

General Licensing Sub-Committee

Wednesday, 4 February 2009

Present: Councillor Iris Smith (Chair) and Councillors Anthony Gee, Pat Haughton, Debra Platt and Ralph Snape.

09.LSC.31 APOLOGIES FOR ABSENCE

The Chair confirmed that Councillor Pat Haughton had been appointed as a member of the Sub-Committee to replace Councillor John Walker, who was unable to attend the meeting.

09.LSC.32 DECLARATIONS OF ANY INTERESTS

There were no declarations of interest in any of the agenda items by any of the Sub-Committee members.

09.LSC.33 MINUTES

RESOLVED – That the minutes of the meeting of the General Licensing Sub-Committee held on 7 January 2009 be confirmed as a correct record and signed by the Chair.

09.LSC.34 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 - APPLICATION FOR THE RENEWAL OF A SEX ESTABLISHMENT LICENCE

The Sub-Committee received and considered a report of the Corporate Director of Governance on an application for the renewal of the sex establishment licence for the premises trading as 'M and M Sensations' at 75 Bolton Street, Chorley originally granted in August 2002.

The report confirmed that, subsequent to the statutory advertising of the renewal application, no objections had been raised by the Police, Fire and Rescue Services or the Council's Neighbourhoods Directorate. However, one letter of objection has been received, together with a petition containing 182 signatures requesting the relocation of the sex establishment.

The current licence holder, accompanied by her Solicitor, attended the meeting to support the renewal application. The legal representative explained that the business had been operated in a proper manner in compliance with the terms of the licence and that no objections had been raised by the responsible authorities.

The person who had written the letter of objection also attended the meeting to speak on behalf of the petitioners claiming that the business operated in an inappropriate location close to a school crossing and other premises visited by young people. The complainant also referred to changes in the appearance of the shop window and the erection of a projecting sign, which she claimed caused offence to some parents. The complainant also requested the Council to include more specific criteria in the factors to be considered in the determination of applications for sex establishment licences. It was, however, clarified that any revision of the criteria or conditions of licence would

fall within the remit of the Licensing and Public Safety Committee and not this Sub-Committee.

The Sub-Committee considered all aspects of the application, including the applicant's representations and past operation of the business, the concerns of the complainant and petitioners, and Chorley Council's guidelines on sex establishments.

After taking account of all relevant factors and considerations, the Sub-Committee concluded that, as the business had been operated under the conditions of its current licence and had not breached any of the Council's criteria, there were no reasonable grounds on which to refuse the application.

RESOLVED - That approval be given to the renewal of the sex establishment licence for the premises trading as 'M and M Sensations', 75 Bolton Street, Chorley, under the provision of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

09.LSC.35 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 ground that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

09.LSC.36 PRIVATE HIRE DRIVER'S LICENCE - CONVICTIONS

The Director of Corporate Governance presented a report drawing attention to a conviction against the holder of a licence to drive private hire vehicles, Mr T J F, under Section 91(1) of the Criminal Justice Act 1967 and Section 5 (2) of the Misuse of Drugs Act 1971.

The driver had failed both to notify the Council of the conviction within 7 days of the conviction and to disclose the conviction on either of his licence renewal application forms in December 2007 and November 2008. A number of other past convictions and one caution had each been taken into account before the Authority had first issued the driver's licence in December 2005.

Mr T J F attended the meeting to put forward representations urging the Members not to revoke his licence. The driver also submitted a letter explaining the circumstances surrounding his last conviction, together a letter of support from his employers and two character reference letters.

The Sub-Committee assessed all elements and aspects of the case, including Mr T J F's written and verbal representations; the driver's long record of serious, relevant convictions and failure to disclose the convictions (particularly the last conviction in December 2006) within 7 days of the conviction; failure to comply with condition 13 of the Conditions of Licence; the public safety considerations; and the optional course of action available.

The Sub-Committee, after taking account of all relevant factors, concluded that Mr T J F was not a fit and proper person to hold a private hire vehicle driver's licence.

RESOLVED - That, in the interest of public safety, the licence to drive private hire vehicles granted to Mr T J F be revoked.

Chair