

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:-

Date:	Thursday, 16 December 2021
Place:	Council Chamber, Bury Town Hall
Time:	1.00 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:	

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 5 - 14)*

The minutes of the meeting held on the 11th November 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 15 - 24)*

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

6 REVIEW OF CONDITIONS IN RESPECT OF DANGEROUS WILD ANIMALS *(Pages 25 - 30)*

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

7 URGENT BUSINESS

Any other business, which by reason of special circumstances, the Chair agrees may be considered as a matter of urgency.

8 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.

9 APPLICATION TO GRANT A HACKNEY CARRIAGE VEHICLE LICENCE CONTRARY TO COUNCIL POLICY *(Pages 31 - 44)*

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

10 SUSPENSION/ REVOCATION OF PRIVATE HIRE DRIVER LICENCE
(Pages 45 - 60)

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

**11 APPLICATIONS FOR THE GRANT/ RENEWAL OF PRIVATE HIRE
DRIVER LICENCE** *(Pages 61 - 68)*

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

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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/REVOCATION 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)

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Classification	Item No.
Open / Closed	

Meeting:	Licensing & Safety Committee
Meeting date:	16 December 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:

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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 **COMPLIANCE/ENFORCEMENT**

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

2.2 **25 October to 31 October 2021**

Clients

Complaint 2

Vehicles

Damaged 3

Missed interim 3

Operator

Compliance check 1

Premises

Non-payment of fee advice as licence now suspended 9

Unlicensed activity 1

Complaint 1

Fire issue 1

EH Issue 1

2.3 1 November to 7th November 2021

Client

Complaint 2

Intelligence 2

Compliance 2

Operator

Enforcement 1 (written warning for breach of condition)

Vehicle

Compliance 2

Enforcement 9 (damaged vehicle 3, missed interim suspended 5, missing signage warning letter 1)

Premises

Compliance 3

Enforcement 2 (non-payment fee)

Intelligence 1

2.4 8 November to 14 November 2021

Client

complaints 2

enforcement actions 2

Premises

31 compliance – All in order 17, (2 blue notice seen, 7 advice given, 4 blue notice not seen, 1 noted)

10 enforcement – suspension notices for non-payment of fee

Vehicle

Compliance 1

Enforcement 8 – (3 missed interim, 4 damaged vehicle, 1 missing signage)

2.5 15 November to 21 November 2021

Client

Complaints 2

Enforcement 2

Operator

Compliance checks 2

Premises

Complaints 3

Compliance 1

Enforcement 13 (7 unlicensed activity, 6 non-payment fee)

Vehicle

Complaint 2

Enforcement 4 (2 damaged vehicles, 1 miss interim, 1 licence revoked)

2.6 **22 November to 28 November 2021**

Client

Complaint 3

Enforcement 3

Intelligence 1

Premises

Complaint 4

Enforcement 1 blue notice not seen

Vehicle

Compliance 1

Enforcement 4 (1 revoked, 1 no insurance 2 missed interim)

2.7 **29 November to 5 December 2021**

Client

Complaint 4

Enforcement 4 (2 DPA, 2 declared convictions)

Operator

Complaint 1

Enforcement 1 (compliance check)

Premises

Enforcement 11 (1 non-payment fee, 10 multi-agency visits)

Vehicle

Enforcement 4 (2 licence suspended, 1 warning, 1 suspension lifted)

3.0 SECOND TESTING STATION

- 3.1 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 has 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 will close at midday on 22 December 2021.

This information has been communicated to the taxi trade, private hire operators and trade representatives by email.

4.0 RECENT INCIDENTS

- 4.1 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 we are aware of an incident in Liverpool and another in Rochdale that involved taxi drivers. We understand this will be a worrying time for the trade and Bury Council and GMP want to reaffirm our commitment to working with the trade to tackle antisocial behaviour. We would like to remind drivers 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 online at <https://www.gmp.police.uk/ro/report/>

If there is any particular support or training, you would like to see from the Council or GMP please let us know and we will see if there is any way we can assist.

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

- 5.1 Following the introduction of the new regulations on the 30th November 2021, the Licensing Service have 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.

6.0 Recent Partnership Working

- 6.1 On the 3 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.

- 6.2 On the 6 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.

7.0 **GAMBLING ACT – STATEMENT OF PRINCIPLES**

- 7.1 Members will recall 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 23 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.

- 7.2 The legislation and the documentation outlined below are what the authority and applicant must take into account when considering and making applications: -

- The Gambling Act 2005;
- Gambling Commissions Guidance and;
- Statement of Principles Issued in Bury.

The Gambling Act gives Authorities wide ranging powers to:

- to issue a statement of licensing policy, setting expectations about how gambling will be regulated in a particular area
- to grant, refuse and attach conditions to premises licences
- to review premises licences and attach conditions or revoke them as a result.

7.3 The council has a responsibility under the Gambling Act 2005 to decide whether to grant or reject applications and in the case of premises licence applications to decide any conditions to apply where the decision is taken to grant. All decisions made by the licensing authority in relation to premises licences (and some other authorisations) are based on the Act, relevant guidance, Codes of Practice, the adopted statement of principles and the three licensing objectives:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

7.4 The first part of an application is the actual premises, The premises must have the required planning permission and we will take into consideration any representations (these must be valid under the legislation) from the local community.

7.5 When making an application a risk assessment must be provided. This should outline to the Authority how the Applicants/Licensees has assessed the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. These must be reviewed and updated as necessary as and when required i.e., when there are significant changes at the premises that may affect their mitigation of local risks.

The Authority can use these risk assessments to ascertain if the applicant/licence holder is committed on the one hand running a successful business and balancing that out with reducing the harm gambling can do to both individuals and communities. This is similar to the current television advertisements, which invite people to gamble but also advise to set limits, have a cooling off period etc.

7.6 When determining an application, the Council can place conditions on a licence. In determining what conditions can be placed on a licence members must take into consideration, the Legislation, Guidance and Statement of Principles.

Conditions can be placed on a licence which may work in a similar way to the current tv ads and target harm reduction– these may be conditions relating to:

- Staff training to identify individuals who are visiting premises on a regular basis and spending a lot of money.
- The training of staff in communication to ensure that they can comfortably approach and speak with such individuals.

- Having particular signs in and around the premises that signpost individuals to help with a gambling problems.
- Having signs or other media advising of money limits, cooling off periods etc.

7.7 Section 4.10 and 4.11 of the Statement of Principles outlines conditions that can and conditions that cannot be applied to an applications.

Where there have been any complaints relating to a premises the matter can be brought before the Committee in the form of a review. At such a review the Committee can amend, add or remove conditions on a licence.

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Classification	Item No.
Open / Closed	

Meeting:	Licensing and Safety Committee
Meeting date:	16 December 2021
Title of report:	Review of Conditions in respect of Dangerous Wild Animals Licences
Report by:	Executive Director (Operations)
Decision Type:	Council
Ward(s) to which report relates	All

Executive Summary:

Through the Council Constitution the determination of conditions to be attached to licences is reserved to the Licensing and Safety Committee. This report requests the Committees approval of amended conditions in respect of Dangerous Wild Animals licences issued under the Dangerous Wild Animals Act 1976.

Recommendation(s)

Introduction

This report relates to conditions that will be attached to Dangerous Wild Animals Licences.

Recommendation

- To amend and update the conditions relating to Dangerous Wild Animals Licences as attached at appendix 2

Key considerations

This is a Council Function that is delegated to the Licensing and Safety Panel by the Council's Constitution.

This paper is in the public domain.

Community impact / Contribution to the Bury 2030 Strategy

Not applicable

Equality Impact and considerations:

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.*

The public sector equality 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.

The Licensing Service have considered the Equality Act 2010 and due to each application being dealt with on its own merits there is no positive or negative on any of the protected characteristics

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
Not Applicable	.

Consultation:

Not applicable

Legal Implications:

The report is in accordance with the appropriate legislation.

The cost of the licensing function are funded through the fees and charges levied by the Council. There may be additional costs if appeals are lodged with the Magistrates and Crown Courts.

Members are advised that Licences are regarded as possessions within the terms of the Human Rights Act 1998. Under the Act everyone is entitled to the peaceful enjoyment of one's possessions and so actions interfering with those possessions must be lawful, reasonable and proportionate. It is lawful to impose reasonable conditions as a way of protecting the safety of the public, so long as it is not out of proportion. It is a balancing act between the public interest and the individual's rights.

Financial Implications:

There are no specific issues from the report other than potential costs/risks associated with legal appeals.

The proposed changes are not anticipated to result in any significant change to resource requirements.

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Background papers:

None

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

Term	Meaning
None	

1.0 Background

- 1.1 The Dangerous Wild Animals Act 1976 permits local councils to grant licences to keepers of dangerous wild animals.
- 1.2 Before granting a licence, an inspection is undertaken by the Council and a veterinary surgeon to ensure compliance with the legislation.
- 1.3 In granting the licence the council may attach conditions.

2.0 Issues

- 2.1 The Council has existing conditions relating to Dangerous Wild Animals establishments which are attached at Appendix 1.
- 2.2 The conditions have been revised and the new proposed conditions are attached at Appendix 2. If agreed, they will replace the existing conditions, giving more specific control in respect of Dangerous Wild Animal licensing, with no detriment to existing controls.

3.0 Conclusion

- 3.1 Members are requested to approve the recommendation below:-
 - To amend and update the conditions relating to Dangerous Wild Animals Licences as attached at Appendix 2

Appendix 1

Current Conditions

1. While any animal is being kept under the authority of the Licence: -
 - (i) the animal shall be kept by no other than the person or persons specified above;
 - (ii) the animal shall normally be held at such premises as are specified above;
 - (iii) the animal shall not be moved from those premises [except in the following circumstances, namely,
XXXXXX
 - (iv) the person to whom the Licence is granted shall hold a current insurance policy which insures him, and any other person entitled to keep the animal under the authority of the Licence, against liability for any damage which may be caused by the animal, the terms of such policy being satisfactory in the opinion of the authority.
2. The species and number of animals of each species which may be kept under the authority of the Licence shall be restricted to those specified in the Schedule.
3. The person to whom the Licence is granted shall at all reasonable times make available a copy of the Licence to any person entitled to keep any animal under the authority of the Licence.

Appendix 2

New Proposed Conditions

This licence is issued subject to the following conditions.

Any animal /animals concerned being kept under the authority of the licence shall –

- 1 Be held in accommodation which secures that the animal will not escape, and is suitable as regards construction, size, temperature, lighting, ventilation, drainage and cleanliness.
- 2 The accommodation is suitable for the number of animals proposed to be held in the accommodation.
- 3 Be supplied with adequate and suitable food, drink and bedding material and be visited at suitable intervals.
- 4 Appropriate steps will at all such times be taken for the protection of any animal concerned in case of fire or other emergency.
- 5 All reasonable precautions will be taken at all times such to prevent and control the spread of infectious diseases.
- 6 While any animal concerned is at the premises where it will normally be held, its accommodation is such that it can take adequate exercise.
- 7 The animal shall be kept by no person other than such person or persons as is or are specified in the licence.
- 8 The animal shall normally be held at such premises as are specified in the above licence.
- 9 The animal shall not be moved from those premises or shall only be moved with prior consent of the licensing authority.
- 10 The person to whom the licence is granted shall hold a current insurance policy which insures him/her under the authority of the licence against liability for any damage which may be caused by the animal. The terms of any such policy shall be satisfactory in the opinion of the Authority.
- 11 The licence or a copy of the licence shall be kept on the premises and shall be produced to an authorised officer upon demand.

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

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