

Minutes of: LICENSING AND SAFETY COMMITTEE

Date of Meeting: 17 April 2023

Present: Councillor S Walmsley (in the Chair)
Councillors 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
O Osinuga – Legal Advisor
B Thomson- Head of Public Protection

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

LSP.1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted by Councillor R Brown.

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. He also knew the representative that was speaking on behalf of all drivers on section 9 of the agenda.

Councillor Hussain also declared that he knew one of the drivers on section 9 of the agenda from his local mosque.

LSP.3 MINUTES OF PREVIOUS MEETING

Delegated decision:

That the Minutes of the last meeting held on the 16th of March 2023 be approved as a correct record and signed by the Chair.

LSP.4 PUBLIC QUESTION TIME

No questions had been pre submitted and 1 member of the public, Mr Ahmed was in attendance at the meeting and asked about rumours of the licence fee being increased and an update on upgrading drivers' identity badges to make them safer which was asked some years ago.

The Chair reported that the identity badge issue had only been raised by the member of the public in attendance at the meeting and could be discussed at the next trade liaison meeting.

The Licensing Unit Manager added that there had been an advertisement of fees and any Objections to the proposed increase would be heard at this committee before implementation if approved.

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 6th of March and the 2nd of April 2023.

MULTI AGENCY SCRAP YARD DAY OF ACTION

On the 20th of March Licensing Enforcement Officers accompanied Greater Manchester Police as part of their Neighbourhood enforcement week. Three licensed sites were visited with no issues. Two possible unlicensed sites were also visited with no issues found.

REPRESENTATION AGAINST A TEMPORARY EVENT NOTICE

A representation was received from Greater Manchester Police on the 4th of March against a Temporary Event Notice for Club 66, 24 Silver Street, Bury. A Licensing Hearings Sub-Committee was arranged for the 31st of March 2023. The members of the Sub-Committee decided to issue a counter notice to stop the event going ahead.

APPLICATION FOR REVIEW OF A PREMISES LICENCE

An application to review the Premises Licence at Club 66, 24 Silver Street, Bury, was received from Greater Manchester Police on the 27th of March. The application is now in a 28-day objection period which will end at midnight on the 24th of April. A Hearing will then be arranged.

It was agreed:

That the report be noted.

LSP.6 NATIONAL REGISTER OF REFUSALS, REVOCATIONS AND SUSPENSIONS (NR35)

The Executive Director (Operations) submitted a report advising Members report to consider the proposal to adopt the National Register of Refusals, Revocations and Suspensions (NR3S).

The Licensing Unit Manager reported on the 31st March 2022, the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 received Royal Assent. Statutory Guidance was published on the 23rd of May 2022. From the 27th of April 2023, the Act places new duties on taxi and private hire vehicle (PHV) licensing

authorities in England. The Act contains provisions that require licensing authorities to record information relating to drivers' adverse licensing histories (refusals, revocations or suspensions) on a National Register. Furthermore, before a licensing authority in England decides whether to grant or renew a driver licence, it must search the Register for any entry relating to the applicant.

As specified in the 2022 Act, every entry made in the database will be retained for a period of 11 years beginning with the day on which the decision to refuse, revoke or suspend a licence was made. The NR3S system will recognise when 11 years has elapsed and automatically delete the Register entry/data. Following approval local governance policies will be updated to make reference to the NR3S retention period.

Delegated decision:

That the Licensing and Safety Committee approved the proposals as per the report.

LSP.7 URGENT BUSINESS

The Chair agreed that the following matter may be considered as a matter of urgency.

The Licensing Unit Manager reported that GMP had informed the Council about a review of a premises licence under the Licensing Act 2003, for Club 66, Bury. The Officer advised that pursuant to that Act and regulations made under it, once the application is advertised, objections and representations can be made within a set period of time. Once that statutory period ends, a hearing must be arranged and notice provided to all parties within a further set timescale. It was noted that the statutory period for this falls within the period between the local government elections and the annual council meeting when appointments are made to the various committees of the Council. Some Members of the Council are up for election this year and the Licensing Committee membership for 2023-2024 would not be confirmed until the meeting at the end of May.

The Officer went on to advise the Committee that under the relevant legislation, time limits can be extended where it is in the public interest to do so and that by reason of special circumstances relating to the local government election and timing of committee appointments, a request was therefore made that the deadline for holding the hearing be extended until the week commencing the 12th June 2023. This would also allow for any new Members of the Licensing Committee to receive the appropriate training.

It was agreed:

That the premises licence review process be extended until week commencing the 12th of June 2023.

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 14/2022

The Executive Director (Operations) submitted a report relating to Licence Holder 14/2022 who was in attendance at the meeting alongside their representative Mr Ahmed. The Chair made introductions and the Council Solicitor outlined the procedure to be followed and clarified that all those present had read the report. The report, which was accepted by the Licence Holder and presented by the Licensing Manager, set out the reasons for the Licence Holder being before the Committee.

The report stated that the Licence Holder had held a Hackney Carriage driver's licence continually since the 21st of June 2013 until its expiry on the 7th of July 2025.

On the 2nd of March 2023 the Deputy Licensing Officer took a complaint about the Licence Holder from a member of the public via the telephone. The nature of alleged incident which occurred on the 1st of March 2023 was detailed in report attached to the private agenda packs.

CCTV footage from the date and time of the alleged incident at the Kay Gardens rank was played to Members of the Committee, the Licence Holder and his representative.

Attached at Appendix 1 in the private agenda pack was a witness statement from the complainant and 2 photographs of the vehicle and driver taken on the complainant's mobile telephone.

A character reference for the Licence Holder had also been circulated to Members of the Committee prior to the meeting.

Delegated decision:

The Committee carefully considered the report, and oral representations by the Licence Holder and his representative. The Committee noted insufficient evidence on the complaint submitted and reminded the Licence Holder to uphold levels of professional service and not pursue any members of the public which could cause confrontation. A driver's vehicle was their safe space, and the installation of CCTV inside could help in situations like this which occurred. As a front line public service, the Licence Holder was advised to telephone the police on 101 and report such incidents to them along with informing the Hackney Carriage representative and the Licensing Department.

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 take no action against the licensee.**

Licence Holder 15/2022

The Executive Director (Operations) submitted a report relating to Licence Holder 15/2022 who was in attendance at the meeting alongside their representative Mr Ahmed and a family relation. 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 since the 28th of July 2011. They cancelled that licence on the 25th of April 2012 and did not get another private hire driver's licence until the 7th of June 2017. This licence had been held continuously and is due to expire the 5th of September 2023.

In November 2022, the Licensing Service received an email from the Roads Policing Unit within Greater Manchester Police. Within the email it raised concerns about the standard of driving displayed by this Licence Holder following an incident on the motorway travelling out of Manchester. The facts of the incident were detailed in report attached to the private agenda packs.

Attached at Appendix 1 in the private agenda pack was a witness statement from the police with appendix 2 detailing the motorway awareness course the Licence Holder had attended in February 2023. Appendix 3 provided details of the journey being undertaken during this incident and appendix 4 were details of the clients DVLA record.

Delegated decision:

The Committee carefully considered the report and oral representations by the Licence Holder, his representative and family member. The Committee noted the police statement as evidence and the motorway course which has since been attended. The incident put other road users at risk along with the customers in the vehicle and a professional driver should know how to drive on a motorway. This was a serious offence and needed to be recognised in the decision taken.

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 3 months with immediate effect** on the grounds of public safety.

At this stage of the evening, the meeting was approaching the maximum of three hours, excluding the period taken up by public question time. At the expiry of the three hours, the Chair and Members present agreed that the meeting continue beyond the three hours duration.

Licence Holder 16/2022

The Executive Director (Operations) submitted a report relating to Licence Holder 16/2022 who was in attendance at the meeting alongside their representative Mr Ahmed and a family relation. 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 since the 6th of November 2012. Their current private hire drivers' licence which commenced the 8th of July 2022 is not due to expire until the 31st of December 2024. On the 13 March 2023 this Licence Holder emailed the Licensing Service to give notification of a conviction. The email and associated DVLA licence summary were attached at Appendix 1 in the private agenda packs. Further written submission and photographic evidence was provided by the Licence Holder and included in appendix 2 of the private agenda pack.

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

Delegated decision:

The Committee carefully considered the report and oral representations by the Licence Holder, his representative and family member. The Chair stated that major traffic offences should be reported to the Licensing Department within the required time period and noted issues communicating information via the website. As a licenced driver in Bury the highest standards must be adhered to with licensing conditions met.

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 the explanation provided at Committee in relation to defending the claim at the Magistrates court impacting upon declaring the offence within the correct time frame.

At conclusion of the meeting the Chair and Members placed on record their thanks to Officers from the Licensing Department, Democratic Services and the Legal Team for all their work during the 2022-2023 municipal year of Licensing and Safety Committee meetings.

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COUNCILLOR S WALMSLEY
Chair

(Note: The meeting started at 7.05pm and ended at 10.20pm)