

AGENDA FOR

LICENSING AND SAFETY PANEL

Contact: Andrea Tomlinson
Direct Line: 0161 253 5133
E-mail: a.j.tomlinson@bury.gov.uk
Web Site: www.bury.gov.uk

To: All Members of Licensing and Safety Panel

Councillors : C Cummins, J Grimshaw, S Hurst,
G Keeley, K Leach, C Morris, B Mortenson, T Rafiq
(Chair), M Smith, C 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, 28 November 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 MINUTES OF THE LAST MEETING *(Pages 1 - 4)*

4 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.

5 OPERATIONAL REPORT *(Pages 5 - 8)*

A report from the Assistant Director (Legal and Democratic Services) is attached

6 REVIEW OF VEHICLE SIGNAGE *(Pages 9 - 18)*

A Report from the Assistant Director (Legal and Democratic Services) is 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 APPLICATIONS FOR PUBLIC/PRIVATE HIRE DRIVERS' LICENCES *(Pages 19 - 22)*

A report from the Assistant Director (Legal and Democratic Services) is attached.

10 SUSPENSION/REVOCATION OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES *(Pages 23 - 36)*

A report from the Assistant Director, Localities is attached.

Minutes of:	LICENSING AND SAFETY PANEL
Date of Meeting:	17 October 2019
Present:	Councillor T Rafiq (in the Chair), Councillors: P Cropper, C Cummins, J Grimshaw, G Keeley, C Morris, B Mortenson, M Smith, C Walsh, S Wright and Y Wright
Apologies for absence:	Councillor K Leach
Public Attendance:	There were 15 members of the public in attendance

LSP.01 DECLARATIONS OF INTEREST

There were no declarations of interest

LSP.02 MINUTES**Delegated decision:**

That the Minutes of the Licensing and Safety Panel meeting held on 5 September 2019, be approved as a correct record and signed by the Chair.

LSP.03 PUBLIC QUESTION TIME

Mr S Mahmood, on behalf of another driver, reported on a recent incident whereby a stone was thrown at the back window of a taxi. A request was made for changes to be made in respect of the display of taxi plates on the front of vehicles. The Licensing Unit Manager explained that the conditions in Bury state that 2 plates be displayed and that any amendment to this would be for Members of this Panel to determine.

During discussion of this issue, the Panel agreed that a report on this matter be brought to a future meeting.

A number of those present raised the issue of MOT testing and requested an update on the provision of additional testing stations. Reference was made to cross border working and the fact that these drivers have been tested outside of the Borough. The Licensing Unit Manager explained that work was ongoing around the issue of MOT Testing and that a report would be brought before this Panel.

Mr Oakes raised issues relating to the Council Motion passed on 11 September 2019, relating to support for taxi drivers. Leigh Webb, Democratic Services Manager, reported that the original motion had been amended at the meeting and explained the actual substantive motion that had been agreed.

A taxi driver raised the issue of the rules on tinted windows in relation to testing. Questions were raised as to why rules for Bury taxi drivers do not comply with national legislation around the issue of privacy glass. The Licensing Unit Manager outlined the rules on this issue in Bury and explained that the decision was taken on this issue as a means of allowing the Police or Licensing staff to observe the inside of taxi vehicles.

LSP.03 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:

- **APPEAL TO MAGISTRATES**

It was reported that a driver had appeared before Licensing and Safety Panel on 7th March 2019 in respect of his hackney carriage vehicle licence and the decision by the panel was to refuse to renew the Hackney Carriage Vehicle Licence as the vehicle had fallen foul of the Council's Five fault Rule for Hackney Carriage vehicles over 10 years old. This client appealed the decision. The appeal was heard on the 10th September 2019, at Manchester and Salford Magistrates Court. The Magistrates considered the case and decided to dismiss the appeal. The Magistrates awarded the Council £1000 contribution costs.

- **PARTNERSHIP WORKING**

Officers of the Trading Standards and Licensing Service took part in a multi-agency operation on the 25th September 2019. The operation involved Greater Manchester Police, Greater Manchester Fire and Rescue Service, Housing Standards and the Immigration Service. Eight premises were visited. There were issues for the Immigration Service and Greater Manchester Fire. The immigration service found three individuals working in a shop who had no right to work and one individual who was a failed asylum seeker who had absconded. 2620 illicit cigarettes and 1.4 kilogrammes were seized by Trading Standards from one of the off licences visited. Investigations are ongoing.

- **ATTENDANCE REQUESTED TO ATTEND A MEETING**

Following a request by Councillor Daly, the Licensing Unit Manager and the Deputy Licensing Officer attended a meeting at Blackford Bridge Church along with Greater Manchester Police. The meeting consisted of questions relating taxi related matters, these were answered by Greater Manchester Police and the Licensing Unit Manager. The meeting was attended by a large number of licence holders.

- **TAXI TRADE LIAISON MEETING**

On the 19th September 2019, the Licensing Service held a trade liaison meeting with the Hackney Carriage and Private Hire Trade. All Private Hire Operators were invited, along with trade associations representing

Hackney and private hire drivers in Bury.

This was a private meeting to allow full discussion on a range of issues. This included: proposals across Greater Manchester relating to common standards across the Hackney carriage and private hire trade; the proposed GM Clean Air Zone; proposed service improvements in Bury; information regarding Brexit and the EU Settlement Scheme; along with a number of matters put forward by trade reps and individual drivers.

- **COMMON MINIMUM STANDARDS**

The report included the following position statement in respect of Common Minimum Standards:

In 2018, Greater Manchester's 10 local authorities agreed to collectively develop, finalise and implement a common set of minimum standards for Taxi and Private Hire services licensed in Greater Manchester. The proposed standards have four areas of focus: driver standards, vehicles standards, operator standards and local authority standards.

Greater Manchester Leaders have consistently stated that these standards must align with the Greater Manchester Clean Air Plan proposals and support the requirements to tackle air pollution across the region. The 10 local authorities are awaiting feedback from government on some elements of those proposals, most notably the funding available to support vehicle upgrades – including taxis and private hire vehicles (PHVs).

With this uncertainty, and the lack of clarity around the Government's intention to legislate for national minimum licensing standards for taxis and PHVs in the future, there will be no consultation on the proposed Greater Manchester common minimum standards this autumn, however we will continue to engage with the trade on the development of both Clean Air Plan and common minimum standards.

It was agreed:

That the report be noted.

LSP.04 HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE INSPECTION

The Assistant Director Legal and Democratic Services submitted a report relating to the testing of Hackney Carriage and Private Hire vehicles introducing a vehicle inspection manual that confirms the standard required to pass the vehicle test. It was reported that the licensing service presented the manual to the attending trade representatives at the trade liaison meeting on the 19th September 2019.

During discussion of this item, a number of drivers in attendance stated that some of the standards within the manual were too strict and could result in drivers being lost to other authorities. The Chair, Councillor Rafiq, explained that the report was seeking agreement to go out to formal consultation. If approved, drivers within the trade will have the opportunity to comment in detail and make suggestions as appropriate.

It was agreed:

That the Licensing Service undertake a full consultation with the Hackney Carriage/Private Hire Trade regarding the proposed vehicle inspection manual with a further report to be presented at a later date.

LSP.05 URGENT BUSINESS

There was no urgent business reported.

LSP.06 EXCLUSION OF THE PRESS AND PUBLIC

Delegated decision:

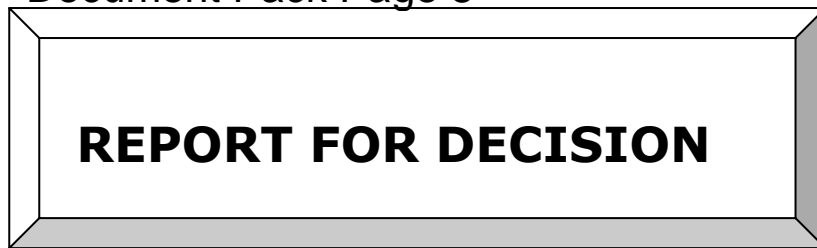
That in accordance with Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items of business since it involved the likely disclosure of information relating to individuals who hold Licences granted by the Authority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

LSP.07(E) SUSPENSION/REVOCATION OF PRIVATE OPERATOR AND PRIVATE HIRE DRIVER LICENCE

The Chair, Councillor Rafiq, reported that the case relating to driver 11/2019 had been deferred to a future meeting.

**COUNCILLOR T RAFIQ
CHAIR**

Please note: the meeting started at 7 pm and finished at 8.25 pm



DECISION OF:	LICENSING & SAFETY PANEL
DATE:	28th NOVEMBER 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 Taxi Working Group Meeting

2.1 The Licensing Unit Manager has attended the Greater Manchester Taxi Working group meeting held at Transport for Greater Manchester on the 5th November 2019. Discussion was around the clean air agenda and common minimum licensing standards.

3.0 Public Protection Managers Group

3.1 On the 24th October 2019, The Head of Trading Standards and Licensing attended a workshop event on selective licensing. Topics covered houses in multiple occupation.

4.0 **Air Quality (Taxi and Private Hire Vehicles Database)(England and Wales) Regulations 2019**

4.1 The licensing service are currently working on the implementation of these regulations which places a statutory duty to provide information relating to taxi and private hire vehicles to create a centralised database. The information required is as follows:

- Vehicle Registration Mark
- Licence Dates
- Type of licence Hackney or Private Hire
- Licensing Authority Name
- Licence Plate Number
- Wheelchair accessible

A memorandum of understanding has been signed and the licensing service are currently reviewing their privacy notice.

5.0 **Training Event – 6th November 2019**

5.1 The Licensing Unit Manager and Councillor Rafiq attended a training course on taxi licensing that was held at Bolton Town Hall.

6.0 **Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018**

6.1 Following the introduction of the above regulations last year, the licensing service have issued renewal letters for those premises that received a one star rating (one year licence). Inspections will be undertaken in due course.

7.0 **Purple Flag Assessment**

7.1 Officers of the Licensing team have been working with other colleagues within the Council to prepare for the external assessment undertaken by the Association of Town Centre Managers for the Purple Flag accreditation. The external assessment took place on the 16th November 2019. The Council is now currently awaiting the decision.

8.0 **Scrap Metal Licences**

8.1 The Licensing Service are currently receiving with renewal application for scrap metal licences for both sites and mobile scrap metal dealers which expire every three years.

9.0 **Bradley Fold**

9.1 The works that are currently being undertaken at Bradley Fold following the fire earlier this year are nearing completion. Once the works have been completed the testing of licensed vehicles will return to Bradley Fold.

10.0 **Immediate Revocation of a Private Hire Drivers Licence**

10.1 On the 15th November 2019, the Licensing Service received information from Merseyside Police regarding a private hire driver who was in possession of cocaine and cannabis and was arrested following a roadside drug test in which he tested positive for cocaine. The Head of Service for Trading Standards and Licensing following consultation with the Chairman of the Licensing and Safety Panel decided to revoke the drivers private hire drivers licence with immediate effect.

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

REPORT FOR DECISION

Agenda Item	
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DECISION OF:	LICENSING & SAFETY PANEL
DATE:	28th NOVEMBER 2019
SUBJECT:	REVIEW OF VEHICLE SIGNAGE
REPORT FROM:	ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)
CONTACT OFFICER:	MR M BRIDGE
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	Following a request from the Private Hire Drivers Association and the Hackney Carriage Drivers Association to remove the requirement for a front licence plate from a licensed Hackney Carriage or Private Hire Vehicle, this report considers the options.
OPTIONS & RECOMMENDED OPTION	<ul style="list-style-type: none"> • To agree the request from the Hackney Carriage Drivers Association and Private Hire Drivers Association. To remove the requirement for a front licence plate • To implement an alternative decision following consideration of the report • To refuse the request from the Hackney Carriage Drivers Association and Private Hire Drivers Association to remove the requirement for a front vehicle licence plate.
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes No
Statement by the S151 Officer: Financial Implications and Risk Considerations:	There are no specific issues from the report other than potential costs/risks associated with legal appeals including a Judicial Review
Statement by Executive Director of Resources:	The cost of the licensing function are funded through the fees and charges levied by the

	Council. There may be additional costs to the service if appeals are lodged by licence holders with the Magistrates and Crown Courts.
Equality/Diversity implications:	Yes No (see paragraph below)
Considered by Monitoring Officer:	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 The Local Government (Miscellaneous Provisions) Act 1976 (LGMPA) and the Town Police Clauses Act 1847 (TPCA) make provisions for a Local Authority (district council) to issue a plate or disc for a private hire and a hackney carriage vehicle, in pursuance of a licence. This must be fixed to or 'exhibited' on the vehicle. In addition, the Local Authority can attach such conditions as it may consider reasonably necessary to the licence.

1.2 Bury's current licensing conditions state as follows:

Hackney Carriage**1 Identification Plates and Cards and Test Certificates**

- a. The external identification plates when issued by the Council shall be affixed to the front and rear of the Hackney Carriage by the proprietor in accordance with the reasonable instructions of an authorised officer at the cost of the proprietor.
- b. The proprietor of the Hackney Carriage shall ensure the identification plates are maintained and kept in such condition that the information contained on the identification plates is clearly visible to the public's view at all times.
- c. The identification plates shall be securely fixed to the vehicle in accordance with the instructions of an authorised officer but in such a manner as to be easily removed by an authorised officer or constable.
- d. The interim test vehicle certificates, when issued by the Council, shall at all times be kept and maintained inside the vehicle windscreen wallet in such a position that the details are clearly visible from the exterior of the vehicle. The drivers identification card issued by the Council shall be placed in the vehicle windscreen wallet with the details clearly visible from the interior of the vehicle.

Private Hire

Identification Plates and Cards and Test Certificates

- a. When we issue your identification plates, you must fix them to the front and back of the vehicle.
 - b. You must make sure your identification plates can be seen all times.
 - c. Your identification plates must be fixed to the vehicle securely. You must be able to remove them if we or the police ask you.
 - d. You must keep your interim test certificate inside your windscreen wallet so it can be seen from the outside of the vehicle. You should also put your driver's identification card inside the windscreen wallet so that people who are in your vehicle can clearly see your photograph and ID number.
- 1.2 Bury currently requires vehicle licence plates to be attached to both the front and rear of the vehicle. The existing plates are approximately 9.5ins by 7ins. They are white for hackney carriages and yellow for private hire vehicles. They contain the following information:-
- A licence number;
 - The vehicle registration number;
 - A description of the make/colour of the vehicle;
 - The number of passengers to be carried;
 - The licence expiry date.
- 1.3 The Council Constitution reserves the determination of the design of plates and badges to the Licensing and Safety Panel.
- 1.4 On the 13th December 2007, members of this panel considered a report following requests from both the Hackney Carriage and Private Hire Trade for minor modifications in respect of certain of the existing vehicle and driver signs. Members resolved:
- That a mock-up be prepared of the ID badges and presented to the next Licensing and Safety Panel Meeting.
 - That the vehicle plates remain the same size
- 1.5 On the 31st January 2008, a further report was considered by the Licensing and Safety Panel and the members resolved:

- That the current ID badges presented to the Licensing and Safety Panel remain the same size.

- 1.6 The detailed amount of information contained on a plate provides information to assist the licensing authority and the police to be able to identify the vehicle for enforcement, as well as enable the travelling public to easily identify licensed vehicles more readily.

2.0 ISSUE

- 2.1 The Private Hire Drivers Association and the Hackney Carriage Drivers Association have requested that the Council consider the removal of the front plate from licensed Hackney Carriages and Private Hire Vehicles due to vehicles being subject to attacks whilst driving on the road. Appendix 1 contains a log of complaints received this year.

3.0 RESEARCH FINDINGS

- 3.1 The licensing service have contacted Greater Manchester Police requesting statistics regarding matters that involved damage to vehicles belonging to taxi drivers over the last three years. These are provided at Appendix 2.
- 3.2 Following information supplied by the Private Hire Drivers Association, Appendix 3 details the other 9 Greater Manchester Authorities requirements for vehicle licence plates,
- 3.3 In 2018 Transport for Greater Manchester (TfGM) undertook a conversation in relation to taxis and private hire vehicles. The survey asked whether "respondents would support a common way to identify Private hire Vehicles in Greater Manchester".

"85% of those who expressed an opinion agreed or strongly agreed that common identification for private hire vehicles licensed in Greater Manchester would help people recognise private hire vehicles" Respondents aged 65-74 were most likely to strongly agree with the proposition.

The survey reported 85% (of 1932 responses) overall support for common identification for PHVs in Greater Manchester. 89% of (100 responses) from Bury residents expressed support.

- 3.4 The Proposed Greater Manchester Common Minimum Licensing Standards does make reference to the display of vehicle licence plates as follows:
"All vehicles will display licence plates on the front and back of the vehicle. These will be permanently affixed and must not be magnetic to safeguard against unlicensed vehicles being able to pose a licensed vehicle. "

These draft proposals are currently on hold and have yet to be consulted on.

- 3.5 The licensing service have contacted the company that provides the Councils with the peripherals to create vehicle plates. They have advised that they can provide other alternatives plate sizes if required.
- 3.6 The Department for Transport - TAXI AND PRIVATE HIRE VEHICLE LICENSING: BEST PRACTICE GUIDANCE 2010 makes reference to vehicle identification as follows:
- 3.7

"Members of the public can often confuse PHVs with taxis, failing to realise that PHVs are not available for immediate hire and that a PHV driver cannot be hailed. So it is important to distinguish between the two types of vehicle. Possible approaches might be:

a licence condition that prohibits PHVs from displaying any identification at all apart from the local authority licence plate or disc. The licence plate is a helpful indicator of licensed status and, as such, it helps identification if licence plates are displayed on the front as well as the rear of vehicles. However, requiring some additional clearer form of identification can be seen as best practice. This is for two reasons: firstly, to ensure a more positive statement that the vehicle cannot be hired immediately through the driver; and secondly because it is quite reasonable, and in the interests of the travelling public, for a PHV operator to be able to state on the vehicle the contact details for hiring.

3.8 On the 5th September 2019, TfGM Disability Design Reference Group (DDRG), met with GM Licensing Manager's representative, TfGM staff. DDRG have wide ranging disabilities and impairments. There were a number of concerns relating to licensed vehicles and of particular relevance to this report was as follows:-

- All taxi and PHVs should display (at least A4 size) a photo (recent!), name and badge number of the driver in the vehicle so all passengers can identify the driver and ensure they're getting into the right vehicle. Many drivers don't wear badges – and the font on the badges is often too small to read for partially sighted passengers.
- Vehicle livery needs to meet a consistent standard across GM. All stickers should be easily readable and reasonably large in size to accommodate for those who are partially sighted.

4.0 CONCLUSIONS

4.1 Members are requested to consider the report. The options are as follows:

- To agree the request from the Hackney Carriage Drivers Association and Private Hire Drivers Association. To remove the requirement for a front licence plate
- To implement an alternative decision following consideration of the report
- To refuse the request from the Hackney Carriage Drivers Association and Private Hire Drivers Association to remove the requirement for a front vehicle licence plate.

List of Background Papers:-

Previous Minutes of the Licensing and Safety Panel

Contact Details:-

Mr M. Bridge

Licensing Office

3 Knowsley Place

Duke Street

Bury

BL9 0SW

Telephone: 0161 253 5209 Email: m.bridge@bury.gov.uk

Date Received	Complaint Made By	Nature of Complaint	Action Requested / Taken
4/11/19	PHDA	Attack of PH Driver at Bell Lane/Aldi caused minor damage to the vehicle. This incident logged with the Police	
28/10/19	PHDA	Image of unidentified Elton Bullet vehicle	Urges licensing to take front licence plate off vehicles to help reduce attacks
21/10/19	PHDA	Images of two private hire vehicles damaged. “everybody have a right to work in a safe working environment” “please address the issues we got 11 stickers, 2 licence plates on our PHV taking the front plate off will make a big difference its safety of drivers and the public”	
5/9/19	Accompanied Driver	Attended Panel Attacked in Heywood – article appeared in the Bury Times.	

Crimes Affecting Taxi Drivers**Appendix 2**

01/01/2016 - 31/12/2016	
Criminal Damage*	<u>42</u>
<i>*of which items thrown towards taxis</i>	<u>18</u>
01/01/2017 - 01/01/2018	
Criminal Damage*	<u>27</u>
<i>*of which items thrown towards taxis</i>	<u>5</u>
02/01/2018 - 01/01/2019	
Criminal Damage*	<u>25</u>
<i>*of which items thrown towards taxis</i>	<u>0</u>
02/01/2019 - 08/07/2019	
Criminal Damage*	<u>7</u>
<i>*of which items thrown towards taxis</i>	<u>0</u>

Licence Requirements for Other Greater Manchester Authorities

Authority	Front Plate	Rear Plate	Other Information
Bolton	Yes - Small	Yes	
Bury	Yes	Yes	
Manchester	Yes – Small	Yes	
Oldham	No	Yes	Due to be reviewed asking members to consider going back to two plates
Rochdale	Yes	Yes	
Salford	Yes	Yes	
Stockport	No	Yes	Planning to change to two plates
Tameside	Yes	Yes	
Trafford	No	Yes	
Wigan	No	Yes	

Licence requirements for other North West Authorities

Authority	Front Plate	Rear Plate	Other Information
Cheshire West and Chester Council	Small plate	Normal size	

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