

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, 24 March 2022
Place:	Council Chamber, Bury Town Hall
Time:	7.00 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 3 - 10)*

The minutes of the meeting held on the 17th of February 2022 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 11 - 16)*

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

6 COMMON MINIMUM LICENSING STANDARDS (STAGE 2) WRITTEN OFF VEHICLES *(Pages 17 - 22)*

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 SUSPENSION/REVOCATION OF PUBLIC/PRIVATE HIRE DRIVER LICENCES *(Pages 23 - 60)*

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

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/REVOCATION 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)



Classification	Item No.
Open / Closed	

Meeting:	Licensing & Safety Committee
Meeting date:	24 March 2022
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 **7 February to 13 February**

Client

Complaint 3

Enforcement 8

Operator

Complaint 2

Enforcement 1

Premises

Complaint 2

Compliance 3

Enforcement 5

Vehicle

Enforcement 13

Complaint 2

Compliance 1

2.3 **14th February to 20th February**

Clients

Complaint 3

Enforcement 1

Intel 2

Operators

Complaint 2

Premises

Enforcement 3

Vehicle

Complaint 2

Enforcement 4

2.4 **21st February to 27th February**

Client

Complaint 4

Enforcement 6

Operators

Complaint 1

Enforcement 1

Premises

Enforcement 14

Vehicle

Enforcement 13

2.5 **28th February until 6th March**

Client

Complaint 6

Enforcement 1

Operator

Complaint 2

Premises 0

Vehicle

Enforcement 5

3.0 SECOND TESTING STATION

- 3.1** 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.
- 3.2** A review of the Testing Manual has taken place and a copy of the updated version is available on the Council's Website. There has not been any fundamental changes to the document.
- 3.3** 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.
- 3.4** A communications plan has been drafted which includes 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 will be sent out to all drivers, operators, and Trade Associations before the commencement of the contract.

4.0 PARTNERSHIP WORKING

- 4.1** 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.

5.0 STATISTICS (TELEPHONES)

- 5.1** Following the request of the Licensing and Safety Committee, please find below a weekly statistical breakdown of telephone calls to the Licensing Service:-

Weeks	Calls Offered	Calls Answered	Hunt Group % Calls Answered	Calls Abandoned	Hunt Group Calls to Voicemail	Avg Call Handling Time
7	226	142	60.2	18	76	0.02.14

8	220	158	71.8	24	38	0.02.18
9	197	134	68.0	17	46	0.02.09
10	285	128	44.9	37	120	0.01.46

- 5.2 The Licensing Service deal with a large number of different types of licences, registrations and consents and the above calls 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.

6.0 NEW APPOINTMENT ENGAGEMENT OFFICER

- 6.1 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.



Classification	Item No.
Open / Closed	

Meeting:	Licensing and Safety Committee
Meeting date:	24 March 2022
Title of report:	Common Minimum Licensing Standards (Stage 2) – Written off Vehicles
Report by:	Executive Director (Operations)
Decision Type:	Council
Ward(s) to which report relates	All

Executive Summary:

This report seeks to review the Council's Policy in relation to written off vehicles.

Recommendation(s)

Introduction

This 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.

Recommended Options

- 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.
- 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.

- To note that a full review of this policy standard will be undertaken by the GM Licensing Network in due course.

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

Enterprise – The proposed amendment to existing policy will support and facilitate economic growth and sustainability within the taxi trade, whilst maintaining public safety.

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

There are no Equality and Diversity implications in respect of this report

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
Risk – If no amendment to existing policy is agreed the taxi trade will be adversely impacted if they currently have a written off licensed vehicle.	Proposed amendment will allow affected vehicle licence proprietors time to access the clean taxi fund when made available.
Risk – Currently unknown how many vehicles may be affected by the vehicle written off standard as Bury Council have not previously collected this data.	Process being developed to amend existing checks for new/renewal applications to ascertain the vehicle (written off) status.

Consultation:

Not applicable. This issue has arisen due to the pause and delay of the clean taxi fund and recent understanding that more vehicles may be affected than initially projected.

Legal Implications:

Under the legislation the Council is required to determine the application. 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 travelling 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:

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.

Report Author and Contact Details:

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Background papers:

Report and Minutes of the Licensing and Safety Committee – 11 November 2021

Report and Minutes of Full Council – 24 November 2021

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

Term	Meaning
MLS	Minimum Licensing Standards

1.0 Background

- 1.1 Members will recall the consideration of the report relating to the Stage 2 (Vehicles) Minimum Licensing Standards (MLS) on the 11 November 2021. Members of this Committee noted the report and recommended that Council approve and adopt the following in relation to written off vehicles:

No vehicle first being licensed will have been written off in any category and will not be renewed (if previously written off) after 1 April 2022.

- 1.2 On the 24 November 2021, Full Council approved the above decision of the Licensing and Safety Committee.

2.0 Issues

- 2.1 At the time the above proposal was made it was envisaged that those licence holders affected would have access to the funding support scheme (Clean Taxi Fund) in January 2022 and it was considered that these vehicles needed to be replaced as soon as possible.
- 2.2 Members will be aware of the trades concern relating to this issue, as it has been raised in public question time on a number of occasions at the Licensing and Safety Committee since the adoption last year. The issues raised, in brief, are:
- Certain categories of written off vehicles are non-structural damage (rendered uneconomical to repair by insurance companies) and the trade have asked that districts reconsider permitting these to be licensed.

- Some licensed vehicle proprietors have indicated that the (currently worded) standard would exclude vehicles that have previously been written off under the non-structural damage category. Such excluded vehicles could be of a relatively low age, be emissions compliant, and could have outstanding finance. Such circumstances could have significant financial implications in the current economic climate.
- If the standard remains too restrictive, it could risk vehicle damage not being reported to insurers and increase the general risk of vehicle safety.

2.3 The Licensing Service have not previously recorded vehicles that have been written off at time of the vehicle licence application. In order to permit certain categories of previously written off vehicles onto the fleet, further vehicle testing requirements will be needed to satisfy authorities as to the safety integrity of the vehicle to be licensed. This needs additional research and consideration by licensing authorities at this stage.

2.4 Existing licence holders who have these vehicles already on the fleet require some flexibility to provide adequate notice to replace the vehicle if necessary and/or to access funding if/when it becomes available.

2.5 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.

2.6 It is proposed that the standard (not licensing vehicles that have previously been written off in any category) still apply to new vehicle licence applicants pending the full review of this policy standard. Whilst the position may change upon the conclusion of this review, it is unclear at this stage what would constitute adequate provision to ensure the safety of vehicles that have previously been written off. There is no adverse impact to the existing fleet in these circumstances. It is proposed that any new vehicle coming onto the fleet in Bury as a Hackney Carriage/Private Hire Vehicle, the vehicle proprietor will have to satisfy the Licensing Service that the vehicle has not been written off in any category by supplying evidence which identifies whether the vehicle has been previously written off. The evidence that would need to be supplied to the Licensing Service would be a full HPI check that details the written off status of the vehicle. Any costs associated with this new requirement would have to be paid by the vehicle proprietor prior to making the application to licence the vehicle. Internet research has found that such a check can be undertaken for under £10.00.

2.7 As a previously written off vehicle cannot be licensed after 1 April 2023 if the extension is approved, existing vehicle proprietors at renewal application stage

will need to undertake a full HPI check on their vehicle and provide evidence as previously mentioned at every renewal thereafter.

- 2.8 If a vehicle proprietor wishes to change their licensed vehicle for any reason during the course of the existing vehicle licence a full HPI check would be required on the replacement vehicle.
- 2.9 The Licensing Service will continue to work with the GM Licensing Network and develop a process to enable vehicle applications to be scrutinised as to their suitability to be licensed in Bury.

3.0 Conclusion

Members are requested to consider the following recommendations:

Recommendations

- 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.
- 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.
- To note that a full review of this policy standard will be undertaken by the GM Licensing Network in due course.

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

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