

Report of	Meeting	Date
Director (Customer and Digital)	Licensing and Public Safety Committee	Wednesday 6 th February 2019

UPDATE REPORT

PURPOSE OF REPORT

- To update the Licensing and Public Safety Committee on the new formation of the Licensing Section and recent changes.

RECOMMENDATION(S)

- That the Licensing and Public Safety Committee note the contents of the report.

EXECUTIVE SUMMARY OF REPORT

- Following the formation of the Enforcement Team, the Licensing Section has undergone changes which have resulted in increased efficiencies.
- A recent taxi/private hire operation was undertaken which resulted in high levels of compliance.
- In conjunction with Legal Services, the team has seen a number of successes at the Magistrates Court when defending appeals against decisions of both the General Licensing Sub Committee and the Licensing Act 2003 Committee.

Confidential report Please bold as appropriate	Yes	No

CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy homes and communities	X	An ambitious council that does more to meet the needs of residents and the local area	

TEAM FORMATION

- The formation of the enforcement team was approved in principle by Executive Cabinet on 16th November 2018, with the formal approval under delegated powers by the Executive Member (Public Protection) on 31st January 2018.
- The formation included the appointment of an Enforcement Team Leader (Licensing).

9. The Licensing team, which in previous years had been split between different offices and different teams, has since been co-located within the Single Front Office, leading to an increase in productivity of staff.

COMPLIANCE OPERATION

10. On 9th November 2018 and in conjunction with Lancashire Constabulary, the team carried out a Compliance Operation, targeting private hire and hackney carriages operating in the Borough of Chorley.
11. Two check sites were utilised during the operation to check vehicles entering the Town Centre from both the North and the South of the district.
12. In total, twenty two vehicles were inspected by officers. Four vehicles were issued with Section 68 notices, immediately suspending the licence until identified faults were rectified. Two vehicles were found to have minor defects and were issued with notices requiring improvements within a period of time.
13. Two drivers were found to be driving vehicles without displaying their badges. Following interview at the roadside, it was determined that both drivers were in fact licensed to drive the vehicles and returned that evening to present their badges to officers. Both drivers have been issued with formal warnings.

APPEALS- LA03 Sub Committee

14. On 10th July 2018, the Licensing Act Sub Committee met to consider an application to review the premises licence, made by Lancashire Constabulary, for the premises known as Bunty's Store and Off Licence, 46 Weldbank Lane, Chorley. This was in relation to a visit by the Police and Trading Standards officers where counterfeit and illicit tobacco was found. There were a number of other concerns.
15. Following a full hearing, the decision was made to revoke the premises licence. An appeal was subsequently made by the licence holder to the Magistrates' Court.
16. The matter was heard over two hearings, with the judgement being delivered on 13th December 2018. Magistrates decided to dismiss the appeal and ordered the appellant to pay the Council's costs, totalling £1252.

APPEALS- GLSC

17. On 22nd August 2018, the General Licensing Sub Committee met to review the Private Hire and Hackney Carriage Driver's licence of Shakail Ahmed. Mr Ahmed had appeared before the GLSC in May 2018 following a complaint regarding him colliding with hedge whilst driving late at night. Mr Ahmed's vehicle caused damage to property and he failed to stop. Mr Ahmed was issued with a formal warning at the hearing.
18. The hearing in August saw Mr Ahmed following another complaint by a member of the public. It was alleged that he hit and mounted the kerb after having swerved off the road. He was carrying a family at the time.
19. The Sub Committee decided to revoke Mr Ahmed's licence with immediate effect at this hearing.

20. In between the sub-committee decision to revoke and the final hearing of the appeal a further complaint was received that Mr Ahmed had on 12 October 2018 driven a member of the public and her young child erratically and in excess of the motorway speed limit whilst not holding a private hire driver licence and in a vehicle which was not licensed as a taxi. This was introduced by the Council in its defence of the appeal as further evidence that Mr Ahmed is not fit and proper.
21. Mr Ahmed lodged an appeal to the Magistrates' Court against this decision. The appeal was heard at Preston Magistrates on 16th January 2019. Following a full day's hearing, where two licensing officers and Mr Ahmed himself gave evidence, the Bench dismissed the appeal and awarded £1900 costs to the Council.

IMPLICATIONS OF REPORT

22. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		Integrated Impact Assessment required?	
No significant implications in this area	X	Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

23. There are no comments from the Statutory Finance Officer

COMMENTS OF THE MONITORING OFFICER

24. The discharge of licensing functions (apart from those relating to scrap metal) is a council function and delegated to Licensing and Public Safety Committee. However staffing and organisation are not themselves the exercise of powers under licensing legislation so may be approved by the Executive.

Asim Khan
Director (Customer and Digital)

Report Author	Ext	Date
Nathan Howson	5665	25 th January 2019