

# Licensing and Safety Committee

Agenda and Reports

For consideration on

## Wednesday, 28th March 2007

In the Council Chamber, Town Hall, Chorley

At 2.00 pm



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## Chief Executive's Office

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Date: 20 March 2007

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**Chief Executive:** Donna Hall

**Chorley**  
Council

Town Hall  
Market Street  
Chorley  
Lancashire  
PR7 1DP

Dear Councillor

## LICENSING AND SAFETY COMMITTEE - WEDNESDAY, 28TH MARCH 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, 28th March 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 28 February 2007 (enclosed)

4. **Licensing Sub-Committee (Pages 5 - 6)**

To receive the minutes of the meeting of the Licensing Sub-Committee held on 19 February 2007 (enclosed)

5. **Licensing & Registration - Summary of Activity from 01 February 2007 to 09 March 2007 (Pages 7 - 10)**

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

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

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

To consider the exclusion of the press and public for the following items of business

Continued....

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.

8. **Application for Private Hire Drivers Licence - Failure to Meet Medical Standards**  
Report of Director of Customer, Democratic and Legal Services (to follow)
9. **Licensed Private Hire Proprietor - Allowing Vehicle to be used without Insurance and Road Tax. (Pages 11 - 12)**  
Report of Director of Customer, Democratic and Legal Services (enclosed)
10. **Application for Licence to Drive Hackney Carriages/Private Hire Vehicles within the Borough. (Pages 13 - 26)**  
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 Claire Hallwood (Deputy Director of Legal Services), Rosaleen Brown (Senior Solicitor), Janet Brereton (Legal Assistant (Licensing and Registration)), Gordon Bankes (Democratic Services Officer) and Keith Ogden (Enforcement 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

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**Licensing and Safety Committee****Wednesday, 28 February 2007**

**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, Ralph Snape and Mrs Stella Walsh

**07.LS.12 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Thomas Bedford and John Walker.

**07.LS.13 DECLARATIONS OF ANY INTERESTS**

Councillor Ralph Snape declared an interest in relation to Item 10 on the agenda (Minute 07.LS.21).

**07.LS.14 MINUTES**

The Minutes of the meeting of the Licensing and Safety Committee held on 17 January 2007 were confirmed as a correct record and signed by the Chairman.

**07.LS.15 TRAINING FOR HACKNEY/PRIVATE HIRE DRIVERS-FURTHER REPORT**

Further to Minute 06.LS.20 (7 June 2006) the Director of Customer, Democratic and Legal Services submitted a report on a proposal to introduce vocational training for all new applicants for hackney carriage and private hire driver licences.

At the meeting of 7 June 2006 it was recommended that a report be submitted to this Committee giving details of other providers of driver training, showing comparisons with other local authorities and costs to the trade.

The report indicated that the Disabled Persons Transport Advisory Committee in its good practice guide 2003, emphasised the need for driver training for taxi drivers in dealing with disabled people. In a speech by the Transport Minister it was indicated that best practice should be that driver training should be done and that in future, licensing authorities might stipulate that those applying for their first licences should undergo a certain amount of training.

The Department of Transport in a best practice guidance (October 2006) had stated that there was an advantage in encouraging drivers to obtain a nationally recognised vocational qualification for the hackney and private hire trades.

Research conducted by officers since the meeting on 7 June 2006 had indicated that no other suitable training courses were currently available and that there was no suitable alternative to the BTEC course at Runshaw College.

Preston City Council had agreed to make the BTEC training with Runshaw College as a provider and mandatory for all new drivers from 1 April 2007 to undertake the course with South Ribble Borough Council are also considering adopting this option.

Representatives from Runshaw College attended the meeting outlining the syllabus for the BTEC course being offered. The Committee also received from a representative from Preston City Council, the reasons why the authority had decided to make the course mandatory and its implementation.

**RESOLVED – That the item be deferred to a future meeting pending further consideration and referring it to the next Taxi Liaison Panel.**

**07.LS.16 DRIVERS MEDICALS-PROPOSED CHANGE OF PROCEDURE**

The Committee received a report of the Director of Customer, Democratic and Legal Services on a proposal to change the current requirement for all medicals for hackney carriage and private hire drivers to be conducted by the applicant's family doctor.

The report indicated that when the requirement to use the applicant's family doctor was introduced, the cost of medicals was considered reasonable however since that time the cost had escalated and it was clear that medical practitioners were charging fees that were considerably more than when the medical rules were introduced and causing hardship amongst some applicants.

The Committee received presentation from a representative from a low priced medical firm which had advertised a country wide service for carrying out medicals for taxi drivers as well as medicals for bus and lorry drivers. The company had become established as the UK's biggest provider of medical examinations for DVLA and taxi licences. The DVLA accepted medical examinations by registered medical practitioners and did not specify that the examination must be by the applicants own doctor.

**RESOLVED –That the rules regarding drivers' medicals be changed to allow medical examinations to be conducted by any registered medical practitioner.**

**07.LS.17 LICENSING AND REGISTRATION LICENCES ISSUED FROM 23 DECEMBER 2006 TO 31 JANUARY 2007**

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 between the period 23 December 2006 and 31 January 2007.

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

**07.LS.18 LICENSING LIAISON PANEL**

The Committee received the Minutes of the meeting of the Licensing Liaison Panel held on 29 January 2007.

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

**07.LS.19 ANY OTHER ITEM(S) THAT THE CHAIR DECIDES IS/ARE URGENT**

The Chairman notified members that the Licensing Manager, Howard Bee, would be leaving the authority in the near future. The Chairman and Members of the Committee expressed their appreciation for his contribution and assistance he had given to the Committee.

**07.LS.20 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 I of Schedule 12A to the Local Government Act 1972.**

**07.LS.21 APPLICATION FOR LICENCE TO DRIVE HACKNEY CARRIAGE/PRIVATE HIRE VEHICLES WITHIN THE BOROUGH OF CHORLEY**



The Committee received a report of the Director of Customer, Democratic and Legal Services requesting the Committee to consider an application for a licence to drive Hackney Carriages/Private Hire vehicles within the Borough of Chorley.

The applicant (Mr GS) had been invited to attend the meeting but neither himself nor his representative attended.

**RESOLVED – That the consideration of the application be adjourned to the next meeting of the Committee to be held on 28 March 2007 to allow an opportunity for the applicant and his representative to give representations.**

**(Councillor R Snape declared an interest in the above item and left the room during the discussions and voting)**

**07.LS.22 APPLICATION FOR LICENCE TO DRIVE HACKNEY CARRIAGES/PRIVATE HIRE VEHICLES WITHIN THE BOROUGH OF CHORLEY**

The Committee received a report of the Director of Customer, Democratic and Legal Services requesting the Committee to consider an application to drive a Hackney Carriage/Private Hire Vehicle. Information received from the Criminal Records Bureau had revealed information that would need to be assessed by the Committee before determining the application.

The applicant (Mr AT) had not held a Hackney Carriage/Private Hire Drivers Licence before this application and had failed to disclose that he had any convictions when he applied for a licence.

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

**RESOLVED – 1) That the Licensing and Safety Committee took a very serious view of his failure to declare convictions, however, after careful consideration of his representations, agreed to grant him a Hackney Carriage/Private Hire Drivers Licence.**

**2) That a written warning be sent to him reminding him of his responsibility and that he be advised that his conduct must be exemplary.**

**07.LS.23 APPLICATION TO DRIVE HACKNEY CARRIAGES/PRIVATE HIRE VEHICLES WITHIN THE BOROUGH OF CHORLEY**

The Committee received a report of the Director of Customer, Democratic and Legal Services requesting the Committee to consider an application to drive Hackney Carriages/Private Hire Vehicles. Information received from the driver and Driver Vehicle Licensing Agency (DVLA) had revealed information that will determine that the grant of a licence would only be made by the Committee.

The report indicated that the applicant (Mr CP) had 6 penalty points/endorsements on his licence. The applicant attended the meeting to put forward his representations in support of the application and the Committee carefully considered the representations made.

**RESOLVED – That a Hackney Carriage/Private Hire Drivers Licence be granted to Mr CP for a probationary period of six months AND subject to a DVLA check after the six months, officers to renew his licence.**

Chair

**LICENSING AND SAFETY SUB-COMMITTEE****MONDAY 19 FEBRUARY 2007 – WEDNESDAY 21 FEBRUARY 2007****Present:**

Councillor Mrs Iris Smith (Chairman)  
Councillors Edward Smith and Ralph Snape

**Also in attendance:**

Claire Hallwood Deputy Director of Legal Services  
Howard Bee Licensing Manager  
Keith Ogden Licensing Enforcement Officer  
Gordon Bankes Democratic Services Officer  
Eileen Bee Disability Forum Representative

**1. APOLOGIES FOR ABSENCE**

No apologies for absence were received.

**2. DECLARATIONS OF ANY INTERESTS**

No declarations of interest were received.

**3. ALLOCATION OF SEVEN ADDITIONAL HACKNEY CARRIAGE LICENCES**

The Sub-Committee interviewed 36 applicants for the issue of seven additional hackney carriage licences.

The Council had undertaken, through an independent consultant, a survey of hackney carriage services within Chorley.

The Council, after considering the independent consultants findings that a significant unmet demand for hackney carriage vehicles existed in Chorley, resolved to issue a further seven hackney carriage vehicle licences.

Members made the selection, taking into account the criteria that had been approved by the Licensing and Safety Committee.

The approval of the seven licences had been done in accordance with the predetermined preferential and mandatory criteria, subject to the applicant providing a vehicle within two months and complying with the following conditions:

- (a) The 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.
- (b) Vehicles must be new or have covered no more than 500 miles.
- (c) Vehicles shall be properly tested and roadworthy to a standard approved by the Council's Vehicle Inspectors such testing to include the structural integrity.

- (d) Vehicles shall be properly insured and proof of insurance to be produced to the Council before the issues of the licence.
- (e) Production of proof of proprietorship of the vehicle.

The approval was also subject to the successful applicant, if not already done so, completing a formal disability training course within two months from the date of the grant of the vehicle licence.

The successful applicant was also to be made aware that if the hackney carriage licence was transferred to another party, the Council may at the end of the current licence period, choose not to renew the hackney carriage vehicle licence.

Those applicants that were unsuccessful were refused by reason that the Council did not consider that there was a significant unmet demand for hackney carriage vehicles in the borough.

**RESOLVED – That the undermentioned seven applicants be granted a hackney carriage vehicle licence, subject to the above mentioned conditions:**

**Zubair Essa  
Rizvoon Hassain  
Abdul Qayyum Khan  
Hifzur Mala  
Sharon Quinn  
Margaret Redshaw  
Mohammad Waseem**

Chairman

Report of	Meeting	Date
Director of Customer, Democratic and Legal Services	Licensing & Safety Committee	28/03/07

## LICENSING AND REGISTRATION – SUMMARY OF ACTIVITY FROM 01 FEBRUARY 2007 TO 09 MARCH 2007

### PURPOSE OF REPORT

- To inform the Committee of the various licences and permits issued, registrations effected and enforcement activity for the above period.

### CORPORATE PRIORITIES

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

### RISK ISSUES

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

Strategy		Information	4
Reputation		Regulatory/Legal	
Financial		Operational	
People		Other	

This report is for information only.

- The table below shows the number of licences/registrations issued during this period under the Licensing Act 2003

Number of	New	Variations	Change of Address	Transfer of Premises Licence	Change of DPS
Personal Licences	11	0	1	0	0
Premises Licences with alcohol	3	0	1	3	9
Premises Licences without alcohol	0	0	0	0	0
Club with alcohol	0	0	0	0	0
Club without alcohol	0	0	0	0	0
Temporary Event Notice with alcohol	4	0	0	0	0
Temporary Event Notice without alcohol	2	0	0	0	0
Interim Authority Notice	0	0	0	0	0

**HACKNEY CARRIAGES, PRIVATE HIRE REGISTRATIONS**

5. 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.

<b>Number of</b>	<b>New</b>	<b>Renewals</b>	<b>Transfers</b>	<b>Vehicle Change</b>
Private Hire Vehicles	2	29	0	1
Private Hire Drivers Licence	3	13	0	0
Private Hire Operator	1	1	1	0
Hackney Carriage Drivers Licence	10	3	0	0
Hackney Carriage Vehicle	1	18	0	1

**SECOND HAND GOODS**

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

**HOUSE TO HOUSE COLLECTIONS**

7. There has been 1 applications granted for House to House Permit during this period, for Age Concern, England valid from 01/03/2007 to 28/02/2007 (Monday and Thursdays only)

**STREET COLLECTION PERMITS**

8. There have been 5 applications granted for Street Collection Permits during this period for the following charities, Chorley & South Ribble Shop Mobility for collections to be held on 26/05/07, 22/06/07, 20/07/07 and 31/08/07, and Amnesty International UK (Leyland & Chorley) for a collection to be held on 12/05/07.

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

- 9 There has been 1 new and no renewal Lottery permits issued during this period.

**MOTOR SALVAGE OPERATOR**

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

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

11. There have been 12 new Gaming Machine Permits and no renewal Gaming Machine Permits issued during this period.

**ENFORCEMENT VISITS**

- 12 During the above period 10 visits have been made to premises in connection with licensing matters. No problems have been encountered.

**COMPLAINTS RECEIVED**

13. 2 complaints have been received, both have been resolved amicably.

**JOINT OPERATIONS**

14. No joint operations took place during this period

**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  
 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	12 March 2007	LEGREP/94121LM

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