

Minutes of: LICENSING AND SAFETY COMMITTEE

Date of Meeting: 16 December 2021

Present: Councillor G McGill (in the Chair)
Councillors Y Wright and J Rydeheard

Also in attendance: Michael Cunliffe – Democratic Services
Laura Jones- Deputy Licensing Officer
Ben Thomson- Head of Public Protection
Janet Witkowski – Council Solicitor

Public Attendance: 4 members of the public were present at the meeting.

Apologies for Absence: Councillor S Walmsley, Councillor J Grimshaw,
Councillor T Holt, Councillor K Leach, Councillor J Lewis,
Councillor M Smith, Councillor C Walsh and Councillor
S Wright

LSP.1 ELECTION OF A CHAIR

A Chairperson was required due to the Chair of the Licensing and Safety Committee being absent from the meeting.

Delegated decision:

That Councillor Gavin McGill be elected acting Chairperson of the Licensing Committee for this meeting only and took the Chair.

LSP.2 APOLOGIES FOR ABSENCE

Michael Bridge, Licensing Unit Manager and Councillors J Grimshaw, T Holt, K Leach, J Lewis, M Smith, S Walmsley, C Walsh and S Wright.

LSP.3 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.4 MINUTES OF PREVIOUS MEETING

Delegated decision:

That the Minutes of the last meeting held on the 11th November 2021 be approved as a correct record and signed by the Chair.

LSP.5 PUBLIC QUESTION TIME

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

Mr Charlie Oakes representing the Hackney Drivers Association in Bury had a number of questions and explained there were only 37 Hackney Carriage vehicles licensed in Bury, which he stated was an appalling situation when there used to be 126. He asked what the Council is going to do to address the problem of low numbers and that if the current trend continues there won't be any remaining?

The Head of Public Protection, Ben Thomson responded and referred to the introduction of common minimum licensing standards and clean air taxi fund, advising that support for those interested in applying would be provided by the Licensing Department. He went on to ask that ideas on increasing the numbers of vehicles and drivers would be welcomed and that this would be discussed at the next liaison meeting.

Mr Oakes went on to explain that the low number of Hackney Carriages would affect fees and charges as these would increase as there are only 65 licensed drivers and he queried if, with less drivers to pay those fees, would the charges have to increase to spread the cost?

The Head of Public Protection responded that work was underway to look at a common fee methodology across Greater Manchester and the fee modelling would be looked at but stated the Council was not for profit and the model was a cost recovery. He advised that the Council was committed to work with drivers at trade liaison level and there would be engagement undertaken when the issue was progressed further.

Mr Oakes then raised the issue of supply and demand and asked if an unmet demand survey would be undertaken. The Chair of the meeting, Councillor McGill stated he would feedback the concerns to Councillor Sandra Walmsley who was the Chair of the Licensing Committee.

LSP.6 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 had dealt with a number of compliance and enforcement matters for between the 25th October and 5th December 2021 and these details were attached to the report in the agenda pack.

SECOND TESTING STATION

As detailed at the Licensing and Safety Committee on 22 July 2021, the Licensing Service have been working with the Council's Procurement team to procure a second taxi testing station in the borough. Unfortunately, the tender closed with no bids received from garages. The Council had since been working to understand the barriers to garages applying and some adjustments were made to specification. In addition, training support has been

provided through a presentation to assist garages. The tender has now been readvertised and all garages have again been contacted to make them aware of the opportunity and the support available. The tender opportunity would close at midday on 22 December 2021. This information had been communicated to the taxi trade, private hire operators and trade representatives by email.

RECENT INCIDENTS

On the 19 November 2021, the Licensing Service sent an email to taxi trade, private hire operators and trade representatives to offer some reassurance that they are aware of an incident in Liverpool and another in Rochdale that involved taxi drivers. The Council understand this will be a worrying time for the trade and Bury Council and GMP want to reaffirm a commitment to working with the trade to tackle antisocial behaviour. Drivers had been reminded that any issues should be reported to GMP via 999 in an emergency. Alternatively, if reporting a crime that does not need an emergency response, please use 101 or report it online. If support or training is required from the Council or GMP please inform the Licensing Department and they will see if there is any way to assist.

THE HEALTH PROTECTION (CORONAVIRUS, WEARING OF FACE COVERINGS)(ENGLAND) REGULATIONS 2021

Following the introduction of the new regulations on the 30th November 2021, the Licensing Service had emailed all licensed drivers, private hire operators and trade representatives to inform them of the new regulations. The email included a poster which can be printed and displayed both in the vehicles and in the Private Hire Operator bases.

RECENT PARTNERSHIP WORKING

On the 3rd December 2021, enforcement officers from the Licensing Service undertook a joint night time operation with officers from Greater Manchester Police and a compliance officer from the Security Industry Authority (SIA). They visited 10 late night venues located within Bury Town Centre and a number of issues were identified. The issues identified included door staff failing to display their Security Industry Authority authorisation and late-night venues failing to adhere to their licensing conditions – namely failing to prevent noise nuisance. Advice and verbal warnings were given to ensure compliance.

On the 6th December 2021, enforcement officers from the Licensing Service participated in Greater Manchester Police's Operation Saturn along with a number of other partnership agencies. Operation Saturn is a monthly exercise with the aim of reducing anti-social behaviour. Staff from the Licensing Service in partnership with Trading Standards and Officers from Greater Manchester Police visited 12 businesses who buy and sell second hand goods. Advice

was given to those business on how to minimise the risk of handling stolen goods and ensuring the businesses are registered with the Licensing Service.

GAMBLING ACT – STATEMENT OF PRINCIPLES

Members were reminded that at the meeting on the 11th November 2022, a report outlined the revised Statement of principles. This was approved and was referred to Full Council on the 24th November 2021 for adoption. It was adopted by Full Council and comes into effect on the 23rd January 2022.

At the Committee meeting Officers were asked to provide a summary of in relation to how, as a council we could adequately deal with gambling premises applications and in particular how we could reduce the harm of gambling to individuals.

The legislation and the documentation outlined fully in the report attached to the agenda are what the authority and applicant must take into account when considering and making applications.

Members present at the meeting enquired about the problem with the tendering process for the second testing station and the Head of Public Protection provided an explanation which involved lowering the level of insurance required. The procurement document would be shared and circulated to Members of the committee for their information.

It was agreed:

That the report be noted.

LSP.7 REVIEW OF CONDITIONS IN RESPECT OF DANGEROUS WILD ANIMALS

The Executive Director (Operations) submitted a report advising Members that under the Council's Constitution the determination of conditions to be attached to licences was reserved to the Licensing and Safety Committee. The report attached to the agenda pack requested the Committees approval of amended conditions in respect of Dangerous Wild Animals licences issued under the Dangerous Wild Animals Act 1976.

The Council had existing conditions relating to Dangerous Wild Animals establishments which were attached at Appendix 1 in the agenda pack.

The conditions have been revised and the new proposed conditions were attached at Appendix 2. If agreed, they would replace the existing conditions giving more specific control in respect of Dangerous Wild Animal licensing, with no detriment to existing controls.

Delegated decision:

That the Committee approved the amended conditions that would be attached to Dangerous Wild Animals Licences.

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 APPLICATION TO GRANT A HACKNEY CARRIAGE VEHICLE LICENCE CONTRARY TO COUNCIL POLICY

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

The Applicant's representative, Mr Charlie Oakes requested an adjournment of this application due to the ill health of the Applicant.

Delegated decision:

The Committee deferred the application until the next Licensing and Safety Committee due to the ill health of the Applicant.

LSP.11 SUSPENSION/ REVOCATION OF PRIVATE HIRE DRIVER LICENCE

Licence Holder 28/2021

The Executive Director (Operations) submitted a report relating to Licence Holder 26/2021 who was in attendance at 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 was presented by the Deputy Licensing Officer, which set out the reasons for the Licence Holder being before the Committee. The report was accepted by the Licence Holder.

The report stated that the Licence Holder 28/2021 had held a private hire driver's licence since the 7th November 2018 until its expiry on the 6th November 2021. On the 21st October 2021, the licence holder 28/2021 made an application to renew his private hire drivers licence and declared that he had two motoring convictions for speeding in April and December 2019, for which he had received a fixed penalty by way of a fine of £100 and 3 penalty points for each offence. These convictions 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.

The 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 explained at the meeting that on both occasions the convictions came about by being caught on a speed camera in an area he was unfamiliar with. When asked why he had failed to declare the conviction he stated that he had emailed the Licensing Department in December 2019 to declare the convictions, however he could not produce a copy of the sent email due to his annual deletion of emails for housekeeping to free memory space. The Licensing Service had no record of the email.

He went on to state that it was the first time he had tried to renew a licence so was unfamiliar with the process and he had telephoned the Licensing Department but had not been able to speak with anybody. Upon questioning by the Deputy Licensing Officer he stated that had not left a voicemail on the answerphone message system that was in operation.

The Licence Holder accepted he had made a mistake and offered his apologies and added it was his full time occupation and had family dependents so there would be a financial impact if his licence was suspended or revoked. He also stated that he had not received any complaints from customers or the taxi company he worked for in relation to his work.

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, 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.

Licence Holder 29/2021

The Executive Director (Operations) submitted a report relating to Licence Holder 29/2021 who was in attendance at 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 was presented by the Deputy Licensing Officer and was accepted by the Licence holder. This set out the reasons for the Licence Holder being before the Committee.

The report stated that the Licence Holder 29/2021 had held a private hire driver's licence since the 14th November 2011 until its expiry on the 13th November 2021. On the 24th October 2021, the Licence Holder 29/2021 made an application to renew his private hire drivers licence. On his online application he stated 'no' when asked if he had any convictions, fines, formal cautions or fixed penalty notices. A check of his DVLA driving licence indicated that he had two motoring convictions for speeding in February 2018 and May 2021, for which he had received a fixed

penalty by way of a fine of £100 and 3 penalty points for each offence. These convictions 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.

The 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 stated at the meeting that it was down to human error and offered his apologies.

The Licensing Officer reminded him of the conditions printed on the back of his licence and to report any future offences within the required timescales.

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, the Committee resolved to admonish the Licence Holder as to his future conduct and that the Licensing Service should write him a letter to remind him of his responsibility for declaring future convictions within the timescales printed on the licence.

Licence Holder 30/2021

The Executive Director (Operations) submitted a report relating to Licence Holder 30/2021 who was in attendance at 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 was presented by the Deputy Licensing Officer and was accepted by the Licence Holder. This set out the reasons for the Licence Holder being before the Committee.

The report stated that the Licence Holder 30/2021 had held a private hire driver's licence since the 10th December 2007 until its expiry on the 9th December 2021. On the 14th November 2021, the Licence Holder 30/2021 made an application to renew his private hire drivers licence. On his online application he declared that he had a motoring conviction for speeding in July 2021, for which he had received a fixed penalty by way of a fine of £100 and 3 penalty points for the offence. 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.

The 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 explained at the meeting that he was very sorry and it would not happen again and that losing his licence would impact on his earnings and cause problems for his family.

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, 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.12 APPLICATIONS FOR THE GRANT/ RENEWAL OF PRIVATE HIRE DRIVER LICENCE

Licence Holder 27/2021

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

The Deputy Licensing Officer informed the Committee that the Applicant had emailed the Licensing Service to state that he was ill and unable to attend but that he was happy for the Committee to decide the application in his absence. He further stated that he had wanted the licence to work during Christmas and that it was too late now to be of any benefit to him. The matter had previously be deferred due to the Applicant's non-attendance.

The Committee considered whether to proceed in the absence of the Applicant and was satisfied, in view of the fact that matter had previously been deferred and the Applicant had stated he was happy for it to be decided in his absence, that the matter should proceed.

The Deputy Licensing Officer presented the report which set out the reasons for the application being before the Committee.

The report stated that the Applicant 27/2021 had held a private hire driver's licence since the 21st February 2021 until its expiry on the 8th July 2021. On the 7th October 2021, the Applicant 27/2021 made a new application for a private hire drivers licence. On his online application he declared that he had two motoring convictions in May and July 2021, for failure to give information as to the identity of a driver. He had received a fixed penalty by way of a fine of £660 and 6 penalty points for both the offences. Whilst both of these convictions had were more than two years ago, they 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.

The Applicant was subsequently interviewed by a Licensing Officer, and he explained the background to the offences which was detailed in the report (Appendix 1) attached to the agenda. This stated that he had sold the vehicle and

had sent off the log book to the DVLA. He had no proof of this and when he received the paperwork regarding the offences he failed to deal with them as he stated he was having work done at his home, didn't see the mail and when he did so, it was too late to challenge the convictions.

Delegated decision:

The Committee carefully considered the report, and information presented by the Applicant contained within it.

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 **refuse** the application due to the Applicant not being a fit and proper person to hold a licence.

The reasons for the Committee's decision were as follows:

1. The offences were of a serious nature.
2. The Applicant had provided no credible explanation for commission of the offences.
3. The Applicant had failed to take action to deal with the paperwork regarding the offences when received and provided no credible explanation for this.
4. The Applicant had provided no explanation for his failure to disclose the offences whilst originally licenced and was in breach of his licence conditions.
5. The Applicant has provided no information as to an apology for his actions nor had he showed any remorse.
6. The Applicants failure to attend the Committee on two occasions provided the Committee with no further explanation or any opportunity to question the Applicant, hear his personal circumstances or any other information or explanation.
7. The Applicants comment as to Christmas was also found by the Committee to be disrespectful and an unsatisfactory reason for not attending.

COUNCILLOR G MCGILL
Chair

(Note: The meeting started at 1.05pm and ended at 2.35pm)