

Minutes of: LICENSING AND SAFETY COMMITTEE

Date of Meeting: 11 November 2021

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

Also in attendance: Michael Bridge – Licensing Unit Manager
Michael Cunliffe – Democratic Services
Jacqui Dennis- Director of Law & Democratic Services
Ann Marku, Licensing Support
Laura Swann- Assistant Director of Operations Strategy
Ben Thomson- Head of Public Protection
Janet Witkowski – Council Solicitor

Public Attendance: 5 members of the public were present at the meeting.

Apologies for Absence: Councillors J Grimshaw, G McGill and C Walsh

LSP.1 APOLOGIES FOR ABSENCE

Councillors J Grimshaw, G McGill and C Walsh.

LSP.2 DECLARATIONS OF INTEREST

Councillor Rydeheard declared an interest that in his employment he had worked on a number of cases involving Private Hire and Hackney Carriage drivers.

LSP.3 MINUTES OF PREVIOUS MEETING

Delegated decision:

That the Minutes of the last meeting held on the 7th October 2021 be approved as a correct record and signed by the Chair.

LSP.4 PUBLIC QUESTION TIME

The Chair explained to the meeting that the public question time agenda item would be dealt with at two separate occasions during the meeting. The item would be opened at this stage of the meeting and any question relating to the common minimum licensing standards- stage 2 would be dealt with at that stage of the agenda, subject to there being sufficient time left of the 30 minutes provision remaining.

Members of the public were in attendance at the meeting and submitted the following verbal questions:-

Mr Muhammad Sajjad Warraich from the Private Hire Drivers Association in Bury had a number of questions and explained that he was not happy with the Licensing Department as drivers make telephone calls which were unanswered

and emails sent receive no reply. When booking a vehicle MOT there is no choice on the date or timeslot to have the MOT and when the Licensing Service do telephone the number displayed reads private number.

The Head of Public Protection reported that there was an answerphone messaging service in operation and emails to the Licensing Service inbox would be answered. He stated that if there was a specific example of any matter not being responded to then this could be provided and the matter would be looked into. In relation to the issue of the withheld number on the caller identification, he advised that this was a standard across all Council telephone communications as they show as a private number to external numbers.

Mr Warraich suggested more staff should be employed by the Council in the Licensing Service and he stated that he was unhappy that only 3 days notice was sometime given for MOT appointments. He went on to question why there appeared to be no staff within the Licensing Service of an ethnic minority and questioned equality. Mr Warraich went on to state that at the last meeting he attended he asked about out of date CRB checks and whilst individual cases can't be discussed almost a month since the last meeting no answer had been provided to his enquiry and he was still awaiting an appointment with the Licensing Service.

The Licensing Unit Manager responded and advised that when job vacancies arose the Council's recruitment process was followed. He added that he had responded to the driver who was the subject of Mr Warriach's previous query and to the private hire association but that due to data protection law that information could not be shared with Mr Warraich direct from the Council. It was agreed by the Chair that the information would be obtained regarding the driver's details from Mr Warriach and cross referenced with that held by the Licensing Unit Manager.

Mr Shafqat Mahmood from the Private Hire Drivers Association in Bury asked a question in relation to the arrest of 2 drivers whose cases had not been pursued in court. The Chair stated that individual cases would need to be raised via the correct protocols. The Council Solicitor provided advice as to the powers delegated to officer in relation to matters of concern as to public safety.

Mr Mahmood went on to state that he was still awaiting the source of information in relation to the last meeting and dress codes for a driver wearing shorts. The Licensing Unit Manager repeated that this was an example of a complaint that had been submitted.

Mr Mahmood then raised an issue as to the clean air report and the fact it states that the pollution from congestion causes 10 to 12 deaths a year. He again asked for the source of this information. The Assistant Director of Operations Strategy reported this work had been undertaken across Greater Manchester and there were lots of reports with relevant references to provide factual information.

At this stage of the meeting, 13 minutes were left under public questions and the remaining time if required would be dealt with during item 7 of the agenda.

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:

COMPLIANCE/ENFORCEMENT

The Licensing Service have dealt with compliance and enforcement matters on a number of occasions between the 28th September to the 24th October and these details were included in the report attached to the agenda packs.

ENGAGEMENT WITH THE TAXI TRADE – Stage 2

Following a trade liaison meeting on the 22nd September 2021, a further taxi trade liaison meeting took place on the 27th October 2021. The Licensing Unit Manager briefed national and local trade representatives on the final stage 2 proposals of the common minimum licensing standards relating to vehicles. This was ahead of the Greater Manchester Combined Authority meeting on the 29th October 2021.

LICENSING HEARINGS SUB-COMMITTEE HEARINGS

A hearing for an application of the grant of a Premises Licence in respect of Fuel Up, Manchester Road, Bury, to which two representations were received from Greater Manchester Police and an interested party. The Sub-Committee considered the report and heard the representations. Members resolved to grant the application and attached the conditions agreed with Greater Manchester Police.

A hearing for an application of the grant of a Premises Licence in respect of Shop Local A-Z, 58 Walmsley Road, Bury, to which representations were received from Greater Manchester Police and four interested parties.

The Sub-Committee considered the report and heard the representations. Members resolved to grant the licence subject to the agreed conditions from Greater Manchester Police and the additional conditions volunteered by the applicant.

DEPARTMENT OF TRANSPORT FREE FACE COVERING DISTRIBUTION PROGRAMME FOR PASSENGERS AND WORKERS

The Licensing Service had circulated to the trade representatives and private hire operators information on the above programme. The offer to transport bodies of contingency face coverings for use by passengers and workers, at zero cost has been extended to reflect the current expectation and recommendation that people wear face coverings in crowded areas such as public transport, as well as help reduce transmission rates during the winter period.

NEW ONLINE CHECKER FOR GREATER MANCHESTER CLEAN AIR ZONE

The Licensing Service had sent out emails to all private hire operators,

trade representatives and licensed drivers regarding a new online checker for the Greater Manchester Clean Air Zone that TFGM are administering.

The information sent stated the following:

In May 2022, Greater Manchester's Clean Air Zone (CAZ) would be implemented across the city region to improve air quality now and for future generations. From late January 2021, applications will be open for financial support to upgrade or retrofit non-compliant taxis and PHVs.

Early application is encouraged to ensure applicants are well-placed to access the available funding. A new online checker was now available on cleanairm.com/prepare to enable vehicle owners to find out if their vehicle is affected by the Clean Air Zone and whether they are eligible for financial support.

BURY HACKNEY ASSOCIATION

The Licensing Service have recently been notified that a new hackney association has been set up to represent the Hackney carriage drivers/proprietors following a meeting that took place on the 21st October 2021.

The Chairman of the association is Mr Khalid Hussain and the Licensing Service would invite the Bury Hackney Association to any future trade liaison meetings with the Council.

The Chair placed on record her thanks to the Licensing Department for all their hard work over the last 18 months.

It was agreed:

That the report be noted.

LSP.6 REVIEW OF STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005

The Executive Director (Operations) submitted a report advising Members of a review of gambling policy and statement of principles.

The Licensing Consultant presented the report and advised that the Council must review its Statement of Principles at least every three years. The existing Statement of Principles ceases to have effect on 22 January 2022.

The report contained the revised proposed Statement of Principles and detailed the consultation process. Section 4 outlined the amendments to the statement following the responses to the consultation.

The officer stated that the Council had been working with partners across Greater Manchester, which has resulted in the Greater Manchester Gambling Harm Reduction programme being created. The programme reflected this collaboration across Greater Manchester and as a result, for the first, time, a joint Statement of Gambling Principles had been created, to be approved at a local level.

The officer advised that the principles share the Council's aims to prevent and reduce the negative impacts of gambling on individuals, families, and communities. The Statement of Principles appended to the agenda report at appendix 1 is the result of this partnership working. The report also provided a comparison of the proposed Statement of Principles and the current Statement of Principles detailed in section 2 of the report.

The officer stated that in order to comply with the legislation, a revised Statement of Principles must be agreed by Council by the 24th December 2021, for the proposed statement to be in place by the 23rd January 2022.

Members questioned how this may help reduce gambling tackle addition issues and the Assistant Director of Operations Strategy reported that when an application form is received businesses would be advised of best practice. The Chair requested if a briefing could be provided to Licensing and Safety Committee Members and this could be provided via email to see practical things gambling companies may use.

The Chair also added that the public health consultant, Jon Hobday who had provided a statement within the background papers could attend a future Health Scrutiny meeting.

Delegated decision:

That the Committee noted the report and recommended that the Council accept and adopt the proposed Statement of Principles as set out at Appendix 1 to the report without amendment.

LSP.7 COMMON MINIMUM LICENSING STANDARDS- STAGE 2 (VEHICLES)

The Executive Director (Operations) submitted a report advising Members of common minimum licensing standards.

The Head of Public Protection outlined the work that had been undertaken by the Greater Manchester Licensing Network, Transport for Greater Manchester and Bury Council in relation to Common Minimum Licensing Standards for hackney carriage and private hire vehicle licensing. The report detailed the consultation that had taken place and feedback and comments received. The standards detailed in the report relate to licensed drivers, licensed private hire operators and the 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.

Members had already been provided with a summary of the GM wide public consultation that took place between 8th October and 3rd December 2020 in Stage 1 Report.

The officer advised that across Greater Manchester there were monthly meetings with trade and union representatives to update and reflect on the work being undertaken. Twelve briefings were held for representatives at GM level in MLS and clean air. There were also 25 briefing sessions for all trade sectors affected by clean air and at local level a number of local briefings were held and various

communication methods used to notify all affected that consultation was underway including emails, newsletters and contact via operator bases.

The Chair then addressed the meeting to ask if there were any public questions on this agenda topic.

Mr Warraich asked about stickers for vehicles and stated that at the moment they were free to obtain and therefore he felt that the proposals that these would have to be purchased, should be rejected.

The Head of Public Protection responded and advised that the stickers would be provided at cost and that a Greater Manchester wide procurement exercise would be undertaken and a single print company would provide the stickers, in an effort to keep costs to a minimum.

Mr Warraich again raised the issue regarding the instance of a driver reportedly wearing shorts and asked for the evidence. The Chair reiterated what had previously been stated that this was from an individual complaint.

Mr Warraich stated that he felt that the minimum standards would attract cross border drivers working in Bury and cited the example of Wolverhampton.

The Head of Public protection stated that the intention was to increase standards and that the Council and officers want a change in legislation to prevent cross border drivers coming to Bury. The Licensing Unit Manager also referred to the fact that previously all operators in Bury had agreed not to employ those licensed outside the borough but that this had now changed.

In response to a further question on this matter by Mr Mahmood, the Chair also referred to the fact that the proposed standards largely mirror those set out in DoT Guidance and that the proposals are to increase standards and are for consistency.

Mr Mahmood questioned the percentage figures in the report and wondered how many people these referred to. The Chair referred him to the content of the report.

At this stage of the meeting all the time allocated to public questions had been used.

A discussion took place on previous allegations of missiles being thrown at taxis and after talks with GMP, this had resulted in the bonnet stickers being deferred so further work could be undertaken with the police and the taxi trade.

Members asked about the number of stickers a taxi would require and a professional service to place stickers on vehicles may be required by the driver. The Licensing Unit Manager reported that there would be less stickers required than now although at a cost and it would be the driver's responsibility to place them on the vehicle. This is because the current position is there is an operator's

sticker and another whereas the proposal is to combine these into one. It was also noted that the dimensions are yet to be decided.

Members also discussed a single colour vehicle in the future and it was reported that there was no timescale on this element. There were also some concerns raised by Members of the committee about the potential for losing drivers and also the potential creation of a single licensing authority being created across Greater Manchester. The Licensing Unit Manager and Council Solicitor both advised that this would need a change in legislation as each borough is a licensing authority for these purposes in its own right. The Chair also confirmed that some matters will be the subject of future reports and therefore further future debate.

Delegated decision:

That the Committee noted the report and recommends that Council approve and adopt the following;

- The recommendations presented in Section 4 (Lead Officer Recommendations) for each proposed standard for implementation except for Vehicle Proposed Standard 5 in relation to Vehicle Livery.
- That in relation to Vehicle Proposed Standard 5 (Vehicle Livery), Bury Council having carried out further consultation with taxi drivers and operators and following this, it's recommended that the Council implements the following GM livery standards proposed below :

That all vehicles will:

- display permanently affixed licence plates on the front and back of the vehicle

That all PHVs will:

- only display stickers provided by the licensing authority (at cost) which will bear the operator name and phone number, 'advanced bookings only', 'not insured unless pre-booked' and the licensing authority logo (the design, dimensions and placement of the stickers on the vehicle is to be determined at a future date)
 - display those stickers on both rear side doors and the back window
 - not use any magnetic stickers
- That any decision regarding the implementation of the proposed 'GM approved' bonnet sticker will be delayed for a period of 2 years while more work is carried out with the trade and GMP to address the concerns raised by the trade relating to antisocial behaviour.
 - That existing vehicle livery standards in Bury will be retained until the new GM livery design, dimensions and placement are confirmed and procured. Ahead of the changes, the existing livery standards will be reviewed to accommodate the GM livery.

LSP.8 URGENT BUSINESS

No urgent business was reported at the meeting.

LSP.9 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.10 SUSPENSION/REVOCAION OF PRIVATE HIRE DRIVER LICENCE

Licence Holder 26/2021

The Executive Director (Operations) submitted a report relating to Applicant 26/2021 who was in attendance at the meeting along with Mr Shafqat Mahmood his 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 Applicant and the Licensing Unit Manager set out the reasons for the Applicant being before the Committee.

The report stated that the Licence Holder had held a private hire driver's licence continually since 29th January 2004 until its expiry on the 14th October 2021. On the 6th October 2021, the Licence Holder made an application to renew his private hire drivers licence. On his online application he declared that he had a motoring conviction for speeding for which he had received a fixed penalty by way of a fine of £100 and 3 penalty points. This conviction had not previously been notified to the Licensing Department in accordance with the requirement within the conditions on his licence that such matters should be notified in writing within 7 days.

This Licence Holder was subsequently interviewed by a Licensing Officer, and he explained the background to the offence which was detailed in the report attached to the agenda.

The Licence Holder and his representative explained at the meeting that due to the eradication of paper DVLA driving licences, which used to state any points on their face, the Licence Holder had forgotten about the offence and apologised for the non-declaration. He went on to state that he had been a private hire driver for many years and his licence was important to him as it was his only means of income. The loss of it would therefore affect his family.

Upon questioning by the Licensing Unit Manager, the Licence Holder confirmed he had not read the conditions on the back of his licence, but accepted this was a mistake. He was advised to contact the Licensing Service for any advice if he didn't understand any of the licensing conditions printed on the rear of the licence.

Members asked the licence holder what he would do if a similar offence occurred again. He stated he would inform the Licensing Department and went on to reiterate that he required his job for his income and there would be no repeat of this incident in the future.

Delegated decision:

The Committee carefully considered the report, and oral representations by the Licence Holder and his representative.

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 admonish the Licence Holder as to his future conduct and reminded him of his responsibility for declaring future convictions within the timescales printed on the licence.

LSP.11 APPLICATIONS FOR THE GRANT/RENEWAL OF PRIVATE HIRE DRIVER LICENCE

Licence Holder 25/2021

The Executive Director (Operations) submitted a report relating to Applicant 27/2021 who was not in attendance at the meeting.

The Chair asked the Licensing Unit Manager if the applicant was due to attend and it was reported that an email had been sent to the Licensing Department confirming the applicant would attend.

Delegated decision:

The Committee deferred the application until the next Licensing and Safety Committee due to the unknown whereabouts of the applicant.

COUNCILLOR S WALMSLEY
Chair

(Note: The meeting started at 7.00pm and ended at 9.10pm)