

Minutes of: LICENSING AND SAFETY COMMITTEE

Date of Meeting: 16 March 2023

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

Also in attendance: M Bridge- Licensing Unit Manager
M Cunliffe – Democratic Services
M Hope – Barrister instructed as Legal Advisor on behalf of the
Council
L Swann- Assistant Director of Operations and Strategy

Public Attendance: 3 members of the public were present at the meeting.

LSP.1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted by B Thomson- Head of Public Protection.

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 Brown declared an interest in item 6 on the agenda and that in his employment area he had dealt with Mr Oakes who was a Director of the Hackney Drivers Association Limited.

LSP.3 MINUTES OF PREVIOUS MEETING

Delegated decision:

That the Minutes of the last meeting held on the 7th February 2023 be approved as a correct record and signed by the Chair.

LSP.4 PUBLIC QUESTION TIME

3 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 23rd January and the 5th March 2023.

BEST BAR NONE

Greater Manchester Police and the Licensing Service had attended the awards ceremony on the 7th February 2023. The venues that were awarded the Best Bar None Accreditation were as follows:

1. Art Picture House (gold)
2. Wylde's (silver)
3. The Bank (gold)
4. Trackside Bar (bronze)
5. Martini's On the Rock (gold + best presentation)
6. The Wellington (silver)
7. Rayners (gold + best training)
8. Stanley's of Bury (gold)
9. Blind Tiger (bronze)
10. House of Bridget's (gold + Community engagement)
11. Sky Bar (silver)
12. Earl of Derby (gold)

IMMEDIATE REVOCATION OF A PRIVATE HIRE DRIVERS LICENCE

The Licensing Service received information from Greater Manchester Police in relation to a private hire drivers conduct which has resulted in him being charged for a serious offence. 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 drivers licence on the 17th February 2023.

PURPLE FLAG ACCREDITATION

Officers of the Council took part in the external assessment for the Purple Flag accreditation on the 4th March 2023. The external assessment was conducted with assessors from the Association of Town Centre Management. The Council awaits the decision in relation to the accreditation.

It was agreed:

That the report be noted and the Chair placed on record her thanks to the Licensing Department for the Best Bar None and Purple Flag accreditation schemes.

LSP.6

AMENDMENTS TO THE GREATER MANCHESTER MINIMUM LICENSING STANDARDS FOR THE HACKNEY CARRIAGE AND PRIVATE HIRE TRADE

The Executive Director (Operations) submitted a report advising Members on the following proposals:-

- Amendment to the implementation date for the hackney carriage and private hire transitional arrangements in relation to age and emissions standards for existing Bury licensed vehicles.
- Amendment of the implementation date for the written-off vehicle to 1 April 2026 for existing licensed vehicles.

- The removal of the minimum age requirement for new vehicles coming onto fleet for hackney carriages and private hire vehicles.

The Assistant Director of Operations and Strategy explained that the existing standards were proposed as part of the Greater Manchester Minimum Licensing Standards project and adopted by Council on the 24th November 2021.

The proposed recommendations in the report acknowledge concerns raised by the taxi trade and the amendments take account of the current economic climate, cost of living crisis and the delayed opening of the Clean Taxi Fund.

The Licensing Unit Manager also read out a statement in support of the changes submitted by the Bury Hackney Association.

The Licensing Unit Manager also read out a statement in support of the changes submitted by the Private Hire Drivers Association.

A letter was also circulated to the Committee from the Hackney Drivers Association Ltd with their comments included.

Members placed on record the good working relationship between Council Officers and the taxi trade was working well on matters such as this.

Delegated decision:

That the Licensing and Safety Committee considered and adopted the following amendments to the Minimum Licensing Standards and recommended to Full Council that the amendments are approved:

For existing vehicle licence proprietors:

- That the transitional arrangements in relation to age and emissions standards are extended from 1 April 2024 to 1 April 2026 - This will assist hackney carriage and private hire vehicle owners to transition to the new requirements, whilst allowing them the ability to take advantage of the funding support package (Clean Air funding) once it is available. In order to achieve this compliance date, the amended policy will state that from 1 April 2025 a vehicle licence will not be renewed if the vehicle does not meet the above standards.
- The implementation date for the written-off vehicle standards is extended to 1 April 2026. The amendment of to the written off policy is to permit vehicle licence holders who are currently licensed in Bury with a previously written off vehicle prior to the implementation of the Stage 2 of Common Minimum Standards in November 2021 to continue to be able to licence the vehicle until the 1 April 2026. In order to achieve compliance, the amended policy will state that from 1 April 2025 a vehicle licence will not be renewed if the vehicle has been previously written off. There will be no change to Council Policy relating to new vehicle licence applications in relation to this standard.

For new applications for vehicle licences

- The minimum age requirement for new vehicles coming onto fleet is removed for hackney carriages and private hire vehicles - the current policy in relation to

hackney carriage and private hire vehicles has a coming on age (new to fleet) as follows:-

- PHV – under 5 years on to fleet and 10 years off
- PHV WAV – under 7 years on to fleet and 15 years off
- Purpose built HVC – under 7 on to fleet and 15 years off

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/REVOCAION OF PUBLIC/PRIVATE HIRE DRIVER LICENCES

Licence Holder 13/2022

The Executive Director (Operations) submitted a report relating to Licence Holder 13/2022 who was in attendance at the meeting. The Chair made introductions and the Committee's 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 Licence Holder and presented by the Licensing Manager, set out the reasons for the Licence Holder being before the Committee.

The report stated that the Licence Holder had held a private hire driver's licence continually since the 26th July 2012 until its expiry on the 30th January 2023 (extended without prejudice to today).

This Licence Holder submitted an online application on the 14th January 2023 to renew his private hire driver's licence. Within that application he had declared the offence MS90 which occurred on the 17th May 2022 until expiry on the 17th May 2025.

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

The Licence Holder had been contacted by a Licensing Enforcement Officer for an explanation. The applicant was emailed a summary of what had been discussed over the telephone and asked whether they agreed with this or wanted to amend anything. They agreed with the summary which was attached at Appendix 1 in the private agenda pack.

The applicant was before members for consideration to be given as to their suitability to be a private hire driver in Bury.

Delegated decision:

The Committee carefully considered the report, and oral representations by the Licence Holder. The Committee noted the explanation provided in relation to personal family circumstances at the time the offence took place and the remorse by the Licence Holder of failure to complete relevant paperwork and inform the Licensing Department.

The Committee understood this was a serious offence and a professional driver was required to adhere to the rules and in this case the responsibility for submission of paperwork following the offence.

Taking into account the Council's Conviction Policy and Guidelines and in accordance with the Local Government (Miscellaneous Provisions) Act 1976, the Committee resolved **to suspend the licence for a period of 2 weeks**. The Committee departed from Policy because they accepted that another individual had driven the vehicle, but the required paperwork had not been completed and submitted to the relevant bodies by the driver himself, as required by law and by the conditions of his licence. As it was an administrative mistake by the licence holder in not taking responsibility of the paperwork, the Committee departed from Policy.

COUNCILLOR S WALMSLEY
Chair

(Note: The meeting started at 7.05pm and ended at 8.10pm)