriage Vehicle Licence**

The Director of Customer and Digital submitted a report for the General Licensing Sub-Committee to determine whether the applicant was a fit and proper person to hold a Hackney Carriage Driver's licence and Hackney Carriage Vehicle Licence.

The Licence Holder was present at the Sub-Committee meeting along with his son and legal representative.

The Council's Enforcement Team Leader for Licensing informed the Sub-Committee that, on 4 December 2018, a member of the public made a complaint against the Licence Holder of an alleged allegation of fly-tipping whilst in a Chorley Licensed Hackney Carriage to Wigan Council. Wigan Council informed Chorley Council of the alleged incident involving the Licence Holder hence why this was investigated by the Enforcement Team Leader. Members noted this alleged incident occurred outside of the borough.

During February 2019, the Licence Holder attended the Council Offices of his own accord and spoke with officers about this complaint. During this conversation, the

Licence Holder repeatedly told officers that he had been given permission by the land owner to tip waste on the land.

On 29 March 2019, officers spoke with the land owner who confirmed that he had not given permission to the Licence Holder to tip waste on that land and that he was aware he would be committing an offence himself if he did so.

An appointment was arranged to interview the Licence Holder under caution at the Council Offices on 8 May 2019. The Licence Holder attended with his legal advisor and daughter. On commencement of the interview, the Licence Holder informed officers that he wished to give no reply to questions and that he wished not to remain in the interview for questioning.

The Council's Enforcement Team Leader for Licensing informed the Sub-Committee that, on 21 August 2018, the licence holder was issued with a Formal Warning as a result of a separate complaint.

In response to a Member's question, the Enforcement Team Leader confirmed that the Licence Holder had not been before the General Licensing Sub-Committee for any previous offences.

The Licence Holder's Legal Representative advised that, with regard to the review of the Hackney Carriage Vehicle Licence, there was no suggestion that the car was unfit for use. He highlighted that a vehicle could be licensed to one individual and driven by another, and to revoke this licence would be unnecessarily punitive.

With regards to the review of the Hackney Carriage Driver's Licence, the Licence Holder's Legal Representative pointed out that Wigan Council had not sought to prosecute for this incident and advised that none of the photographs supplied by the complainant showed any waste deposited on land (as it remained inside the car).

With regards to whether the Licence Holder remained a fit and proper person, the Licence Holder's Legal Representative advised that the incident had no bearing on his standard of driving. The landowner had stated that he had not given permission for the Licence Holder to leave the waste on his land as he not in a position to give permission as it would still be an offence. The Licence Holder's Legal Representative highlighted that the waste had been ultimately disposed of in a skip, and that Wigan Council had been satisfied with this.

With regards to the interview under caution at the Council Offices on 8 May 2019, the Licence Holder had the right not to be interviewed and that he had exercised that right.

In response to questions, the Licence Holder advised that he was visiting the land owner, a family friend, to try and sell some unwanted items. He advised that the land owner's property was some distance away from the site of the incident (approx. 25-50m) but he was unable to drive closer to the property as it was gated. After searching for but failing to locate the land owner, the Licence Holder returned to his car at which point his nephew had opened the boot in preparation for removing the items (having assumed the Licence Holder had successfully found the land owner). The complainant

had then driven up, taken photos, and made allegations that the Licence Holder was fly-tipping.

In response to a question regarding the complainant's allegations that the Licence Holder was aggressive, the Licence Holder advised that the complainant had been hostile and made accusations of fly-tipping in an argumentative manner. With regards to the complainant's statement the Licence Holder claimed he had permission to offload the waste, the Licence Holder clarified he had meant he had permission to be on the land, which was private property and not a public road as the complainant believed.

Finally, the Licence Holder confirmed that the waste had been disposed of in a skip on his own land.

In summary, the applicant's agent queried whether there was sufficient evidence to engage the Sub-Committee's power of review and reminded Members that this meeting was to determine whether the Licence Holder remained a fit and proper person to hold a Hackney Carriage Driver's Licence and Hackney Carriage Vehicle Licence.

After careful consideration of the representations, the Licensing Act 2003 Sub-Committee **RESOLVED that:**

**With regards to the Review of the Hackney Carriage Vehicle Licence that no further action needed to be taken.**

**With regards to the Review of the Hackney Carriage Driver's Licence, the Licence Holder remains a fit and proper person to hold the licence and that no further action needed to be taken.**

**The applicant and any person who made relevant representations has the right to appeal to the local Magistrates' Court within 21 days of receiving this notice.**

#### **19.21 Review of Hackney Carriage Vehicle Licence**

Chair

Date

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**MINUTES OF LICENSING ACT 2003 SUB-COMMITTEE****MEETING DATE** Wednesday, 13 March 2019**MEMBERS PRESENT:** Councillor Marion Lowe (Chair) and Councillors Gordon France and Sheila Long**OFFICERS:** Nathan Howson (Enforcement Team Leader (Licensing)), Elizabeth Walsh (Solicitor) and Philippa Braithwaite (Democratic and Member Services Officer)**19.87 Declarations of Any Interests**

There were no declarations.

**19.88 Procedure**

The procedure for the meeting was noted.

**19.89 Determination of an Application for the Review of a Premises Licence - Park Hall Nightclub**

The Sub-Committee considered a report from Director of Early Intervention on 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. Lancashire Constabulary and the Premises Licence Holder were not in attendance at the meeting.

Members were told by the Council's Licensing Officer that Lancashire Constabulary no longer required a review hearing as both parties had agreed conditions and made substantial progress in relation to the premises. Members were given two documents from both Lancashire Constabulary and from the Premises Licence Holder's legal representative Kuit Steinart Levy LLP outlining what had been agreed so Members could understand why Lancashire Constabulary no longer required a review hearing.

After careful consideration the Sub-Committee **RESOLVED – that no further action be taken against the licence and that members were satisfied that there were no further steps which it considered were appropriate for the promotion of the objectives for the following reasons:**

- 1. Members were satisfied that management at Lakeside Collection Limited had had acted promptly and effectively addressed the deficiencies identified in the Review Application and acted promptly to make all the improvements necessary to meet the concerns that led Lancashire Constabulary to apply for a review. The Conditions identified and agreed by the Premises Licence Holder and Lancashire Constabulary are agreed by Members as follows:**

- **Professional third-party training for all staff (hotel and club) around alcohol, customer violence and drugs. (This has already taken place.)**
  - **Implementation of a system to ensure that training is reviewed and updated. (This has already taken place.)**
  - **Ensure there are proper training records in place for all staff at the hotel and club involved in the sale of alcohol. (This has already taken place.)**
  - **Identify a new and suitable DPS for the club and make the relevant application to the Licensing Authority to have the current DPS replaced. (This has already taken place.)**
  - **Carry out work on the CCTV to bring the system into full compliance with the licence conditions. (The work has been identified, paid for and scheduled though was not yet complete.)**
  - **Ensure there are proper records in place for door supervisors. (This has already taken place.)**
  - **Ensure there is a proper refusals register in place. (This has already taken place.)**
  - **Ensure there is a proper incident record book in place. (This has already taken place.)**
  - **Ensure there are policies in place and training delivered around drug search and seizure procedures and a system for recording drugs seizure. (This has already taken place.)**
- 2. Although Members are satisfied that the Premises Licence Holder has acted promptly, there is concern relating to the CCTV. Members have requested that this and any other outstanding action which has not been fully complied with are implemented before the next Event this includes the new DPS application to the Council and ensuring work on the CCTV is complete. Lancashire Constabulary and the Premises Licence Holder are to confirm in writing to the licensing officer when this has been done.**
- 3. Members wanted it noted that they were concerned that Lancashire Constabulary had requested the review but had not turned up to the hearing to explain the reasons why it was no longer required. Members have suggested that when the Police ask for a review, the Licensing Officer should reiterate the importance of the Police meeting with the Premises Licence Holder first before applying for a review.**

Chair

Date

**MINUTES OF LICENSING ACT 2003 SUB-COMMITTEE****MEETING DATE**                      **Wednesday, 12 June 2019****MEMBERS PRESENT:**      Councillor Matthew Lynch (Chair), and Councillors Tom Gray and Steve Holgate**OFFICERS:**                      Nathan Howson (Enforcement Team Leader (Licensing)), Alex Jackson (Legal Services Team Leader) and Philippa Braithwaite (Democratic and Member Services Officer)**19.90 Declarations of Any Interests**

No declarations of any interests were received.

**19.91 Procedure**

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

**19.92 Determination of Application for a Premises Licence - Croston Sports Club, Westhead Road**

The Sub-Committee considered a report which advised of an application for a premises licence to be granted under Section 17 of the Licensing Act 2003, to which relevant representations had been received.

The applicant, Croston Sports Club, was represented by their Secretary, manager, and agent, who attended the meeting to make their representations to the Sub-Committee. An Environmental Health Officer, neighbouring resident, and ex-employee of the premises and resident of Croston, all of whom had made relevant representations, were also in attendance to make their representations to the Sub-Committee.

The Council's Enforcement Team Leader for Licensing informed the Sub-Committee that the premises have operated under a Club Premises Certificate (CPC) since its conversion from the old Act in 2005. Prior to this, it was licensed under the old Act for many years. The Sub-Committee noted the intention of the applicant to surrender this CPC if the premises licence were granted.

Officers advised that the premises had come to the attention of officers following recent events being held there which were not being provided solely for the benefit of members of the club and their guests and that, as a result, the activities would be considered unauthorised.

The Council's Enforcement Team Leader for Licensing informed the Sub-Committee that this had resulted in the application made on 25 April 2019 for a new premises licence, which was the subject of the hearing. The application sought to authorise the following licensable activities:

<b>Licensable Activity</b>	<b>Proposed Hours</b>
Provision of Films (Indoors)	Sunday- Thursday: 11:00-00:00hrs Friday-Saturday: 11:00-00:30hrs  Non-Standard: 11:00-02:30hrs on New Year's Eve and Day
Provision of Live Music (Indoors)	Sunday- Thursday: 23:00-00:00hrs Friday- Saturday: 23:00-00:30hrs  Non-Standard: 23:00-02:30hrs on New Year's Eve and Day
Provision of Recorded Music (Indoors)	Sunday- Thursday: 23:00-00:00hrs Friday- Saturday: 23:00-00:30hrs  Non-Standard: 23:00-02:30hrs on New Year's Eve and Day
Late Night Refreshment (Indoors)	Sunday- Thursday: 23:00-00:00hrs Friday- Saturday: 23:00-00:30hrs  Non-Standard: 23:00-02:30hrs on New Year's Eve and Day
Sale of Alcohol (On and Off Sales)	Sunday- Thursday: 11:00-00:00hrs Friday- Saturday: 11:00-00:30hrs  Non-Standard: 11:00-02:30hrs on New Year's Eve and Day Permitted hours are 08:00hrs on occasions of pre-booked sporting events occurring at or associated with the club and the 4 days of the Grand National meeting.

The Sub-Committee noted that, in addition to this, the applicant had provided a comprehensive operating schedule.

It was understood that following consultation with Lancashire Constabulary, the applicant agreed to additional conditions, namely signage advising that CCTV was in operation being displayed, the implementation of an Incident/Refusal Register in which full details of all incidents are recorded, and six-monthly training reviews with all members of staff authorised to sell, serve or deliver alcohol in order to reinforce the training and to promote best practice.

Representations had been received concerning the likely effect of the grant of the licence on the Prevention of Public Nuisance and the Prevention of Crime and Disorder objectives. In addition, Environmental Health served two Abatement Notices under the Environmental Protection Act 1990 on the premises on 10 May 2019. These notices require the premises to abate the nuisance described within 21 days of service.

In response to a query, the Enforcement Team Leader for Licensing confirmed that the proposed licensable activities reflected the current schedule of the CPC, but that a

premises licence would allow for a different operating schedule; i.e. hosting events for non-members.

The applicant's agent advised that the premises had been operating as a sports club for around 50 years during which time there had been no prosecutions or reviews. He stated that the premises licence would allow for the sale of alcohol rather than the supply of alcohol (as under the current CPC) but that the identity of the club would stay the same, operating under the same hours and with the same activities. The applicant's agent advised that private members' clubs suffered from declining membership, a problem which could be addressed by holding public events and encouraging attendees to sign up for membership.

He stated that the evidence that would be presented later related to two exceptional events, both of which were held annually. He stated that a premises licence would offer 45 relevant and measurable conditions, as opposed to the single condition on the CPC, which would be to everyone's benefit. He pointed out that the Police had not made a representation to this application and advised that the premises had a regular dialogue with Environmental Health Officers.

The applicant's agent advised that the club was currently run by a Committee but under a premises licence one person, the Designated Premises Supervisor (DPS), would be responsible and it was proposed that the current manager would hold this position.

The club secretary advised he had been working at the premises for over 15 years and confirmed the ethos of the club was to operate as a community sports club on a not-for-profit basis and stood as a hub for the wider community. He stated that numerous conversations had been held with the neighbouring resident (who was present at this meeting) and that the club was trying to improve these interactions in order to move forward.

The current manager advised that in preparation of this application a risk assessment and action plan had been put together in conjunction with the Police, and she asked the Sub-Committee to grant the application.

In response to questions from the Sub-Committee, the applicant's representatives confirmed that noise nuisance in the early hours would be addressed through better staff management and training. A new staff operating procedure was being put in place to ensure the door closest to the neighbour was closed and they were looking into having this door permanently shut.

The applicant's agent confirmed that there was no noise-cancelling equipment in place but had undertaken to investigate the option to install equipment with a noise limiter. The Sub-Committee queried the business-model and viability of the club, and the club secretary confirmed that the club was reliant on events to fund operational costs and sports offered at the premises.

In response to questions from the Interested Parties, the applicant's representatives confirmed the proposed strategies that would be put in place to avoid future issues (which were set out in the application) and confirmed that staff training on how to deal with complaints would be implemented.

When pressed on this further, the applicant's agent confirmed that a record of all complaints received would be maintained and an escalation procedure put in place for multiple complaints received in an evening. The club secretary stated he was confident these measures would be robust at addressing complaints, and confirmed he understood the seriousness of the matter. In response to further questions he confirmed that signage had been improved regarding noise levels when exiting the building, and that club members had been emailed with a request to respect the neighbours.

Interested Parties queried how anti-social behaviour of non-members would be regulated, and the current manager advised that any inappropriate behaviour would result in that person being asked to leave and possibly being barred. She also advised that extra security had been employed for both recent events. In response to further questions, the current manager confirmed she's been in post for the past three years and had been the manager when the recent events had taken place. She confirmed that approximately four events had taken place since the abatement notice had been served but that none of these had been 'big' events. If the premises licence was granted, the current manager stated that the frequency or types of events would not change but that more people would attend (i.e. non-members).

The Environmental Health Officer advised that subsequent to the abatement notices, he had met with staff of the club and the club committee to discuss how to address the issues. These discussions had been positive and focused on resolutions, including the agreement of a number of actions which had not been included as listed conditions in the application. He highlighted that the effectiveness of the measures proposed were dependent on the rigour with which they were adhered to by staff, but confirmed that, in his opinion, the proposed conditions were suitable should they be implemented robustly. He also advised that no further evidence had come to light to suggest a breach since the abatement notice had been served.

In response to questions from the Sub-Committee he confirmed that his team had the capacity and would investigate any complaints received after the compliance period. In response to a question from the applicant's agent, the Environmental Health officer advised that the installation of a noise limiter would solve the problem of noise nuisance but was the strictest measure to implement.

The neighbouring resident presented his representations, advising he had moved to the area four years ago. After attempts to try and address concerns in a polite manner over the years, the neighbouring resident advised that club staff treated them with derision, club committee members have made derogatory comments to him, and no improvements had made despite verbal promises. The neighbouring resident stated he would love to see the club thrive but not at the detriment of neighbours. He advised that other residents had similar complaints but were unwilling to speak out against the club owing to its position in the community.

The neighbouring resident presented several audio recordings of events held at the club on 1 – 4 March and 19 - 22 April to demonstrate the type and noise levels of the disruption being experienced. These recordings had been taken with the equipment installed by Environmental Health Officers which recorded when activated (not recording automatically at a certain decibel level).

Recordings ranged over both weekends at late hours of the night/early hours of the morning and demonstrated:

- Loud anti-social discussions (including mention of drug use and abusive language).
- Staff heard re-admitting an anti-social and inebriated visitor to the premises for another drink.
- Loud music (through the open doors of the premises).
- Inebriated shouting.
- Prolonged noise of staff locking up.

The neighbouring resident stated that the lack of respect for neighbours demonstrated by staff would influence patrons' behaviour. He stated that the disruption from the noise and the lack of respect for him and his family has been horrible to live through. Apologies had not been received and he and his children had been effectively barred from the premises, which made trying to resolve the problems more difficult. The applicant queried who had told the neighbouring resident that he was barred in response to which the neighbouring resident said he had received a letter saying he was excluded. He stated that this was not a responsible way to behave as a licence holder and was sceptical that the proposed conditions would be effective when previous attempts had been unsuccessful with fewer attendees at events.

The ex-employee presented his representations and submitted video footage taken behind the bar of inappropriate drinking from staff (showing a liquid presumed to be alcohol being poured directly into the mouth) as well as receipts demonstrating payments for drinks being taken outside of licensed hours and to non-members, which was not permitted unless they accompanied a member. He also advised that the CPC dictated two days must pass from applying for club membership before benefits would be authorised, but in practice no waiting period was implemented.

In response to questions from the Sub-Committee, the distance between the neighbouring resident's property and the club was established, and it was noted that vibration between a small party garden wall was also an issue. The neighbouring resident stated that the wall was not a party wall with his dwelling.

In response to a question from the Sub-Committee, the ex-employee confirmed he had been answerable to the manager of the club, who in turn was answerable to the club committee. He stated the concerns regarding inappropriate behaviour and breaches of licensed hours had been raised with the current manager on a number of occasions.

In response to a question from the applicant's agent regarding the positioning of the recording equipment, the neighbouring resident confirmed that the noise and disruption was only part of the problem, with the lack of respect shown to neighbours and their complaints being just as important. In response to a question from the applicant's agent, the ex-employee stated that he had not been on duty during the event in April and the incidents had not occurred as alleged by the applicant's agent 'on his watch'. He stated that the current manager had instructed that if people wished to drink, they should be served irrespective of whether this was beyond the time permitted by the CPC. It was established that the receipts were unclear whether non-member referred to guests (who would be permitted to purchase alcohol) or to visitors (who would not be permitted to purchase alcohol). It was also noted that there was no limit to the number of guests a member could invite to the club.

The Sub-Committee noted a separate issue regarding the alleged harassment of the neighbouring resident by club members, which club staff had not addressed. It was

noted that this related to the club's operation and not the premises, and so was not a matter for the Sub-Committee to consider.

In summary, the Environmental Health officer offered assistance to the premises to address any problems and reiterated that his team were prepared with enforcement measures should they prove necessary.

The neighbouring resident advised that he and his family sought for meaningful conflict resolution moving forwards, and for the premises to continue as a members' club with appropriate functions and events and respect for their neighbours. The ex-employee referred the Sub-Committee to his written representation.

The applicant's agent advised that the actions agreed with Environmental Health were already in place and they were led to believe didn't need to be included as conditions on the application as they weren't measurable or enforceable. He stated that the club wanted to work with all parties involved and that the grant of a premises licence would be to everyone's benefit as it secured 45 relevant, proportionate, measurable and enforceable conditions in line with existing guidance and policies. The club secretary confirmed that the club would work to the agreements, undertook to communicate with neighbouring residents personally, and reiterated that this was a community sports club which wanted to work with and for the benefit of the community.

After careful consideration of the representations of the Applicant, Environmental Health and other persons making representations and having regard to the guidance issued under S182 of the Licensing Act 2003 and the Council's Statement of Licensing Policy, the Licensing Act 2003 Sub-Committee **RESOLVED to grant the licence subject to the conditions offered in the operating schedule, the conditions agreed by Lancashire Constabulary at Paragraph 12 of the report and the following additional condition:**

**Regulated entertainment shall not take place unless a noise limiter is installed and deployed to ensure no public nuisance occurs.**

**The Sub Committee further refused to specify the proposed person, the current manager, as the Designated Premises Supervisor.**

**The reasons for this decision are:**

- 1. Members took note that the Environmental Health officer thought that the extra conditions if upheld would address any public nuisance issues.**
- 2. Members noted that no other responsible authorities had submitted representations.**
- 3. Members consider that a premises licence with all the conditions attached would be more likely to promote the licensing objectives compared to the current situation of a club premises certificate lacking most of these conditions.**
- 4. Members had serious concerns about the management of the premises by the current manager. It was noted that she had managed the premises for the last three years when many of the problems had occurred.**
- 5. Members considered that the claims by the former employee that the current manager had instructed that patrons should be served beyond permitted hours were credible.**

6. **Members considered that the licensing objectives had been compromised under the current manager's management in the interests of boosting bar takings.**
7. **Members were also satisfied that the premises had been poorly managed in other respects with staff not showing respect to complaints by residents, by pouring alcohol directly into each other's mouths and door staff re-admitting a drunk and anti-social person back into the premises. It was also noted that two noise abatement notices had been served on the club.**

**Members urged the applicant to engage meaningfully with local residents and to impress this upon staff, so they interact appropriately and respectfully with any local resident who raises any issues concerning the licensing objectives.**

**The applicant and any person who made relevant representations has the right to appeal to the local Magistrates' Court within 21 days of receiving this notice.**

Chair

Date

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Report of	Meeting	Date
Director of Customer and Digital	Licensing and Public Safety Committee	10 <sup>th</sup> July 2019

<b>Confidential report</b>	Yes	No
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**PURPOSE OF REPORT**

- To bring a request made by the Hackney Driver’s Association Ltd to the attention of members regarding a proposed increase to the Table of Fares for Hackney Carriages.

**RECOMMENDATIONS**

- That members consider the written request for a fare increase along with any verbal representations the Association or their representatives may make before making a decision.
- That the proposed increase to the table of fares be agreed, subject to the statutory consultation being carried out and no objections being received.
- That, in the event major objections are received during the statutory consultation period, the matter be brought back before the Committee for determination.
- That, in the event minor objections are received during the statutory consultation period, the matter be discussed with the Chair and Vice- Chair of the Licensing and Public Safety Committee and a determination made.
- That a change be made to the Taxi Licensing Policy to require an application to renew a Hackney Carriage Vehicle licence be accompanied by a new Taximeter Calibration Certificate, to reflect the change in fares, with effect from the implementation of the new fare.

**CORPORATE PRIORITIES**

- This report relates to the following Strategic Objectives:

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

**THE LEGAL POSITION**

- Section 65 of the Local Government (Miscellaneous Provisions) Act 1976 provides that a Council may fix the fares within the district for time and distance and all other charges in connection with the hire of a Hackney Carriage.
- When setting fares for the hire of a Hackney Carriage, the Council must publish a notice in a newspaper setting out the proposed change and the period during which objections to the change can be made. This period shall not be less than 14 days from the date of the publication.
- In the event no objections to the change are received, the proposed changes will take effect on the expiry of that period specified in the notice.
- In the event an objection to the change is received, the Council shall set a date, not later than 2 months after the date of the notice, for the changes to take effect. The Council must first consider the objection and may make any variation to the change.

**APPEALS**

- 12. There is no right of appeal available once the fares are set.

**DETAILS OF FARE INCREASE PROPOSAL**

- 13. On 11<sup>th</sup> April 2019, a request was received from the Hackney Driver’s Association Ltd for an increase to the Table of Fares for Hackney Carriages. A copy of this request is appended at [Appendix 1](#).
- 14. The proposal seeks to decrease slightly the distance where the standard charge begins to increase, from 9/18<sup>ths</sup> (ie. half) of a mile to 8/18<sup>ths</sup> of a mile. Further, to change the distance at which additional 10ps are added to the fare from 1/17<sup>th</sup> of a mile to 1/18<sup>th</sup> of a mile.
- 15. The effect of this change shall increase the fare for the first complete mile from £3.15 to £3.30 and from £1.70 to £1.80 each mile thereafter.
- 16. Paragraphs 12-14 relate to tariff one only. This proposal would see proportionate increases to both tariff two and three, based on the increase to tariff one.
- 17. In addition, the proposal would see the Waiting Time varied from 10p per 30 seconds waited to 10p per 20 seconds waited.
- 18. A comparison table of the proposed changes is appended at [Appendix 2](#). In addition, Private Hire and Taxi Monthly publish league tables of all districts within England and Wales. These rankings are shown within the same appendix.
- 19. Members will note that the last time the Hackney Carriage Fares were increased was in January 2012 as a result of increasing fuel prices.

**HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY**

- 20. To ensure all taximeters within the Hackney Carriage fleet comply with the new fares, authority is sought to amend the Taxi Policy to require all applications to renew a Hackney Carriage Vehicle licence to be accompanied by a new Taximeter Calibration Certificate.

**IMPLICATIONS OF REPORT**

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

Finance	X	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 STATUTORY FINANCE OFFICER**

- 22. No comments from the Statutory Finance Officer.

**COMMENTS OF THE MONITORING OFFICER**

- 23. The power for the Council to fix fares in connection with the hire of a Hackney Carriage, under section 65 of the Local Government (Miscellaneous Provisions) Act 1976, is set out in the body of the report.

There is no statutory right of appeal against the fares once set, however there is the opportunity for objections to be submitted to the Council against any proposed change once the notice has been published in a local newspaper.

**2.4 SUMMARY**

It is requested that members give due consideration to the matters detailed in the report and make the appropriate determination.

Asim Khan  
DIRECTOR OF CUSTOMER AND DIGITAL

There are no background papers to this report.

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
Nathan Howson	5665	26.04.19	N/A

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**THE HACKNEY DRIVERS ASSOCIATION LTD**

The Hackney Drivers Association Ltd  
Company No: 06919511.  
Shireburn Ave  
Tong fold  
Bolton BL2 2SX  
Phone 01204 371928  
Fax 01204 396772  
[bbha@btinternet.com](mailto:bbha@btinternet.com)  
Web [thdald.com](http://thdald.com)

4 April 2019

For the Attention of  
Chorley Licensing unit  
Union Street  
Chorley.

Dear Chorley Council,

Ref: Proposed Fare increase Chorley Hackney Carriages

We the Hackney Drivers Association Ltd are instructed to apply for an increase in the fares charged by the Hackney trade in Chorley.

**Background**

The Last increase in the fares charged by the Hackney trade was in 2012 Chorley is 331 in the national Hackney Fares Table out 362 councils as of April 2019 they have keep fares down for 7 years now they feel it's time to look to increase fares we maintain that the 7 years lack of increase is in itself reason to request this increase.

**Current Tariff One**

Is approx £3.10 for almost the first mile?

Then £1.70 per mile thereafter

**Current Tariff Two**

Is tariff one plus 50% which gives the 5ps?

**Current Tariff Three**

Is 100% of tariff one

**Waiting Time**

Waiting time is currently 10p for 30secs

**New Proposed fare from 2019****Proposed tariff One**

For the first 782.2 yards (8/18) then

10p for every 97.77 yards (1/18) the first mile being £3.30 then £1.80 thereafter per mile

**Proposed tariff Two**

Prorata for tariff Two

**Proposed tariff Two**

Prorata for tariff Two

**Waiting Time**

For every 20 secs 10p

**Our little Bit**

No other changes have been requested we have been asked to ignore the 5p problem with the proposed new tariff this only issue only applies to tariff two we confirm that we have been requested to apply for this increase which the association fully back and should have happened a long time ago and we have given the figures from the Current and the Proposed new fares as we have been given it.

If the council require any further information we will be happy to assist the council in any way we can, we also confirm we are duly authorized to request the elected members of Chorley council licensing panel to consider their request.

Regards,  
C, Oakes (Director)  
The Hackney Drivers Association Ltd.  
[bbha@btinternet.com](mailto:bbha@btinternet.com)



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## Hackney Carriage Table of Fares Proposed Increase

### Appendix 2- Comparison Tables

	<b>Distance not exceeding</b>	<b>Each subsequent</b>	<b>1 Mile</b>	<b>2 Mile</b>	<b>3 Mile</b>	<b>4 Mile</b>	<b>5 Mile</b>	<b>Waiting Time</b>	<b>Soiling Charge</b>
<b>Chorley current</b>	9/18 <sup>th</sup> mile (ie. half)- £2.30	1/17 <sup>th</sup> mile- 10p  (£1.70 /mile)	£3.15	£4.85	£6.55	£8.25	£9.95	10p added per 30 seconds waited	£45
<b>Chorley proposed</b>	8/18 <sup>th</sup> mile- £2.30	1/18 <sup>th</sup> mile- 10p  (£1.80 /mile)	£3.30	£5.10	£6.90	£8.70	£10.50	10p added per 20 seconds waited	£45
<b>South Ribble current</b>	2/10 <sup>th</sup> mile- £2.20	1/10 <sup>th</sup> mile- 20p  (£2.00 /mile)	£3.80	5.80	£7.80	£9.80	£11.80	10p added per 30 seconds waited	£40

### Lancashire Councils Fare Rankings

<b>Authority</b>	<b>Ranking</b>	<b>Year of Last Increase</b>
Preston	156	2017
Blackpool	183	2018
South Ribble	201	2015
Lancaster	233	2017
Ribble Valley	293	2008
Rossendale	328	2018
<b>Chorley</b>	<b>331</b>	<b>2012</b>
Blackburn	342	2011
Hyndburn	343	2008
West Lancs	344	2011
Burnley	347	2008
Pendle	354	2008