

Minutes of: LICENSING AND SAFETY COMMITTEE

Date of Meeting: 8th June 2023

Present: Councillor G McGill (in the Chair)
Councillors N Boroda, K Hussain, B Ibrahim, G Marsden,
D Quinn, I Rizvi, J Rydeheard and M Walsh

Also in attendance: M Bridge- Licensing Unit Manager
M Cunliffe – Democratic Services
O Osinuga – Legal Advisor
L Swann- Assistant Director of Operations Strategy

Public Attendance: No members of the public were present at the meeting.

Apologies for Absence: Councillor N Bayley and Councillor J Grimshaw

LSP.1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted by Councillors N Bayley, J Grimshaw and the Head of Public Protection at Bury Council, B Thomson.

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 THE PREVIOUS MEETING

Delegated decision:

That the Minutes of the last meeting held on the 17th of April 2023 be approved as a correct record and signed by the Chair.

LSP.4 PUBLIC QUESTION TIME

No questions had been pre submitted and no members of the public were in attendance 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 10th of April and the 28th of May 2023.

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 5th of May 2023.

NR3S- NATIONAL DATABASE FOR REFUSALS, REVOCATIONS AND SUSPENSIONS

Letters were sent out on 2nd May 2023 to all those whose historical data will go on the NR3S. Emails were sent to all other drivers on the same date to inform them that we have now started to use the system. Our historical data is due to be uploaded on the 31st of May 2023. All new and renewal applications for drivers are now being checked against the database.

LICENSING HEARINGS SUB-COMMITTEE HEARINGS SUMMARY REVIEW – TOPSHOP, 20 HURST STREET BURY

On the 24th of April 2023, Greater Manchester Police submitted an application to the Licensing Authority for a Summary Review in respect of Top Shop, 20 Hurst Street, Bury, BL9 7ER because they believe that the premises are associated with Serious Crime. As required by the legislation an interim steps hearing of the Licensing Hearings Sub-Committee was set up with 48 hours to consider what interim steps to take. Members decided to suspend the premises licence and remove the designated premises supervisor. A full review hearing took place on the 18th of May 2023 and members decided to revoke the premises licence and took a separate decision to leave the interim steps in place should the licence holder appeal the Council's decision.

GRANT OF A PREMISES LICENCE – NOVA WINES AND TAPAS, 3 AND 3A RADCLIFFE NEW ROAD, WHITEFIELD

The Licensing Service received an application for the grant of a new premises licence for the above premises. Representation was received from Greater Manchester Police in their capacity as a responsible authority and interested party. Discussions have taken place between the applicant and Greater Manchester Police and they have agreed conditions to be applied to the premises licence. The matter was considered by the Licensing Hearings Sub-Committee on the 19th of May 2023 and Members decided to Grant the application with conditions.

TRADE LIAISON MEETING

The Licensing Service held a Trade Liaison meeting with the taxi trade on the 11th of May 2023, this was attended by representatives of the trade. The minutes of the meeting have been published on the Council's website.

It was agreed:

That the report be noted.

LSP.6 REPRESENTATIONS RECEIVED IN RESPECT OF THE PROPOSED INCREASE TO THE HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENCE FEES AND PRIVATE HIRE OPERATOR LICENCE FEES

The Executive Director (Operations) submitted a report relating to representation received from the Private Hire Drivers Association in relation to the recently advertised proposed increase to the Hackney Carriage and Private Hire Vehicle licence fees and Private Hire Operator License fees.

The Licensing Unit Manager and Assistant Director of Operations Strategy outlined the report to the committee. The Committee was informed that the proposed increased fees and charges had been agreed by Cabinet and that the statutory obligation to consult only applied to Private Hire/Hackney Carriage vehicle Licence and Private Hire Operator licenses. It was confirmed that all other fees and charges had been amended in line with the Cabinet decision in February 2023. It was stressed to the committee that Licensing must operate a cost recovery model and that even with the proposed increases there would still be a gap to break even, and the service would have to look at how this can be met.

Members asked a number of questions to Officer present at the meeting and requested that the Licensing Service liaise with the Finance department and obtain the additional financial information and present a further report to the next Licensing and Safety Committee for determination.

Delegated decision:

That the Licensing and Safety Committee deferred the decision on the proposed fees and charges increase and requested the following information to be added to the report ahead of the next Committee in July 2023 where it would be considered again: -

1. Why have charges been increased by the amounts stated in the report?
2. What additional income would it bring in this year as a result or the new fees?
3. A Full Equality Impact Assessment was required to be carried out.

LSP.7 OFFICER DELEGATION

The Executive Director (Operations) submitted a report requesting that the Committee approve delegation to officers to suspend Hackney Carriage and Private Hire Drivers Licences if they have not got a valid enhanced DBS certificate.

Delegated decision:

That the Head of Public Protection, Licensing Unit Manager and Deputy Licensing Officer have delegation to suspend Hackney Carriage and Private Hire Drivers Licences if they have not got a valid enhanced DBS certificate.

LSP.8 URGENT BUSINESS

No urgent business was reported at the meeting.

LSP.9 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.10 APPLICATION FOR THE GRANT OF A STREET TRADER CONSENT

The Executive Director (Operations) submitted a report relating to the application for the Grant of a street Trader consent. The applicant who was in attendance at the meeting alongside their representative. 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 Licensing Manager, set out the reasons for the application being before the Committee.

On the 30th of March 2023, the Licensing service received an email from Bolton Council with the applicant's details asking if he held a Consent with Bury Council. After a check of Bury's system it was confirmed that he did. Bolton Council then supplied Licensing with information that they had revoked his Street Trading Consent together with a copy of their minutes and reasons for the decision which was detailed in the private agenda packs.

The applicant had made a new application for a Street Trader Consent to Bury Council on the 2nd of April 2023.

Delegated decision:

The Committee carefully considered the report and oral representations by the applicant and his representative. The Committee noted the evidence provided in the agenda pack via the Officer's report and the statement provided concerning the applicant. A social media video circulated to the Committee had also been viewed by Members.

Taking into account the provisions of schedule 4 (6) (d) of the Local Government (Miscellaneous Provisions) Act 1982, the Committee resolved **to refuse the application**. The Committee did not believe the applicant to be a fit and proper person to hold a street trader consent.

The evidence presented at the committee had demonstrated the Applicant is unsuitable to hold a street trader consent.

LSP.11 SUSPENSION / REVOCATION OF PUBLIC / PRIVATE HIRE DRIVER LICENCES

Licence Holder 1/2023

The Executive Director (Operations) submitted a report relating to Licence Holder 1/2023 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 report stated that the Licence Holder had held a private hire driver's licence continually since the 29th of May 2015. His most recent licence commenced on the 5th of June 2023 and was due to expire on the 16th of August 2025. Since 2015 the Licensing Service had noted 12 issues on this Licence Holder's record which were detailed in the private agenda packs.

Delegated decision:

The Committee carefully considered the report, and oral representations by the Licence Holder. The Committee noted the explanations provided but reminded the Licence Holder to adhere to the conditions of a licence and read any correspondence from the Council in relation to rules and advice.

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 one month with immediate effect** on the grounds of public safety.

LSP.12 APPLICATION FOR PUBLIC / PRIVATE HIRE DRIVER LICENCES

The Executive Director (Operations) submitted a report relating to Applicant 2/2023 who was in attendance at the meeting. 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 was first granted a private hire driver's licence on the 23rd of May 2016 and his most recent licence expired on the 4th of November 2022.

The report informed the committee that a new application for a driver's licence was made on the 23rd of January 2023 and under the Local Government (Miscellaneous Provisions) Act 1976, he was before Members for consideration of this application.

Delegated decision:

The Committee carefully considered the report and oral representations made by the applicant at the meeting.

The Committee accepted that the applicant had shown genuine remorse for the error which was detailed in the private agenda packs and accepted it was a huge mistake. They also took into consideration the lack of any previous warnings and complaints.

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 grant the application for a period of one year.**

COUNCILLOR G MCGILL
Chair

(Note: The meeting started at 7.00pm and ended at 9.52pm)