

Minutes of: LICENSING AND SAFETY COMMITTEE

Date of Meeting: 2 September 2021

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

Also in attendance: Michael Bridge – Licensing Manager
Sarah Doherty – Legal Advisor
Ben Thomson – Head of Public Protection
Julie Gallagher – Head of Democratic Services

Public Attendance: 1 member of the public was present at the meeting.

Apologies for Absence: Councillor M Smith and Councillor C Walsh

LSP.1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted by Councillors C Walsh and M Smith.

LSP.2 DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

LSP.3 MINUTES OF PREVIOUS MEETINGS

Delegated decision:

That the Minutes of the last meeting held on 8th and 22nd July 2021 be approved as a correct record and signed by the Chair.

LSP.4 PUBLIC QUESTION TIME

Mr Mahmood representing the Taxi Trade attended the meeting and raised the following concerns:

Rise in the number of incidents of abuse and violence towards taxi drivers operating in the Borough, Clean Air Charging Zone and eligibility for grants.

Responding Councillor Walmsley reported that she is also had concern about issues of violence and abuse towards the taxi trade and this has been raised with Greater Manchester Police.

In relation to the eligibility for grants to upgrade private hire vehicles, the Chair reported that 24 million pounds has been made available in grants to support this process, further details in respect of the timeline for applying for these grants will be forthcoming.

It was agreed:

The issues raised by Mr. Mahmood in relation to concerns about raising cases of violence and abuse towards taxi drivers and grants for upgrading vehicles as a

result of the Clean Air Zone will be added to the agenda for the next meeting with the taxi trade.

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:

- LICENSING HEARINGS SUB COMMITTEE
- COVID MARSHALLS
- PARKLIFE LETTERS
- COMPLIANCE VISITS

Responding to questions from elected members; the Licensing manager reported that the Covid marshalls will be working and assisting the licensing staff at the Parklife festival. Following Parklife the role will include visiting premises and providing assistance to the trading standards and licensing officers and helping with administration tasks including data cleansing. Money to fund these posts is as a result of additional funding received by the Council to assist with the Pandemic.

In relation to Parklife, the Chair reported that lessons have been learnt since the initial Parklife festival and this has led to significant improvements.

It was agreed:

That the report be noted.

Responding to questions from elected members; the Licensing manager reported that the Covid marshalls will be working and assisting the licensing staff at the Parklife festival. Following Parklife the role will include visiting premises and providing assistance to the trading standards and licensing officers and helping with administration tasks including data cleansing. Money to fund these posts is as a result of additional funding received by the Council to assist with the Pandemic.

In relation to Parklife, the Chair reported that lessons have been learnt since the initial Parklife festival and this has led to significant improvements.

It was agreed:

That the report be noted.

LSP.6 COMMON MINIMUM LICENSING STANDARDS

The Executive Director (Operations) submitted a report, the report outlines the work that has been undertaken by the Greater Manchester Licensing Network and

Transport for Greater Manchester in relation to Common Minimum Licensing Standards for Hackney Carriage and Private Hire Licensing. It details the consultation that has taken place and feedback and comments received. The standards detailed in the report relate to licensed drivers, licensed private hire operators and local authority and the proposals and recommendations made in the report are designed to ensure a safe, visible, accessible and high quality hackney and private hire service.

The following questions and issues were raised:

Members expressed support for the wearing of Uniforms for Members of the taxi trade.

Responding to a Member's question the Licensing manager reported that there were a number of discussions with the Taxi trade in relation to these proposed standards; sessions were publicised widely by email including a session in the Town Hall, consultation responses from Bury were low. The Licensing Manager reported that he will provide a breakdown of the consultation responses received.

Delegated decisions:

To adopt the recommendations presented in section 4 (Lead Officer Recommendations) for each proposed standard for implementation by 1 December 2021 unless an alternative date is specified, or a further report is required.

LSP.7 URGENT BUSINESS

No urgent business was reported.

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/REVOCATION OF PRIVATE HIRE DRIVER LICENCE

Licence Holder 14/2021

The Executive Director (Operations) submitted a report relating to Licence Holder 14/2021 who attended the meeting. The Chair made introductions. The Legal Officer 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 Panel.

This client has previously held a private hire driver's licence continually since 16th February 2016 and has a current licence until the 27th January 2022. He emailed the licensing department on 27th May 2021 to inform us that he had received a

motoring conviction following an email that went to all licensed drivers to remind them of the conditions attached to their licence. The details of the conviction are as follows; Offence Date Expiry Date Sentence SP50 – Exceeding speed limit on a motorway 6th March 2021 6th March 2024 Licence endorsed with 3 penalty points Fine £100

This client was subsequently questioned by the Deputy Licensing Officer. He explained that the offence had occurred due to speeding on the motorway. The applicant was asked why he had not declared the conviction in line with his conditions and he explained that he had forgotten and only remembered when he received the email from Licensing. The applicant was apologetic.

Delegated decision:

The Committee carefully considered the report, and oral representations by the licence holder.

Taking into account the Council's Conviction Policy and Guidelines and in accordance with the Local Government (Miscellaneous Provisions) Act 1976, that the committee resolved to admonish the licensee as to future conduct and remind the applicant to recognise the responsibility for declaring future convictions within the timescales on the licence.

Licence Holder 18/2021

The Executive Director (Operations) submitted a report relating to Licence Holder 18/2021. The Licensing Manager reported that the Licence Holder had contracted Covid and had requested a deferral

Delegated decision:

The Licensing Committee agreed that Licence Holder 18/2021 would be deferred for consideration at the next meeting of the Licensing Committee.

LSP.10 APPLICATIONS FOR THE GRANT/RENEWAL OF PRIVATE HIRE DRIVER LICENCES

Licence Holder 19/2021

The Executive Director (Operations) submitted a report relating to Licence Holder 19/2021 who attended the meeting with his representative. The Chair made introductions. The Legal Officer 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 Panel.

This applicant has held a private hire driver licence continuously since the 7th April 2004 until its expiry on 20th July 2021. It has been renewed without prejudice until the date of this committee. He submitted an online application to renew his Private Hire driver's licence on the 14th July 2021.

He submitted an online application and declared a speeding offence from 25th June 2021. A subsequent check of this applicants DVLA driving licence indicated

that the aforementioned date was incorrect and the driver held the following convictions:

Offence	Offence Date	Expiry Date	Sentence
SP30 - Exceeding statutory speed limit on a public road	25th March 2021	25th March 2024	Licence endorsed with 3 penalty points Fine - £100
SP30 - Exceeding statutory speed limit on a public road	27th August 2020	27th August 2023	Licence endorsed with 3 penalty points Fine - £100

For the offence in March 2021; the client correctly notified the licensing service within 7 days of receiving his endorsed DVLA licence. However, the licensing service has no record of the offence from August 2020. Consequently, it was not declared within the correct time frame as stipulated in the private hire drivers licence conditions.

Condition 13 of this clients Private Hire Drivers Licence states:

Convictions – If you are formally cautioned for an offence or convicted of an offence you must tell us in writing, within seven days. Write to the Licensing Unit Manager, 3 Knowsley Place, Duke Street, Bury, BL9 0EJ. All 15 conditions relating to a private hire driver are printed on the reverse of the licence. This client was subsequently interviewed by a licensing enforcement officer.

He explained that at the time of the 2020 conviction he thought the licensing service was closed due to the coronavirus pandemic and he was not able to tell anyone. He explained that he was not working at the time. However, his DVLA driving licence was endorsed with penalty points and a fine was issued. He accepts the misunderstanding but thought the licensing service was aware of the 2020 conviction.

Delegated decision:

The Panel carefully considered the report, the additional documentation and oral representations by licence holder 19/2021 and taking into account the Council's Conviction Policy and Guidelines and in accordance with the Local Government (Miscellaneous Provisions) Act 1976, resolved, unanimously to grant the licence for a period of 12 months.

Licence Holder 20/2021

The Executive Director (Operations) submitted a report relating to Licence Holder 19/2021 who attended the meeting with his representative. The Chair made introductions. The Legal Officer 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 Panel

This client first held a private hire drivers licence from 7th January 2011 until 6th January 2012. Having let it lapse he has then held a private hire drivers licence continuously from 26th April 2013 until its expiry on 15th July 2021. It has been renewed without prejudice until the date of this committee. He also held a Hackney Carriage Drivers licence from 11th January 2011 until 23rd January 2014 and again from 19th January 2017 until 25th April 2017. He submitted an online application to renew his Private Hire driver's licence on the 11th June 2021. This client selected yes to the question about convictions, fines or formal cautions and no to the question about fixed penalty notices. He then disclosed a speeding offence. A subsequent check of this client's DVLA driving licence indicated the following conviction:

Offence	Offence Date	Expiry Date	Sentence
SP30 - Exceeding statutory speed limit on a public road	9 th February 2021	9 th February 2024	Licence endorsed with 3 penalty points Fine - £100

This client was subsequently interviewed by a licensing enforcement officer. He explained that he was caught by a fixed roadside traffic camera at night in Liverpool. He explained that he was not working at the time. However, his DVLA driving licence was endorsed with penalty points and a fine was issued. He apologises and states that he has not tried to deliberately mislead the licensing service but was unaware of condition 13 and the need to provide written notification at the time of the offence.

This client has submitted a statement which is attached at Appendix 3 for members consideration.

Delegated decision:

The Committee carefully considered the report, and oral representations by the Licence Holder. It noted the Applicant's apology.

Taking into account the Council's Conviction Policy and Guidelines and in accordance with the Local Government (Miscellaneous Provisions) Act 1976, the Committee resolved to renew the licence application for a period of 12 months and reminded the Applicant to be aware of all conditions printed on the reverse of the licence which include the responsibility for declaring any future convictions within the timescales

Licence Holder 21/2021

The Executive Director (Operations) submitted a report relating to Licence Holder 21/2021 who attended the meeting. The Chair made introductions. The Legal Officer 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 Panel.

This client has held a private hire driver's licence continually since 23rd June 2014 until its expiry on the 9th August 2021. It has been renewed without prejudice until the date of this committee. He submitted an online application for the renewal of a Private Hire drivers' licence on the 10th July 2021.

Offence	Offence Date	Expiry Date	Sentence
SP50 - Exceeding speed limit on a motorway	1 st July 2020	1 st July 2023	Licence endorsed with 3 penalty points Fine - £100
SP50 - Exceeding speed limit on a motorway	1 st July 2020	1 st July 2023	Licence endorsed with 3 penalty points Fine - £100

This client has therefore failed to declare this motoring conviction within the correct time frame as stipulated in the private hire drivers licence conditions.

The Licensing Enforcement Officer contacted this client by email having been unable to reach him by telephone. The client responded stating that he was caught twice on the same day. He took full responsibility and was apologetic having completed the application in a rush and had committed a genuine mistake.

Delegated decision:

The Committee carefully considered the report, and oral representations by the Licence Holder. It noted the Applicant's apology.

Taking into account the Council's Conviction Policy and Guidelines and in accordance with the Local Government (Miscellaneous Provisions) Act 1976, the Committee resolved to renew the licence application for a period of 3 years and reminded the Applicant to be aware of all conditions printed on the reverse of the licence which include the responsibility for declaring any future convictions within the timescales.

COUNCILLOR S WALMSLEY
Chair

(Note: The meeting started at 7.00pm and ended at 9.05pm)