



# Licensing and Safety Committee

Agenda and Reports

For consideration on

**Wednesday, 22nd November  
2006**

In the Council Chamber, Town Hall, Chorley



[www.chorley.gov.uk](http://www.chorley.gov.uk)



---

## Chief Executive's Office

Please ask for: Gordon Banks  
Direct Dial: (01257) 515123  
E-mail address: gordon.banks@chorley.gov.uk  
Date: 13 November 2006

---

**Chief Executive:** Donna Hall

**Chorley**  
Council

Town Hall  
Market Street  
Chorley  
Lancashire  
PR7 1DP

Dear Councillor

## **LICENSING AND SAFETY COMMITTEE - WEDNESDAY, 22ND NOVEMBER 2006**

You are invited to attend a meeting of the Licensing and Safety Committee to be held in the Council Chamber, Town Hall, Chorley on Wednesday, 22nd November 2006 commencing at 2.00 pm.

### **AGENDA**

1. **Apologies for absence**

2. **Declarations of Any Interests**

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

3. **Minutes (Pages 1 - 2)**

To confirm as a correct record the Minutes of the meeting of the Licensing and Safety Committee held on 11 October 2006 (enclosed)

4. **Presentation on Changes to Alcohol Related Crime**

Presentation by Inspector Ian Roberts from Lancashire Constabulary on changes to alcohol related crime

5. **Consideration of Change of Criteria - Additional Hackney Carriage Licences (Pages 3 - 12)**

Report of Director of Customer, Democratic and Legal Services (enclosed)

6. **Licensing and Registration Licences issued from 23/9/06 to 1/11/06 (Pages 13 - 16)**

Report for Director of Customer, Democratic and Legal Services (enclosed)

Continued....

7. **Annual Review of Licence Fees**

Report of Director of Customer, Democratic and Legal Services (to follow)

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


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

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.

10. **Private Hire Driver - Police Caution for Affray (Pages 17 - 18)**

Report of Director of Customer, Democratic and Legal Services (enclosed)

Yours sincerely



Chief Executive

**Distribution**

1. Agenda and reports to all Members of the Licensing and Safety Committee (Councillor Mrs Iris Smith (Chair), Councillor Edward Smith (Vice-Chair), Councillors Thomas Bedford, Henry Counce, Magda Cullens, David Dickinson, Doreen Dickinson, Anthony Gee, Daniel Gee, Keith Iddon, Hasina Khan, Margaret Lees, Marion Lowe, Thomas McGowan, Ralph Snape, John Walker and Mrs Stella Walsh) for attendance.
2. Agenda and reports to Andrew Docherty (Director of Customer, Democratic and Legal Services), Janet Brereton (Legal Assistant (Licensing and Registration)), Howard Bee (Licensing Manager), Keith Ogden (Enforcement Officer) and Gordon Bankes (Democratic Services Officer) for attendance.

**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

01257 515823

کیجئے:

This page is intentionally left blank

**Licensing and Safety Committee****Wednesday, 11 October 2006**

**Present:** Councillor Mrs Iris Smith (Chair), Councillor Edward Smith (Vice-Chair) and Councillors Henry Counce, Magda Cullens, David Dickinson, Doreen Dickinson, Anthony Gee, Daniel Gee, Keith Iddon, Hasina Khan, Margaret Lees, Marion Lowe, Thomas McGowan, John Walker and Mrs Stella Walsh

**06.LS.54 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillor Ralph Snape.

**06.LS.55 DECLARATIONS OF ANY INTERESTS**

No declarations of interest were received.

**06.LS.56 MINUTES**

The minutes of the meeting of the Licensing and Safety Committee held on 20 September 2006 were confirmed as a correct record and signed by the Chairman.

**06.LS.57 LICENSING AND REGISTRATION - LICENSES ISSUED FROM 1 SEPTEMBER 2006 TO 22 SEPTEMBER 2006**

The Committee received a report of the Director of Customer, Democratic and Legal Services on the various licences and permits issued and the registration effected by the Licensing Section for the period 1 September 2006 to 22 September 2006.

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

**06.LS.58 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 grounds that they involve the likely disclosure of exempt information as defined in Paragraph 4 of Part 1 of Schedule 12A to the Local Government Act 1972.**

**06.LS.59 PRIVATE HIRE DRIVER - COMPLAINT OF INAPPROPRIATE BEHAVIOUR - MR HBK (DOB 10.01.57)**

Further to Minute 06.LS.51, 20 September 2006, the Committee received a report of the Director of Customer, Democratic and Legal Services bringing Members attention to a complaint that had been received against a Private Hire driver regarding an allegation of inappropriate behaviour.

The Committee was requested to consider the allegations and determine whether he was a fit and proper person to hold a private hire driver's licence.

The Private Hire Driver attended the meeting to put forward his explanation, and the Committee carefully considered the representations he made.

**RESOLVED – That the Committee viewed the complaint very seriously, however, it was agreed that the Private Hire Driver be allowed to continue to drive in Chorley and a letter be sent informing him that his conduct must be exemplary and should there be any further concern or complaints he be brought back to a meeting of the Committee.**

**06.LS.60 PRIVATE HIRE OPERATOR ALLOWING VEHICLES TO BE USED IN A DANGEROUS CONDITION**

Further to 06.LS.52, 20 September 2006, the Committee received a report of the Director of Customer, Democratic and Legal Services bringing to the attention of Members that a private hire vehicle had been presented for a taxi test in a dangerous condition.

A Vehicle Supervision Notice had been served on the operator of the vehicle and attended the meeting to explain how the licensed vehicle was allowed to be used in such a dangerous condition and to explain what, if any measure he had put in place to ensure that all licensed vehicles operated under his operator's licence were adequately maintained.

**RESOLVED - 1) That the Committee considered that the licensed private hire operator was not a fit and proper person to hold a licence and agreed that the licence be suspended until the whole private hire fleet have been subjected to a vehicle test to be carried out during the next week by an accredited MOT testing station.**

**2) That a system of daily defect sheets be implemented for each vehicle of the private hire fleet and signed by each driver with detected faults to be rectified immediately.**

**3) That regular checks be made by the Council's Licensing Enforcement Officer to ensure that the daily defect sheet process is being complied with.**

**4) That the operator be asked to a future meeting to inform the Committee that the required tests have been carried out on the vehicles and the vehicle checking process is operating.**

**5) That a report be submitted to a future meeting on the outcome of an investigation to be carried out on the MOT testing of the people carrier in question and the suitability of the accredited testing station that had carried out the four month test on the vehicle and whether a satisfactory standard of service is being provided by the testing stations.**

Chair



Report of	Meeting	Date
Director of Customer, Democratic and Legal Services	Licensing and Safety Committee	22/11/06

## **CONSIDERATION OF CHANGE OF CRITERIA – ADDITIONAL HACKNEY CARRIAGE VEHICLE LICENCES**

### **PURPOSE OF REPORT`**

1. To ask Members to reconsider an agreed criteria to be applied to additional hackney carriage vehicle licences.

### **CORPORATE PRIORITIES**

2. This report is not relevant to any of the key corporate priorities of the Council.

### **RISK ISSUES**

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

Strategy		Information	
Reputation	4	Regulatory/Legal	4
Financial		Operational	
People		Other	

4. There is a risk that the criteria applied to the hackney carriage vehicle licences could be the subject of Judicial Review and that unsuccessful applicants could appeal to the Magistrates Court if their application is refused.

### **BACKGROUND**

5. At a meeting of this Committee on 5 April 2006 a criteria was set for the issue of the seven additional hackney carriage licences identified by the recent survey as being required to meet the needs of disabled people in the Borough. (A copy of the Committee report dated 6 April 2006 is attached).
6. Best practice guidance issued by the Department for Transport on 23 October 2006 casts doubt on the already agreed criteria relating to the type and age of vehicle (copy of the relevant guidance is attached).
7. It is thought that the agreed criteria could result in a legal challenge. It is appropriate to reconsider the agreed criteria before any further action is taken regarding the issue of the seven additional hackney carriage plates.

8. It is suggested that the following criteria be considered to replace numbers 1, 2 and 3:
- i) Every vehicle shall be either a purpose built hackney carriage or a vehicle adapted as a hackney carriage suitable for the carriage of disabled persons by a recognised conversion company. The vehicle must have undergone either Whole European Type Approval or Low Volume Type Approval.
  - ii) Vehicles must be new or have covered no more than 500 miles.
8. Changing the criteria will enable vehicle proprietors to have a choice of suitable vehicles whilst the Council will be able to maintain a high standard of vehicular accessible vehicles. By specifying that the vehicles must be new or less than 500 miles we can ensure that conversions have been carried out to the latest specifications.

**COMMENTS OF THE DIRECTOR OF HUMAN RESOURCES**

9. Not applicable.

**COMMENTS OF THE DIRECTOR OF FINANCE**

10. Not applicable.

**RECOMMENDATION(S)**

11. That the Committee considers changing the criteria as suggested.

ANDREW DOCHERTY  
 DIRECTOR OF CUSTOMER, DEMOCRATIC AND LEGAL SERVICES

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Keith Ogden	5163	7 November 2006	LEGREP/93626LM

EXTRACT FROM "TAXI AND PRIVATE HIRE  
VEHICLE LICENSING: BEST PRACTICE  
GUIDE"

ISSUED OCTOBER 2006 BY DEPT. FOR TRANSPORT

## VEHICLES

### Specification Of Vehicle Types That May Be Licensed

18. The legislation gives local authorities a wide range of discretion over the types of vehicle that they can license as taxis or PHVs. Some authorities specify conditions that in practice can only be met by purpose-built vehicles but the majority license a range of vehicles.

19. Normally, the best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicle as possible. Indeed, local authorities might usefully set down a range of general criteria, leaving it open to the taxi and PHV trades to put forward vehicles of their own choice which can be shown to meet those criteria. In that way there can be flexibility for new vehicle types to be readily taken into account.

20. It is suggested that local licensing authorities should give very careful consideration to a policy which automatically rules out particular types of vehicle or prescribes only one type or a small number of types of vehicle. For example, the Department believes authorities should be particularly cautious about specifying only purpose-built taxis, with the strict constraint on supply that that implies. (There are at present only two designs of purpose-built taxi.) But of course the purpose-built vehicles are amongst those which a local authority could be expected to license. Similarly, it may be too restrictive to automatically rule out considering Multi-Purpose Vehicles, or to license them for fewer passengers than their seating capacity (provided of course that the capacity of the vehicle is not more than eight passengers).

This page is intentionally left blank

Report of	Meeting	Date
Director of Legal Services	Licensing & Safety Committee	5 April 2006

## CRITERIA TO BE APPLIED TO ADDITIONAL HACKNEY CARRIAGE VEHICLE LICENCES

### PURPOSE OF REPORT

- For Members to determine the criteria to be applied to the seven additional hackney carriage vehicle licences following the decision by this Committee at a special meeting on 29 April 2005 to grant an additional hackney carriage vehicle licence.

### CORPORATE PRIORITIES

- This report is not relevant to any of the key corporate priorities of the Council.

### RISK ISSUES

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

Strategy		Information	
Reputation	4	Regulatory/Legal	4
Financial		Operational	
People		Other	

- There is a risk that the criteria applied to the hackney carriage vehicle licences could be the subject of Judicial Review and that unsuccessful applicants could appeal to the Crown Court if their application is refused, which has costs implications inherent in defending any litigation.

### BACKGROUND

- Members will recall that at a Special Meeting on 29 April 2005 to the Committee resolved to issue a further 7 hackney carriage vehicle licences bringing the total number licensed by this Council to 37 following consideration of a report by independent consultants Halcrow Fox into the issue of demand for hackney carriage services in the Borough.
- The Committee further resolved that these additional licences be issued subject to mandatory criteria relating to the vehicle and preferential criteria relating to the applicants/proprietors and that a further report regarding the criteria be submitted after consultation with the trade. A questionnaire regarding the proposed criteria was circulated to all members of the trade and interested parties, a copy of which is attached to this report at Appendix 1. A summary of the replies is attached at Appendix 2.



7. Members have previously adopted criteria in relation to hackney carriage vehicles and these are set out below.

**Licensing Committee 22 November 2000 (Minute 00.L.76)**

Further to minute 00.L.69, 11 October 2000, the Borough Solicitor submitted a report on the Hackney Carriage Plate No 6 that was held in abeyance and members were requested to set a criteria for which vehicle was best to serve the needs of disabled persons.

The Committee received representation from members of Chorley and South Ribble Disability Forum as to the type of vehicle(s) they considered would best meet their members needs.

Manufacturers of Metro Cab TTT and the TX1 and other purpose built wheelchair accessible hackney carriages, had been invited to demonstrate their latest products.

Resolved - That the following criteria be established for re-allocation of Hackney Carriage Plate No 6:

- (a) The following essential principles must be present in the vehicle:
  - i) Ramp
  - ii) Step
  - iii) Handrail
  - iv) Room to manoeuvre a wheelchair
  - v) Swivel seat
  - vi) Rear facing seat fastening
- (b) The desirability for suitable driver training.
- (c) Essential that there is a lack of taxi related convictions.
- (d) Essential to be resident of Chorley.

**Licensing Committee 1 March 2001 (Minute 01.L.15)**

The Committee received for approval an additional Licence Condition in respect of a vehicle constructed or adapted for the carriage of disabled persons.

Resolved - That the under mentioned clause be adopted as an additional licence condition for a hackney carriage licence:

'This licence is issued specifically in respect of a vehicle constructed or adapted for the carriage of disabled persons and once granted, the licensed vehicle and any replacement vehicle must:

1. In the opinion of the Council be suitable for the carriage of disabled persons.
  2. At all times and comply with the specification guidelines set down by the Council for the time being in force; and/or
  3. Comply with any regulations that may be made by the Secretary of State under the provisions of the Disability Act 1995.
8. Once the mandatory and preferential criteria have been determined applications for the additional licences will be invited. In the event that there are more applications than licences to be issued then the preferential criteria will be applied and if need be applications referred to this Committee for it to decide which applicants will be successful.

**COMMENTS OF THE HEAD OF HUMAN RESOURCES**

9. Not applicable.

**COMMENTS OF THE DIRECTOR OF FINANCE**

10. Not applicable.

**RECOMMENDATION**

11. That the Committee determine the mandatory criteria relating to the vehicle and preferential criteria relating to the applicant.

ROSEMARY LYON  
DIRECTOR OF LEGAL SERVICES

<b>Background Papers</b>			
<b>Document</b>	<b>Date</b>	<b>File</b>	<b>Place of Inspection</b>
Report on Unmet Demand 2005 Suggested criteria and summary of replies (attached to report)			Licensing Office

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
K Ogden/Howard Bee/ Elizabeth Riley	5163	5 April 2006	LEGREP/96162LM

CRITERIA TO BE IMPOSED		Agree	
1	Every vehicle shall be a London style taxi such as TX2, Metrocab, or similar.	<input type="checkbox"/>	<input type="checkbox"/>
<b>Other comments</b>			
2	Vehicles shall be two years old or less than two years old from date of manufacture or date of first registration whichever is the earlier.	<input type="checkbox"/>	<input type="checkbox"/>
<b>Other comments</b>			
3	Vehicles must be purpose built hackney carriage vehicle and purpose built to accommodate wheelchair disabled passengers	<input type="checkbox"/>	<input type="checkbox"/>
<b>Other comments</b>			
4	Vehicles shall be properly tested and roadworthy to a standard approved by the Council's vehicle inspectors such testing to include the structural integrity.	<input type="checkbox"/>	<input type="checkbox"/>
<b>Other comments</b>			
5	Vehicles shall be properly insured and proof of purchase be produced to the Council either upon application or before the issue of the licence.	<input type="checkbox"/>	<input type="checkbox"/>
<b>Other comments</b>			
6	Applicants should be able to prove to the Council that he or she has never previously sold/transferred a vehicle licence for money or moneys worth for gain or reward.	<input type="checkbox"/>	<input type="checkbox"/>
<b>Other comments</b>			
7	Preferentially, licences be issued to owner/drivers or intended owner/ drivers upon their showing satisfactory proof of proprietorship or intended proprietorship of their vehicle.	<input type="checkbox"/>	<input type="checkbox"/>
<b>Other comments</b>			
8	Preferentially, applicants should be a current hackney carriage driver within Borough of Chorley.	<input type="checkbox"/>	<input type="checkbox"/>
<b>Other comments</b>			
9	Preferentially, the number of years an applicant has been driving a hackney carriage vehicle within Borough of Chorley shall be taken into account.	<input type="checkbox"/>	<input type="checkbox"/>
<b>Other comments</b>			
10	Preferentially, applicants fitness including previous motoring and other criminal convictions shall be taken into account.	<input type="checkbox"/>	<input type="checkbox"/>
<b>Other comments</b>			
11	Any other considerations which may fairly and reasonably relate to the grant of a hackney carriage licence and appear to the Council to be relevant including the proposed operation of the vehicle in respect of the hours/area to be worked may be taken into account.	<input type="checkbox"/>	<input type="checkbox"/>
<b>Please add any additional comments below.</b>			



**Criteria for vehicles**

	Agree	Disagree	
Every vehicle shall be a London style taxi such as TX2, Metrocab, or similar.	38 81%	9 19%	100%
Vehicles shall be two years old or less than two years old from date of manufacture or date of first registration whichever is the earlier.	31 66%	16 34%	9% 100% new.
Vehicles must be purpose built hackney carriage vehicle and purpose built to accommodate wheelchair disabled passengers	41 87%	5 11%	98%
Vehicles shall be properly tested and roadworthy to a standard approved by the Council's vehicle inspectors such testing to include the structural integrity.	47 100%	0	100%
Vehicles shall be properly insured and proof of purchase be produced to the Council either upon application or before the issue of the licence.	44 94%	2 4%	98%
Total number of questionnaires received 47			

**Criteria for applicants**

	Agree	Disagree	
Applicants should be able to prove to the Council that he or she has never previously sold / transferred a vehicle licence for money or moneys worth for gain or reward.	44 94%	3 6%	100%
Preferentially, licences be issued to owner/drivers or intended owner/drivers upon their showing satisfactory proof of proprietorship or intended proprietorship of vehicles.	42 89%	5 11%	100%
Preferentially, applicants should be a current hackney carriage driver within the Borough of Chorley.	33 70%	10 21%	91%
Preferentially, the number of years an applicant has been driving a hackney carriage vehicle within the Borough of Chorley shall be taken into account.	33 70%	14 30%	100%
Preferentially, applicants fitness including previous motoring and other criminal convictions shall be taken into account.	44 94%	3 6%	100%
	29	13	

Any other considerations which may fairly and reasonably relate to the grant of a hackney carriage licence and appear to the Council to be relevant including the proposed operation of the vehicle in respect of the hours/area to be worked may be taken into account.

62% 28% 89%

Total number of questionnaires received. 47

15% of all respondents think those awarded plates should live in Chorley Borough.

13% of all respondents think plates should be returned to council not sold/transferred.

10% of all respondents think that current Private Hire operators should be allowed to apply for Hackney Plates.



Report of	Meeting	Date
Director of Customer, Democratic and Legal Services	Licensing & Safety Committee	22/11/06

## LICENSING AND REGISTRATION LICENCES ISSUED FROM 23 SEPTEMBER 2006 TO 1 NOVEMBER 2006

### 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. SECOND HAND GOODS

There have been no applications granted for second hand goods licences during this period.

### 5. HACKNEY CARRIAGES, PRIVATE HIRE REGISTRATIONS

The table below shows the number of licences/registrations issued during this period. Generally, renewal Private Hire/Hackney Carriage Vehicle/Drivers Licences and renewal Private hire Operator Licences are now issued by the One Stop Shop.

Number of	New	Renewals	Transfers	Vehicle Change
Private Hire Vehicles	6	20	1	4
Private Hire Drivers Licence	5	16	0	0
Private Hire Operator	1	1	0	0
Hackney Carriage Drivers Licence	1	3	0	0
Hackney Carriage Vehicle	0	4	0	0

Continued....



**6. HOUSE TO HOUSE COLLECTIONS**

There has been no applications granted for House to House Permits during this period.

**7. STREET COLLECTION PERMITS**

There has been three applications granted for Street Collection Permits during this period for the following charities, Manacare Foundation, Children in Need and Bolton Mountain Rescue Team.

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

There has been one Lottery permit issued during this period .

**9. MOTOR SALVAGE OPERATOR**

There have been no Motor Salvage Operator Licences issued during this period.

**Enforcement visits for period from 23 September 2006 to 01 November 2006**

10. Details of enforcement visits for the above period are on the Licensing Act 2003 report.

**Suspension of vehicles**

11. Two private hire vehicle licences have been suspended during this period. One of the vehicles remains suspended.

**Investigation of complaints**

12. Two complaints have been received during this period. One was of a minor nature and no action was taken against the driver, the other was of a more serious nature but the complainant declined to proceed with the complaint.

**Joint Operations**

13. Two joint operations have been conducted during this period, one with Lancashire County Council vehicle inspectors where faults were found with Chorley licensed vehicles, and the other operation relates to the Licensing Act 2003. Details of which are on the Licensing Act 2003 report.

Report compiled 3 November 2006  
Keith Ogden  
Licensing Enforcement Officer

**COMMENTS OF DIRECTOR OF FINANCE**

15. Not applicable.

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

16. Not applicable.

**RECOMMENDATION(S)**

17. Members are asked to note the report

ANDREW DOCHERTY LLP SOLICITOR  
 DIRECTOR OF CUSTOMER, DEMOCRATIC AND 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 Section Legal Services Chorley

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
Jayne Day	5161	3 November 2006	LEGREP/93618LK

This page is intentionally left blank

By virtue of paragraph(s) 4 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank