

**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, 7 February 2023
<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 - 6)*

The minutes of the meeting held on the 15<sup>th</sup> December 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 7 - 12)*

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 13 - 24)*

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

**Minutes of:** LICENSING AND SAFETY COMMITTEE

**Date of Meeting:** 15 December 2022

**Present:** Councillor S Walmsley (in the Chair)  
Councillors J Grimshaw, G Marsden, J Mason, G McGill and  
J Rydeheard

**Also in attendance:** M Bridge- Licensing Unit Manager  
M Cunliffe – Democratic Services  
M Hope – Barrister instructed as Legal Advisor on behalf of the  
Council

**Public Attendance:** 2 members of the public were present at the meeting.

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**LSP.1 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted from B Thomson- Head of Public Protection, A Green – Council Solicitor and Councillors R Brown, N Boroda, K Hussain, I Rizvi and M Walsh.

Councillor Mason acted as a substitute representative for Councillor Walsh.

**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 22<sup>nd</sup> November 2022 be approved as a correct record and signed by the Chair.

**LSP.4 PUBLIC QUESTION TIME**

2 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 14<sup>th</sup> November and the 4<sup>th</sup> December 2022.

**BEST BAR NONE**

The Licensing Service had been notified by Greater Manchester Police that applications for the Best Bar None Scheme have been assessed and scored against the specified criteria. Successful venues will be notified in due course.

**PARTNERSHIP WORKING**

The Licensing Service had been working with Greater Manchester Police undertaking visits to licensed premises on the 25 November 2022 to ensure compliance with their conditions of their licences during the World Cup. 20 licensed premises were visited and given the appropriate advice and guidance.

**ONLINE APPLICATIONS**

The Licensing Service had been working with colleagues in the Transformation Team to review the application process for licences issued under the Animal Welfare (Licensing of Activities) (England) Regulations 2018 which will improve the customer journey when they are submitting applications.

The Licensing Service are still currently working on the application process for a Hackney Carriage/Private Hire Vehicle Licence to enable the vehicle proprietor to also book the vehicle compliance test online at Bradley Fold. The process will involve the applicant receiving emails about the application process and confirmation and reminder emails for when the vehicle compliance test is booked.

**LET'S DO IT BRILLIANTLY AWARDS**

The Licensing Service had been nominated and won this year's staff awards for work towards our Let's Do It community strategy principles.

**REQUEST FROM HACKNEY CARRIAGE ASSOCIATION**

The Licensing Service had received a petition from the Bury Hackney Association relating to rear loading vehicles and in particular tail lifting wheelchair accessible vehicles.

The petition had been acknowledged by the service and the matter is being reviewed in line with the Council's Policy relating to petitions. This matter would be brought before members in due course for their consideration.

No questions were raised in relation to the report.

The Chair on behalf of the committee congratulated the Licensing service on winning the staff award and asked that officers in the department are thanked for their hard work over the last 12 months.

**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 APPLICATIONS FOR PUBLIC/PRIVATE HIRE DRIVER LICENCES**

The Executive Director (Operations) submitted a report relating to Applicant 10/2022 who was in attendance at the meeting along with a family member. The Chair made introductions and along with the Legal Advisor 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 for the Applicant being before the Committee.

This applicant had previously held a Hackney Carriage Driver licence and a Hackney Carriage vehicle licence granted by this Authority. On the 5<sup>th</sup> September 2012, he appeared before the Licensing and Safety Panel in relation to an allegation of rape on a female passenger which resulted in his Hackney Carriage Driver licence being revoked. He appealed the Panel decision to Bury Magistrates and his appeal was dismissed.

The applicant had subsequently appeared before members of the Licensing and Safety Panel on the 6<sup>th</sup> October 2014 and 11<sup>th</sup> April 2016 seeking consideration as to his suitability to become a Hackney Carriage Driver. On both occasions his application was refused.

On the 26<sup>th</sup> April 2018 and the 23<sup>rd</sup> July 2020, he appeared before the Licensing and Safety Panel for consideration to become a Private Hire Driver. These applications were also refused.

On the 16<sup>th</sup> March 2022; the applicant submitted a new application to become a Private Hire Driver. However, supporting documents to accompany his application were outstanding therefore he submitted a further new application on 31<sup>st</sup> October 2022. As per the application process the applicant submitted himself to a Disclosure and Barring Service (DBS) Disclosure Check. The resultant certificate was issued on the 27<sup>th</sup> September 2022 and contained no information.

Previous DBS certificates had contained information that had been disclosed in previous panel reports. This information had been previously disclosed at the Chief Police Officers discretion and was contained within the private agenda pack. Greater Manchester Police believed that this information was relevant and ought to be disclosed despite the fact that this applicant was not charged with any offences, because he is applying for the role of taxi driver and the information relates to an allegation from 2012.

This disclosure relates to the incident which resulted in his previously held licence being revoked.

Further information contained in the report detailed the Council's Policy and Guidelines on sexual and indecency offences along with intelligence and other information which had not resulted in a criminal conviction.

The Applicant explained that he had learnt his lesson for the previous mistake which took place and apologised to the committee asking for a second chance. He was a changed person and would not let people down.

The family member representative provided the committee with some family background information and stated what occurred in 2012 was wrong. She stated that the applicant was truthful and honest whilst he also undertook community work which involved females and there had been no complaints made.

The Council's legal representative clarified with the applicant that he asserted that the incident which occurred in 2012 was consensual and he regretted this.

### **Delegated decision:**

The Committee carefully considered the report, oral representations by the applicant and his family member representative along with a written statement and references circulated to the committee at the meeting.

Taking into account the Council's Conviction Policy and Guidelines and in accordance with the Local Government (Miscellaneous Provisions) Act 1976, and the statutory guidance issued by the Secretary of State under section 177 of the Policing and Crime Act 2017, the Committee resolved **to refuse the application**.

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

- The applicant was not a fit and proper person to hold a licence.
- Whilst there was no conviction, the applicant accepted the 2012 incident in a licensed vehicle, which was not appropriate conduct.
- Public safety was paramount and the committee had no confidence in the applicant carrying lone female passengers who could be vulnerable at any time of day or night.

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

**(Note: The meeting started at 1.00pm and ended at 1.38pm)**



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

<b>Meeting:</b>	Licensing & Safety Committee
<b>Meeting date:</b>	7 February 2023
<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 5 December 2022 – 11 December 2022**

**Client**

Enforcement - 2

Complaint – 1

**Vehicle**

Enforcement – 10

**Premises**

Multi Agency – 18 (comprises the visits with TS and the visits with the drug dog)

Enforcement – 4

**2.3 12 December 2022 – 18 December 2022**

**Client**

Complaint 2

Enforcement 1

**Premises**

Enforcement 5

**Vehicle**

Enforcement 7

2.4 **19 December 2022 – 25 December 2022**

**Client**

Complaint 4

Enforcement 5

**Premises**

Enforcement 5

Intel 1

Multi agency 14

**Vehicle**

Enforcement 14

2.5 **2 January 2023 – 8 January 2023**

**Client**

Complaint 2

Enforcement 3

Intelligence 1

**Vehicle**

Compliance 3

Enforcement 4

**Premises**

Compliance 2

Enforcement 1

Intelligence 1

2.6 **9 January 2023 – 15 January 2023**

**Client**

Complaint 7

Enforcement 4

**Premises**

Enforcement 14

**Vehicle**

Enforcement 6

**2.7 16 January 2023 – 22 January 2023**

**Client**

Complaint 2

Enforcement 4

Intel 1

**Premises**

Enforcement 10

**Vehicle**

Enforcement 5

**3.0 BEST BAR NONE**

3.1 The assessments are now coming to an end for the Best Bar None scheme. 10 premises in the town centre have passed and 3 more are likely to pass by the end of January. An awards ceremony for the successful premises is due to take place on 7<sup>th</sup> February where they will receive their accreditations. The new scheme for this year will also be launched on the same evening and this year it will be open to premises borough wide.

**4.0 PARTNERSHIP WORKING**

4.1 The Licensing Service have been working with Greater Manchester Police, Trading Standards and a Tobacco detection dog undertaking visits to licensed shops on the 6 December 2022. 6 licensed premises were searched. A quantity of illicit tobacco products were found and two premises were found to be in breach of their premises licence conditions.

4.2 The Licensing Service worked with Greater Manchester Police and a drug detection dog on 10 December 2022 to ensure compliance with their conditions of their licences during the World Cup. 10 licensed premises were visited and searched. One male was found in possession of a small quantity of cannabis and a number of snap bags either empty or containing the residue of a white powder were found on the streets.

4.3 The Licensing Service worked with Greater Manchester Police on the 23 December 2022, numerous venues were visited to ensure compliance with their conditions of their licences during the Christmas and New Year Period. 12 premises were visited and the following issues were found: All premises were found to be in order but apart from 1 which was given advice regarding the use of the pavement outside for furniture.

**5.0 NEW SECTION 182 GUIDANCE ISSUED**

5.1 The Licensing Service are aware that new guidance has been issued and effective from the 20 December 2022. This has superseded the previous guidance that was issued in April 2018. There are several changes in the new guidance which are being reviewed by the

Licensing Service. Any of the amendments will be incorporated in any future reports to the Licensing Hearings Sub-Committee where required

## **6.0 IMMEDIATE REVOCATION OF A PRIVATE HIRE DRIVERS LICENCE**

- 6.1 The Licensing Service received information from Greater Manchester Police in relation to a private hire driver's conduct which has resulted in him being charged for serious offences. The driver concerned has been given a right of reply before the Head of Public Protection and the Chair of this Committee considered taking action in the interests of Public Safety under the Road Safety Act 2006, it was felt appropriate to immediately revoke his private hire driver's licence on the 20 January 2023.

## **7.0 TRADE LIAISON MEETING**

- 7.1 On the 12 January 2023, the Licensing Service and Greater Manchester Police held a trade liaison meeting with the trade, the minutes of the meeting will be published in due course on the Council's Website at:-

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

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

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