

Minutes of: LICENSING AND SAFETY COMMITTEE

Date of Meeting: 17 February 2022

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

Also in attendance: M Bridge – Licensing Unit Manager
M Cunliffe – Democratic Services
B Thomson- Head of Public Protection
J Witkowski – Council Solicitor

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

Apologies for Absence: Councillors J Grimshaw, K Leach, M Smith, S Walmsley, C Walsh and 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 Trevor Holt be elected acting Chairperson of the Licensing Committee for this meeting only and took the Chair.

LSP.2 APOLOGIES FOR ABSENCE

Councillors J Grimshaw, K Leach, 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 13th January 2022 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 Muhammad Sajjad Warraich from the Private Hire Drivers Association in Bury had a number of questions and queried if the policy for common minimum licensing

standards was fit for purpose as both the Driver & Vehicle Standards Agency and the Vehicle and Operator Services Agency had different criteria for road legal vehicles, that had suffered accident damage.

The Licensing Unit Manager, Michael Bridge reported that consultations had taken place in relation to minimum licensing standards in 2020 which included the issue of the refusal to allow written off vehicles to be licensed as private hire or hackney carriages after 1 April 2022. He stated that whilst the standards have now been adopted by the Council, there were on-going discussions across the Greater Manchester licensing network group about this issue although further information could not be communicated at this moment in time.

Mr Warraich further commented on this matter and wondered when the policy was drafted did officers not give consideration to criteria other organisations and insurance companies adhere to.

The Licensing Unit Manager responded that the trade did have the opportunity to comment about written off vehicles during the consultation and the response rate received on this issue was very low. He confirmed to the Committee that from the 1st April 2022 written off vehicles would not be licensed, but was unable to comment on whether the insurance industry had provided any responses to this matter.

Mr Warraich stated that he understood the case for new vehicles trying to be licensed but had concerns about existing vehicles currently being used which had been written off in the past. The Licensing Unit Manager stated that this was the issue currently under discussion within the GM network group.

Mr Warraich then asked that if a driver worked for more than one different taxi company's would this create a loophole in the policy for displaying stickers on vehicles as they would need to be removed and changed and this would increase the costs to the driver associated with purchasing those stickers.

The Licensing Unit Manager responded by stating that lawfully, that once a vehicle is licenced it is always a licensed vehicle and therefore as a licensed a vehicle, should always have the operators signage on and if working for Uber their signage should be displayed. This was what is required under the licensing conditions.

Mr Sharif then questioned the approach to enforcement and stated that he was unhappy if a member of the public complains to the Licensing Department about a driver smoking in their vehicle that the information was held on the licence holders personal records and not. He stated that this should not be the case until proof has been provided and an investigation undertaken.

The Head of Public Protection, responded that it was a criminal offence to smoke in a bus or taxi vehicle and the complaint would be dealt with via an investigation. He stated that the Council has a duty to investigate and would do so and not just rely on what was said by way of a complaint.

Mr Warraich questioned why Bury Council DBS checks take so long compared to the lesser time it takes if undertaken by the applicant and processed via the Post Office.

The Licensing Unit Manager responded that the reason for differing timescales can be if there is a long history of a criminal record, with some checks ranging from 2 days and some up to 8 weeks. He explained that drivers must apply themselves and don't always upload all of the necessary information required.

Mr Warraich then asked why the Council issues taxi licences with photographs of the driver printed on them that have been taken over 3 years ago.

The Licensing Unit Manager reported he would look into this matter.

Mr Warraich questioned the requirement for payment of a £14.50 fee charged by the Licensing Service for online licensing checks when they are available for free online from the DVLA.

The Licensing Unit Manager stated the driver provides the Council with the code obtained from the DVLA and no fee is charged from the Licensing Service.

Mr Warraich asked if the local trade would be safeguarded with declining numbers in Bury and cross border work being undertaken.

The Licensing Unit Manager stated this would require a change of legislation nationally by central government but the issue had been discussed across the GM network.

Mr Charlie Oakes (Bury Hackney Drivers Association) then asked a question as to whether an agreement could be obtained via Wolverhampton Council to enforce their registered vehicles in the Bury area as that was being conducted in other parts of the country.

The Licensing Unit Manager explained to the Committee that any issues with Wolverhampton or other local authority licensed vehicles would currently be referred back to them but it could be investigated.

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:

The Licensing Service had dealt with a number of compliance and enforcement matters between the 20th December 2021 and the 6th February 2022.

SECOND TESTING STATION

The Licensing Service have been working with the Council's Procurement Section in respect of a concession to provide a second testing station for the testing of Hackney Carriage and Private Hire vehicles. The concessionary contract has been awarded to Sunnybank Service Station, Sunnybank Road, Bury to commence on the 1st April 2022. Officers of the Licensing Service are currently working with the business on the processes and procedures during

the mobilisation period of the contract. Once this has been completed information will be published and sent to the Hackney Carriage and Private hire Trade for their information. An update will be provided at the forthcoming Joint Greater Manchester Police/Trade liaison meeting.

RECENT ATTACK ON A LICENSED PRIVATE HIRE DRIVER

Members will be aware of the recent attack on a licensed private hire driver in Bury, the Licensing Service have been advised that the attacker was identified and subsequently arrested by Greater Manchester Police. As there is an ongoing criminal investigation, we are unable to provide any further information until the legal process has concluded.

MULTI AGENCY ENFORCEMENT

Licensing Officers worked alongside Greater Manchester Police on the evening of Friday 28th January visiting licensed premises across the borough. 8 licensed premises were visited. One off licence was advised to transfer the licence due to new ownership. Two bars were advised to transfer the Designated Premises Supervisor and one bar was advised to turn off a Gaming Machine until a licence was obtained. Two private hire vehicles were advised about signage and one private hire driver was advised as he was not wearing his badge.

IMMEDIATE REVOCATION OF A HACKNEY CARRIAGE DRIVER

The Licensing Service have recently received information from Greater Manchester Police in respect of a Bury licensed hackney carriage driver. Due to the nature of the information received, the Licensing Service in conjunction with the Head of Public Protection and Chair of this Committee considered the information and through the Council's scheme of delegation on the 3 February 2020 revoked his hackney carriage driver's licence with immediate effect under the powers of the Road Safety Act 2006 in the interests of public safety.

PARTNERSHIP WORKING

Officers from the Licensing Service assisted Greater Manchester Police and the RSPCA in respect of the execution of a warrant at an address in Prestwich where a number of dogs and puppies were found to be at the property. Further investigation is now being given for offences regarding the breeding dogs and the sale of dogs under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

REVIEW OF LICENSING PROCESSES AND PROCEDURES

The Licensing Service are currently working with the "Lets Do it Once" Programme Board to review our processes and our digital offer for our licence holders. This will involve reviewing webpages, online form submission, telephone, booking of vehicle tests and knowledge tests. Further updates will be given in due course.

As part of this work it was identified that the previous telephone settings were the cause of the low call answer rate within the Licensing Service. Following changes to the telephone settings there has been a significant increase in the number of telephone calls being answered and the reduction of abandoned

calls.

CLEAN AIR ZONE

On the 21 January 2022, the Licensing Service sent an email to all licensed drivers, operators and trade representatives to give them an update in relation to the Clean Air Zone. The content of the email was included in the report attached to the agenda pack.

A Member expressed concerns in relation to telephone calls unanswered by the Licensing service and asked what the problems had been and the solutions to tackle these issues.

The Head of Public Protection, responded that the back office settings on the phone system were historical and not under the control of the Licensing Service. It was found that if a number rang for around 15 seconds it would go to the answerphone system instead of tripping through to another Officer's extension number in the department. The Member asked would it be appropriate for someone from the telephony service to attend and it was felt that no extra information could be provided by that service.

The Licensing Unit Manager, Michael Bridge added he was receiving regular data reports from the telephony service and over 60% of calls were answered compared to 25% previously. Councillor Rydeheard made a request if this data could be presented in the next operational report to the committee.

A Member asked in relation to the Clean Air Zone information in the report and the section about Pausing Common Minimum Licensing Standards (CMLS).

The Head of Public Protection reported that Stage 2 of Common Minimum Licensing Standards (Vehicle Standards) were adopted by the Council on 24th November 2021. The implementation of CMLS Stage 2 included transitional arrangements for existing licence holders which would allow them time to be compliant with the policy standards by 1 April 2024. The standards were immediately adopted for new to licence vehicles. The Clean Air Fund was due to open at the end of January 2022 and would support existing license holders to upgrade vehicles.

He went on to state that the introduction of the Clean Air Zone in Greater Manchester had now been paused for a short time, while a revised plan to meet Government requirements on clean air, as soon as possible, and no later than 2026 is developed (by July 2022). Officers are working to understand how existing license holders may now be disadvantaged by the current unavailability of Clean Air Funds and considering if any reasonable adjustments to MLS may be needed to support the trade.

The Head of Public Protection also stated that the Council understands and listens to the trade regarding the impacts and consideration is being taken as to how to balance trade concerns alongside improvement of common minimum standards, public safety and supporting the ministerial direction on improving air quality in Bury and Greater Manchester.

Members questioned if a broader review could be looked at in relation to local drivers holding licences in Bury and not other parts of the country and why was Bury suffering from a loss of drivers. It was reported that the issue is due to old legislation which allowed for licences to be granted by authorities in other parts of the country even though the driver could be based in an area some distance away. Work with the trade liaison meetings would continue and it was stated that there are differing standards across other areas with some application fees being cheaper.

It was agreed:

That the report be noted.

LSP.7 URGENT BUSINESS

No urgent business was reported at the meeting.

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/REVOCAION OF PRIVATE HIRE DRIVER LICENCES

Licence Holder 35/2021

The Executive Director (Operations) submitted a report relating to Applicant 35/2021 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 they had informed the Licensing department that they contacted Covid so were unable to be present.

Delegated decision:

The Committee deferred the application until the next Licensing and Safety Committee.

Licence Holder 34/2021

The Executive Director (Operations) submitted a report relating to Licence Holder 34/2021 who was in attendance at the meeting alongside his representative Mr Oakes. 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 presented by the Licensing Unit Manager, was accepted by the Licence Holder and his representative. This set out the reasons for the Licence Holder being before the

Committee.

The report stated that the Licence Holder had held a private hire driver's licence continually since 21 December 2015 until its expiry on the 29 July 2021. When he submitted an application to renew his private hire drivers' licence on the 5 July 2021, he was told that he could not proceed until he had completed the mandatory safeguarding training and obtained medical certification that he was fit to drive a private hire vehicle following an earlier heart attack. The medical certificate confirming his fitness to drive was received, but although he undertook safeguarding training on the 9 September 2021, confirmation of this was not obtained until December 2021 as the Applicant alleged, he never received his certificate.

In addition, as part of the initial online application he selected 'no' when asked "Do you have any convictions, fines or formal cautions?" and 'no' when asked "Have you been issued with any fixed Penalty notices. A subsequent check of Licence Holders DVLA driving licence indicated that he had in fact a conviction for speeding on 4 July 2021 for which he was fined £100 and given 3 penalty points. Although the offence was committed just before the Licence Holder submitted his renewal; he would have received written confirmation of the offence and had plenty of opportunity to notify the licensing service prior to the licensing service checking his DVLA record on the 17 January 2022. However, the Licensing Service had no record of this offence. Consequently, it was not declared within the correct time frame as stipulated in the private hire drivers licence conditions.

Mr Oakes advised the committee that the Licence Holder was very stressed by this situation and realised his mistake in not declaring the offence as he was driving a personal car and not working as a taxi driver at the time and had no intention of returning to private hire work. He did not believe he was required to notify the Licensing Service and has offered his apologies.

He has recently been unwell and is struggling financially which is why he is wishing to return to taxi work.

Upon questioning by the Licensing Manager, the Licence Holder stated that he had read and understood the licence conditions.

Delegated decision:

The Committee carefully considered the report and oral representations by the Licence Holder and their 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 take no action against the Licence Holder and to grant a licence for a three year period whilst reminding him of his responsibility to declare any future convictions within the timescales printed on the licence.

COUNCILLOR T HOLT
Chair

(Note: The meeting started at 1.00pm and ended at 2.18pm)