

**AGENDA FOR**  
**LICENSING AND SAFETY COMMITTEE**



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**To: All Members of Licensing and Safety Committee**

**Councillors :** S Walmsley (Chair), R Brown, N Boroda,  
J Grimshaw, K Hussain, G Marsden, G McGill, I Rizvi,  
J Rydeheard and M Walsh

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:-

<b>Date:</b>	Tuesday, 22 November 2022
<b>Place:</b>	Council Chamber, Bury Town Hall
<b>Time:</b>	7.00 pm
<b>Briefing Facilities:</b>	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.
<b>Notes:</b>	

## **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 1st September 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 - 24)*

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

### **6 URGENT BUSINESS**

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

### **7 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.

### **8 SUSPENSION/REVOCAION OF PUBLIC/PRIVATE HIRE DRIVER LICENCES** *(Pages 25 - 62)*

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

### **9 APPLICATIONS FOR PUBLIC/PRIVATE HIRE DRIVER LICENCES** *(Pages 63 - 68)*

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

**Minutes of:** LICENSING AND SAFETY COMMITTEE

**Date of Meeting:** 1 September 2022

**Present:** Councillor S Walmsley (in the Chair)  
Councillors R Brown, N Boroda, S Donnelly, J Grimshaw,  
K Hussain, G Marsden, G McGill, I Rizvi, J Rydeheard and  
M Walsh

**Also in attendance:** L Jones- Deputy Licensing Unit Officer  
M Cunliffe – Democratic Services  
A Green – Council Solicitor  
B Thomson- Head of Public Protection

**Public Attendance:** 1 member of the public was present at the meeting.

**Apologies for Absence:** M. Bridge- Licensing Unit Manager

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**LSP.1 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of the Licensing Unit Manager, M Bridge.

**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.

Councillor Hussain declared he attended the same mosque as the applicant in relation to agenda item 8 but was not a close associate of the applicant so would remain in the meeting for discussion of the item.

**LSP.3 MINUTES OF PREVIOUS MEETING**

**Delegated decision:**

That the Minutes of the last meeting held on the 14<sup>th</sup> July 2022 be approved as a correct record and signed by the Chair.

**LSP.4 PUBLIC QUESTION TIME**

One members of the public was 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 4<sup>th</sup> July and the 21<sup>st</sup> August 2022.

## COMPLIANCE VISIT TO GAMBLING PREMISE

On the 9<sup>th</sup> July 2022, officers from the Public Protection Service carried out an informal test purchase exercise at a premises licensed under the Gambling Act 2005, children were able to play on category C machines without being challenged. Licensing Officers have issued a warning to the holder of the Licence and have notified the Gambling Commission.

## SCRAP METAL DEALERS APPLICATION

Following a multi-agency operation, a scrap metal premises was visited by Greater Manchester Police and Licensing Officers. Officers were notified that the business had been sold this resulted in officers issuing a closure notice to the new owner. He was advised that a new application would have to be made under the Scrap Metal Dealers Act 2013.

The Licensing Service received an application which resulted in the Council's Authorised Officer (Head of Public Protection) holding a hearing on the 4<sup>th</sup> July 2022. After consideration of the application, it was determined that the application be refused.

## DELEGATIONS TO OFFICERS

Following the decision of this Committee delegating to officers the power to issue warning letters, as of the 16<sup>th</sup> August 2022, seven warning letters have been issued following consideration by the Licensing Unit Manager.

## CERTIFICATE OF THANKS

Members will be aware that the Licensing Service issue permits for charitable collections. The Licensing Service have received a Certificate of Special Thanks which was issued on the 11<sup>th</sup> July 2022 from the Christie organisation for supporting a collector who has been doing this for over 20 years.

## OUTCOME OF APPEAL

Members will recall a matter that was considered in relation to a private hire driver who had his licence revoked with immediate effect due to his driving. The driver appealed the Council's decision to the Magistrates Court. The Magistrates dismissed his appeal and awarded the Council £1,200 court costs.

## HACKNEY FARE INCREASE

Members will recall that the proposed Hackney Fare increase was agreed at the last Committee. The advert for the proposed fares was placed in the Bury Times on 28<sup>th</sup> July and passed through the 14 day representation period without any being received. Therefore implementation of the new fares can now start

to take place. It has been arranged for the Hackney meters to begin being changed on the 6<sup>th</sup> September. Licensing Enforcement Officers will then test and seal the meters on 13<sup>th</sup> and 14<sup>th</sup> September.

#### CLEAN AIR UPDATE

Greater Manchester (GM) remains under a legal direction to deliver compliance with legal nitrogen dioxide (NO<sub>2</sub>) limits in the shortest possible time and by 2026 at the latest. GM local authorities have submitted the case for a new Greater Manchester Clean Air Plan (GM CAP) to government. A response is expected from government after the new Prime Minister is in place.

The case for a new plan sets out evidence supporting an investment-led approach, with no charging Clean Air Zone, to address the city-region's NO<sub>2</sub> air pollution problem. An investment-led, non-charging GM CAP will aim to encourage upgrade to cleaner vehicles, leading to better air quality, by targeting financial support at category B vehicles, which includes buses, coaches, taxis, PHVs and HGVs. Funding is not proposed for vans, LGVs and minibuses (unless a minibus is licensed as a PHV), as these are category C classified vehicles. Private cars, motorbikes and mopeds are not included in Greater Manchester's Clean Air Plans.

Modelling shows that NO<sub>2</sub> exceedances become more localised from 2025 onwards, with breaches only forecast at specific locations in Manchester, Salford and Bury. New opportunities, via the approval of bus franchising and new funding for electric buses, mean GM could directly tackle sources of emissions in a different, more targeted way. Unlike the previous charging category C Clean Air Zone scheme defined by government guidance, the investment-led approach seeks to attend to the cost-of-living crisis, actively considers the ongoing impacts of the pandemic and the global vehicle supply chain.

The next steps while GM waits for feedback from government are that participatory policy development will take place with key stakeholders to develop and shape the new Clean Air Plan Policy, including proposals for funding support, in line with the investment-led, non-charging approach. A public consultation on the new Clean Air Plan proposals will then take place in early 2023, subject to government feedback.

Councillor Rydeheard enquired about the timescales and advertisement of the participatory policy development with key stakeholders to develop the new Clean Air Plan Policy. The Head of Public Protection reported that this would be conducted by TFGM and information would be shared with the trade representatives as soon as it was received.

Councillor Donnelly asked on what grounds was the scrap metal dealers licence rejected. The Deputy Licensing Unit Officer reported this was due to previous criminal convictions of the applicant.

**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 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 Applicant and presented by the Deputy Licensing Unit Officer, set out the reasons the application had been brought before the Committee.

The Deputy Licensing Unit Officer reported that Members would recall a report relating to Stage 2 of the Common Minimum Licensing Standards (Vehicles) that was considered by this Committee on the 11<sup>th</sup> November 2021 and Full Council on the 24<sup>th</sup> November 2021. Members resolved to implement the Lead Officers recommendations in the report for vehicle standard 2 (Vehicle Age) which stated the following:-

To implement the following as the minimum standard:

- PHV – under 5 years on to fleet and 10 years off

Following the introduction of this standard the Licensing Service sent an email to all licence holders on the 3<sup>rd</sup> 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. The content of the email was included in the agenda pack report.

The Licensing Services computer system has been checked and the email address held for the applicant is correct.

Members were made aware that licence holders are able to submit their renewal applications to the Licensing Service up to 8 weeks in advance of the licence expiry.

The applicant was the holder of private hire vehicle licence which expired on the 28<sup>th</sup> June 2022.

On the 28 June 2022, the same day his vehicle licence expired, the applicant stated that he accessed the Council's website to make a renewal application in respect of the above vehicle however the applicant is unable to prove this. The applicant did not contact the Licensing Service to check that their application had been successfully submitted.

The applicant did not make any payment online. The online application system is set up so that a successful application is only achievable if payment is made. Only then would it be received by the Licensing Service. As this was not the case, the vehicle licence renewal application was never received by the Licensing Service. Therefore, the private hire vehicle licence in question had expired.

On the 29<sup>th</sup> June 2022, the applicant spoke to the Senior Licensing Advisor after their private hire vehicle licence had expired, the applicant was asked why they had not submitted their application in good time before the vehicle licence expired. The applicant stated that had not realised when the expiry date was. The applicant has advised the Licensing Service that he was not able to pay for the private hire vehicle licence renewal application due to the payment screen not being shown. The applicant stated due to the application screen saying "Thank you for completing your vehicle application. You have requested to have the compliance test for your Hackney Carriage/Private hire vehicle undertaken at Sunnybank Service Station" that his application had been successful. He believed that he would be contacted to pay the application fee and was waiting for an advisor to contact him to take payment or invite him to the town hall to make payment. It was explained that such a facility had not been in place since the start of the pandemic and the licensing desk in the town hall is no longer in operation.

On the 30<sup>th</sup> June 2022, the Licensing Service received an email from the applicant alleging that he had tried to submit an application online on the 28<sup>th</sup> June but was unable to make the payment for the application. He wanted to know how to make the payment so he could get a date for his vehicle to be tested. The Licensing Service is unable to substantiate the claim that the payment system was not working. A subsequent review shows that the Council received 4 applications on the 28<sup>th</sup> June. All applicants successfully made payments online via the Council's website. No problems were reported by members of the public or internally by Licensing or ICT officers. This was attached at Appendix 1 in the agenda pack report.

On the 1<sup>st</sup> July 2022, the Licensing Unit Manager responded to the applicant informing them of the Council's position in respect of the vehicle licence. Attached at Appendix 2 of the report.

On the same day, the applicant responded twice to the Licensing Service by email indicating that he was not happy with the reply sent by the Licensing Unit Manager and submitted three photographs showing the pages of the application form online. The Licensing Service are unable to verify when these images were taken. The images do not provide any evidence to substantiate the claim the payment service was not working given the information above. These were attached at Appendices 3 to 6 in the report.

Due the Licensing Unit Manager being out of the office, the applicant received his out of office email.

On the 4<sup>th</sup> July 2022, the Licensing Unit Manager responded to the applicant requesting for a copy of the acknowledgement email for the application and the reference number which starts with the prefix LC to be sent to him for this to be investigated further. Attached at Appendix 7 in the report.

On the 8<sup>th</sup> July 2022, the Licensing Unit Manager responded to the applicant to inform him that he had made enquiries with the Council Officer who is responsible for the online applications, and she confirmed that the application had not been received by the Licensing Service. In addition, it was noted that the applicant had not provided a copy of the acknowledgement email or the application number to the Licensing Service. The Licensing Unit Manager indicated that he considered the matter closed. Attached at Appendix 8 in the report.

On the 25<sup>th</sup> July 2022, the applicant contacted the Licensing Service requesting a meeting with the Licensing Unit Manager so he could explain the whole situation as to what happened. Attached at Appendix 9 in the report.

The Licensing Unit Manager arranged for a meeting to take place on the 3<sup>rd</sup> August 2022 at 9.00am. The meeting took place with the applicant, the Licensing Unit Manager and the Licensing Enforcement Officer. Notes were taken at the meeting which are attached at Appendix 10 in the report.

On the 3<sup>rd</sup> August 2022, the Licensing Service sent an email to the applicant requesting him to complete an application for a new private hire vehicle so that this could be put before Members for decision. Attached at Appendix 11 in the report.

Later the same day, the Licensing Service received an application for the grant of a private hire vehicle licence from the applicant in respect of the vehicle in question. Attached at Appendix 12 in the report.

The Deputy Licensing Unit Officer reported if members were minded to deviate from Council Policy and grant a private hire vehicle licence, the applicant would be required to pay for two compliance tests (£112 - £56 per test) and present their vehicle at the authorised testing station for testing.

The Applicant explained to the Committee that since the start of Covid it had been difficult for his income and he had purchased a vehicle via a loan from a friend. Other factors which had caused him to be overwhelmed included a flood in Bangladesh which had damaged his house and a road traffic collision at the end of May.

The Applicant stated he had completed the online form and had the money in the bank to pay for the licence fee. He repeated that he had made attempts to visit the Town Hall and make payment over the telephone.

The Deputy Licensing Unit Officer enquired why the applicant had left it so late to renew the licence and he repeated that there were a number of issues which occurred

at the same time although he had submitted his unsuccessful online application before the deadline.

A Member asked the applicant when he was out of the country dealing with his flood damaged property and it was stated this was at the end of March. The Member asked why this had affected him when the licence expired 2 months later he repeated that other factors had been taking place in his life and he had never been late with a renewal before.

The Chair asked if the applicant had read the licence terms for the renewal process and again why was it left so late to apply. The applicant mentioned a divorce in his personal life along with other factors mentioned previously which had overtook him.

A discussion took place about the online renewal process and receiving reference numbers and which screen allows payment to be made.

A Member had sympathy for the applicant but had concerns with the lack of evidence to prove the application process was not working correctly.

**Delegated decision:**

The Committee carefully considered the report, and oral representations by the Applicant and after giving due consideration to the application the Committee resolved, **to grant** the vehicle licence application contrary to policy subject to the vehicle passing the compliance test.

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

- The non submitted online application was a genuine mistake.
- No other issues had been reported previously
- The panel had sympathy for the applicant's personal circumstances but felt the explanations were sufficient and attempts had been made to resolve the issues

**COUNCILLOR S WALMSLEY**  
**Chair**

**(Note: The meeting started at 7.00pm and ended at 7.45pm)**

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<b>Classification</b>	<b>Item No.</b>
<b>Open / Closed</b>	

<b>Meeting:</b>	Licensing & Safety Committee
<b>Meeting date:</b>	22 November 2022
<b>Title of report:</b>	Operational Report
<b>Report by:</b>	Executive Director (Operations)
<b>Decision Type:</b>	N/A Report for information only
<b>Ward(s) to which report relates</b>	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

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### **Community impact/ Contribution to the Bury 2030 Strategy**

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### **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.*

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**Assessment of Risk:**

The following risks apply to the decision:

<b>Risk / opportunity</b>	<b>Mitigation</b>
None	.

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**Consultation:**

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**Legal Implications:**

Not Applicable

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**Financial Implications:**

Not Applicable

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**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 22 – 28 August**

**Client**

Enforcement – 6

Complaint – 1

Advice - 1

**Premises**

Enforcement – 6

Multi-agency – 8

Complaint – 1

Compliance check – 2

**Vehicle**

Enforcement – 2

**2.3 29 August – 4 September**

**Client**

Complaint 2

Enforcement 4

**Operator**

Compliance 2

**Premises**

Compliance 2

Enforcement 1

**Vehicle**

Compliant 2

Compliance 1

Enforcement 5

2.4 **5 – 11 September**

**Client**

Complaint 7

Enforcement 10

**Premises**

Compliance 2

Enforcement 12

**Vehicle**

Enforcement 7

2.5 **12 -18 September**

**Client**

Complaint 7

Enforcement 3

**Operator**

Complaint 2

**Premises**

Enforcement 4

**Vehicle**

Enforcement 5

2.6 **19 - 25 September**

**Client**

Compliance 2

Enforcement 4

**Operator**

Enforcement 2

**Premises**

Complaint 9

Compliance 1

Enforcement 6

**Vehicle**

Compliance 4

Enforcement 7

2.7 **26 September – 2 October**

**Client**

Complaint 3

Enforcement 1

**Premises**

Enforcement 7

**Vehicle**

Enforcement 6

2.8 **3 October – 9 October**

**Client**

Complaint 1

Enforcement 1

Other 2

**Premises**

Enforcement 1

**Vehicle**

Enforcement 3

Complaint 1

2.9 **10 October – 16 October**

**Client**

Complaint 5

Enforcement 3

**Operator**

Complaint 1

**Premises**

Enforcement 15

Compliance 6

**Vehicle**

Enforcement 7

2.10 **17 October – 23 October**

**Client**

Complaint 5

Enforcement 4

Updates 3

**Operator**

Complaint 2

Enforcement 7

**Premises**

Enforcement 4

Compliance 1

Intelligence 1

Update 1

**Vehicle**

Enforcement 7

Compliance 3

Compliance 3

2.11 **24 October – 30 October**

**Client**

Complaint 5

Enforcement 7

**Premises**

Enforcement 9

**Vehicle**

Complaint 2

Enforcement 2

2.12 **31 October – 6 November**

**Client**

Complaint 4

Enforcement 4

**Premises**

Complaint 4

Compliance 4

Enforcement 8

**Vehicle**

Complaint 3

Enforcement 5

2.13 **7 November – 13 November**

**Client**

Complaint 6

Enforcement 6

**Operator**

Compliance 2

**Premises**

Compliance 18

Enforcement 9

**Vehicle**

Enforcement 10

3.0 **COMPLIANCE VISIT TO GAMBLING PREMISE**

3.1 On the 30 August 2022, officers from the Public Protection Service carried out a compliance inspection with the Gambling Commission. The following issues were identified:-

- External presentation – lack of clearly visible age restriction notices
- Two new to market 3 player position gaming machines which share a hopper and ticket pay-out slot.
- The premises holds a Bingo Premises Licence as opposed to an Adult Gaming Centre Premises Licence. Analysis of financial records indicate that the business generates far more revenue from Adult Gaming Machines than it does bingo.
- The business was lacking leaflets and information on responsible gambling and self-exclusion
- The Gambling Commission have confirmed that they will take any action that may be required.

#### 4.0 **APPEAL TO MAGISTRATES COURT**

4.1 On the 26 July 2022, an appeal against the decision of the Licensing and Safety Committee in respect of a revocation of a Private Hire Drivers Licence was considered by Stockport Magistrates Court. The magistrates upheld the decision of the council, stating that the driving was well below the acceptable standard, most especially for a professional driver. The appellant was ordered to pay a contribution to the council's costs in the sum of £1,200.

#### 5.0 **DELEGATIONS TO OFFICERS**

5.1 Following the decision of this Committee delegating to officers the power to issue warning letters, as of the 28 October 2022, thirteen warning letters have been issued following consideration by the Licensing Unit Manager.

#### 6.0 **CLEAN AIR UPDATE**

6.1 Following a request from Transport for Greater Manchester, on the 9 September 2022 the Licensing Service have sent emails out to all licensed drivers, private hire operators and trade associations regarding a survey that was being conducted. The content of the email stated:-

*Good afternoon,*

*I am emailing to update you on the latest status of the Greater Manchester Clean Air Plan (GM CAP), and to invite you to feedback on the proposed plans through a short survey.*

##### *Latest Status*

*Greater Manchester (GM) local authorities are undertaking a participatory policy development process to develop and shape the new Clean Air Plan Policy, including proposals for funding support.*

*The case for a new plan, which has been submitted to Government, sets out evidence supporting an **investment-led approach, with no charging Clean Air Zone**, to address the city-region's nitrogen dioxide air pollution problem. This is to ensure the right funding*

*and eligibility criteria are in place to enable category B vehicles, which includes buses, coaches, taxis, PHVs and HGVs, to be upgraded to those with cleaner engines, while mitigating any additional economic risk or hardship to residents and businesses.*

#### Impacted vehicle owner survey

*To ensure the development of the new policy is well-grounded in evidence, GM wants the input of key stakeholders, including [HGV/Coach/Taxi/PHV] owners. This is to ensure the right funding and eligibility criteria are in place to enable category B vehicles to be upgraded to those with cleaner engines, while mitigating any additional economic risk or hardship to residents and businesses.*

*If you are a taxi or PHV owner operating in or through Greater Manchester and want to help shape the new clean air plan proposals, GM wants to hear from you. Online surveys are now open until **10 October 2022**. The survey will take around 15 minutes and is available [here](#).*

*A public consultation on the Clean Air Plan proposals will take place in early 2023, subject to government feedback.*

*If you have any enquiries about the Greater Manchester Clean Air Plan, please contact [info@cleanairgm.com](mailto:info@cleanairgm.com) or call 0161 244 1333 (support for non-English speakers is available).*

*We appreciate your time sharing your views on the new proposals, and your support in this participatory development process. To sign up for updates as the new plan is developed, including notification of future consultation visit: [cleanairgm.com/#newsletter](https://cleanairgm.com/#newsletter).*

## 7.0 PARTNERSHIP OPERATION

- 7.1 Officers of the Licensing Service were scheduled to undertake a partnership operation on the 16 September 2022 with Greater Manchester Police, it was agreed with the Head of Public Protection and Greater Manchester Police that the operation should be cancelled due to the death of her Majesty Queen Elizabeth II.

## 8.0 VOLUNTARY CLOSURE AT LICENSED PREMISES

- 8.1 On the 9<sup>th</sup> or 10<sup>th</sup> August 2022, Greater Manchester Police requested that the Premises Licence holder/Designated Premises Supervisor of Hidden Bar voluntary closed the Hidden Bar, Unit B, 24 Silver Street, Bury, BL9 0DH following an incident at the premises. The premises agreed to the request of Greater Manchester Police.

## 9.0 SUMMARY REVIEW REQUESTED BY GREATER MANCHESTER POLICE

- 9.1 On the 12 September 2022, Greater Manchester Police submitted an application to the Licensing Authority for a Summary Review in respect of the Hidden Bar, Unit B, 24 Silver Street, Bury, BL9 0DH because they believe that the premises are associated with Serious Crime and/or Serious Disorder.

Summary reviews can be undertaken when the police consider that the premises concerned are associated with serious crime or serious disorder (or both). The summary review process allows interim conditions to be quickly attached to a licence and a fast-track licence review.

A 10 working-day public consultation exercise has been undertaken in accordance with Licensing Act 2003 regulations; requiring the application to be advertised by the displaying of a blue notice at or on the premises and details of the application published on the Council's website.

Within 48 hours of receiving a summary review application, under s53B of the Licensing Act 2003 the licensing authority must consider whether it is necessary to take interim steps pending the review of the licence for the promotion of the licensing objectives.

On 14 September 2022 a Licensing Hearings Sub Committee interim steps hearing was held, following receipt of the Summary Review application from Greater Manchester Police, Members of the Licensing and Safety Panel considered whether interim measures should be taken in respect of the Premises Licence for the purpose of promoting the Licensing Objectives. The Sub-Committee resolved that in order to promote the said licensing objectives, it was necessary to impose interim steps and that it must suspend the premises licence immediately.

The full review will be considered at a meeting of the Licensing Hearings Sub-Committee on the 6<sup>th</sup> October 2022, where the members will give consideration to this matter and have the following options available to them to promote the Licensing Objectives:-

- To modify the conditions of the licence
- To exclude the retail sale of alcohol from the licence
- To remove the Designated Premises Supervisor from the licence
- To suspend the licence for a period not exceeding 3 months.
- To revoke the licence.
  
- Following the review under section 53C, Members of the Licensing Hearings Sub-Committee must review the interim steps that are currently in place and determine whether it is appropriate for the promotion of the licensing objectives for the steps to remain in place, or if they should be modified or withdrawn.

The Sub-Committee carefully considered all of the representations and evidence produced and therefore unanimously **resolved to revoke the premises licence immediately in order** to promote the licensing objectives.

The evidence presented had demonstrated all the licensing objectives had not been met and failed the:-

- prevention of crime and disorder
- public safety;
- prevention of public nuisance; and
- protection of children from harm.

The Sub-Committee had no confidence there would be any improvement with modifications made to the licence.

There had been a consistent and continuing theme of underage access to the venue evident over a period of months. This included the incidents of a vulnerable 17-year-old in June and a 15-year-old who collapsed in July having been admitted into the venue. Body worn footage from GMP showed a number of underage people inside the venue at the end of July. No proper checks were being undertaken by door security staff and incorrect age identification were being accepted.

The Sub-Committee noted that swab tests had found traces of the drug cocaine on the premises and nitrous oxide gas usage had been conducted in front of door staff.

In the case of the serious violence and disorder on the 10<sup>th</sup> September 2022, this could and should have been prevented not just on the night in question but in the months leading up to the incident.

Other factors taken into account were the 16-year-old found in possession of a stolen warrant card in June. 3 people wearing balaclavas to enter the venue in May then leaving in a stolen vehicle and when later arrested all the occupants were aged 18 or under. The common theme of the DPS being purposely obstructive to the police when undertaking their duties and the Sub-Committee felt that a genuine DPS would want to work collaboration and allow access to the venue without question.

The incident on the 10<sup>th</sup> September 2022 highlighted a number of failed procedures on that evening:-

- Loitering
- Allowing people into the venue after 3.00am
- Door security staff failed to deal with the incident and during a lull in the violence
- Failure to inform GMP and the use of official communication channels
- Washing away evidence of a crime scene
- DPS failed in their responsibility of staff and a breach of the licence conditions

The licensing authority accepted all the evidence provided by GMP which included various discussions and letters that had been issued to the venue without any improvements and this led to the incident on the 10<sup>th</sup> September occurring.

The protection of staff at the premises was a concern and it was noted that a female employee had been hit by an object of some kind whilst working in the venue.

The modified conditions listed in the report by the Licensing Officer and proposed by Mr Sarnoe are not sufficient to appropriately deal with the serious issues and breaches of the licensing conditions.

The Council's Licensing Department and GMP are keen to promote the licensing objectives to ensure people can safely enjoy the evening economy in Bury town centre. Hidden Bar had failed to meet these objectives repeatedly and the Sub-Committee had serious concerns about the safety of patrons especially young children.

All the above reasons were taken into consideration when revoking the licence and the Sub-Committee felt it was appropriate and proportionate.

The **interim steps of the suspension of the licence are to remain in place** until the end of the period provided for appeal against the decision, or if the decision is appealed against, the time the appeal is disposed of. It was appropriate for the promotion of the licensing objectives that the interim steps remain in place.

The Chair of the Sub-Committee advised the Premises Licence Holder that a letter in writing would be sent by the Licensing Service which would provide all the information.

## **10.0 ONLINE REPORTING AND BOOKING OF VEHICLE COMPLIANCE TESTS AT BRADLEY FOLD**

10.1 The Licensing Service have been working with the Transformation Department on the development of the following:-

- Online booking of vehicle compliance tests at Bradley Fold
- Online ability to report a driver change of address of a Private Hire/Hackney carriage driver
- Online ability to report an accident involving a Private Hire/Hackney vehicle
- Online ability to report a conviction for a Private Hire/Hackney carriage driver

With the exception of the online booking of vehicle compliance tests, all other matters are available online.

## **11.0 TRADE LIAISON MEETING**

11.1 A trade liaison meeting was scheduled to take place on the 12 September 2022, however due to the passing of HM the Queen it was cancelled. The Licensing Service have rescheduled the meeting for the 12 October 2022. The meeting took place and the minutes of the meeting are available on the Council's website.

11.2 The agendas and the minutes of previous trade liaison meetings can be found at the following link:-

<https://councildecisions.bury.gov.uk/ieListMeetings.aspx?CId=368&Year=0>

## **12.0 LICENSED PREMISES WOMENS SAFETY CHARTER**

12.1 A training video has been produced and is currently being finalised by Communication Team. This will compliment the Licensed Premises Women's Safety Charter alongside other support material to enable businesses who sign up to meet their pledge.

12.2 A web form and new Council Web pages are currently being finalised and once in place a communication plan developed to facilitate a launch for the Licensed Premises Women's Safety Charter.

12.3 The Licensing Unit Manager and Councillor Morris attended the Pubwatch meeting to inform the group of the proposed Women's Charter. It was agreed that further engagement would take place with the group before the Charter is launched

## **13.0 BURY DRIVER SAFETY INITIATIVE**

13.1 The BDSI consultation ran from the 19 June 2022 – 9 August 2022. The licensing service are working with GMP to coordinate the formulation of a Bury Driver Safety Initiative which will include a campaign, support material and promotional material. Views on the proposals will also be sought from trade representatives at the next trade liaison meeting due to take place on 12/10/2022.

13.2 A meeting was held with GMP on 13/9/2022 to discuss the findings of the consultation and a script being developed for a digital training video for drivers. Further updates will be provided to members

#### **14.0 ROGUE TRADER DAY**

14.1 Officers from the Public Protection Service took part in this operation on the 21 September 2022 in partnership with Greater Manchester Police, please see below the results of the operation.

- 73 vehicles in total stopped at the site, of which the below offences were dealt with / advised
  - 3 seatbelt offences (6 advised)
  - 8 mobile phone offences (2 advised)
    - 1 registration plate offence
    - 1 tinted window advised
  - 1 Bury taxis document checks
  - 1 165 no insurance seizure
  
- Of the 73 trading standards spoke to 52 and advised 38 traders on cancellation rights and paperwork.
  
- A vehicle was full of scrap metal and had no licence or no waste carrier's licence. Environmental Health gave a 7-day notice to get a waste carrier or get a Fixed Penalty Notice, licensing Service to look into further in relation to the scrap metal issue.
  
- 8 other individuals were spoken to by Environmental Health in relation to waste carriers licences.
  
- 3 licensed Bury taxis where also checked and found to be compliant.

#### **15.0 MEDICALS SUSPENDED**

15.1 The Licensing Service have suspended 1 Hackney Carriage and 4 Private Hire Drivers Licence up to the 7 November 2022 for failure to provide a medical certificate within 4 weeks of it being requested.

#### **16.0 CHARGING POINTS**

16.1 An email was sent out to all licensed drivers, vehicle owners, operators and trade representatives on 26 October 2022 with an update regarding charging points for electric vehicles. New Electric Vehicle (EV) Charging points are to be installed and will be dedicated for EV Taxi and private hire vehicles licensed by a Greater Manchester Authority. The confirmed locations in Bury include:

- Foundry Street car park - Bury Town Centre
- Trinity Street car park - Bury Town Centre
- Whitefield Metrolink Park and Ride car park - Bury

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