

## **AGENDA FOR**

### **LICENSING AND SAFETY PANEL**

*Contact::* Leigh Webb  
*Direct Line:* 0161 253 5399  
*E-mail:* l.m.webb@bury.gov.uk  
*Web Site:* www.bury.gov.uk

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

**Councillors** : P Adams, N Bayley, I Bevan, J Grimshaw,  
R Hodgkinson, D Jones (Chair), G Keeley, J Kelly,  
O Kersh, A McKay, Sarah Southworth, J Walker and  
S Wright

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, 14 July 2016
<b>Place:</b>	Meeting Rooms A&B, Bury Town Hall, Knowsley Street Bury BL9 0SW
<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 the Licensing and Safety Panel 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 PUBLIC QUESTION TIME**

Questions are invited from members of the public present at the meeting on any matters for which this Panel is responsible.

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

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

Minutes of the last meeting, held on 9 June 2016, are attached.

### **5 OPERATIONAL REPORT** (*Pages 5 - 8*)

Report from Assistant Director (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 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.

### **8 APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE** (*Pages 9 - 16*)

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

**Minutes of:****LICENSING AND SAFETY PANEL****Date of Meeting:**

9 June 2016

**Present:**

Councillor D Jones (in the Chair),  
Councillors: P Adams, I Bevan, J Grimshaw, R  
Hodkinson, G Keeley, J Kelly, O Kersh, Sarah  
Southworth, J Walker and S Wright

**Apologies for absence:**

- N Bayley and A McKay

**Public Attendance:**

There was 1 member of the Public in attendance

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**LSP.31      DECLARATIONS OF INTEREST**

There were no declarations of interest raised in relation to any items on the agenda.

**LSP.32      MINUTES****Delegated decision:**

That the Minutes of the Licensing and Safety Panel meeting held on 11 April 2016, be approved as a correct record and signed by the Chair.

**LSP.33      PUBLIC QUESTION TIME**

There were no Public questions raised under this item.

**LSP.34      INTRODUCTION OF ADDITIONAL PREREQUISITE ASSESSMENTS**

A report by the Assistant Director (Localities) was submitted to the Licensing and Safety Panel in relation to a proposal to introduce prerequisite assessments for all new applications for the grant of a Hackney Carriage/Private Hire Driver Licence. The report requested that the Council introduce two pre application assessments for all new applicants to undergo to ensure they hold the appropriate minimum communication, numeracy and driving skills.

The Licensing Unit Manager set out the rationale behind the proposals along with details of the current DVSA Driver assessment; current arrangements across Greater Manchester; and details of the consultation process which were all appended to the report.

**Delegated decision:**

1. That all new applicants for a Hackney Carriage/Private Hire Driver licence must provide evidence to the Council at the time of submitting their application, that they have attended and passed the following:
  - a. A Driver & Vehicle Standards Agency (DVSA) driving assessment relevant to the type of licence they are applying for and

- b. If they cannot produce documentary evidence that they have gained an O Level /GCSE /CSE/ pass in English and Mathematics or the ESOL entry level 1 or equivalent, that they be required to undertake and pass an assessment of their communication/numeracy skills by an assessor approved by the Council.
2. That a report reviewing progress of the new arrangements set out in (1) above be submitted to this Panel in 6 months time.

**LSP.35 URGENT BUSINESS**

There was no urgent business to report.

**LSP.36 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.37 (E) APPLICATIONS FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES**

The Licensing Unit Manager presented a report submitted by the Assistant Director (Localities) regarding applications for Public/Private Hire Vehicles Drivers' Licences.

The Applicants were invited to attend the meeting for separate hearings and the Chair outlined the procedure to be followed. The Applicants were invited to address the Panel separately on their applications and any matters referred to in the Officer's report.

1. The Licensing Unit Manager reported that Applicant 16/2016 had requested that the application be deferred to a future meeting.
2. The Licensing Unit Manager reported that Applicant 17/2016 was in the process of providing further information to the Licensing Department and requested the application be deferred pending the additional information.
3. The Licensing Unit Manager reported that Applicant 18/2016 had withdrawn the application.
4. Applicant 19/2016 attended the meeting and was accompanied by his wife and represented by Mr Charles Oakes. The Licensing Unit Manager reported to the Panel that following further communication with Bolton Crown Court it had come to light that the original conviction had not had not been varied at Appeal, as referred to in the report, other than for the addition of £415 court costs.

The Applicant, through his representative, explained to the Licensing and Safety Panel that he had previously worked as a taxi driver for 26 years with no complaints from any customers. In relation to the offence it was stated in mitigation that the applicant had been undergoing treatment for cancer and it was a very difficult period in his life. The Applicant apologised for his past behaviour and acknowledged he had presented issues of anger and frustration. In order to address these issues it was reported that the applicant had undergone 6 sessions of Cognitive Behavioural Therapy which had been a very positive experience and which he is willing to continue with. A letter from his Counsellor at Bury Primary Care was submitted to the Panel.

## **Delegated decision:**

The Panel carefully considered the report and taking into account the relevant Policy and the Council's Conviction Guidelines, the Panel determined the Applicant not to be a fit and proper person in accordance with the Local Government (Miscellaneous Provisions) Act 1976 and therefore resolved that **the application for a Private Hire Driver's Licence by Applicant 19/2016 be refused.**

The Panel acknowledged the positive steps taken by the applicant to address his issues of anger and frustration but noted the seriousness of the offence and the relatively short amount of time that had elapsed since the date of the conviction.

The Applicant was notified of their right of appeal to the Magistrates' Court within 21 days.

**COUNCILLOR D JONES  
CHAIR**

**(Note: The meeting started at 7.00 pm and finished at 8.25 pm)**

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# REPORT FOR DECISION

Agenda Item	
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<b>DECISION OF:</b>	<b>LICENSING &amp; SAFETY PANEL</b>
<b>DATE:</b>	<b>14<sup>th</sup> JULY 2016</b>
<b>SUBJECT:</b>	<b>OPERATIONAL REPORT</b>
<b>REPORT FROM:</b>	<b>ASSISTANT DIRECTOR (LOCALITIES)</b>
<b>CONTACT OFFICER:</b>	<b>M BRIDGE</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 DRIVER ASSESSMENTS

2.1 Further to the last meeting of the Licensing and Safety Panel where members considered a proposal for the introduction of additional prerequisite assessments in relation to all new applications received by Bury Council for the grant of a Hackney Carriage/Private Hire Driver licence. The licensing service can confirm that the first of the assessments were undertaken by the adult learning team on the 1<sup>st</sup> July. Of the six assessments that were booked, four passed, one failed and one failed to attend.

### 3.0 **HOME STUDY PACK REVIEWED - EXPECTED CONDUCT OF A LICENSED DRIVER**

- 3.1 All applicants wishing to become licensed as a hackney carriage or private hire driver are able to download guidance about wishing to apply to be a licensed driver. This information is provided in the form of a "Home Study Pack"
- 3.2 The Licensing Service has undertaken a review of the contents of this pack in the last quarter and as a result has included detailed information about the expected conduct of a Bury licensed driver.
- 3.3 Licensed Hackney Carriage and Private Hire Drivers can often find themselves conveying young children to school etc or lone vulnerable adults and persons under the influence of alcohol. Licensed drivers are expected to maintain the highest professional and moral standards at all times. In particular, when driving a licensed Hackney Carriage /Private Hire Vehicle drivers **MUST NOT** engage with customer(s) in 'inappropriate conversation'.
- 3.4 The following are examples of what is considered to be inappropriate conversations / conduct:
  - a. A driver asking a passenger if he/she is in a relationship or single or if he/she has a partner;
  - b. A driver complimenting a passenger about his/her physical appearance;
  - c. A driver engaging in a conversation with a passenger about sex, their sexual orientation, their sexual experiences or personal relationships;
  - d. A driver asking a passenger for their telephone number for personal use or a driver who offers to provide a passenger with his/her personal phone number;
  - e. A driver, whilst on duty, offering to meet a passenger at a later date/time for social purposes;
  - f. Under no circumstances should a driver deliberately touch or kiss a passenger;
  - g. A passenger who wishes to sit in the rear of a vehicle should not be invited by the driver to sit beside him in the front of the vehicle.

### 4.0 **PREMISES LICENCE REVIEWS**

#### 4.1 Bellini, 49 Bolton Street, Ramsbottom

Greater Manchester Police, in their capacity as a Responsible Authority, submitted an application for a review of the Premises Licence in which the Chief Constable is of the view that there are no conditions which can be imposed on the licence which can mitigate the flaws of the management of the premises. The Chief Constable states that the only appropriate remedy to promote the Licensing Objectives is to revoke the premises licence.

The members of the Panel considered the review application on the 13<sup>th</sup> April 2016 and resolved to revoke the Premises Licence.

As a result of this decision, the matter is now subject to an appeal to Bury and Rochdale Magistrates Court.



### 4.2 La Capannina, 89-91 Sunnybank Road, Unsworth

Greater Manchester Police, in their capacity as a Responsible Authority, submitted an application for a review of the Premises Licence in which the Chief Constable is of the view that there are no conditions which can be imposed on the licence which can mitigate the flaws of the management of the premises. The Chief Constable states that the only appropriate remedy to promote the Licensing Objectives is to revoke the premises licence.

The members of the Panel considered the review application on the 13<sup>th</sup> April 2016 and resolved to revoke the Premises Licence.

As a result of this decision, the matter is now subject to an appeal to Bury and Rochdale Magistrates Court.

### 4.3 Pics, Market Street, Bury

Greater Manchester Police, in their capacity as a Responsible Authority, submitted an application for a review of the Premises licence in which the Chief Constable requested the Panel to consider revoking the licence. If the Panel is not minded to revoke the licence, they are requested to consider:

- a. Remove the current DPS from the licence.
- b. Direct that the current door staff/security company be changed.
- c. To modify the licence by reducing the timings for licensable activities and the time that the premises is open to the public as detailed at appendix 1 in the report

The members of the Panel considered the review application on the 10<sup>th</sup> May 2016 and resolved to modify and impose a further condition on the Premises Licence.

As a result of this decision, the matter is now subject to an appeal to Bury and Rochdale Magistrates Court.

## 5.0 **PARKLIFE**

At the request of Parklife Bury Council was asked to provide additional licensing staff to combat the "taxi problem" during the weekend of Parklife. This was in addition to officers conducting their usual licensing duties.

Officers from the Trading Standards and Licensing Service worked during the event held at Heaton Park on the 11<sup>th</sup> and 12<sup>th</sup> June 2016. The issues that were identified was the large number of non Bury licensed vehicles coming from all over the North West. Officers observed these vehicles attempting to ply for hire and over 300 drivers of vehicles were challenged during this enforcement exercise.

### **Contact Details:**

M Bridge  
Licensing Unit Manager  
3 Knowsley Place  
Duke Street  
Bury  
BL9 0EJ  
Tel: 0161 253 5209 Email: m.bridge@bury.gov.uk

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