

Minutes of: **LICENSING AND SAFETY COMMITTEE**

Date of Meeting: 24 March 2022

Present: Councillor S Walmsley (in the Chair)
Councillors J Grimshaw, T Holt, G McGill, J Rydeheard,
C Walsh, S Wright 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
J Willis- Legal Services

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

Apologies for Absence: Councillors K Leach, J Lewis and M Smith

LSP.1 APOLOGIES FOR ABSENCE

Councillors K Leach, J Lewis and M Smith.

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 17th February 2022 be approved as a correct record and signed by the Chair.

LSP.4 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. He asked why Bury was the first authority across Greater Manchester following consultations to approve common minimum licensing standards, when other authorities have made amendments to them and others have paused the process. He then enquired and commented on the age restrictions on vehicles and the impact on local drivers within the standards and also questioned why accident damaged vehicles that had been written off will be refused licences, when these cars have previously been used on the road as taxis and Vosa (Vehicle and Operator Services Agency) approve them as roadworthy.

In response to the first question, the Licensing Unit Manager reported that the common minimum licensing standards had been through the Council's governance

process. Whilst Bury may have been the first to approve 6 other authorities had followed suit. Some minor amends had resulted in items such as bonnet stickers being paused for 2 years.

The Licensing Unit Manager went on to advise that the taxi trade did have an opportunity to put across their views during the consultation period in relation to age restrictions for vehicle. The results of consultation had been considered and the standards had now been adopted by the Council.

In relation to the last question, the Licensing Unit Manager referred to the report later in the agenda in relation to written off vehicles and advised that a decision would be taken by the Committee later in the meeting on this subject.

Mr Aijaz asked a question regarding a friend who had applied for a vehicle licence but it had failed the Council's Licensing standards due to the tinted windows on the vehicles. The Chair advised that it was not appropriate for the Committee to comment on individual cases and the Licensing Unit Manager added that direct engagement had taken place in relation to this matter and a report may be presented to a future meeting.

Mr Aijaz raised a further question on the same matter and asked why drivers were unaware of the policy change in November as it did not appear to be in the minutes from the Council meeting. The Licensing Unit Manager reported all drivers had been emailed in early December which contained a link to all the changes made in late November by full Council, the decision being to accept the recommendations in the report.

Mr Warraich then raised a query regarding an individual driver who had been to Pakistan and now had to apply as a new driver. The Chair advised that it was not appropriate for the Committee to comment on individual cases.

Mr Warraich raised a further question on common minimum licensing standards and local authorities who had not yet approved it and drew attention to Bolton Council, querying why they are referred to as 'common'. The Council's legal representative pointed out that although referred to as 'common' this was to promote consistency across Greater Manchester. However, Bury Council act in their own right as a local licensing authority, the standards had been through the correct governance process and it was for each Council to decide whether to adopt and enforce the standards as each has their own individual powers and legislation duties and obligations.

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:

The Licensing Service had dealt with a number of compliance and enforcement matters between the 7th February 2022 and the 6th March 2022.

SECOND TESTING STATION

The Licensing Service have recently met with Sunnybank Service Station, the successful bidder for the concessionary contract, to give them training on the policies and procedures relating to the testing of Hackney Carriage and Private Hire vehicles.

A review of the Testing Manual has taken place and a copy of the updated version was available on the Council's Website. There had not been any fundamental changes to the document.

The Licensing Service have been working to ensure that the on-line application forms have been updated, which will enable a smooth transition when the contract commences on the 1st April 2022.

A communications plan had been drafted which included a frequently asked questions page on the Council's website and updated guidance and information on the changes to the application process, including how vehicle proprietors can select their desired testing station. This information would be sent out to all drivers, operators, and Trade Associations before the commencement of the contract.

PARTNERSHIP WORKING

The Licensing Service have recently attended a meeting with Greater Manchester Police to discuss about the creation of a Tactical Licensing Meeting. All responsible authorities under the Licensing Act 2003 will be asked to attend to discuss any matters relating to licensed premises that are not promoting the four licensing Objectives which are:

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

This may result in review applications being submitted to the Licensing Hearings Sub-Committee for consideration.

STATISTICS (TELEPHONES)

Following the request of the Licensing and Safety Committee, included in the agenda packs was a weekly statistical breakdown of telephone calls to the Licensing Service:- The Licensing Service deal with a large number of different types of licences, registrations and consents and the calls displayed within the chart of the report may be from current licence holders, new applicants, Solicitors and members of the public. On the Licensing hunt group extension number there is a facility to leave a message which drops into the Licensing Inbox. The Licensing Service contact all individuals who have left messages as soon as possible. The Licensing Service are continuing to work with the "Lets Do it Once" Programme Board to ensure our processes have a digital offer for all new/existing licence holders.

The Licensing Manager added that a new computer package was currently being worked on which could enable online booking for MOT's.

NEW APPOINTMENT ENGAGEMENT OFFICER

The Licensing Service has secured external funding and appointed an engagement officer who is now working with the trade to provide support. This work includes contacting drivers whose licences are due to expire to explain the importance of renewing licenses on time and to encourage the early submission of renewal applications. The officer will also provide support and advice around the clean taxi fund linked to the GM Clean Air Zone, which is currently under review.

The Chair placed on record her thanks to the Licensing Manager and Licensing Team for their hard work and in relation to the creation of a second MOT testing station.

A Member thanked the Licensing service for details on telephone statistics and enquired if week 10 had been a problem due to the higher percent of answered calls. It was reported that one day during that week the workload consisted of a number of licensing applications to process and taxi plates to process, which were given priority. It was noted that if that single day was taken from the data than the figures for that week would have seen answered calls increase to 66%.

A Member enquired if the new engagement officer would have their contact details made publicly available. The Head of Public Protection reported that the officer would be based in the licensing service and their details would be shared with the trade.

It was agreed:

That the report be noted.

LSP.6 COMMON MINIMUM LICENSING STANDARDS (STAGE 2) WRITTEN OFF VEHICLES

The Executive Director (Operations) submitted a report to seek review of the Council's Policy in relation to written off vehicles.

The report relates to all existing Licensed Hackney Carriage/Private Hire vehicles in Bury and vehicles that are to be licensed as Hackney Carriage/Private Hire Vehicles in Bury in the future.

Following discussions with the GM Licensing Network, it is proposed to review this standard in its entirety and give consideration to a revised standard in relation to written off vehicles. It is recommended that the standard that has been previously approved be amended as follows:-

- Existing licence holders with vehicles that have previously been written off (in any category) will be permitted to renew their licence up to 31 March 2023.

It was agreed:

- (1) To review and amend the Council's Policy on written off vehicles to permit existing licence holders with vehicles that have previously been written off (in any category) to renew their licence up to 31 March 2023, pending a full review of this policy standard.
- (2) To note that the existing policy (adopted under MLS Stage 2) will apply only to new vehicle licence applications who will need to submit evidence to prove that the vehicle has not been written off in any category to the Licensing Service in the form of a Full HPI check.
- (3) To note that a full review of this policy standard will be undertaken by the GM Licensing Network in due course.

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/REVOCATION OF PUBLIC/PRIVATE HIRE DRIVER LICENCES

Licence Holder 35/2021

The Executive Director (Operations) submitted a report relating to Licence Holder 35/2021 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, which was accepted by the Licence Holder and presented by the Licensing Manager, set out the reasons for the Licence Holder being before the Committee.

The Licensing Manager reported that this Licence Holder was due to appear before the Committee at the last meeting, however due to him contracting Covid, members agreed to defer consideration to tonight's meeting.

The report stated that the Licence Holder had held a private hire driver's licence continually since the 10th July 2007. His most recent licence was issued on the 21st July 2021 and is due to expire on the 20th July 2024.

Since 2007, the Licensing Service had cause to contact this driver about a number of issues which were detailed in the report attached to the agenda pack which included 7 instances of missing door stickers, which is a condition of the Private hire vehicle

licence issued to that vehicle. The Licence Holder had been sent warning letters, copies of which were attached to the report. These advised the Licence Holder of the requirement to have door stickers and also asked the Licence Holder to present his vehicle for inspection with the correct stickers, but he failed to do so on each occasion.

On the 13th January 2022, the Licence Holders vehicle was seen on the Interchange car park in Bury Town Centre by the Licensing Enforcement Officer. It was noted that the vehicle was missing door stickers. When contacted regarding the matter, the Licence Holder stated that he needs to get his vehicle regularly polished to remove scratches due to the neighbourhood cats.

The Licence Holder stated that he loves his cars and regularly has it polished and therefore all the signage needs to be removed from his vehicle to ensure a good finish. He stated that he has regularly purchased door stickers before his vehicle is presented for a test and he has now got full signage on the vehicle. He apologised to the Committee as he didn't want to be in this position and explained he removes the stickers when polishing his car.

The Licensing Manager questioned the Licence Holder as to whether he had read the conditions of his licence and understood the reasons why stickers are placed on licensed vehicles. In response, the Licence Holder stated that he had probably read them but could not remember and stickers were to show which authority the taxi belonged to. The Licensing Unit Manager then pointed out that they are required in order that members of the public know the vehicle is licensed and who by.

A Member sought clarity as to whether the stickers could be reused after being removed from a vehicle and the Licensing Unit Manager advised they could not and new ones would have to be purchased. The Chair questioned the Licence Holder on understanding the importance of public safety in Bury by identifying a vehicle as a taxi via the display of stickers. The Licence Holder informed the meeting that he did but on further questioning as to why they had not been immediately replaced as required by the licence conditions on 7 occasions, the Licence Holder stated that the stickers were not on during transit from the car body shop to his home address. He also stated that he could not remember reading the letters requesting an inspection of his vehicle.

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 **suspend** the Licence Holder for a period of 6 months.

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

1. The breaches were of a serious nature, particular as the requirement for stickers on vehicles was intended to ensure members of the public were protected and safe and could identify a properly licensed vehicle.
2. The Licence Holder had repeated breaches of the licensing conditions.

3. The Licence Holder had failed to read the licensing conditions and warning letters requesting inspection of the vehicle.
4. The Licence Holder had disregarded the requests to present his vehicles for inspection on every occasion he was requested to do so.
5. The Licence Holder had demonstrated a complete disregard for the Licensing Authority, its licensing conditions and the importance of public safety.

Licence Holder 36/2021

The Executive Director (Operations) submitted a report relating to Licence Holder 36/2021 who was not in attendance at the meeting.

The Licensing Unit Manager confirmed the Applicant could not attend due to a family bereavement and was currently out of the country.

Delegated decision:

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

Licence Holder 37/2021

The Executive Director (Operations) submitted a report relating to Licence Holder 37/2021 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, which was accepted by the Licence Holder and presented by the Licensing Manager, 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 the 5th March 2010 until its expiry on the 4 March 2022. It had subsequently been extended without prejudice until the date of this committee hearing. Upon submitting an application to renew his private hire drivers' licence on the 13 February 2022, the Licence Holder was asked "Do you have any convictions, fines or formal cautions?" The selected 'no' but then selected 'yes' when asked "Have you been issued with any fixed Penalty notices and stated 'Exceeding statutory speed limit on a public road'". A subsequent check of this applicants DVLA driving licence indicated a convictions for speeding on 12 August 2019 for which he was fined £100 and received 3 penalty points.

This Licence Holder was subsequently contacted by a Licensing Officer, and he explained the background to the offence which was detailed in appendix 1 of the report attached to the agenda pack.

The Licence Holder apologised to the Committee and explained that it was his fault he had not been contacted by the Licensing Service and had been in the taxi trade for a number of years without any recorded incidents. The offence occurred when he was on holiday in Wales with his family and not carrying customers as a taxi and he stated that he had not realised he needed to report the offence. He asked the Committee to accept it was a genuine mistake and was entirely his fault.

Delegated decision:

The Committee carefully considered the report, and oral representations by the Licence Holder. The Committee noted the record of the Licence Holder and how long he had held a licence without having any complaints or convictions. They further noted his remorse, the apology and that he had accepted the error was due to a mistake, which the Licence Holder had learned a lesson from.

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.

COUNCILLOR S WALMSLEY
Chair

(Note: The meeting started at 7.00pm and ended at 8.10pm)