

Licensing and Safety Committee

Agenda and Reports

For consideration on

**Wednesday, 17th January
2007**

In the Council Chamber, Town Hall, Chorley

At 2.00 pm



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Chief Executive's Office

Please ask for: Gordon Banks
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Date: 8 January 2007

Chief Executive: Donna Hall

Chorley
Council

Town Hall
Market Street
Chorley
Lancashire
PR7 1DP

Dear Councillor

LICENSING AND SAFETY COMMITTEE - WEDNESDAY, 17TH JANUARY 2007

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, 17th January 2007 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 - 4)**

To confirm as a correct record the Minutes of the meeting of the Licensing and Safety Committee held on 22 November 2006 (enclosed)

4. **Licensing Liaison Panel (Pages 5 - 8)**

To receive the minutes of the Licensing Liaison Panel held on 27 November 2006 (enclosed)

5. **Allocation of Seven Additional Hackney Carriage Licences (Pages 9 - 12)**

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

6. **Licensing and Registration Licences issued from 2 November 2006 to 22 December 2006 (Pages 13 - 16)**

Director of Customer, Democratic and Legal Services (enclosed)

Continued....

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

8. **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.

9. **Application for Licence to drive Hackney Carriage/Private Hire Vehicles within the Borough of Chorley (Pages 17 - 18)**

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

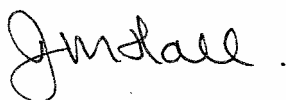
10. **Application to Drive Hackney Carriage/Private Hire Vehicles within the Borough of Chorley (Pages 19 - 20)**

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

11. **Complaint Regarding Hackney Carriage Driver (Pages 21 - 24)**

Report 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 Rosaleen Brown (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
کیجئے: 01257 515823

Licensing and Safety Committee**Wednesday, 22 November 2006**

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

06.LS.61 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Edward Smith (Vice Chair) and Councillor Daniel Gee.

06.LS.62 DECLARATIONS OF ANY INTERESTS

Councillor Mrs Stella Walsh declared an interest later on in the meeting under Minute 06.LS.70.

06.LS.63 MINUTES

The Minutes of the meeting of the Licensing and Safety Committee held on 11 October 2006 were confirmed as a correct record and signed by the Chairman.

06.LS.64 PRESENTATION ON CHANGES TO ALCOHOL RELATED CRIME

The Committee received a short presentation from Inspector Ian Roberts from Lancashire Constabulary informing Members on changes to alcohol related crime.

He reported on the recent two days of action relating to Operation Nimrod and the arrests and the charging of individuals involved in drugs related crime.

Members noted that there had been a reduction in violent crime compared with that of 5 years, however, he reported on the problems associated with access to alcohol for those under 18 years old. The Police had been working with the Council's MAPS team as there was becoming a real need for a street ban on the drinking of alcohol.

There was also a problem of excessive drinking in pubs and a request was made for possible conditions to be introduced to reduce the binge drinking culture.

The Committee welcomed the information received and thanked Inspector Roberts for attending the meeting.

06.LS.65 CONSIDERATION OF CHANGE OF CRITERIA - ADDITIONAL HACKNEY CARRIAGE LICENCES

The Committee received a report of the Director of Customer, Democratic and Legal Services requesting Members to reconsider an agreed criteria to be applied to additional hackney carriage vehicle licences.

The report indicated that the Committee had previously agreed on 5 April 2006 a criteria for the issue of seven additional hackney carriage licences identified by a survey as being required to meet the needs of disabled people in the Borough.

It was considered that the criteria that had been agreed could result in a legal challenge and it was appropriate to reconsider the criteria before any further action was taken regarding the issue of the seven additional hackney carriage plates.

The change in the criteria would 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 would ensure that conversion had been carried out to the latest specifications.

RESOLVED – That the following criteria be approved 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 European Type Approval or have Volume Type Approval.

ii) Vehicles must be new or have covered no more than 500 miles.

06.LS.66 LICENSING AND REGISTRATION LICENCES ISSUED FROM 23/9/06 TO 1/11/06

The Committee received a report of the Director of Customer, Democratic and Legal Services on the various licences and permits issued and the registrations affected by the Licensing Section for the period 23 September 2006 and 1 November 2006.

RESOLVED – That the report be noted.

06.LS.67 ANNUAL REVIEW OF LICENCE FEES

The Committee considered a report of the Director of Customer, Democratic and Legal Services reviewing the Hackney Carriage and Private Hire Licence fees charged by the Council and recommending adoption of a revised fee structure with effect from 1 April 2007.

The aim was to increase fees by approximately 3% in line with inflation for the next financial year in order to maintain the standard of service.

RESOLVED – 1) That the revised fees and charges for the hackney carriages and private hire vehicle licences as authorised in the submitted report be approved for adoption with effect from 1 April 2007.

2) That the proposals to increase fees be authorised as statutorily required.

06.LS.68 PRIVATE HIRE OPERATOR ALLOWING VEHICLES TO BE USED IN A DANGEROUS CONDITION

Further to Minute 06.LS.60, 11 October 2006 the Committee were informed that the operator had now completed the required tests on the vehicles however the daily defects sheets for each vehicle of the private hire fleet had not been implemented.

An explanation letter would be sent to the operator explaining these areas and the need for them to be completed and maintained and a report on this will be submitted to the Committee on 17 January 2007.

RESOLVED – That the information received be noted.

06.LS.69 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 involves 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.70 PRIVATE HIRE DRIVER - POLICE CAUTION FOR AFFRAY

The Committee received a report of the Director of Customer, Democratic and Legal Services bringing Members attention to a caution received by a licensed private hire driver.

The report indicated that this Council had licensed the private hire driver for over three years and that information received from the Police on 30 September 2006 had revealed that she had received a Police caution for affray. This information had not been relayed to the Council.

On attending the Civic Offices regarding the caution she admitted receiving the caution but stated that she had not been told by the Police that as the caution was not a conviction it need not be declared.

Officers had no delegated powers to deal with these matters and therefore the Committee was requested whether any action should be taken.

The licensed private hire driver attended the meeting to put forward her explanation in support of keeping her licence.

RESOLVED – That no action be taken.

(Councillor Mrs S Walsh declared an interest in the above item and left the room during the discussion and voting).

Chair

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LICENSING LIAISON PANEL - 27 NOVEMBER 2007

MINUTES

PRESENT: Councillor Iris Smith, Yaqoob Illahi, Mohammed Siddique Ahmed, Shakhail Ahmed, Julie and Antony Price, Lynne and Philip Cooper, Howard Bee, Jayne Day, Keith Ogden, Janet Brereton.

1 APOLOGIES FOR ABSENCE Councillor E Smith

2 MATTERS ARISING FROM LAST MEETING – Howard Bee updated everyone on the following items:

Blue bins – after contacting the Council's Environmental Commercial Section, it would appear that this is a matter for LCC Highways. Howard Bee will be contacting the person responsible and will report back to a future meeting.

Additional Hackney Carriage Plates – since the criteria was set in April/May regarding the issue of the additional plates, it has come to the Council's notice that best practice requires us not to specify one particular vehicle. The criteria has been changed to allow any suitable wheelchair accessible vehicle that is new or with no more than 500 miles on the clock. The Licensing Section will be sending letters out regarding this early next week and will apologise to those who had already registered their interest. Discussion followed regarding the criteria being set to only allow a new vehicle.

Outdoor Drinking – the town centre strategy had now been approved and the next stage will be to look at a policy regarding outdoor seating areas etc. The Highway Authority will also be consulted.

3 TAXI RANK/SIGNAGE AT CLEVELAND STREET/ROAD TRAFFIC ORDER (Progress Report) - Janet Brereton explained that the deadline for objections to the re-designation of the Rank on High Street had passed without objections having been received. She said that the Highway Authority had ordered the necessary signs and she had been told that they should be in place by 28 November 2006 at the latest. Keith Ogden would be checking that they were in place. Janet Brereton has now had chance to update the panel on the position regarding the Road Traffic Order. It would appear that although the Police and the Highways Authority had been consulted, they had not yet replied and the relevant officer would be chasing them up. Yaqoob Illahi pointed out how frustrating the situation was. He also informed the panel that a member of staff from the Tut 'n' Shive parked at the night rank outside the public house and Keith Ogden agreed to speak to the new licensee of the premises about this.

4 AGE LIMITS ON VEHICLES – Keith Ogden pointed out that the position regarding age limits on vehicles had not changed, but the Council would be sticking strictly to no more than 7 years old for a purpose built hackney

carriage or 4 years old for a saloon type vehicle. He said that for an older vehicle to be considered it must be in exceptional condition for its age. The vehicle registration document and vehicle service record must be made available and the vehicle must be produced by appointment for inspection by the Licensing Section. A checklist for vehicles over age has been produced. If anyone wishes to have a copy, please contact the Licensing Section.

5 **USE OF ILLUMINATED SIGNS IN PRIVATE HIRE VEHICLES** – Keith Ogden pointed out that one or two private hire vehicles have been using illuminated signs. It is one of the licence conditions that no signs should be used which appear to lead any person to believe that the vehicle is a hackney carriage. Discussion followed regarding the use of roof signs on private hire vehicles in other neighbouring towns, but it was generally agreed that this was because they have a purpose-built hackney carriage fleet.

6 **HACKNEY CARRIAGE – WILL THERE BE A REQUEST FOR INCREASE IN FARES** – Keith Ogden asked whether the hackney carriage trade would be requesting an increase in fares. He reminded everyone that a request would have to go the Licensing and Safety Committee for consideration and if agreed would need to be advertised so it would take at least a couple of months for an increase to be put in place. Yaqoob Illahi, on behalf of the trade, said that he was not aware of any request, but would canvass the hackney carriage proprietors for their views.

7 **DISABILITY DISCRIMINATION ACT (DDA)– RESPONSIBILITIES OF TRANSPORT PROVIDERS** – Keith Ogden reported that the government had recently included taxi and private hire companies as people who are responsible under the above Act. He pointed out that the act came into force at the beginning of December. Under the DDA it is unlawful to discriminate against a disabled person. Discrimination is defined by Part 3 of the DDA as:

- Refusing or deliberately not providing a service to a disabled person because they are disabled.
- Offering a service at a lower standard to a disabled person because of their disability
- Offering a service on different terms to a disabled person because of their disability.
- Failing to make a reasonable adjustment for a disabled person

Further information can be found on the Disability Rights Commission (DRC) website: www.drc-gb.org

Discussion followed and it was pointed out that whilst it was difficult to enforce, everyone concerned needed to be aware of the consequences if someone complained.

This led on to the subject of **TRAINING**. Keith Ogden explained that Preston City Council was now making it compulsory for all new drivers to have training in such matters. South Ribble and Chorley were also considering this option. A full discussion took place including the following points:

- Costs would be around £150 for four days of training
- National Private Hire Association is in favour of training
- A request was made for a syllabus for information and this is now attached.

It was agreed that this item would go back to the next meeting of the Licensing Liaison Panel in January with a view to including everyone's views and concerns on the proposals. The Licensing Section would make information available to help those concerned form their response. The report would go to Licensing and Safety Committee which is due to take place on 28 February 2007. Councillor Smith informed the panel that representatives from the private hire and hackney carriage trade would be able to attend.

- 8 **LEAVING HACKNEY CARRIAGES ON THE RANK UNATTENDED** – Keith Ogden reminded everyone that hackney carriage drivers should not leave their vehicles unattended. He accepted that there may be occasions when a driver would be away for a very short time, but it was not acceptable to park up on the rank. Once the necessary road traffic order was in place, anyone could be given a parking ticket for parking on the rank. Mohammed Ahmed pointed out that in Preston, there were designated parking areas set aside for hackney carriages.
- 9 **FEES/CRB CHECKS** – Keith Ogden informed everyone that the licence fees were due to increase from April 2007. He explained that the increases would be advertised and that there would be a period for objections. Yaqoob Illahi asked if it was possible to have a breakdown of the budget figures and Howard Bee said that if anyone makes a Freedom of Information request that information would be provided. Keith Ogden also went on to explain that the increase to the fee for a renewal private hire/hackney carriage driver's licence was so that the three-yearly CRB checks could go ahead without having to charge individual drivers. He also reminded everyone that if any drivers who had recently had a CRB check by LCC brought them in we would update our records.
- 10 **ANY OTHER BUSINESS –**
- Councillor Iris Smith pointed out that there had been a recent press release from the Council reminding the public to use properly licensed vehicles over the festive period. Those present had seen the article. Howard Bee informed everyone that the Licensing Section had been asked to be represented on a smoke-free legislation working group. He went on to say that the implementation date could be as early as 4 June 2007, although this date was unconfirmed. Janet Brereton was attending the working group and would feedback to the next panel. There being no other business, Councillor Mrs Smith thanked everyone for their attendance.
- 11 The next meeting will take place on **Monday 29 January at 10.30am** in the **Committee Room, Town Hall, Chorley.**

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Report of	Meeting	Date
Director of Customer, Democratic and Legal Services	Licensing and Safety Committee	17/01/07

ALLOCATION OF SEVEN ADDITIONAL HACKNEY CARRIAGE LICENCES

PURPOSE OF REPORT

- For Members to approve a selection procedure for the issue of seven additional hackney carriage licences.

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	
Financial		Operational	
People	4	Other	

- The approved selection procedure set by this Committee must be in accordance with previously agreed criteria, open to scrutiny, impartial and transparent.

BACKGROUND

- At a meeting of this Committee on 22 November 2006 the criteria was amended and agreed for the issue of seven additional hackney carriage licences. Following this decision the amended criteria, an application form and guidance was sent to all holders of "taxi" licences within the Borough.
- It is anticipated that there will be more than seven applications that meet the criteria.
- It is suggested that the first stage of selecting applicants for a Committee interview is completed by officers. Applicants must meet the criteria in full to progress to an interview. To assist officers in selecting the successful applicants for interview a "criteria matching" checklist is attached to the report for Members to note.
- For the interview stage of selection it is suggested that this Committee appoints a smaller Sub-Committee.

- 9. It is anticipated that the Sub-Committee will interview those applicants who meet the criteria in full in February 2007 with a view to issuing the licences from 1 April 2007.
- 10. A list of pre-prepared questions will be given to the Sub-Committee in addition to any questions that they may feel relevant to any individual
- 11. It is suggested that licensing officers should be present at the meetings to answer any questions that arise and a representative of the local disability forum will be invited to attend.
- 12. A licence for a wheelchair accessible vehicle has previously been issued with an additional licence condition, namely”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:
 - i) in the opinion of the Council be suitable for the carriage of disabled persons;
 - ii) at all times comply with the specification guidelines set down by the Council and for the time being in force: and/or
 - iii) comply with any regulations that may be made by the secretary of state under the provisions of the Disability Discrimination Act 1995”.

It is suggested that this condition is also applied to the seven additional licences with the addition of the Disability Discrimination Act 2005 at iii

COMMENTS OF THE DIRECTOR OF HUMAN RESOURCES

- 13. N/A

COMMENTS OF THE DIRECTOR OF FINANCE

- 14. N/A

RECOMMENDATION(S)

- 15. That the Committee sets in place a procedure for selecting the seven successful applicants based upon the agreed criteria.

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	18 December 2006	LEGREP/93832LM

Agenda Page 11 Agenda Item 5
Applicant for new Hackney Carriage Plate

Applicant name and address	
Proposed vehicle (new or less than 500 miles)	
Suitable for use as wheelchair accessible H/C	
Proof of ownership / intended ownership	
Convictions declared	
Dates of offence and codes	
Declared convictions correct against our records	
Applicant previously sold H/C plate	
Current H/C driver	
Current P/H driver	
Number of years H/C drivers licence held	
Comments	
Invite for interview	

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Report of	Meeting	Date
Director of Customer, Democratic and Legal Services	Licensing & Safety Committee	17 January 2007

LICENSING AND REGISTRATION LICENCES ISSUED FROM 2 NOVEMBER 2006 TO 22 DECEMBER 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

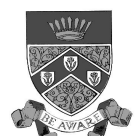
There have been no applications granted for second hand goods licences during this period.

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	3	20	1	21
Private Hire Drivers Licence	5	27	0	0
Private Hire Operator	0	2	1	0
Hackney Carriage Drivers Licence	2	9	0	0
Hackney Carriage Vehicle	0	2	0	2

Continued....



6. HOUSE TO HOUSE COLLECTIONS

There have been 8 applications granted for House to House Permits during this period for the following charities. 3 permits issued for the following periods to Alder Hey 'imagine' Appeal: 05/02/07 to 11/02/2007, 09/07/2007 to 15/07/2007, and 24/09/2007 to 30/09/2007 and 5 permits issued for the following periods to Clothes Aid: 01/01/2007 to 07/01/2007, 19/03/2007 to 25/03/2007, 28/05/2007 to 03/06/2007, 20/08/2007 to 26/08/2007 and 29/10/2007 to 04/11/2007.

7. STREET COLLECTION PERMITS

There have been two applications granted for Street Collection Permits during this period for the following charities, Rotary Club of Chorley for a collection held on 19/12/2006 and St Mary the Virgin Parish Church for a collection held on 09/12/2006.

8. LOTTERIES AND AMUSEMENTS ACT 1976 (AS AMENDED)

There have been 3 new and 42 renewal Lottery permits 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 02 November 2006 to 22 December 2006

10. 25 visits have been made to operators during this period

Suspension of vehicles

11. One private hire vehicle licence have been suspended during this period

Investigation of complaints

12. 4 complaints have been received during this period. Two have been resolved a third is the subject of a separate report that will be placed before the Committee today, and the fourth is being investigated by the Police at Chorley and Horwich.

Joint Operations

13. No joint operations have been conducted during this period.
14. The vehicle check sheets that Chorley Private Hire have been ordered to complete and maintain have been checked on a number of occasions and a verbal report will be made to the Committee. Further checks will be made to ensure compliance.

Report compiled 22 December 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

Background Papers			
Document	Date	File	Place of Inspection
Various applications	Various dates	Various files	Licensing Section Legal Services Chorley

Report Author	Ext	Date	Doc ID
Jayne Day	5161	2 January 2007	LEGREP0201JM02

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