

MINUTES OF LICENSING AND PUBLIC SAFETY COMMITTEE

MEETING DATE Wednesday, 13 November 2019

MEMBERS PRESENT: Councillor Matthew Lynch (Chair), Councillor Margaret France (Vice-Chair) and Councillors Terry Brown, Mark Clifford, Gordon France, Tom Gray, Laura Lennox, Joyce Snape and John Walker

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

APOLOGIES: Councillors Val Counce, Danny Gee and Sheila Long

19.L.108 Declarations of Any Interests

There were no declarations.

19.L.109 Public Questions

There were no public questions received.

19.L.110 Minutes of meeting Wednesday, 10 July 2019 of Licensing and Public Safety Committee

RESOLVED – That the minutes of the Licensing and Public Safety Committee held on Wednesday, 10 July 2019 be confirmed as a correct record for signature by the Chair.

19.L.111 Minutes of the General Licensing Sub-Committees

RESOLVED – That the minutes of the General Licensing Sub-Committees held on 14 August, 11 September and 9 October 2019 be confirmed as a correct record.

19.L.112 Minutes of the Licensing Act 2003 Sub-Committees

RESOLVED – That the minutes of the Licensing Act 2003 Sub-Committees held on 9 October 2019 be confirmed as a correct record.

19.L.113 Delegation of Functions under Section 132A of the Licensing Act 2003

Nathan Howson, Enforcement Team Leader (Licensing), presented a report of the Director (Customer and Digital) requesting that Members determine the procedure to

be followed when the Authority becomes aware that a Personal Licence holder has been convicted of a relevant offence.

In response to Councillors' questions, it was noted that delegating powers to officers in consultation with Chair or Vice-Chair was consistent with existing practices regarding referrals of taxi driver licence holders for minor offences or cautions, and that putting this policy in place would not undermine the existing Personal Licence holder review underway. However, the Enforcement Team Leader pointed out that the decisions could be distinguished because determinations involving personal licences do not involve the application of any fit and proper test as is the case in taxi licensing and also any decision on personal licences must be based on consideration of the licensing objectives in the Licensing Act 2003.

RESOLVED – That:

- 1. The decision of whether to consider revoking or suspending a Personal Licence where the holder has been convicted of a relevant offence before or after the grant of the personal licence be delegated to an Authorised Officer, in consultation with the Chair or Vice Chair of the Licensing and Public Safety Committee.**
- 2. The decision whether to revoke or suspend a Personal Licence where the holder has been convicted of a relevant offence before or after the grant of the personal licence, where the holder has made representations be determined by a hearing of the Licensing Act 2003 Committee following a formal hearing in all cases. The hearing procedure and timescales to have regard to those relevant to a contested Personal Licence application.**
- 3. The decision whether to revoke or suspend a Personal Licence where the holder has been convicted of a relevant offence before or after the grant of the licence, where the police have made representations be determined by a hearing of the Licensing Act 2003 Committee following a formal hearing in all cases. The hearing procedure and timescales to have regard to those relevant to a contested Personal Licence application.**

19.L.114 Implementation of Equality Act 2010 in respect of Wheelchair Accessible Vehicles

Nathan Howson, Enforcement Team Leader (Licensing), presented a report of the Director (Customer and Digital) asking Members to determine whether to implement the sections of the Equality Act 2010 relating to licensed wheelchair accessible vehicles (WAVs).

In response to Members' questions, it was noted that the Council's records showed 10 licenced WAVs in the borough. Officers advised they were aware of more but that the details/specifications of these were not recorded, and Councillors agreed the creation of a list (as included under Section 167) would be a good opportunity to update these records. With regards to the advantages of implementing the Sections, it was noted that passengers would be able to see what vehicles were available and how to access them and there was a duty on drivers to offer additional assistance.

Members of the Committee agreed that there was a definite need in Chorley for WAVs and that implementing these Sections was a good way to address that need. It was

noted that, from here, a policy would be drafted for Members' consideration after which consultation would commence.

RESOLVED – That:

- 1. Sections 165, 166 and 167 of the Equality Act 2010 be implemented, and**
- 2. Officers prepare a policy for the Committee's consideration in respect of the specification of wheelchair accessible vehicles and the exemption criteria and procedure for those drivers who could not comply with the duties set out in the Act on medical or physical condition grounds.**

19.L.115 Any urgent business previously agreed with the Chair

Members discussed the pros and cons of passengers sitting in the back of taxis rather than at the front for reasons of public safety for passenger and driver. It was noted that drivers were unable to dictate where passengers sat and Members agreed that individuals should be able to sit in any seat in a taxi with no concerns for their safety.

Chair

Date