

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:-

Date:	Thursday, 16 March 2023
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 - 6)*

The minutes of the meeting held on the 7th February 2023 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 AMENDMENTS TO THE GREATER MANCHESTER MINIMUM LICENSING STANDARDS FOR THE HACKNEY CARRIAGE AND PRIVATE HIRE TRADE *(Pages 13 - 18)*

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 19 - 26)*

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

Minutes of: LICENSING AND SAFETY COMMITTEE

Date of Meeting: 7 February 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
A Green – Council Solicitor
B Thomson- Head of Public Protection

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

LSP.1 APOLOGIES FOR ABSENCE

No apologies for absence were submitted.

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 15th December 2022 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 5th December 2022 and the 22nd January 2023.

BEST BAR NONE

The assessments had neared completion for the Best Bar None scheme. 10 premises in the town centre have passed and 3 more are likely to pass. An awards ceremony for the successful premises was due to take place in February when 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.

PARTNERSHIP WORKING

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

The Licensing Service worked with Greater Manchester Police and a drug detection dog on the 10th 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.

The Licensing Service worked with Greater Manchester Police on the 23rd 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 all premises were found to be in order apart from one which was given advice regarding the use of the pavement outside for furniture.

NEW SECTION 182 GUIDANCE ISSUED

The Licensing Service are aware that new guidance had been issued and effective from the 20th 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.

IMMEDIATE REVOCATION OF A PRIVATE HIRE DRIVERS LICENCE

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 had 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 20th January 2023.

TRADE LIAISON MEETING

On the 12th 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.

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 SUSPENSION/REVOCATION OF PUBLIC/PRIVATE HIRE DRIVER LICENCES**Licence Holder 11/2022**

The Executive Director (Operations) submitted a report relating to Licence Holder 11/2022 who was in attendance at the meeting alongside his friend to assist with any questions. 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 the 12th May 2014 until its expiry on the 11th September 2024.

This Licence Holder submitted an online notification of a conviction to the Licensing Department on 11th November 2022, attached at Appendix 1 in the private agenda pack. The Licence Holder produced his penalty letter which was dated 9th November 2022 notifying him of the conviction attached at Appendix 2 in the pack.

Delegated decision:

The Committee carefully considered the report, and oral representations by the Licence Holder. The Committee noted the explanation provided in relation to delayed return airline flights and the remorse by the Licence Holder along with paperwork evidence submitted. The Committee understood this was a serious offence and a professional driver even when using another car had the responsibility for insurance cover being in place and should have annual reminders in place.

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. The Committee departed from Policy because they accepted that the flights from Pakistan were delayed due to

floods, that this had caused a lapse in focus on the insurance. Also the fact that the car had been consistently insured for 3 years. As it was a lapse the Committee departed from Policy.

Licence Holder 12/2022

The Executive Director (Operations) submitted a report relating to Licence Holder 12/2022 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 Licence Holder has held a private hire driver's licence continually since the 6th October 2006 and his current licence is not due to expire until the 21st May 2025. This Licence Holder telephoned the Licensing Department to provide notification of a conviction on the 28th November 2022. The Licence Holder informed the Deputy Licensing Officer that he had appeared in Court earlier that day.

Delegated decision:

The Committee carefully considered the report, and oral representations by the Licence Holder.

The Committee felt the Licence Holder did not meet the terms of a fit and proper person to drive a licensed vehicle. There had been previous offences in the past few years which seem to be escalating and this was a major offence resulting in a fine and 5 penalty points. As a professional driver they are expected to know and understand that incidents such as this should be reported within 24 hours to the police. He should have also reported the damage to the local council and insurers. It is unclear if he reported the damage traffic light to the car hire company and the insurance company. It was unclear why he had moved his car around the corner. The Committee were not confident with the explanation provided and the inconsistency of the account. The Committee were also concerned at the speed he had entered the roundabout. The Committee took into account that this is a serious offence. No evidence had been provided to prove it had been reported to relevant authorities.

The gravity of the offence, the circumstances surrounding it and his recent record of offending raised the issue that the public were not safe to travel in his vehicle.

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 revoke the licence with immediate effect** on the grounds of public safety.

COUNCILLOR S WALMSLEY
Chair

(Note: The meeting started at 7.00pm and ended at 9.15pm)



Classification	Item No.
Open / Closed	

Meeting:	Licensing & Safety Committee
Meeting date:	16 March 2023
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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Licensing Unit Manager
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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 **23 January 2023 – 29 January 2023**

Client

Complaint 3

Compliance 1

Enforcement 4

Operator

Complaint 2

Premises

Complaint 3

Compliance 2

Enforcement 9

Vehicles

Compliance 5

Enforcement 7

2.3 **30 January 2023 – 5 February 2023**

Client

Complaint 3

Enforcement 4

Intelligence 1

Premises

Compliance 2

Enforcement 2

Multi agency 1

Vehicles

Complaint 2

Enforcement 7

2.4 **6 February 2023 – 12 February 2023**

Client

Complaint 1

Enforcement 11

Premises

Enforcement 15

Compliance 14

Vehicles

Enforcement 9

2.5 **13 February 2023 – 19 February 2023**

Client

Complaint 2

Enforcement 14

Intelligence - 2

Premises

Compliance 16

Enforcement 6

Complaints 10

Update 1

Vehicles

Compliance 2

Enforcement 7

2.6 **20 February 2023 – 26 February 2023**

Client

Complaint 2

Enforcement 5

Intel 1

Operator

Complaint 2

Premises

Enforcement 3

Vehicles

Enforcement 5

2.7 **27 February 2023 – 5 March 2023**

Client

Complaint 3

Enforcement 2

Operator

Complaint 2

Premises

Complaint 2

Compliance 3

Enforcement 4

Vehicles

Compliance 4

Enforcement 9

3.0 **BEST BAR NONE**

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

1. Art Picture House (gold)
2. Wyldes (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)

4.0 IMMEDIATE REVOCATION OF A PRIVATE HIRE DRIVERS LICENCE

- 4.1 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 17 February 2023.

5.0 PURPLE FLAG ACCREDITATION

- 5.1 Officers of the Council took part in the external assessment for the Purple Flag accreditation on the 4 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.



Classification	Item No.
Open / Closed	

Meeting:	Licensing and Safety Committee Full Council
Meeting date:	16 March 2023 – Licensing and Safety Committee 22 March 2023 – Full Council
Title of report:	Amendments to the Greater Manchester Minimum Licensing Standards for the Hackney Carriage and Private Hire Trade
Report by:	Executive Director (Operations)
Decision Type:	Council
Ward(s) to which report relates	All

Executive Summary:

This report proposes:

- 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 existing standards were proposed as part of the Greater Manchester Minimum Licensing Standards project and adopted by Council on the 24 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.

Recommendation(s)

It is recommended that the Licensing and Safety Committee considers and adopts the following amendments to the Minimum Licensing Standards and recommends 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 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

Key Considerations

The primary driver for the implementation of Minimum Licensing Standards (MLS) was to ensure public safety and protection, and to improve vehicle emission standards and support the Clean Air agenda. In addition, by establishing standards around common vehicle specifications, MLS is an important mechanism that permits the systematic improvements to taxi and private hire service across Greater Manchester (GM) and their visibility.

The emissions and age compliance date as initially proposed was 1 April 2024 for all existing fleets across GM. This date was proposed on the basis that the Clean Taxi Fund was due to open early 2022, and that the clean air legal directive at the time was for compliance by 2024.

The Government have also issued a new clean air directive which required compliance by no later than 2026. As the funding support package has not yet been agreed and is not likely to be available until Summer 2023 at the earliest, this will adversely affect many vehicle licence holders with non-compliant vehicles who will be unable to replace their vehicles before their licence is due for renewal.

If the date for compliance with emissions standards is extended to 2026, older, more polluting vehicles will be on the fleet for longer. However, those with older vehicles will be able to take advantage of the funding support package once it becomes available to help transition to compliant vehicles. The risk therefore should reduce as more vehicles transition to compliant vehicles between 2023 and 2025.

Without a change to the compliance date for these standards in Bury, a proportion of the fleet will be unable to renew their vehicles licences after April 2023.

Consequently, this will detrimentally affect the livelihood of many drivers, as well as the availability of licensed vehicles for the public in Bury.

The extension to the compliance date will give the trade a longer time period in which to upgrade to compliant vehicles, and the ability to take advantage of the funding support package once it is available.

The removal of the coming on age for hackney carriage and private hire vehicles will allow vehicles to be purchased by the taxi trade up to the maximum age of 10 years from date of registration. This will assist the trade in upgrading their vehicles.

The amendment 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 with the amended policy it 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.

Key considerations

This is a Council Function that is delegated to the Licensing and Safety Committee by the Council's Constitution.

This paper is in the public domain.

Community impact / Contribution to the Bury 2030 Strategy

The changes put forward in this report demonstrate a relaxation of proposed requirements for both hackney carriage and private hire/private hire (WAV) vehicles. This could potentially increase the time it takes for these vehicles to be upgraded for vehicles with less carbon emissions and less tailpipe emissions, however the availability of Clean Air funding will encourage vehicle upgrades.

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.

The Equality Impact Assessment (EIA) undertaken for the MLS showed that there were both positive and negative impacts of the proposals. The main positives are that it provides for greater protection for vulnerable people from harm and should also increase the accessibility of the fleet for disabled persons. The contrary issues are that the higher standards may make access to becoming a driver more costly and therefore may reduce the fleet size and therefore mean that there are less taxis available and people may be more tempted to use non licensed vehicles. There are three ways that this impact can be lessened; namely by ensuring that the drivers have adequate time to adjust to the new standards, that access to the GM Clean Taxi Fund support package when it is made available, and also that we publicise the benefits of taking a Bury licensed vehicle.

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
Not Applicable	

Consultation:

A GM wide public consultation on MLS took place between 8 October and 3 December 2020. A summary of this consultation has previously been provided to members in the report 'Greater Manchester Minimum Licensing Standards for Taxi and Private Hire Stage 1' which was submitted to Council on the 8 September 2021 and Stage 2 was submitted to Council on the 24 November 2021.

Legal Implications:

Under the legislation the Council is required to determine representations. The report is in accordance with the appropriate legislation.

The costs 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.

The policy changes recommended, if agreed by the Council, will be implemented and form the basis on which decisions are made on applications for vehicle licences received by the Council.

Financial Implications:

Revenue and Capital: The Licensing Regime is a self-funded service through the licensing fees. There are no financial implications as a result of this report as the changes do not have any cost implications to the Council.

Report Author and Contact Details:

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Background papers:

Stage 2 (Vehicles)

Report and Minutes - Licensing and Safety Committee – 11 November 2021 -
<https://councildecisions.bury.gov.uk/ieListDocuments.aspx?CId=135&MId=3007&Ve r=4> -

Report and Minutes – Full Council – 24 November 2021 -
<https://councildecisions.bury.gov.uk/ieListDocuments.aspx?CId=148&MId=3026&Ve r=4>

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

Term	Meaning
EIA	Equality Impact Assessment
GM	Greater Manchester
MLS	Minimum Licensing Standards
WAV	Wheelchair Accessible Vehicle

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

Document is Restricted

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