

AGENDA FOR

LICENSING AND SAFETY COMMITTEE

Contact: Michael Cunliffe
Direct Line: 0161 253 5399
E-mail: m.cunliffe@bury.gov.uk
Website: www.bury.gov.uk

To: All Members of Licensing and Safety Committee

Councillors : S Walmsley (Chair), J Grimshaw, T Holt,
S Hurst, K Leach, J Lewis, G McGill, M Smith, C Walsh,
S Wright and Y Wright

Dear Member/Colleague

Licensing and Safety Committee

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

Date:	Thursday, 24 June 2021
Place:	Council Chamber, Bury 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:	The meeting will be live streamed: https://councilstream.com/burycouncil

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 PREVIOUS MEETING (*Pages 3 - 10*)

The Minutes of the Meeting held on the 27th May 2021 are attached. Members of the Licensing & Safety Committee are asked to consider whether these are a correct record of the meeting, and if so, to formally approve them.

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 11 - 14*)

A report from the Executive Director (Operations) 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 SUSPENSION/REVOCAION OF PRIVATE HIRE DRIVER LICENCE (*Pages 15 - 26*)

A report from the Executive Director (Operations) is attached.

9 APPLICATIONS FOR THE GRANT/RENEWAL OF PRIVATE HIRE DRIVER LICENCES (*Pages 27 - 48*)

A report from the Executive Director (Operations) is attached.

Minutes of: LICENSING AND SAFETY COMMITTEE

Date of Meeting: 27 May 2021

Present: Councillor S Walmsley (in the Chair)
Councillors J Grimshaw, T Holt, S Hurst, K Leach, J Lewis,
G McGill, M Smith, S Wright and Y Wright

Also in attendance:

Public Attendance: No members of the public were present at the meeting.

Apologies for Absence:Councillor C Walsh

LSP.1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted by Councillor C Walsh.

LSP.2 DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

LSP.3 MINUTES OF PREVIOUS MEETING

Delegated decision:

That the Minutes of the last meeting held on 22nd April 2021 be approved as a correct record and signed by the Chair.

LSP.4 PUBLIC QUESTION TIME

Responding to a question received from Charlie Oakes representing the Hackney Drivers Association Ltd, the Chair reported:

Thanks for the question. Now that Covid restrictions have been lifted, we are keen to resume engagement with trade representatives by reinstating the trade liaison meetings. In addition, both the Licensing Service and I remain available to any member of the Hackney Carriage or Private Hire trade and their representatives, should they need to contact us.

Following the announcement at the Council Budget meeting in February, to consider a second testing station for the testing of licensed hackney carriage and private hire vehicles. I would like to point out that this area of work is extensive which requires the involvement of other areas of the Council (Procurement, Finance and Trade Unions) and outside agencies such as VOSA. Considering this, the matter will need to be investigated, consulted on and taken through the appropriate governance requirements at the Council. Currently a timeframe has not been devised on this matter but will need to be produced in due course.

Purdah rules before elections dictate that we cannot begin formal consultations however, now the election is over, we will of course ensure that consultation takes place with the trade and representatives at the planning stages and before

implementation. We want to see through this review of testing of licensed vehicles which will require the licensing service to engage with all the other departments within the Council and other agencies and report back to this Committee at the appropriate time. Members of this Committee and the Licensing Service look forward to working with all trade representatives on this and other business over the coming year.

LSP.5 OPERATIONAL REPORT

The Executive Director (Operations) submitted a report advising Members on operational issues within the Licensing Service.

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

- **MANDATORY SAFEGUARDING**

The Licensing Service has undertaken a review and records and have identified 39 drivers who have not undertaken safeguarding training. The Licensing Service will write to those drivers to advise them that they need to complete the training as a matter of urgency. Failure to complete the training may result in the Licensing Service taking further action.

- **CLEAN AIR PLAN – EXECUTIVE MEMBER BRIEFING**

On the 21st May 2021, an Executive Member Briefing took place in relation to the Clean Air Plan, this was held by Transport for Greater Manchester.

- **EASING OF LOCKDOWN – STEP 2 - WORKING WITH MARKETS**

Officers of the Public Protection Service have been advising the markets office in relation to the requirements of Step 2 – Lockdown easing. Cafes that were unable to put tables and chairs outside their stalls and businesses were permitted to create a food court style operation for patrons to utilise.

- **EASING OF LOCKDOWN – STEP 3 – HOSPITALITY**

Officers of the Public Protection Service have hand delivered 326 letters to licensed premises to advise them of their obligations before the Step 3 requirements came into force on the 17th May 2021.

- **GO ELECTRIC TAXI EVENTS**

The Licensing Service have been working with Transport for Greater Manchester to inform both the Hackney Carriage and Private hire Trade of two workshops that have taken place on the 15th April and the 29th April 2021. The workshops were arranged to assist Hackney and Private Hire drivers understanding about EV vehicles, charging, debunking myths and to allow questions directly to manufacturers of Electric Vehicles.

- **INCREASE IN VEHICLE AND OPERATOR LICENCE FEES**

The Licensing Service have advertised the increase in fees for vehicle and operator under section 70(3) of the Local Government (Miscellaneous Provisions) Act 1976. No objections to the fee increase was received therefore the fees were increased on the 23rd April 2021.

The new fees are as follows:

- Vehicles under 2 years old £229.00 (£173.00 plus £56.00)
- Vehicles over 2 years old £285.00 (£173.00 plus £112.00)
- Any Vehicles allocated 3 tests per year £341.00 ((£173.00 plus £168.00)
- Private Hire Operators 1-2 vehicles (One Year) £274.00
- Private Hire Operators 3 or more vehicles (One Year) £390.00
- Private Hire Operators 1-2 vehicles (5 Year) £1334.00
- Private Hire Operators 3 or more vehicles (5 Year) £1862.00

- **REQUEST TO CONTACT LICENCE HOLDERS WHO LIVE IN BOLTON**

Following the request of the Health Protection Board, the Licensing Service have sent out over 998 emails and 49 letters to licence holders that live in Bolton to advise them of the variant of concern that is in circulation and reminding them of their responsibilities and to follow the latest Government advice.

Members sought assurances from the Licensing Manager that the issues of concern raised in respect of facilitation of the Safeguarding Training by an external provider have been addressed.

It was agreed:

That the report be noted.

LSP.6 REVIEW OF DECISIONS TAKEN BY THE COUNCIL FOR HACKNEY CARRIAGE / PRIVATE HIRE TRADES DURING THE COVID 19 PANDEMIC

The Executive Director (Operations) submitted a report relating to the review of decisions taken by the Council during the Covid 19 Pandemic. As a result of the COVID 19 pandemic lockdown a number of practical matters were required to be implemented to ensure safe working practices for clients of the licensed hackney carriage and private hire trade as well as for officers of the licensing service.

In light of this an urgent report was considered by the Council Emergency Powers Group on the 14th July 2020.

The Licensing Service requested authorisation of the following matters:-

- To postpone the receipt of new applications for Hackney Carriage and Private Hire Drivers for a period of three months until the 30th September 2020.**

This was requested as new applicant drivers would not be able to satisfy the Council's pre-requisites requirements before applying for a licence. Partner agencies took decisions to suspend their services as a result of Covid 19

including providers of taxi driving tests, safeguarding training, and communications tests.

• To suspend the requirement for medical examinations for Hackney Carriage and Private Hire driver's renewal applications until the 30th September 2020.

Drivers are required to produce medical certificates that prove that they meet the DVSA Group 2 Medical Fitness to drive. Drivers were experiencing difficulty getting medical appointments due to doctors amending their working practices following the COVID19 pandemic. The Licensing Service currently require drivers to self-certify medical fitness and submit to medical examinations once such appointments become easily available.

□ To issue a twelve-month Hackney Carriage and Private Hire driver licence provided that all the requirements to hold the licence have been satisfied.

This was done following the request to provide some financial assistance to drivers, the reduced duration of the licence therefore attracted a reduced charge and costs £60 instead of £180 which is the cost for a 3 year licence. These fees have been reviewed and currently an annual drivers licence is £62 and a three year licence is £185

□ To suspend the provision of the required Private Hire & Hackney Carriage knowledge test for new applications until further notice due to the Covid 19 pandemic.

This was done to ensure government guidelines on safe working practices which affect licensing staff were followed. There was also a need to implement social distancing measures for drivers attending the test to reduce Covid 19 transmission.

The Licensing Service reviewed the previous decisions and asked that members consider whether or not to reinstate the following:

- To re-commence the provision of the Knowledge Test for new applicant drivers

The report stated that the preferred option would be to re-instate the knowledge Test. This ensures that applicants have a good knowledge of the local area and are aware of the conditions of their licences should they be granted.

- To re-commence the issuing of three-year hackney carriage/private hire licences, with drivers paying the requisite £185 fee.

The report stated that the preferred option would be to re-commence issuing three-year driver's licences at the current fee and cease to issuing 12 month drivers licences. Section 53 (1)(a) of the Local Government (miscellaneous Provisions) Act 1976 states every licence granted by a district council under the provisions of this Part of this Act to any person to drive a private hire vehicle shall remain in force for three years from the date of such licence or for such lesser

period, specified in the licence, as the district council think appropriate in the circumstances of the case.

- To re-commence the requirement that all existing drivers due a group two medical produce a medical examination certificate from their own doctor or the approved contractor.
- To re-commence the receipt of new driver applications for Hackney Carriage/Private hire driver's licences.

The report stated that the preferred option would be to re-commence the receipt of new applications due to applicants now being able to fulfil the pre-requisite requirements of the application process.

Responding to a Member's question the Licensing Manager reported that the Knowledge Test would be undertaken in the Council Chamber.

Delegated decisions:

That the following arrangements will re-commence from the 21st June 2021:

- The Knowledge Test.
- The issuing of three year hackney carriage/private hire licences paying the requisite fee.
- The requirement that all existing drivers that are due a group two medical produce a medical examination certificate from their own doctor or the approved contractor.
- The receipt of new driver applications for Hackney Carriage/Private hire driver's licences.

LSP.7 URGENT BUSINESS

No urgent business was reported at the meeting.

LSP.8 EXCLUSION OF 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.9 SUSPENSION/REVOCAION OF A PRIVATE HIRE DRIVER LICENCE

Licence Holder 27/2020

The Executive Director (Operations) submitted a report relating to Licence Holder 01/2021 who attended the meeting with his legal representative. The Chair made introductions and the Council Solicitor outlined the procedure to be followed and clarified that all those present had read the report. The report which was accepted

by the Licence Holder set out the reasons for the Licence Holder being before the Committee.

The report stated that the License Holder had held a Private Hire Driver's licence since 29 March 2018 until its expiry on the 28 March 2021. He submitted an online application for the renewal of a Private Hire Driver's licence on the 13 March 2021.

Checks made with the DVLA's found the Licence Holder had received a fixed penalty notice for failing to comply with traffic light signals in July 2020 and had received 3 penalty points and a £100 fine. This had not been declared to the Licensing Service at the time or in the subsequent renewal application.

The License Holder when questioned confirmed he had gone through a red traffic light and had attempted to challenge the fixed penalty at court as he wished to opt for the awareness course instead. However, this was unsuccessful and resulted in a further requirement for him to pay £350.00. He further advised that he failed to declare the points to the Licensing Service at the time of the offence as the penalty points were not endorsed on his licence straightaway and that he believed did not need to make a declaration to the licensing service until the points were endorsed against his driving licence record. He further stated that the reason for failing to declare the points on the renewal licence application was because a friend had completed the application whilst he was on the phone, giving information and the friend didn't ask whether he had any points to declare.

Delegated decision:

The Committee carefully considered the report, the additional statement presented by the Licence Holder and oral representations by Licence Holder and his legal representative and taking into account the Council's Conviction Policy and Guidelines and in accordance with the Local Government (Miscellaneous Provisions) Act 1976, resolved, to grant the renewal application and to admonish the Licence Holder as to future conduct.

LSP.10 APPLICATIONS FOR PUBLIC/PRIVATE HIRE DRIVER LICENCES

Licence Holder 01/2021

The Executive Director (Operations) submitted a report relating to Applicant 2/2021 who attended the meeting. The Chair made introduction and the Council Solicitor outlined the procedure to be followed and clarified that all those present had read the report. The report which was accepted by the Applicant set out the reasons for the Applicant being before the Committee.

This Applicant was first granted a private hire driver's licence on the 12 April 2003, which was valid for 12 months. This was held continuously until 29 October 2013 when he allowed it to lapse having recently been banned for driving following a conviction for drink driving. The Applicant reapplied for and was granted a three-year private hire driver's licence on the 7 February 2018 having been brought before the Licensing and Safety Panel. This most recently held licence having expired on the 6 February 2021.

On the 16 March 2021 the Applicant submitted an online application for a private hire driver's licence and declared convictions for failure to give information as to identity of driver in July and September 2018 for which he received 6 penalty points for each offence and fines of £300 and £600. He failed to declare these at the time.

The Applicant stated that he was using a company vehicle which was registered to the company at the time of the offences. He accepted that whilst working there he had been caught speeding on two separate occasions, however, due to an administrative error by his Private Hire Operator there was a delay in him receiving the penalty notices. Consequently, the penalty was larger as he was called to court. The Applicant maintained that he notified the Licensing Service verbally in August 2019 when trying to transfer a private hire vehicle into his own name.

It was reported that the Applicant had been before members of the Committee on two previous occasions in relation to his personal conduct and his behaviour towards Council employees.

Delegated decision:

The Committee carefully considered the report and oral representations by the Applicant and taking into account the Council's Conviction Policy and Guidelines and in accordance with the Local Government (Miscellaneous Provisions) Act 1976, resolved to grant the licence application subject to the mandatory Safeguarding Training being undertaken.

Licence Holder 02/2021

The Executive Director (Operations) submitted a report relating to Applicant 2/2021 who attended the meeting. The Chair made introductions and the Council Solicitor outlined the procedure to be followed and clarified that all those present had read the report. The report, which was accepted by the Applicant, set out the reasons for the Applicant being before the Committee.

The report stated that the Applicant has held a private hire driver's licence continually since 5th April 2012 until its expiry on the 26 January 2021. He submitted an online application to renew his Private Hire driver's licence on the 8 March 2021. This declared a speeding offence, but subsequent checks revealed further speeding offences in August 2017 and December 2018, resulting in 3 penalty points and fines of £100 for each offence.

The licensing Service had no record of the offence from December 2018 and although the offence from August 2017 was declared when his private hire driver's licence was previously renewed in January 2018, neither motoring conviction was declared within the correct time frame as stipulated in the private hire drivers licence conditions.

When interviewed the Applicant explained that he was caught by a fixed roadside traffic camera doing approximately 34mph. He was given the option to attend a speed awareness course but failed to attend. Consequently, his DVLA driving licence was endorsed with penalty points and a fine was issued. He apologised and

stated that he has not tried to deliberately mislead, but simply forgot to provide notification.

Delegated decision:

The Committee carefully considered the report and oral representations by Applicant 02/2021 and taking into account the Council's Conviction Policy and Guidelines and in accordance with the Local Government (Miscellaneous Provisions) Act 1976, resolved to grant the Licence application.

Licence Holder 03/2021

Withdrawn.

COUNCILLOR S WALMSLEY
Chair

(Note: The meeting started at 7.00pm and ended at 8.55pm)



Classification	Item No.
Open / Closed	

Meeting:	Licensing & Safety Committee
Meeting date:	24 th June 2021
Title of report:	Operational Report
Report by:	Executive Director (Operations)
Decision Type:	N/A Report for information only
Ward(s) to which report relates	N/A

Executive Summary: A report to advise members on operational issues within the Licensing service.

Recommendation(s)

That the report be noted.

Key considerations

Not applicable

Community impact / Contribution to the Bury 2030 Strategy

Equality Impact and considerations:

24. *Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:*

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

25. *The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.*

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
None	.

Consultation:

Legal Implications:

Not Applicable

Financial Implications:

Not Applicable

Report Author and 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

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning
None	

1.0 BACKGROUND

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

2.0 COVID 19 – COVID MARSHALS

2.1 Covid marshals continue to work 7 days a week assisting the Public Protection team by visiting premises to observe whether restrictions are being adhered to if complaints are received or to give general guidance and assistance. In addition to this they have been assisting at surge vaccine and testing sites helping to manage queues and carrying out visits to residential premises where individuals should be self-isolating but have been uncontactable over the telephone by the hubs.

3.0 EURO 2020

3.1 Working in partnership with Greater Manchester Police, Licensing Enforcement Officers and the Covid marshals will be carrying out visits to licensed premises during upcoming England matches.

4.0 LICENSING AND SAFETY SUB COMMITTEE

4.1 A hearing for an application of a Grant of a Premises Licence in respect of the Den, Victoria Mills, Wellington Street, Bury, BL8 2AL to which representations were received from Greater Manchester Police, Greater Manchester Fire and Rescue Service and an Interested Party. The Sub-Committee considered the request for an adjournment of the applicant’s solicitor on 9th June 2021. Members resolved having heard representations and having received legal advice agreed unanimously that the hearing before it be adjourned to allow extra time for mediation between interested parties in the public interest to the 7th July 2021.

4.2 A hearing for another Grant of a Premises Licence in respect of Bury Off Licence, 319 Bolton Road, Bury, BL8 2PD which representations were received from Greater Manchester Police and four interested parties and a petition. This meeting is scheduled is due to be held on the 16th June 2021

5.0 **PUBLIC / PRIVATE HIRE DRIVERS COVID VACCINES**

5.1 The Licensing Service have been sent 983 emails to all licensed drivers at the request of other departments of the Council to encourage them to attend walk in clinics to receive a vaccine if they have not already done so.

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