

**AGENDA FOR**  
**LICENSING AND SAFETY COMMITTEE**



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**To: All Members of Licensing and Safety Committee**

**Councillors:** G McGill (Chair), N Boroda, N Bayley,  
J Grimshaw, K Hussain, B Ibrahim, G Marsden, D Quinn,  
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>	Thursday, 8 June 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 THE PREVIOUS MEETING *(Pages 5 - 10)***

The minutes of the meeting held on the 17th April 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 11 - 18)***

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

### **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 *(Pages 19 - 24)***

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

### **7 OFFICER DELEGATION *(Pages 25 - 28)***

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

### **8 URGENT BUSINESS**

Any other business, which by reason of special circumstances, the Chair agrees may be considered as a matter of urgency.

### **9 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.

### **10 APPLICATION FOR THE GRANT OF A STREET TRADER CONSENT**

*(Pages 29 - 34)*

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

**11 SUSPENSION / REVOCATION OF PUBLIC / PRIVATE HIRE DRIVER LICENCES** *(Pages 35 - 58)*

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

**12 APPLICATION FOR PUBLIC / PRIVATE HIRE DRIVER LICENCES** *(Pages 59 - 64)*

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

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**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.

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**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 16<sup>th</sup> 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 6<sup>th</sup> of March and the 2<sup>nd</sup> of April 2023.

#### **MULTI AGENCY SCRAP YARD DAY OF ACTION**

On the 20<sup>th</sup> 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 4<sup>th</sup> of March against a Temporary Event Notice for Club 66, 24 Silver Street, Bury. A Licensing Hearings Sub-Committee was arranged for the 31<sup>st</sup> 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 27<sup>th</sup> of March. The application is now in a 28-day objection period which will end at midnight on the 24<sup>th</sup> 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 31<sup>st</sup> March 2022, the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 received Royal Assent. Statutory Guidance was published on the 23<sup>rd</sup> of May 2022. From the 27<sup>th</sup> 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 12<sup>th</sup> 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 12<sup>th</sup> 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 21<sup>st</sup> of June 2013 until its expiry on the 7<sup>th</sup> of July 2025.

On the 2<sup>nd</sup> 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 1<sup>st</sup> 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 28<sup>th</sup> of July 2011. They cancelled that licence on the 25<sup>th</sup> of April 2012 and did not get another private hire driver's licence until the 7<sup>th</sup> of June 2017. This licence had been held continuously and is due to expire the 5<sup>th</sup> 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 6<sup>th</sup> of November 2012. Their current private hire drivers' licence which commenced the 8<sup>th</sup> of July 2022 is not due to expire until the 31<sup>st</sup> 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)**



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

<b>Meeting:</b>	Licensing & Safety Committee
<b>Meeting date:</b>	8 June 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

**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 **10 April - 16 April**

**Client**

Complaint 7

Enforcement 3

**Premises**

Enforcement 2

**Vehicle**

Enforcement 6

2.3 **17 April – 23 April**

**Client**

Multi agency 33

Enforcement 9

Complaint 6

**Operator**

Enforcement 1

**Premises**

Complaint 2

Compliance 11

Enforcement 9

Multi agency 7

**Vehicle**

Enforcement 8

Multi agency 19

2.4 **24 April – 30 April**

**Client**

Complaint 2

Enforcement 1

Multi agency 1

**Premises**

Complaint 2

Enforcement 9

Intel 1

**Vehicle**

Complaint 2

Enforcement 14

Multi agency 1

2.5 **1 May – 7 May**

**Client**

Complaint 3

Enforcement 4

**Vehicle**

Complaint 3

Enforcement 9

**Premises**

Enforcement 7

2.6 **8 May – 14 May**

**Client**

Complaint 5

Enforcement 4

**Premises**

Compliance 10

Enforcement 9

**Vehicles**

Complaint 2

Enforcement 13

2.7 **15 May – 21 May**

**Client**

Complaint 2

Enforcement 1

**Operator**

Enforcement 3

**Premises**

Enforcement 12

Intel 2

**Vehicles**

Complaint 2

Enforcement 10

2.8 **22 May – 28 May**

**Client**

Complaint 1

Enforcement 2

Update 1

**Premises**

Update 4

Complaint 3

Enforcement 3

Multi Agency Visit 2

**Vehicles**

Enforcement 5

**3.0 IMMEDIATE REVOCATION OF A PRIVATE HIRE DRIVERS LICENCE**

3.1 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 5 May 2023

**4.0 NR3S – NATIONAL DATABASE FOR REFUSALS, REVOCATIONS AND SUSPENSIONS**

Letters were sent out on 2 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 31 May 2023. All new and renewal applications for drivers are now being checked against the database.

**5.0 LICENSING HEARINGS SUB-COMMITTEE HEARINGS**

**5.1 Summary Review – Topshop, 20 Hurst Street Bury**

On the 24 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 suspended the premises licence and remove the designated premises

supervisor. A full review hearing took place on the 18 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. All parties have been notified of the d

5.2 **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 were received from Greater Manchester Police in their capacity as a responsible authority .and an a 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 19 May 2023 and Members decided to Grant the application with conditions. All parties have been notified of the decision.

6.0 **TRADE LIAISON MEETING**

6.1 The Licensing Service held a Trade Liaison meeting with the taxi trade on the 11 May 2023, this was attended by representatives of the trade. The minutes of the meeting will be published in due course at:

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

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**Community impact / links with Community Strategy**

Not applicable

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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.*

<b>Equality Analysis</b>	<i>Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.</i>
<i>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.</i>	

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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:**

Not applicable

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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	

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**Classification**

**Item No.**

**Open / Closed**

<b>Meeting:</b>	Licensing and Safety Committee
<b>Meeting date:</b>	8 June 2023
<b>Title of report:</b>	<b>Representations received in respect of the proposed increase to the hackney carriage and private hire vehicle licence fees and private hire operator licence fees</b>
<b>Report by:</b>	Executive Director (Operations)
<b>Decision Type:</b>	Council
<b>Ward(s) to which report relates</b>	All

### **Executive Summary:**

This report relates 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.

### **Recommendation(s)**

It is recommended that the Licensing and Safety Committee considers the following options:

- To approve the advertised fees without modifications
- To approve the advertised fees with modifications

### **Background**

- 1.1** Section 70(2) of the Local Government (Miscellaneous Provisions) Act 1976 gives authority to a District Council to set the fees in relation to the Licensing of Hackney Carriage and Private Hire Vehicles and also for Private Hire Operator

licenses. Having varied the fees, the Council is required to advertise them in a local newspaper to allow persons wishing to object to them a period of 28 days from the date of publication of the notice to object. The requirement does not apply to Hackney Carriage and Private Hire Drivers licence fees.

## 2.0 INTRODUCTION

2.1 In February 2023, Full Council approved increases in fees and charges for 2023/2024. The proposed increase are shown below and should have come into operation on the 4 May 2023.

### 2.2 Current Fees

Vehicles under 3 years old	£238.00 (£182.00 plus <b>£56.00</b> )
Vehicles over 3 years old	£294.00 (£182.00 plus <b>£112.00</b> )
Private Hire Operators 1-2 vehicles (One Year)	£288.00
Private Hire Operators 3 or more vehicles (One Year)	£410.00
Private Hire Operators 1-2 vehicles (5 Year)	£1401.00
Private Hire Operators 3 or more vehicles (5 Year)	£1955.00

### Proposed Fees

Vehicles under 3 years old	£260 (£200.00 plus <b>£60.00</b> )
Vehicles over 3 years old	£320 (£200.00 plus <b>£120.00</b> )
Private Hire Operators 1-2 vehicles (One Year)	£315.00
Private Hire Operators 3 or more vehicles (One Year)	£450.00
Private Hire Operators 1-2 vehicles (5 Year)	£1540.00
Private Hire Operators 3 or more vehicles (5 Year)	£2250.00

2.3 The vehicle test fee element of the respective vehicle licence fee payable by the Licensing Section to Bradley Fold garage is currently £56.00. The licensing service have been notified that this fee will increase to £60.00 per vehicle inspection. It is the intention that the second approved testing station at Sunnybank Service Station will charge the same fee for the vehicle compliance test.

2.4 Members are advised that the vehicle compliance tests are conducted in accordance with the Councils Vehicle Testing manual which includes a full MOT inspection in accordance with the Ministry of transport inspection manual. The inspection of Hackney Carriage vehicles also includes their taxi meter being tested over a fixed distance to determine the accuracy of the meter and other non-standard MOT checks being carried out.

### **3.0 Licensing Income and Expenditure: -**

- 3.1 The total cost of the Taxi Licensing Service for the financial year 2022/23 was £372k and the total income received by the service was £327k. This resulted in an under recovery of costs to the value of £45k.
- 3.2 In addition, the cost of operating the service will increase in 2023/24 due to inflation and fees and charges therefore need to be increased.
- 3.3 Each licensing authority considers their own fees and charges in line with the costs of operating the service and the income received. It should be noted that Wolverhampton have significantly more vehicles licenses than Bury (in the region of 20,000 and therefore it is not a suitable comparison.

### **4.0 REPRESENTATIONS**

- 4.1 There are currently 752 private hire vehicles, 33 hackney carriage vehicles and 28 Private Hire Operators licensed with this Authority. In accordance with the legislation the proposed fees were published in the Bury Times on 6 April 2023.
- 4.2 An objection to the increases in fees and charges was received by the Licensing Service on 3 May 2023 from the Private Hire Drivers Association who state the following:

There are several reasons why we are requesting a review of the current price structure for taxi licensing fees.

We understand that the cost of licensing is essential for the provision of regulatory resources and necessary services. However, we believe that charging significantly higher fees than Wolverhampton not justified and is making it difficult for our members and partners to continue operating the business

Firstly, we have conducted a thorough analysis of the fees charged by the bury licensing regulatory authority and discovered that our members and taxi trade partners are being charged significantly higher fees in comparison to Wolverhampton. This is causing financial strains on our members and partners while Wolverhampton license holder working in GM taking full advantage of low cost licensing structure

Secondly, we believe that a fair and reasonable charging structure is necessary for ensuring public safety while also enabling our members and partners to carry out their operations effectively. Therefore, we propose that the current fee structure is reviewed to ensure that it aligns with Wolverhampton fees.

We believe that the regulatory authority should take into account the financial burden imposed by the licensing fees on our members and partners. A fair and reasonable fee structure will help businesses to thrive, ensuring that the public is provided with safe and reliable transportation services and we always encourage our members to stick to bury licensing

Overall full review of the current price structure for licensing fees is necessary to ensure that it is fair, reasonable, We hope that the bury licensing regulatory authority takes our proposal into consideration and takes appropriate measures to alleviate the financial strain experienced by our members and partners.

## **5.0 CONCLUSIONS**

- 5.1 Members are requested to consider the objection from the Private Hire Drivers Association and to determine if the proposed fees are to be applied.

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### **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.

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### **Community impact / Contribution to the Bury 2030 Strategy**

The licensing service undertakes its statutory duty to ensure that the residents and visitors to Bury are reassured that the Hackney Carriage/Private Hire trade is properly regulated, and safety is paramount.

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### **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.*

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**Assessment of Risk:**

The following risks apply to the decision:

<b>Risk / opportunity</b>	<b>Mitigation</b>
There are no specific issues from the report other than potential costs/risks associated with legal appeals.	The Licensing and Safety Committee give consideration to the representation and determine accordingly.

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**Consultation:**

The Licensing Service have advertised in a local newspaper the proposed fees in line with Section 70(2) of the Local Government (Miscellaneous Provisions) Act 1976

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**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.

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**Financial Implications:**

The cost of the licensing function is 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.

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**Background papers:**

Representation from the Private Hire Drivers Association

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

Term	Meaning





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

<b>Meeting:</b>	Licensing and Safety Committee
<b>Meeting date:</b>	8 June 2023
<b>Title of report:</b>	Officer Delegation
<b>Report by:</b>	Executive Director (Operations)
<b>Decision Type:</b>	Council
<b>Ward(s) to which report relates</b>	All

#### **Executive Summary:**

This report requests 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.

This report proposes:

#### **Recommendation(s)**

It is recommended that the Licensing and Safety Committee considers the following options: -

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

#### **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.

## 1.0 Background

- 1.1 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 states that the Council may suspend or revoke or refuse to renew the licence of a driver of a private/public hire vehicle on any of the following grounds:
- 1.2 a) that he has since the grant of the licence:-  
(i) been convicted of an offence involving dishonesty, indecency or violence; or  
(ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or this Act; or  
b) any other reasonable cause.
- 1.3 The Act also confers a right of appeal to the Magistrates Court and provides that an individual can continue to drive a hackney carriage/private hire vehicle during the period when an appeal can be lodged and if an appeal is lodged until the appeal is dismissed or withdrawn or fails for want of prosecution. Section 52 of the Road Safety Act, provides Licensing Authorities with a power to suspend or revoke a Hackney or Private Hire driver licences with immediate effect where they are of the opinion that the interests of public safety require such a course of action.
- 1.4 Members may recall that during the Covid pandemic, the Council provided assistance to the taxi trade in a number of ways, one of which was to issue 12 month drivers licences. Due to this this has meant that the enhanced DBS Certificate date now does not correspond with the expiry date of the hackney carriage/private hire driver's licence.
- 1.5 The Licensing Service write to all hackney carriage/private hire drivers two months before DBS certificate is due to expire.

## 2.0 Proposal

- 2.1 The Licensing Service seek delegation from the Licensing and Safety Committee to the Head of Public Protection, Licensing Unit Manager and the Deputy Licensing Officer in the absence of the other officers the ability to suspend hackney carriage/private hire driver's licences if they have not been applied for or the Licensing Service have not been supplied with the information before the expiry date.

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### 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.

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### Community impact / Contribution to the Bury 2030 Strategy

Not Applicable

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### 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.*

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**Assessment of Risk:**

The following risks apply to the decision:

<b>Risk / opportunity</b>	<b>Mitigation</b>
Not Applicable	

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**Consultation:**

Not Applicable

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**Legal Implications:**

As set out in the report the Council's Constitution delegates determination of all new applications and all renewals for hackney carriage and private hire driver and vehicles licences where the relevant policy, guidelines criteria or legislative provisions is not complied with, to the Licensing and Safety Committee. It further delegates to the Committee the power to suspend and/or revoke such licences.

This report requests that the Committee approve delegation to the job roles to suspend hackney carriage/private hire drivers licences, the circumstances of which are set out within this report. This is within the remit of the Committee and it does not require the approval of full Council.

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**Financial Implications:**

There are no specific issues from the report other than potential costs/risks associated with legal appeals

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**Background papers:**

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

Term	Meaning
Enhanced DBS certificate	Criminal Records Certificate issued by the Disclosure and Barring Service

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

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