

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 Cropper, Cummins, J Grimshaw, Hurst, G Keeley, K Leach, Morris, Mortenson, T Rafiq (Chair), Walsh, S Wright and Y 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:-

Date:	Thursday, 25 July 2019
Place:	Meeting Rooms A & B, Town Hall
Time:	7.00 pm
Briefing Facilities:	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.
Notes:	

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 - 2)*

The Minutes of the last meeting, held on 6 June 2019, are attached.

5 OPERATIONAL REPORT *(Pages 3 - 6)*

Report from the Assistant Director Legal and Democratic Services is attached.

6 GREATER MANCHESTER MINIMUM STANDARDS FOR TAXI LICENSING *(Pages 7 - 10)*

Report attached.

7 URGENT BUSINESS

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

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 SUSPENSION/REVOCAION OF DRIVER'S LICENCE *(Pages 11 - 36)*

Report from the Assistant Director Legal and Democratic Services is attached.

10 NEW DRIVER APPLICATIONS FOR PUBLIC/PRIVATE HIRE LICENCE *(Pages 37 - 44)*

Report from the Assistant Director Legal and Democratic Services is attached.

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Minutes of:	LICENSING AND SAFETY PANEL
Date of Meeting:	6 June 2019
Present:	Councillor T Rafiq (in the Chair), Councillors: C Cummins, P Cropper, D Jones, J Grimshaw, S Hurst, K Leach, C Morris, C Walsh and Y Wright
Apologies for absence:	Councillors G Keeley, B Mortenson and S Wright.
Public Attendance:	There were 6 members of the public in attendance.

LSP.25 DECLARATIONS OF INTEREST

There were no declarations of interest

LSP.26 MINUTES**Delegated decision:**

That the Minutes of the Licensing and Safety Panel meeting held on 18 April 2019, be approved as a correct record and signed by the Chair.

LSP.27 OPERATIONAL REPORT

The Assistant Director (Legal and Democratic Services) submitted a report advising Members on operational issues within the Licensing Service.

The report set out updates in respect of the following issues:

Licensing Hearings Panel; A Panel meeting was held on 25 April in respect of Killon Street Off Licence, where it was resolved to modify the conditions of the licence.

The Licensing Unit Manager provided an update in respect of safeguarding training, common minimum standards, pre-requisite assessments and knowledge tests.

In response to a question concerning Clean Air across Greater Manchester, the Licensing Unit Manager reported on engagement with the Taxi trade through the Environmental Health Department and stated that information had been sent to all private hire operators. Further engagement is proposed.

It was agreed:

That the report be noted.

LSP.28 PUBLIC QUESTION TIME

Mr Charles Oakes, representing the Hackney Drivers Association and Bury Private Hire Association questioned why a number of complaints he had submitted had not been responded to.

The Head of Service (Trading Standards and Licencing) explained to Mr Oakes and the Panel that a large volume of complaints were being sent through various pathways which was confusing and unhelpful in terms of making sure responses are provided. An undertaking was given to provide Mr Oakes with the appropriate pathway and Mr Oakes was asked to provide a detailed list of those he believed remain outstanding. The Head of Legal Services highlighted the importance of clarifying whether things were being raised as formal complaints through the Complaints Procedure, general requests for information or Freedom of Information requests.

Mr Mahmood raised issues around inconsistencies with MOT testing and referred to individual cases which had been failed as a result of tinted glass and dust on the engine. The Licensing Unit Manager explained that he had already received a complaint on this issue. It was reported that the complaint had been acknowledged and would be responded to.

Mr Sajad raised the issue of Bury only having one MOT Station, which is currently out of use, with drivers having to travel to Bolton. In response the Head of Service (Trading Standards and Licencing) explained that following a fire at Bradley Fold MOT Station, as the station cannot be used, alternative provision was identified within 48 hours at a Station 4 miles away, with the capacity to test 50 vehicles per week. It was reported that MOT provision would be audited and reported back to this Panel.

In response to a question concerning MOT Certificates not being issued, the Licensing Unit Manager explained that licensed vehicles did not require an MOT but are issued with a certificate of compliance that exempts them from requiring an MOT Certificate. He explained this has additional requirements over and above an MOT and drivers should ensure their vehicles are prepared for such tests in advance. He further explained that re-test fees vary according to the number of faults a vehicle fails on.

LSP.29 VOTE OF THANKS

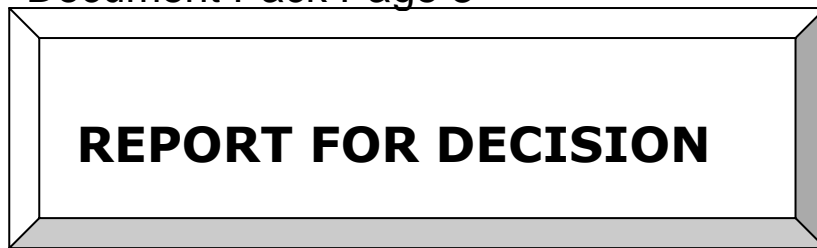
The Chair, Councillor Rafiq, placed on record his thanks to Councillor D Jones, as outgoing Chair, for the hard work commitment he had shown during his time as Chair.

LSP.30 URGENT BUSINESS

There was no urgent business raised under this item.

COUNCILLOR T Rafiq
CHAIR

Please note: The meeting started at 7pm and finished at 7.45 pm



DECISION OF:	LICENSING & SAFETY PANEL
DATE:	25th JULY 2019
SUBJECT:	OPERATIONAL REPORT
REPORT FROM:	ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)
CONTACT OFFICER:	M BRIDGE
TYPE OF DECISION:	N/A – Report for information only
FREEDOM OF INFORMATION/STATUS:	This paper is in the public domain
SUMMARY:	A report to advise members on operational issues within the licensing service.
IMPLICATIONS:	
Wards Affected:	N/A
Scrutiny Interest:	Internal Scrutiny Panel

1.0 BACKGROUND

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

2.0 CLEAN AIR CONVERSATION

2.1 Transport for Greater Manchester have undertaken a “conversation” on Air Quality which ended the 30th June 2019.

The results of the “conversation” are now being analysed by Transport for Greater Manchester.

3.0 COMMON MINIMUM STANDARDS

3.1 On the 3rd June 2019, the Licensing Unit Manager, Councillor Rafiq and Councillor Black attended a meeting along with the other 9 Greater Manchester authorities with Andy Burnham, Mayor of Greater Manchester. A presentation was given to everyone that attended on the proposals, the presentation was well received.

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- 3.2 The Licensing Unit Manager has attended further meetings in relation to this issue. The briefing note on the proposals was circulated to the members of the Council week commencing 17th June 2019 and was made available to the trade on the 24th June 2019. Current holders of the hackney carriage and private hire drivers licences, private hire operators and trade representatives were contacted by the Licensing Service to advise them that there will be two drop in sessions on the 24th and 28th June respectively held in the Main Hall, Elizabethan Suite.
- 3.3 The briefing sessions were very well attended by approximately 260 licence holders. The presentation was delivered by the Licensing Unit Manager and the Head of Service for Trading Standards and Licensing. Opportunities were given for the attendees to ask questions on the proposals. Concerns were raised about the proposed age policy, proposed colour of vehicles and what funding was available to help them to change their vehicles to achieve compliance.
- 3.4 A report regarding the proposed Common Minimum Standards consultation is to be presented to members of the panel later this evening.
- 3.5 The Licensing Service have been made aware the Clean Air Conversation received 3300 responses across Greater Manchester. In respect of Bury the figures were as follows:-
- Bury residents formed 7.7% of the domestic respondents – This is about in the middle of the responses.
 - Bury businesses accounted for 11.3% of the Greater Manchester commercial respondents – This was the second highest response rate in GM.
 - In Bury and across GM we had some lively discussions with Taxi and Private Hire owners and drivers and over 62% of business respondents were in that category.

4.0 CONCERTS AT HEATON PARK

- 4.1 Officers of the Trading Standards and Licensing Service have been working on the 7th, 8th 9th and 15th June at the concerts held at Heaton Park. Officers were involved in the enforcement of street trading legislation and Hackney Carriage and Private Hire legislation.
- 4.2 Prior to the concerts taking place officers visited all off licences and public houses to raise awareness about their responsibilities during the concert.

5.0 SEIZURE OF TOBACCO

- 5.1 A specially trained tobacco detection dog has helped trading standards & licensing enforcement officers discover 36400 cigarettes and 12.85kg of tobacco worth over £25000.

The illegal items were seized during inspection visits in Bury, conducted by Bury Council Trading Standards and licensing enforcement officers alongside with GMP partnership officer today Wednesday 5th June 2019.

Pippa a Springer spaniel, provided by Wagtail UK helped detect the concealed stashes of tobacco at 2 premises in Bury.

The seizure included a mixture of counterfeit and non-duty paid illicit tobacco which cannot be legally sold in the UK. The visits were conducted to co-incide with the Greater Manchester Keep It Out campaign. The campaign included trading standards and licensing officers conducting outreach visits to licensed premises in the borough to educate about illegal tobacco and encourage the reporting of it. Officers also accompanied a mobile education unit on Bury Market today (Wednesday 5th June) highlighting the issues surrounding illicit tobacco to shoppers.

6.0 LICENSING HEARINGS PANEL

- 6.1 On the 8th July 2019, a Licensing Hearings Panel took place to consider an application for a personal licence. The applicant had a relevant offence under Schedule 4 of the Licensing Act 2003. The offence was in charge of a mechanically propelled vehicle whilst unfit through drink or drugs (drink). Members considered the representation from Greater Manchester Police and the applicant's comments and decided to grant the personal licence.

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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REPORT FOR DECISION



Agenda Item

DECISION OF:	LICENSING & SAFETY PANEL
DATE:	25th JULY 2019
SUBJECT:	GREATER MANCHESTER MINIMUM STANDARDS FOR TAXI LICENSING
REPORT FROM:	ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)
CONTACT OFFICER:	MR M BRIDGE
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is in the public domain
SUMMARY:	<ul style="list-style-type: none"> To provide members with details of proposals to introduce common, minimum standards for Private Hire and Hackney Carriages Vehicles, Drivers and Operators licensed by Licensing Authorities across Greater Manchester. To provide members with details of proposals to consult across GM on the proposed GM minimum standards.
OPTIONS & RECOMMENDED OPTION	<p>It is recommended, that Members:</p> <ul style="list-style-type: none"> Note the contents of the report; and Authorise a consultation on the proposed GM Minimum Standards in autumn and support the proposal that TfGM administers the consultation process.
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes
Statement by the S151 Officer: Financial Implications and Risk Considerations:	There are no specific issues arising from the report

Statement by Executive Director of Resources:	The costs 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.
Equality/Diversity implications:	No - not at this stage
Considered by Monitoring Officer:	Under the legislation the Council can apply reasonable conditions to licences. Members are advised that licences are regarded as possessions within the terms of the Human Rights Act 1998. Under the Act everyone is entitled to the peaceful enjoyment of one's possessions and so actions interfering with those possessions must be lawful, reasonable and proportionate. It is lawful to impose reasonable conditions as a way of protecting the safety of the travelling public, so long as it is not out of proportion. It is a balancing act between the public interest and the individual's rights.
Wards Affected:	All
Scrutiny Interest:	Overview and Scrutiny Panel

TRACKING/PROCESS

DIRECTOR:

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

1.0 BACKGROUND

- 1.1 Changes to Hackney Carriage and Private Hire regulation, new technology new business models, and an outmoded legislative framework have all contributed to the current situation where the Taxi and PH trade is becoming increasingly problematic and difficult to regulate.
- 1.2 The key issues are around public safety, out-of-area working, vehicle standards, poor air quality and congestion, particularly in specific city centre locations. The proposed approach of common minimum standards across Greater Manchester seeks to: encourage consistently high standards for Hackney Carriage and Private Hire services in Greater Manchester; to encourage Government to pursue regulatory reform to ensure high safety

standards; and to contribute to the vision of an improved integrated transport system for Greater Manchester.

- 1.3 As a result of the recommendations made by the Department for Transport's (DfT) Task and Finish Group on 'Taxi and Private Hire Vehicle Licensing: a safer and more robust system' GM's licensing authorities have agreed to deal with the challenges detailed above by adopting a two-track approach, with Transport for Greater Manchester (TfGM) supporting GM Licensing Authorities in this work.
 - 1.3.1 Firstly GM's licensing authorities have agreed to collectively develop a common set of minimum standards for Private Hire Vehicles and Hackney Carriages licensed by Licensing Authorities across Greater Manchester. GM Licensing Authorities have been working closely with Transport for Greater Manchester (TfGM) on proposals around these minimum standards.
 - 1.3.2 Secondly, Greater Manchester Combined authority (GMCA), TfGM and GM Licensing Authorities are working with other city-regions and local authorities to urge Government to take appropriate action to reform the legislative and regulatory framework to ensure it is fit for purpose.
- 1.4 The next steps in respect of 1.3.1 is for TfGM to consult, on behalf of all GM Licensing Authorities, on the proposed GM minimum standards, as further detailed in this report below.

2.0 GM MINIMUM STANDARDS CONSULTATION

- 2.1 The Greater Manchester Licensing Network (GMLN Group) has identified the four key areas where common standards are required, namely: drivers, vehicles, operators and licensing authority standards.
- 2.2 The GMLN Group is currently developing a set of minimum standards for Hackney Carriage and Private Hire licensing and enforcement that can be incorporated within each Licensing Authorities' own licensing policies.
- 2.3 The proposed minimum standards relate to the four key areas identified by GMLN Group and aim to raise standards across GM with a view to a more consistent approach to taxi licensing across the region.
- 2.4 A consultation on the proposed GM minimum standards is scheduled to commence in the Autumn.
- 2.5 TfGM will host the GM minimum standards consultation on behalf of all GM Licensing Authorities and will procure an outside agency to do the analysis of responses. The GMLN Group has requested that 10 separate reports be provided by TfGM to show individual local authority responses.
- 2.6 Bury Licensing Service is fully supportive of the proposed minimum standards and has been an engaged contributor to the work. We believe it will lead to an improvement in our current standards.
- 2.7 It is proposed that Bury Council support TfGM in its administration of the consultation process.

- 2.8 A further report will be compiled for Members once the TfGM consultation process has concluded and consultation response data will be shared with Members.

3.0 OPTIONS

- 3.1 It is recommended, that Members:

- Note the contents of the report; and
- Authorise a consultation on the proposed GM Minimum Standards in autumn and support the proposal that TfGM administers the consultation process.

The only alternative option is to not support the aim of the other GM Authorities in harmonising hackney carriage and private hire standards across the region. This would impact on the establishment of a consistent approach to taxi and private hire licensing in Greater Manchester; and contradict the work being supported by TfGM and endorsed by the Mayor of Greater Manchester.

4.0 CONSULTATION

- 4.1 The consultation requirements are as set out in this report.

5.0 Reasons for Recommendation

- 5.1 By agreeing to support consultation on GM Minimum Standards the Council is showing its commitment to working together with the other GM Authorities to achieve a single vision of consistently high standards for licensed vehicles, drivers and operators across Greater Manchester.

List of Background Papers:-

Not applicable

Contact Details:-

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

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