

## AGENDA FOR

## LICENSING AND SAFETY COMMITTEE

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

**Councillors** : S Walmsley (Chair), J Grimshaw, T Holt,  
K Leach, J Lewis, G McGill, J Rydeheard, 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:-

<b>Date:</b>	Thursday, 7 October 2021
<b>Place:</b>	Council Chamber, Bury Town Hall
<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 MINUTES OF PREVIOUS MEETING** (*Pages 3 - 10*)

The minutes of the meeting held on the 2<sup>nd</sup> September 2021 are attached. Members of the Licensing and 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 - 16*)

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 17 - 38*)

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

### **9 APPLICATIONS FOR THE GRANT/RENEWAL OF PRIVATE HIRE DRIVER LICENCE** (*Pages 39 - 54*)

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

**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

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**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 8<sup>th</sup> and 22<sup>nd</sup> 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:

<b>Offence</b>	<b>Offence Date</b>	<b>Expiry Date</b>	<b>Sentence</b>
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 clients DVLA driving licence indicated the following conviction:

<b>Offence</b>	<b>Offence Date</b>	<b>Expiry Date</b>	<b>Sentence</b>
SP30 - Exceeding statutory speed limit on a public road	9 <sup>th</sup> February 2021	9 <sup>th</sup> 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.

<b>Offence</b>	<b>Offence Date</b>	<b>Expiry Date</b>	<b>Sentence</b>
SP50 - Exceeding speed limit on a motorway	1 <sup>st</sup> July 2020	1 <sup>st</sup> July 2023	Licence endorsed with 3 penalty points Fine - £100
SP50 - Exceeding speed limit on a motorway	1 <sup>st</sup> July 2020	1 <sup>st</sup> 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)**



<b>Classification</b>	<b>Item No.</b>
<b>Open / Closed</b>	

<b>Meeting:</b>	Licensing & Safety Committee
<b>Meeting date:</b>	7 <sup>th</sup> October 2021
<b>Title of report:</b>	Operational Report
<b>Report by:</b>	Executive Director (Operations)
<b>Decision Type:</b>	N/A Report for information only
<b>Ward(s) to which report relates</b>	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

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### Community impact/ Contribution to the Bury 2030 Strategy

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### 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.*

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**Assessment of Risk:**

The following risks apply to the decision:

<b>Risk / opportunity</b>	<b>Mitigation</b>
None	.

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**Consultation:**

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**Legal Implications:**

Not Applicable

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**Financial Implications:**

Not Applicable

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## Report Author and Contact Details:

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BL9 0EJ      Tel: 0161 253 5209      Email: [m.bridge@bury.gov.uk](mailto:m.bridge@bury.gov.uk)

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**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 AMENDMENTS TO THE LICENSING ACT 2003

2.1 The Licensing Service have been made aware that there has been some amendments to the Licensing Act 2003 which came into force on the 16<sup>th</sup> September 2021. The changes are as follows:-

- Section 172F(10)(d)(i) of the 2003 Act (authorisation of off-sales for limited period), as that Act has effect by virtue of section 11(2) of the 2020 Act, for “2021” substitute “2022”.
- (2) In section 11(13) of the 2020 Act (modification of premises licences to authorise off-sales for limited period: expiry date), for “2021” substitute “2022”. Extending the off sales provision to 30/9/2022.
- Increase the limits of TENs or the years 2022 and 2023 to 20 notices with a maximum of 26 days in a calendar year.
- Please find below a link to regulations which came into force yesterday in relation:

<https://www.legislation.gov.uk/ukxi/2021/1049/contents/made>

### 3.0 PARKLIFE

3.1 Members will be aware that the annual Parklife festival at Heaton Park took place on Saturday 11<sup>th</sup> and Sunday 12<sup>th</sup> September with New Order on Friday 10<sup>th</sup>. Public Protection Officers worked throughout all the events over the three days and were joined by the Covid marshals. Officers carried out checks found the following issues: -

- Licensed vehicles with incorrect signage

- Large number of licensed private hire vehicles from outside of Bury being moved on
- Various street traders (including 2 ice cream vans) were moved on for not having a valid street trading consent for Bury.
- Visits to Licensed premises including off licences were undertaken
- Pedlars who did not hold a valid pedlars certificate issued by the police were moved on.
- People trading from their driveways closed down due to lack of street trading consent despite prior warning being given.

3.2 Officers are currently reviewing their findings to inform any future events that take place at Heaton Park.

#### 4.0 **COMPLIANCE/ENFORCEMENT**

4.1 The Licensing Service have dealt with the following compliance and enforcement matters for the following periods

##### 4.2 **30<sup>th</sup> August to 5<sup>th</sup> September**

###### **Licensing Act**

- complaints about noise
- enforcement notices issued for non-payment of fee
- written warning for breach of conditions

###### **Hackney Carriage/Private Hire**

- advice given for missing signage
- vehicles suspended for damaged vehicles
- vehicle suspended for missed interim
- written warning for missing signage

##### 4.3 **6<sup>th</sup> September to 12<sup>th</sup> September**

###### **Licensing Act**

- 6 noise complaints
- underage sales complaint
- Advice re unlicensed activity to 1 premises
- visits to premises
- premises not displaying blue notice
- 7 suspension notices issued for non-payment of fee

###### **Hackney Carriage/Private Hire**

- compliance checks
- suspended for missed interim
- suspension lifted damage repaired

- missing signage reinspected
- 1 verbal warning for signage

4.4 **13<sup>th</sup> September to 20<sup>th</sup> September**

**Licensing Act**

- 4 blue notices checked and seen on display
- 5 suspension notices issued for non-payment of fee
- enforcement update on an off licence

**Hackney Carriage/Private Hire**

- vehicle missing signage blocked with operator
- suspended for missed interim
- suspension lifted for damage repaired
- written warning missing signage
- missed interim blocked with operator
- 1 compliance check in order
- 1 block lifted

4.5 **21<sup>st</sup> September to 27<sup>th</sup> September**

**Licensing Act 2003**

- Suspension notices issued for non-payment of fee 7
- Blue notice checked and not displayed 1
- Risk assessments carried out 5
- Warning re no summary on display 1

**Hackney Carriage/Private Hire**

- Warned for missing signage – 6
- Suspended for missed interim 1
- Suspension lifted interim passed 1

5.0 **ENGAGEMENT WITH THE TAXI TRADE – Stage 2**

5.1 On the 22<sup>nd</sup> September 2021, a taxi trade liaison meeting took place, the Licensing Unit Manager briefed national and local trade representatives on the stage 2 proposals of the common minimum licensing standards relating to vehicles.

5.2 The current timetable for governance is as follows:

- |   |                                |
|---|--------------------------------|
| • Greater Manchester Combined Authority | 29 <sup>th</sup> October 2021  |
| • Licensing and Safety Committee        | 11 <sup>th</sup> November 2021 |
| • Full Council                          | 24 <sup>th</sup> November 2021 |

**6.0 GAMBLING ACT 2005 – STATEMENT OF PRINCIPLES**

6.1 The Licensing Authority (the Council) are consulting on the 3-year review of the Councils Statement of Principles. The consultation period will close on 22 October 2021. At the end of the consultation period, the review will be brought before the Licensing and Safety Committee for consideration. The new Statement of Principles including any amendments to the existing policy will become effective from the 31 January 2022.

**7.0 EV CHARGING POINTS**

7.1 The Licensing Service have been liaising with the Hackney Carriage and Private Hire Trade regarding the siting of dedicated electric vehicle charging points that are specifically for the trade. We have identified 2 proposed locations and they are currently undergoing feasibility studies. The locations are:

- Trinity Street Car Park
- Foundry Street Car Park

The Licensing Service have asked trade representatives to identify another suitable location. This work is ongoing.

By virtue of paragraph(s) 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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of the Local Government Act 1972.

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