

# Licensing and Safety Committee

Wednesday, 11 July 2007

**Present:** Councillor Mrs Iris Smith (Chair), Councillor Edward Smith (Vice-Chair) and Councillors Judith Boothman, David Dickinson, Mrs Doreen Dickinson, Pat Haughton, Margaret Iddon, Hasina Khan, Margaret Lees, Thomas McGowan, Ralph Snape, John Walker and Mrs Stella Walsh

## 07.LS.45 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Terry Brown, Magda Cullens, Keith Iddon and Marion Lowe.

## 07.LS.46 DECLARATIONS OF ANY INTERESTS

Councillor Ralph Snape declared an interest in relation to Item 9 on the agenda (Minute 07.LS.52).

## 07.LS.47 MINUTES

**RESOLVED – That the Minutes of the meeting of the Licensing and Safety Committee held on 23 May 2007 be confirmed as a correct record and signed by the Chairman.**

## 07.LS.48 LICENSING LIAISON PANEL

The Committee received the Minutes of the meeting of the Licensing Liaison Panel held on 11 June 2007.

## 07.LS.49 LICENSING AND REGISTRATION SUMMARY - 10 MAY 2007 TO 27 JUNE 2007

The Committee received a report of the Director of Customer, Democratic and Legal Services on the various licences and permits issued and registrations effected by the Licensing Section between the period 10 May 2007 to 27 June 2007.

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

## 07.LS.50 SMOKE FREE LEGISLATION

The Committee welcomed Simon Clark, Environmental Health Manager and Neil Kirkham, Public Health Protection Officer, to the meeting to give members of the Committee an informal presentation outlining the health aspect, the Council's enforcement position and the offences and penalties under the new smoking legislation that came into force on the 1 July.

The Council had employed Neil Kirkham as the Council's Public Health Technical Officer whose job it was to deal with complaints and give advice and assistance. The officer would not be uniformed, but carry necessary authorities. Where several complaints about premises were received a visit would be made and if no changes occurred then enforcement action would be taken.

At present complaints had been received regarding litter and noise nuisance outside premises with approaches made to the licensee regarding these issues, but most establishments are complying with the legislation.

**RESOLVED – That the presentation be noted with a progress report to be submitted to the Committee in six months time to see how the legislation is being managed.**

**07.LS.51 EXCLUSION OF THE PUBLIC AND PRESS**

**RESOLVED – That the press and public be excluded from the meeting for the following item 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.**

**07.LS.52 APPLICATION FOR LICENCE TO DRIVE HACKNEY CARRIAGE/PRIVATE HIRE VEHICLES**

Further to Minutes 07.LS.21, 07.LS.33 and 07.LS.44 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 Carriage/Private Hire Vehicles within the Borough of Chorley.

The applicant as well as his legal representative were invited to attend the meeting but again neither attended.

As agreed at the last meeting of the Committee held on 23 May 2007 (Minute 07.LS.44) the applicant had been informed in writing that another opportunity would be given to him to attend to put forward representations in support of his application and if he did not attend on this occasion the application would be considered in his absence.

The Committee was informed that a letter informing the applicant and his legal representative of this course of action were delivered by hand on 24 May 2007, and a reminder sent on 22 June 2007.

Accordingly the Committee having had no response to these letters resolved to consider the application in the absence of the applicant.

**RESOLVED – That after careful consideration of the application the Committee agreed that the application be refused on the basis that he could not be considered a fit and proper person to hold a private hire/hackney carriage drivers licence. The grounds on which this decision was based are as follows:**

- **The applicant had a lengthy criminal record spanning a significant period for a range of offences and the Committee were concerned about the nature of these convictions in particular those relating to drugs, criminal damage, possessing an offensive weapon, driving whilst unfit through drink or drugs, resisting or obstructing a constable, theft and disorderly behaviour.**
- **Since February 2007 the applicant had been barred from entering a number of licensed premises belonging to Chorley Pubwatch scheme for disorderly behaviour.**
- **An Anti-Social Behaviour Order is in force against the applicant until November 2009 and the Committee took a serious view of the fact that the Court found him to have behaved in an anti-social manner which caused or was likely to cause harassment, harm or distress to other persons and were concerned at the anti-social acts that he had engaged in which were set out in the Schedule to the Anti-Social Behaviour Order.**

**The Committee considered the applicant's behaviour was such that he could not be considered to be a fit and proper person and considered the proportionality principle and considered that their paramount concern was the protection of the public.**

(Councillor R Snape had declared an interest in the above item and left the room prior to consideration and voting).

Chair