

# Public Document Pack

## AGENDA FOR

### LICENSING AND SAFETY PANEL

*Contact:* Nicole Tilly  
*Direct Line:* 0161 253 5398  
*E-mail:* n.l.tilly@bury.gov.uk  
*Web Site:* www.bury.gov.uk

**To: All Members of Licensing and Safety Panel**

**Councillors** : N Bayley, I Bevan, D Cassidy, J Frith, J Grimshaw, T Holt, D Jones (Chair), A Matthews, T Pickstone, A Quinn, S Southworth, B Vincent and J Walton

Dear Member/Colleague

#### **Licensing and Safety Panel**

You are invited to attend a meeting of the Licensing and Safety Panel which will be held as follows:-

<b>Date:</b>	Thursday, 10 October 2013
<b>Place:</b>	Town Hall, Knowsley Street, Bury
<b>Time:</b>	7.00 pm
<b>Briefing Facilities:</b>	If Opposition Members and Co-opted Members require briefing on any particular item on the Agenda, the appropriate Director/Senior Officer originating the related report should be contacted.
<b>Notes:</b>	

## **AGENDA**

### **1 APOLOGIES FOR ABSENCE**

### **2 DECLARATIONS OF INTEREST**

Members of Licensing and Safety are asked to consider whether they have an interest in any of the matters on the Agenda, and if so, to formally declare that interest.

### **3 MINUTES** *(Pages 1 - 4)*

To approve and sign as a correct record the minutes of the meeting held on 3 September 2013. A copy of the minutes is attached.

### **4 PUBLIC QUESTION TIME**

Questions are invited from members of the public present at the meeting on any matters about the work or performance of the Council or the Council's Services.

Approximately 30 minutes will be set aside for Public Question Time if required.

### **5 OPERATIONAL REPORT** *(Pages 5 - 6)*

A report by the Assistant Director Designate (Localities) is attached.

### **6 URGENT BUSINESS**

Any other business which by reason of special circumstances the Chair agrees may be considered as a matter of urgency.

### **7 APPLICATION TO RENEW A HACKNEY CARRIAGE VEHICLE LICENCE CONTRARY TO CURRENT COUNCIL POLICY** *(Pages 7 - 12)*

A report from the Assistant Director (Localities) is attached.

### **8 EXCLUSION OF PRESS AND PUBLIC**

To consider passing the appropriate resolution under section 100 (A)(4) of the Local Government Act 1972 that the press and public be excluded from the meeting during consideration of the following item of business since it involves the likely disclosure of the exempt information stated.

### **9 PROPOSED SUSPENSION/REVOCATION OF A PRIVATE HIRE DRIVER'S LICENCE AND A PRIVATE HIRE OPERATOR LICENCE** *(Pages 13 - 18)*

A report by the Assistant Director Designate (Localities) is attached

**10 APPLICATIONS FOR PUBLIC/PRIVATE HIRE DRIVERS' LICENCES**  
*(Pages 19 - 26)*

A report by the Assistant Director Designate (Localities) is attached

This page is intentionally left blank

<b>Minutes of:</b>	<b>LICENSING AND SAFETY PANEL</b>
<b>Date of Meeting:</b>	3 September 2013
<b>Present:</b>	Councillor D Jones (in the Chair), Councillors: N Bayley, D M Cassidy, J Frith, J Grimshaw, T Holt, A K Matthews, A Quinn, T Pickstone, S Southworth, B Vincent and J F Walton
<b>Apologies for absence:</b>	Councillor I Bevan
<b>Public Attendance:</b>	There were 4 members of public present at the meeting

---

**LSP.296    DECLARATIONS OF INTEREST**

No declarations of interest were made in relation to any items considered at the meeting.

**LSP.297    MINUTES OF THE LAST MEETING****Delegated decision:**

That the Minutes of the Licensing and Safety Panel meeting held on 8 July 2013, be approved as a correct record and signed by the Chair.

**LSP.298    PUBLIC QUESTION TIME**

Mr Mahmood, representing an undisclosed number of Private Hire Drivers, addressed the Licensing and Safety Panel regarding the introduction of appointment times and the discontent amongst drivers of having to pay using a credit or debit card, rather than cash, for booking and paying for vehicle testing at Bradley Fold. He stated that not all drivers had this facility.

The Licensing Unit Manager replied that a letter had been sent to all licence holders within the taxi trade explaining the changes that were coming into effect on the 1<sup>st</sup> October 2013. Drivers would be able to contact the Licensing Office to book an appointment for the vehicle testing, up to 4 weeks in advance of the due date, then pay immediately by debit or credit card without the need to come to the Licensing Office. If the vehicle was prepared for testing there should be no reason for failure and the driver would then be able to call into the Licensing Office to pick up their licence plates between the hours identified in the letter. The reason for the debit/credit card payment was to speed up the process and was more cost effective. This would be the preferred method, however, if drivers

Licensing and Safety Panel, 3 September 2013

wished to pay cash they would still be able to but this would make the process longer.

Mr Ali Khan addressed the Licensing and Safety Panel explaining that he operated up to 170 cars in the Borough, for Elton Taxis. He stated that the problem for up to half of the drivers was that they could not speak English and the credit/debit card payment over the telephone would prove too difficult.

The Licensing Unit Manager stated that all drivers must pass a test in order to communicate with the public. They would not be a driver if they hadn't passed this test. He explained that the facility would be reviewed and if there were ongoing issues they would be considered.

#### **LSP.299 OPERATIONAL REPORT**

The Assistant Director (Localities) submitted a report setting out an update on operational issues within the Licensing Service which included the following:

- The outcome of a Forum which had taken place on 1 August with the Chair of Licensing, Councillor Jones, Council Officers and representatives of the hackney carriage and private hire trades. The Chair stated that it had been tentatively agreed to hold these Forums three times a year and the Licensing and Safety Panel members agreed this would be adequate.
- Information on a Licensing Hearings Panel for a premises licence for off sales which was heard on 22 July 2013 in respect of 88 Bury Old Road, where representations had been received from Greater Manchester Police, requesting conditions on the licence which were agreed by the applicant. The panel's decision was to grant the application and add the conditions to the licence.
- Review of the reporting mechanism relating to the testing of vehicles at Bradley Fold with the licensing software providers, Lalpac. The trade representatives had been notified of the review at the meeting on 1 August 2013.
- The Licensing Section are currently developing processes in respect of the Scrap Metal Dealers Act 2013, which creates a new licensing regime and will be administered by local authorities and require every scrap metal dealer to have a licence. The legislation has been extended to include motor salvage operators. The provisions of the Act will commence on 1 October 2013.

Councillor Holt asked whether there had been anything further regarding private hire vehicles using bus lanes and it was reported

Licensing and Safety Panel, 3 September 2013

that this was still an AGMA directive, however an update on this issue would be reported in the Operational Report for the next meeting of the Licensing and Safety Panel.

**Delegated decision:**

That the report be noted.

**LSP.300 CONDITIONS IN RESPECT OF PET SHOP LICENCES**

The Assistant Director (Localities) submitted a report on conditions in respect of pet shop licences. It was explained that through the Council Constitution the determination of conditions to be attached to pet shop licences is reserved to the Licensing and Safety Panel and the report requests Panel approval.

**It was agreed:**

That the Members of the Licensing and Safety Panel approve the conditions as requested to be applied by Officers in an appropriate and proportionate manner in consideration of individual premises.

**LSP.301 EXCLUSION OF THE PRESS AND PUBLIC**

**Delegated decision:**

That in accordance with Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items of business since it involved the likely disclosure of information relating to individuals who hold Licences granted by the Authority or applicants for Licences provided by the Authority.

**LSP.302 PROPOSED SUSPENSION/REVOCAION OF A HACKNEY CARRIAGE DRIVER'S LICENCE**

(e)

The Licensing Unit Manager presented a report submitted by the Assistant Director (Localities) on the proposed suspension/revocation of a Hackney Carriage Driver's Licence.

The licence holder was invited into the meeting room for their hearing and the Chair, Councillor Jones, outlined the procedure to be followed. The Licensing Unit Manager read out the contents of the report which was accepted by the licence holder.

The licence holder took the opportunity to address the Panel, through their representative, Councillor Tariq.

Licensing and Safety Panel, 3 September 2013

**Delegated decision:**

Upon considering the written report, the oral representations made by the representative of the licence holder and taking account of relevant policy and guidance, the panel resolved that it was reasonable and proportionate to **admonish** the Licence holder identified as 08/2013 as to their future conduct.

Whilst acknowledging the seriousness of the offence of failing to give information as to the identity of a driver (MS90), the Panel noted that the driver had been convicted of the offence and had been fined £180 with 6 penalty points on their DVLA licence. It was made clear to the applicant that the expectation of the Council is that licence holders maintain the highest standards of public safety, trust and conduct.

**COUNCILLOR D JONES  
CHAIR**

**(The meeting started at 7.00 pm and finished at 8.05 pm)**



## REPORT FOR DECISION

<b>Agenda Item</b>	
--------------------	--

<b>DECISION OF:</b>	<b>LICENSING &amp; SAFETY PANEL</b>
<b>DATE:</b>	<b>10<sup>th</sup> OCTOBER 2013</b>
<b>SUBJECT:</b>	<b>OPERATIONAL REPORT</b>
<b>REPORT FROM:</b>	<b>ASSISTANT DIRECTOR (LOCALITIES)</b>
<b>CONTACT OFFICER:</b>	<b>W A JOHNSON</b>
<b>TYPE OF DECISION:</b>	N/A – Report for information only
<b>FREEDOM OF INFORMATION/STATUS:</b>	This paper is in the public domain
<b>SUMMARY:</b>	A report to advise members on operational issues within the licensing service.
<b>IMPLICATIONS:</b>	
<b>Wards Affected:</b>	N/A
<b>Scrutiny Interest:</b>	Internal Scrutiny Panel

### 1.0 BACKGROUND

1.1 The report advises Members on operational issues within the licensing service.

### 2.0 Multi Agency Working

On the 23<sup>rd</sup> August 2013, Licensing Enforcement Officers took part in a multi agency operation involving Greater Manchester Police and VOSA. During the operation 28 vehicles were checked and the findings were as follows:-

- 5 vehicles had no fire extinguishers
- 4 vehicles had signage missing
- 1 vehicle was damaged

The drivers of the vehicles were given advice and warned in relation to the faults identified.

### **3.0 Operational Decision**

- 3.1 On the 25<sup>th</sup> September 2013, an application was made to Assistant Director (Localities) following consultation with the Chairman of the Licensing and Safety Panel to immediately revoke an individuals private hire driver's licence due to information that had been received from Greater Manchester Police in relation to a serious sexual offence. The application was granted.

#### **Contact Details:**

W A Johnson  
Head of Commercial and Licensing  
Environmental Services  
3 Knowsley Place  
Duke Street  
Bury  
BL9 0EJ  
Tel: 0161 253 5514  
Email: [a.johnson@bury.gov.uk](mailto:a.johnson@bury.gov.uk)


**REPORT FOR DECISION**

<b>Agenda Item</b>	
--------------------	--

<b>DECISION OF:</b>	<b>LICENSING AND SAFETY PANEL</b>
<b>DATE:</b>	<b>10<sup>th</sup> OCTOBER 2013</b>
<b>SUBJECT:</b>	<b>APPLICATION TO RENEW A HACKNEY CARRIAGE VEHICLE LICENCE CONTRARY TO CURRENT COUNCIL POLICY</b>
<b>REPORT FROM:</b>	<b>ASSISTANT DIRECTOR (LOCALITIES)</b>
<b>CONTACT OFFICER:</b>	<b>MR M BRIDGE</b>
<b>TYPE OF DECISION:</b>	<b>COUNCIL</b>
<b>FREEDOM OF INFORMATION/STATUS:</b>	This paper is within the public domain
<b>SUMMARY:</b>	Review of the five fault criteria in respect of a Hackney Carriage Vehicle licence
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	<ol style="list-style-type: none"> <li>1. To grant the application</li> <li>2. To refuse the application</li> </ol>
<b>IMPLICATIONS:</b>	
<b>Corporate Aims/Policy Framework:</b>	Do the proposals accord with the Policy Framework? <b>Yes</b> ✓                      No
<b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b>	There are no specific issues from the report other than potential costs/risks associated with legal appeals.
<b>Statement by Executive Director of Resources:</b>	The cost of the licensing function are funded through the fees and charges levied by the Council. There may be additional costs if appeals are lodged with the Magistrates and Crown Courts.
<b>Equality/Diversity implications:</b>	Yes <b>No</b> ✓ The review of the existing hackney carriage vehicle age policy will impact on the identified stakeholders, but does not impact

	on any aspect of protected equality characteristics. A copy of the equality analysis form is attached at appendix 2.
<b>Considered by Monitoring Officer:</b>	Yes. The purpose of the consultation is to consider an amendment to the existing policy to ensure consistency of approach when dealing with applications for licences from existing licence holders and from new applicants.
<b>Wards Affected:</b>	All
<b>Scrutiny Interest:</b>	Internal Scrutiny Panel

**TRACKING/PROCESS****DIRECTOR:**

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
N/A			
Scrutiny Committee	Committee	Council	

**1.0 BACKGROUND**

- 1.1 Prior to February 2006, Hackney Carriage vehicles over 10 years old were not licensed by Bury Council unless the vehicle was in 'exceptional condition'. On the 2<sup>nd</sup> February 2006, following a request from the Hackney Carriage Association, the Licensing and Safety Panel reviewed the 'exceptional condition' criteria and resolved to allow vehicles to be licensed beyond 10 years of age subject to the vehicle passing requisite inspections with no more than 5 faults being identified.
- 1.3 On the 10<sup>th</sup> June 2013, following representations from the Hackney Carriage trade, the Licensing and Safety Panel considered a report on the review of the 5 fault rule. Members resolved to extend the 5 fault rule so as to encompass all hackney carriage vehicles over 6 years old from the date of first registration and to amend the criteria at serials 3 and 4, so as to redefine any number of areas of damage to the vehicle bodywork or to the paintwork as counting as only 1 fault in respect of each type of damage. These changes have made the 5 fault rule more achievable for affected licence holders. A copy of the defined fault criteria is attached at appendix1.

**2.0 INTRODUCTION**

- 2.1 Since the 9<sup>th</sup> November 2001, Bury Council has licensed a Citroen Dispatch vehicle, Reg No: LC51 URT, Plate No: H128, as a hackney carriage. On the 12<sup>th</sup> May 2011, the vehicle was transferred to Mr Abdul Majid, a licensed hackney carriage driver and the applicant in this matter. The current vehicle licence is due to expire on the 12<sup>th</sup> October 2013.

## Document Pack Page 9

- 2.2 On the 10<sup>th</sup> April 2013, the vehicle underwent a routine 6 month interim test at the councils test centre at Bradley Fold and failed the test with 9 faults and 2 advisory observations being identified. Due to the fact that the vehicle is now over 10 years old from the date of first registration and the number of identified faults (copy attached at appendix 2), the council policy in terms of applying the 5 fault rule to this vehicle prevents the Licensing Service from renewing the vehicle licence under delegated authority when it expires. This has been explained to Mr Majid who has insisted on making an application to renew the vehicle licence.

### **3.0 CONCLUSION**

- 3.1 Members are requested to consider the application.

---

#### **List of Background Papers:-**

Vehicle renewal application  
Copy of 5 fault rule criteria  
Typed copy of Vehicle Inspection Sheet observations  
Copy of hand written Vehicle Inspection Sheet

#### **Contact Details:-**

Mr M Bridge  
Licensing Unit Manager  
Town Hall,  
Knowsley Street  
Bury  
BL9 OSW  
Telephone: 0161 253 5509  
Email: [m.bridge@bury.gov.uk](mailto:m.bridge@bury.gov.uk)

**Definition of a fault for the '5 Fault Rule' testing purposes**

<b>Ser:</b>	<b>Category of fault:</b>	<b>Description of fault:</b>	<b>Number of faults:</b>	<b>Remarks:</b>
<b>1</b>	<b>MOT ITEMS</b>	Any individual fault which would cause the vehicle to fail the standard MOT test will count as:	1 Fault	e.g. leaking brake cylinder plus a bald tyre is 2 faults.
<b>2</b>	<b>INTERIOR</b>	Any combination of a number of faults within the interior of the vehicle (not including the dashboard instruments working correctly e.g. a broken speedometer) will count as:	1 Fault	(e.g. a torn passenger seat plus stained upholstery plus a hole in carpet will count as only 1 fault).
<b>3</b>	<b>PAINTWORK</b>	Damage to the vehicle paintwork regardless as to the number of areas concerned, will count as:	1 Fault	e.g. Damaged paintwork on 4 panels will count as 1 fault.
<b>4</b>	<b>BODYWORK DAMAGE / RUST</b>	Any number of dents / scratches / rusting which materially effects the appearance of the vehicle will count as:	1 Fault	e.g. A damaged passenger door and a damaged / rusted n/s wing will count as 1 fault.
<b>5</b>	<b>EXCLUDED ITEMS</b>	For the purpose of the '5 Fault Rule', the following items would require rectifying before a pass certificate was issued but would not be counted as faults:	Nil Fault	Light bulbs not working No fire extinguisher No Fare card on display Absence of vehicle signage A missing licence plate No taxi meter fitted / not accurate / not operating correctly.

Typed copy of Interim Vehicle Test Sheet observations. Note that the \* do not appear on the original test sheet but have been included for information to panel members.

Date: 10/04/13

Make: Citroen

Reg No: LC51 URT

Rec Mileage: 278,490

Plate No: H128

Type of Test: Interim

1. Interior needs cleaning. Roof/Seats shabby
2. Number plate light not working\*
3. Lower wheel chair belt not working
4. Rear exhaust mounting rubber missing\* ( failure if the exhaust is insecure)
5. O/S Outer CV boot small clip defective\*
6. N/S Steering track rod end excess play\*
7. R/O/S tyre -rotation wrong way\*
8. N/S Reflector dirty inside\*
9. Rear bumper shabby

Advise:

1. Excess play in gear lever
2. No airbag warning light

\* Denotes an identified MOT failure

ect  
Ha

Date 10/4/15 Make CITROEN  
Mileage 278410 No. H128 test 1VT

CARRIED ON  
REQUIRED

INTERIOR NEEDS CLEANING - ROOF/SEATS SHABBY  
2. MINOR PLATE LIGHT - NOT WORKING  
LOWER WHEEL CHAIR BITE - NOT WORKING  
REAR EXHAUST MOUNTING RUBBER MISSING  
C/S OUTER CL. BOOT - SMALL CLIP DEFECTIVE  
N/S STEERING TRACK ROD END - EXCESS PLAY  
R/O/S TIRE - ROTATION - WRONG WAY  
N/S RED REFLECTOR - DIRTY INCISE  
REAR BUMPER SHABBY

11.  
13.

TEST FEE £20

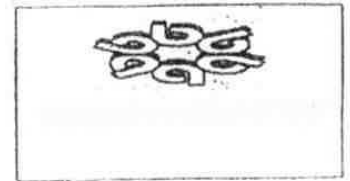
16.  
17.  
19.  
20.

ALL VEHICLES TO RETURN WITHIN  
14 DAYS OR FULL TEST FEE APPLIES

24. ADVISE - EXCESS PLAY IN GEAR LEVER  
25. - NO AIR FORWARD LIGHT

28.  
29.

with  
being charged.  
advance



SIGNATURE \_\_\_\_\_ TESTER



Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank