

Minutes of: LICENSING AND SAFETY COMMITTEE

Date of Meeting: 9 June 2022

Present: Councillor S Walmsley (in the Chair)
Councillors N Boroda, S Donnelly, J Grimshaw, G Marsden,
G McGill and J Rydeheard

Also in attendance: Councillors R Brown, K Hussain & I Rizvi
M Bridge- Licensing Unit Manager
M Cunliffe – Democratic Services
B Thomson- Head of Public Protection
J Witkowski – Council Solicitor

Public Attendance: 6 members of the public were present at the meeting.

Apologies for Absence: Councillor M Smith

LSP.1 APOLOGIES FOR ABSENCE

Councillor 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 both Private Hire and Hackney Carriage drivers.

LSP.3 MINUTES OF PREVIOUS MEETING

Delegated decision:

That the Minutes of the last meeting held on the 20th April 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 although no questions had been pre submitted or were verbally asked at the meeting.

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 4th April and the 15th May 2022.

SECURITY OF LICENCES

The Licensing Service were seeking a prosecution of a driver who produced a

Fraudulent Private Hire Drivers Licence to his Private Hire Operator in order that he could continue working. As a consequence of this investigation holograms are now to be added to all licences as an extra security measure.

Operators have been informed to check for this when a licence is produced to them and have been informed to always ask for the original and not a copy/photocopy of official documentation.

AMENDMENT OF PRIVATE HIRE VEHICLE CONDITIONS

Stage 2 Minimum Licensing Standards was approved at full Council on 24th November 2021 and part of this was new conditions for Private Hire Vehicle Licences. All Private Hire Vehicle Licences issued on or after 25th November 2021 are now subject to the new conditions. Bury were the first Licensing Authority in Greater Manchester to implement Stage 2 Common Minimum Licensing Standards. Due to unexpected delays with the implementation of Stage 2 Minimum Licensing Standards across Greater Manchester, details regarding previous signage requirements were omitted from private hire license conditions. This omitted information was detailed in the report attached to the agenda packs listed under condition 5.

A new set of conditions containing the information was sent out to all affected licences on 6th May which replaced the conditions that were previously attached to affected licences. The conditions have been amended for all private hire vehicle licences being issued going forward. Any new conditions related to vehicle signage will be brought before the Licensing & Safety Committee and included in the report on new vehicle livery and signage as specified in the Stage 2 Minimum Licensing Standards report.

PARTNERSHIP WORKING

Licensing Enforcement Officers worked alongside GMP on the evening of Friday 29 April. Fifteen premises were visited across the borough and checks carried out. Three premises were advised to obtain Challenge 25 signage (signage to advise that ID is needed to purchase alcohol if you appear to be under the age of 25), two premises were advised as they were not displaying the summary of their licence and one takeaway was advised that they were not permitted to open past 11.00pm and must obtain a licence if they wished to do so.

FEE INCREASE

6=Under Section 70(3) of the Local Government (Miscellaneous Provisions) Act 1976 notice was given on 14 April 2022 of the proposal to increase the current fees charged in respect of licences for Hackney Carriage Vehicles, Private Hire Vehicles and Private Hire Operators. The 28 day objection period for this ended on 12 May 2022 and no objections were received. Therefore the new fees to be implemented are as below.

Vehicles under 3 years old	£238.00 (£182.00 plus £56.00)
Vehicles over 3 years old	£294.00 (£182.00 plus £112.00)
Private Hire Operators 1-2 vehicles (1 Year)	£288.00
Private Hire Operators 3 or more vehicles (1 Year)	£410.00
Private Hire Operators 1-2 vehicles (5 Year)	£1401.00
Private Hire Operators 3 or more vehicles (5 Year)	£1955.00

A member enquired when a review into the new design of licenses which included holograms would be conducted and it was stated by the Licensing Unit Manager that an update report would be produced for a future meeting in relation to badges.

Another question raised from the report was what work with the taxi trade had been undertaken in relation to concerns of vehicle livery on a local level. The Head of Public Protection reported that the trade liaison meetings started again in April with another taking place mid-June with attendance by GMP. Standing items of concern would be on the agenda and a further report on this matter would be produced in the future for this committee.

Whilst it had been reported that no objections had been received in relation to fee increases a Member asked had an assessment been undertaken on the numbers of taxi licences as there had been a decrease of Hackney Carriage vehicles in recent years. Another Member asked what the justification was for the increased figure. Upon request by the Chair, the Licensing Unit Manager would circulate the data to the Committee regarding the number of vehicles/licenses for Bury and added that the fees are for running the application process and testing procedures.

It was agreed:

That the report be noted.

LSP.6 URGENT BUSINESS

No urgent business was reported at the meeting.

LSP.7 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.8 APPLICATION TO GRANT A PRIVATE HIRE VEHICLE LICENCE CONTRARY TO CURRENT POLICY

The Executive Director (Operations) submitted a report relating to an application for the grant of a private hire vehicle licence contrary to current Council policy.

The Applicant and a family member who acted as his representative, attended 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 Applicant and presented by the Licensing Unit Manager, set out the reasons the application had been brought before the Committee.

The Licensing Unit Manager reported that the Common Minimum Licensing Standards for Vehicles had been agreed and adopted by the Council in November 2021. This included a requirement in relation to vehicle standards regarding the age of vehicles, namely that for private hire vehicles, only those under 5 years of age were to be allowed onto the fleet and vehicles would not be allowed to remain on the fleet from 10 years of age.

The Licensing Unit Manager went on to explain that following the introduction of this standard the Licensing Service sent an email to all licence holders on

the 3rd December 2021 informing them of the new changes that had been implemented and giving the link to the Council's website to enable licence holders to view the changes.

On 1st April 2022, the Licensing Service received an email from the Applicant advising that he had tried to complete an online application to licence a private hire vehicle but had not been able to. Enquiries of the Applicant revealed that the vehicle had been involved in an accident in November 2021 and as a result, its licence had been suspended by a Licensing Enforcement Officer on 30 November 2021 following severe damage to the front and rear offside doors, front off side wheel arch and rear off side door sill. The vehicle had previously been licensed by the Applicant from 9 November 2017, but it had expired on 8 February 2022 and a renewal application had not been made.

The Applicant stated that the vehicle had been repaired and was ready for use on 23 March 2022. However as he was unable to apply for a new licence on line he stated he had tried to telephone the Licensing Service on 25th and 28th March but there was no answer. He did state that he had left a voicemail but the Service advised there was no record of this. He then stated that he had managed to speak to an advisor on 29th March and received the link to apply on 30th March. On 1st April he then tried to apply but due to the vehicle being over 5 years old at that time, a new application could not be made as the online application system is set to automatically reject any application that does not meet the age policy. At that date, it was over 5 years old as its date of registration is 31 March 2017.

The Applicant explained to the Committee that he had no knowledge of the new standards policy relating to the age of a vehicle and the reasons for delays were in relation to receiving insurance money to repair the vehicle. He also stated that the repairs to the vehicle had taken some time, that the vehicle was in good condition, had a valid MOT and that the vehicle was only 8 hours outside the age policy. It was admitted that the Applicant had not read the original suspension notice which required works to be completed within 2 months or the licence would be revoked. It was also accepted that the email address used by the Licensing Service for the Applicant was correct and that the Applicant had not spoken to the Licensing Service about the delay in the repairs to the vehicle being undertaken.

Members were provided with clarity from the Licensing Unit Manager that the vehicle had an MOT but had not been through the Council's compliance checks in relation to his application for the grant of a hackney carriage licence

Delegated decision:

The Committee carefully considered the report, and oral representations by the Applicant and his representative and after giving due consideration to the application the Committee resolved, **to refuse to grant** the vehicle licence application.

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

- The application was contrary to Council policy of Common Minimum licensing standards.
- The standards had been implemented in order to ensure public safety at all times and that vehicles on the fleet were of a high standard.
- The Applicant had let his licence expire and had made no effort to keep the Licensing Service informed from the time of the accident in November 2021 to the end of March 2022.

- It was the Applicants responsibility to comply with the requisite standards, ensure all communications from the Licensing Service were read, noted and adhered to and he had failed to do so.
- The alleged attempts to contact the Licensing Service could not be validated.
- The Committee did not accept the explanations made by the Applicant and his representative.
- The private hire vehicle licence had lapsed due to the vehicle not being repaired within two months of the suspension notice.

LSP.9 SUSPENSION / REVOCATION OF PUBLIC / PRIVATE HIRE DRIVER LICENCES

Licence Holder 1/2022

The Executive Director (Operations) submitted a report relating to Licence Holder 1/2022 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 29 October 2009 until its expiry on the 14 April 2022. He submitted an application to renew his private hire drivers' licence on the 12 February 2022. As part of the application the applicants are asked if they have any traffic offences as these must be declared irrespective of when they occurred. The Licence Holder selected 'no' when asked "Do you have any convictions, fines or formal cautions?" and then selected 'yes' when asked "Have you been issued with any fixed Penalty notices and stated '3 points for speeding fine 38 mph'. A subsequent check of the applicants DVLA licence revealed a conviction for speeding on 21 November 2021 for which the Licence Holder received 3 penalty points and a fine of £100.

The Licensing Service has no record of this offence. Consequently, it has not been declared within the correct time frame as stipulated in the private hire drivers licence conditions.

The Licence Holder would also have received an email sent to all licensed drivers by the Licensing Unit Manager on 27th May 2021 reminding them of the conditions attached warning them of the need to declare all motoring convictions and fixed penalty notices in a timely manner.

When contacted by the Licensing Enforcement Officer for an explanation, the Licence Holder explained that he had been in the trade for over 30 years both as a driver and Operator and accepted that he should have known to disclose the offence. He stated he was very sorry for his oversight and would be aware of the requirement in the future. When asked about the email that was sent out in May 2021, he did not recall reading or receiving it.

The Licence Holder apologised to the Committee and explained he must have disregarded the email sent in May 2021 and it was an oversight on his part and the matter would not be repeated again. He confirmed he had been in the business for 39 years and was sole guardian for his daughter.

The Licence Unit Manager asked if the Licence Holder had read the conditions printed on his licence and he stated that he had not read them recently but going forward would refresh himself with them.

The Licence Holder also submitted a letter of support from a taxi operator he undertakes school contract work for, confirming there have been no complaints or concerns regarding the Licence Holder and that his work was of a high standard. He also provided information in relation to being a sole guardian for his child and evidence of qualifications and certificates relevant to his work such as safeguarding. All of this information was read out by the Chair of the Committee to Members.

Delegated decision:

The Committee carefully considered the report, oral representations by the Licence Holder and the additional information supplied. The Committee noted and accepted the explanation provided and the remorse shown for the error. The Committee reminded the Licence holder to read all the licensing conditions.

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 licensee** as to future conduct.

Licence Holder 2/2022

The Executive Director (Operations) submitted a report relating to Licence Holder 2/2022 who was in attendance at the meeting alongside his representative Mr Ahmed. 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 20 June 2013 until its expiry on the 15 May 2022. It has subsequently been extended without prejudice until the date of this committee hearing. This Licence Holder had submitted an application to renew his private hire drivers' licence on 5 April 2022. As part of the application traffic offences must be declared irrespective of when they occurred. In this case the Licence Holder selected 'no' when asked "Do you have any convictions, fines or formal cautions?" and then selected 'yes' when asked "Have you been issued with any fixed Penalty notices and stated '6 points'. A subsequent check of the applicants DVLA licence revealed that the Licence Holder had received a conviction for speeding on a motorway on 27th August 2020 for which he received 6 penalty points and a fine of £200.

The licensing service has no record of this offence. Consequently, it has not been declared within the correct time frame as stipulated in the private hire drivers licence conditions.

The Licence Holder would also have received an email sent to all licensed drivers by the Licensing Unit Manager on 27th May 2021 reminding them of the conditions attached warning them of the need to declare all motoring convictions and fixed penalty notices in a timely manner.

When contacted by the Licensing Enforcement Officer for an explanation, the Licence Holder explained that he was speeding on the motorway as he was rushing to get home. He accepted that he made a silly mistake but stated that he did not know that speeding offences had to be disclosed immediately and he told the service as soon as he realised he needed to. He has apologised and will be aware going forward. When asked about the email that was sent out in May 2021 the client does not recall reading or receiving it.

The Licence Holder's representative apologised to the Committee on his behalf and explained he was a single parent of 3 children and the income provider for his family. It was explained

that due to Covid there was a long delay period in receiving the penalty points and this added to him forgetting to inform the Council of the offence. He went on to add that the Licence Holder was of previous good character and that this was an error and misjudgement on his part. He was very sorry and no disrespect was intended.

The Licence Unit Manager asked if he had read the conditions printed on his licence and he answered yes but the delay in receiving the points had made him forget and it was a genuine mistake and would not happen again,

Delegated decision:

The Committee carefully considered the report, and oral representations by the Licence Holder and his representative. The Committee noted and accepted the reasons provided and the remorse shown for the error. The Committee reminded the Licence holder of their responsibility to read all the licensing conditions and any email communications sent from the Council.

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 licensee** as to future conduct.

Licence Holder 3/2022

The Executive Director (Operations) submitted a report relating to Licence Holder 3/2022 who was in attendance at the meeting alongside his representative Mr Ahmed. 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 16 September 2010 until its expiry on the 7 April 2022. The Licence Holder submitted an application to renew his private hire drivers' licence on the 21 March 2022. As part of the application the Licence Holder selected 'no' when asked "Do you have any convictions, fines or formal cautions?" and then selected 'yes' when asked "Have you been issued with any fixed Penalty notices. He then went on to declare 3 convictions for speeding on 18th May 2018, 28th August 2021 and 21st January 2022 for which the Licence Holder received 3 penalty points on each occasion and a fine of £100 on the last two occasions.

A subsequent check of this applicant's DVLA driving licence confirmed these offences. The licensing Service had previously been told about the expired offence from May 2018, but has no record of the two most recent offences. Consequently, they have not been declared within the correct time frame as stipulated in the private hire drivers licence conditions.

The Licence Holder would also have received an email sent to all licensed drivers by the Licensing Unit Manager on 27th May 2021 reminding them of the conditions attached warning them of the need to declare all motoring convictions and fixed penalty notices in a timely manner.

When contacted by the Licensing Enforcement Officer for an explanation, the Licence Holder explained that on one occasion he had been caught by a fixed camera on Hilton Lane, Prestwich and on the other occasion he was caught by a mobile speed camera van on Manchester Street, Oldham. He was unaware of the requirement to declare speeding offences and thought it was sufficient to notify the Licensing Service at the time of his renewal. When asked about the email that was sent out in May 2021 he did not recall reading or receiving it. He has apologised and will be aware of the requirement in the future.

The Licence Holder's representative apologised to the Committee on his behalf and explained he was the main income provider for his family. It was commented that this was his sole job and it was an oversight on his behalf in thinking he only needed to disclose the offences upon renewal of his licence. He stated that the Licence Holder now appreciates this is incorrect. He again apologised and stated that no disrespect was intended.

The Licence Unit Manager asked if he had read the conditions printed on his licence and he answered his reading of English was not the best but he understood the conditions.

Delegated decision:

The Committee carefully considered the report, and oral representations by the Licence Holder and his representative. The Committee noted accepted the reasons provided and the remorse shown for the error. The Committee reminded the Licence holder of their responsibility to read all the licensing conditions and any email communications sent from the Council.

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 licensee** as to future conduct and highlight the number of previous offences.

COUNCILLOR S WALMSLEY
Chair

(Note: The meeting started at 7.00pm and ended at 8.45pm)