

Minutes of: LICENSING AND SAFETY COMMITTEE

Date of Meeting: 20 July 2023

Present: Councillor G McGill (in the Chair)
Councillors N Boroda, N Bayley, J Grimshaw, 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
B Thomson- Head of Public Protection

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

LSP.1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted by the Assistant Director of Operations Strategy, L Swann.

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 8th June 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 29th May and the 2nd July 2023.

LICENSING HEARING SUB-COMMITTEE HEARING

On the 27 March 2023, Greater Manchester Police submitted an application to the Licensing Authority for a Review of the Premises Licence in respect of Club 66, 24 Silver Street, Bury. Members will recall that an urgent item was listed at the Meeting of the Licensing and Safety Committee on the 17 April 2023 to request that the period for the hearings be extended. 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, the Licensing Authority requested 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.

The Licensing Hearings Sub-Committee took place on the 13 June 2023, Members considered the application and appropriate evidence from Greater Manchester Police and decided to revoke the premises licence and to remove the designated premises supervisor.

The Licensing Service had received an application to Transfer the premises licence and to vary the designated premises supervisor at Club 66, 24 Silver Street, Bury. Greater Manchester Police have made representations to both of these applications which were scheduled to be considered by the Licensing Hearings Sub-Committee on the 4 July 2023.

The Licensing Service had been advised that the proposed designated premises supervisor no longer wishes to be named on the premises Licence and the new Limited company have confirmed that they do not wish the licence to be transferred to them. The premises licence has now reverted back to the previous owners.

PARKLIFE

Officers from the Licensing and Trading Standards Services locate with Public Protection worked on the 9th- 11th June covering the Courteeners and Parklife events held at Heaton Park. Officers dealt with issues relating to the following matters:-

- Illegal Street Trading
- Enforcement of Hackney Carriage and Private hire legislation.- 78 Vehicles licensed by other authorities identified for reporting for, various issues e.g., plying, damage, missing signs or refusing to move on and causing obstruction
- Checking of Pedlars Certificates
- Checking of Licensed Premises
- Unlicensed Takeaways
- Assisted GMP with seizure of a private hire vehicle

Officers will feedback their findings at the debrief meeting that will be held in due course. A thank you has been received from Greater Manchester Police regarding the Officers from Public Protection for their hard work during the event and, keeping young people safe and looking after residents.

MULTI AGENCY VISITS – TOBACCO DOG

On Friday the 23rd June, Officers from Trading Standards, Licensing and Greater Manchester Police carried out visits alongside a dog handler from Wagtails, with a tobacco dog, to 5 premises across the Borough. From 5 premises visited, seizures were made from 4 of illegal vapes and illicit tobacco. In total 17,360 illicit cigarettes, 7.95 kg of hand rolling tobacco and 1876 illegal vapes were seized with a street value of £33,151. A fire and environmental health issue was also raised at one premise.

LEE RIGBY CHARITY FOOTBALL MATCH – BURY FOOTBALL CLUB

On Saturday 24 June, the Deputy Licensing Officer worked alongside the GMP Licensing Officer for the Lee Rigby charity football match taking place at Bury Football Club. Nine licensed premises in the town centre and three licensed premises closer to the stadium were visited, two were given advice. The football stadium was also visited, and the appropriate advice and guidance issued.

IMMEDIATE REVOCATION OF A PRIVATE HIRE DRIVERS LICENCE

Due to an article in the Bury Times entitled “Eight charged in connection with suspected county lines drugs network”, The Licensing Service became aware that a licensed private hire driver in Bury had been in court for drugs offences. On the 29th June 2023, the Licensing Service received confirmation from Greater Manchester Police about the private hire driver. On receipt of this information the Licensing Unit Manager in consultation with the Chair of the Licensing and Safety Committee decided to revoke with immediate effect his licence in the interests of Public Safety.

A number of Members commented on the report.

One Member commented if the Licensing Service was aware of a Heaton Park de-brief meeting with management on the 26th July which included local residents and Councillors.

Another Member asked if feedback could be obtained on unlicensed takeaways which the Licensing Manager would provide but presumed it was related to trading after hours.

A discussion also took place on what illegal vapes entailed and how enforcement action could be taken via trading standards North West.

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 Head of Public Protection outlined the report to the committee.

The Committee was informed that in February 2023, Full Council approved increases in fees and charges for 2023/2024. The proposed increase was detailed in the report attached to the agenda packs and should have come into operation on the 4th May 2023.

The total cost of the Taxi Licensing Service for the financial year 2022/23 was £372,000 and the total income received by the service was £327,000. This resulted in an under recovery of costs to the value of £45,000. The licensing service continue to work with the finance department to develop a full cost recovery model.

In addition, the cost of operating the service will increase in 2023/24 due to inflation therefore Council fees and charges need to be increased.

Each licensing authority considers their own fees and charges in line with the costs of operating their own service and the income received. It should be noted that Wolverhampton have significantly more vehicles licenses than Bury (in the region of 20,000) therefore a direct comparison cannot be made. Wolverhampton's current related fees were included in Appendix 1 of the report.

Members were reminded that this matter was previously considered at the last meeting on the 8th June 2023. The Assistant Director of Operations Strategy and the Licensing Unit Manager outlined the report and the options available to the members contained within the report. Members considered the content of the report and resolved to defer the consideration of the report until this meeting and Members requested that the following questions were answered.

Why have we put charges up by the amounts we have?

A council wide review of fees and charges took place across a number of service areas. Examples include, but are not limited to, replacement bins, Leisure Membership, Market Rents, Licensing administration costs. The review was undertaken by the Head of Commercial Services in conjunction with Finance and the proposed increases in fees and charges were considered by Full Council in February 2023.

The review considered the levels of fees and charges across other Greater Manchester Authorities to ensure any proposed increases were in line. The Licensing Service has since collated the current (July 2023) fees and charges that relate to this report from other GM Licensing Authorities and attached at Appendix 1. Due to variations of how each Local Authority sets and structures their fees, a direct like for

like comparison is not able to be achieved, but the attached shows the fees for Bury are broadly in line with other authorities.

The decision noted at Full Council in February 2023 was:

“At the invitation of the Mayor, Councillor Gold, Cabinet Member for Finance and Communities, made a statement on the Budget for 2023/24. (i) It was moved by Councillor Gold and seconded by Councillor O'Brien that the recommendations contained in Minute CA.126 of the Cabinet meeting held on 15th February 2023 be approves and adopt the budget for 2023/24”

The review of all fees and charges for the financial year 2023/2024 ensured that any increase covered the cost of inflation. The increase in fees and charges ranged from 5% to 15%. The proposed increase covered in this report, namely, Hackney Carriage /Private Hire Driver licences and Private Hire Operator licences were set at a 10% increase and then rounded down. This increase is in line with inflation which in February 2023 was just over 10%.

What additional income will it bring in this year as a result or the new fees?

The Licensing Service have reviewed the Council's Database and have identified the number of Hackney Carriage and Private Hire Vehicle Licences and Private Hire Operators Licences that are due to expire between the 9 June 2023 and 31 March 2024.

If the above proposed fees and charges are approved and implemented on 20 July 2023, the total additional income that will be achieved from vehicle and private hire operator fees in 2023/24 will be £13,180.

Equality Impact Assessment (EIA)

The Licensing Service have conducted an EIA. The assessment concluded that the proposed Hackney Carriage / Private Hire Vehicles and Private Hire Operators fee increase did not require any amendments to address equality impacts and therefore the Licensing Authority has fulfilled its duties under Equalities Act 2010. The Licensing Authority will continue to monitor the impact of policies on different groups to assess impact on any aspect of protected equality characteristics. A copy of the EIA was attached in Appendix 2 of the report.

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

Councillor Rydeheard placed on record his thanks to Officers for providing the information requested at the last meeting and including in the report.

Members commented and asked a number of questions to Officer present at the meeting.

How many vehicles registered with the City of Wolverhampton were trading in Bury? The Licensing Unit Manager provided an explanation of how this issue arose via changes made by central Government and to provide the numbers he would have to contact each individual operator. The Member reported he had undertaken some research and estimated that 4,000 Wolverhampton vehicles may be working across Greater Manchester.

Are two testing stations required? It was reported that it was a fairly even split between both stations for vehicles which the trade seems to like.

Delegated decision:

That the Licensing and Safety Committee approved the advertised fees without modifications.

Councillors Rvdeheard and Hussain requested their vote against the approval be recorded in the minutes.

LSP.7 URGENT BUSINESS

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

Hackney Carriage & Private Hire Policy Revisions.

The Head of Public Protection informed the committee via a report which had been circulated from the Executive Director (Operations) advising Members on some of the challenges facing licensing authorities due to the negative impacts of extensive out of area working within the private hire industry, including the decline in taxi and private hire licence numbers in Bury and the approach made by trade representatives for amendments to key policy areas.

It has also been almost 2 years since this Committee approved Stage 1 of the Minimum Licensing Standards (MLS) for Taxi and Private Hire (Drivers and Operators) and over 18 months since the approval of Stage 2 (Vehicles) as part of the harmonisation of standards project across Greater Manchester (GM). These standards are still not fully adopted or implemented across GM in large part due to the continued delay of the Clean Air Plan which has in turn delayed access to Clean Taxi Funds upon which many policy decisions are dependent.

Shortly after the MLS policy positions were initially agreed across GM, the Department for Transport (DfT) issued proposed Best Practice Guidance for Taxi and Private Hire licensing and ran a consultation from March – June 2022. Elements of this draft guidance departed significantly from the MLS that had been initially agreed across GM, namely the vehicle age and private hire sticker policies. The DfT is yet to respond to that consultation and has not committed to a timetable for issuing the final guidance.

With the ever-changing industry, continued licence shopping impacting many licensing authorities, and without final completion of Stage 1 & 2 of the MLS project being achieved (with three districts still yet to approve MLS vehicle standards for their current fleets) some GM districts have already felt compelled to review their position

and depart from MLS policies they had previously approved. Consequently, the MLS project is currently under full review.

There are a range of related factors that encourage this behaviour all related to policy, customer service, cost and levels of enforcement. Officers from the Licensing Service have engaged with trade representatives through the trade liaison meetings and the most common reasons cited for licensees leaving Bury or not choosing to be licensed here are:

- Vehicle Livery including front vehicle licence plates, and vehicle sticker policy.
- Costs
- Fire Extinguisher/First Aid Kit

A graph in the report showed how the number of licences issued by Bury has declined over the past 5 years.

The graph illustrates that Bury is continuing to lose licensees and without intervention from the government, with no current plans to prevent licence shopping through legislative change, this trend is only likely to continue. It is important to also note that the pandemic had a detrimental impact on the trade.

Information was provided on the Council's current policy which requires that council issued non-magnetic stickers were placed in the correct location in and outside the vehicle.

This policy was introduced many years before the introduction of MLS, in order to make legitimately licensed vehicles more distinguishable and safeguard against the risk of individuals getting into unlicensed vehicles with unlicensed drivers of malintent. Vehicle livery also made it easier for compliance and other authorised officers to quickly identify licensed vehicles and note which operator they are working for. However, during the adoption of stage 2 Common Minimum Licensing Standards, proposed additional signage requirements were considered and deferred for a two-year period. It is now the Licensing Service request to remove the (currently deferred) requirement for a bonnet sticker that was initially proposed.

It is important to remember that the way vehicles were ordered and dispatched in the past was considerably different to the most common and modern operating models today where Private Hire Operators use mobile applications, text messaging and live location services to provide customers with details of the driver and vehicle they have dispatched.

Bury's current operator signage policy, by default, means that our licensed vehicles can only work for one operator at a time. Private hire drivers regularly approach officers explaining that changes to modern operator business models means it is almost impossible to make a reasonable standard of living whilst working for only one operator at a time. This proposed amendment, subject to the consultation, would enable drivers to work for more than one operator whilst complying with operator signage conditions.

Private hire drivers also regularly advise officers that they feel vehicles are targeted with criminal damage and other anti-social behaviour. They have requested reduced signage requirement in order to reduce the risk of being targeted.

The current DfT Best Practice guidance issued in 2010 referred to the benefits of having clear identification on private hire vehicles to ensure the public can distinguish between a private hire vehicle and a taxi (hackney) and avoid confusion between the two modes of travel:

In the DfT's draft revised Best Practice Guidance consulted upon in 2022, the government changed their proposed approach.

Whilst this draft revised guidance is not yet finalised and published, it gives a good indication of the DfT's current thinking with regards to private hire livery. The guidance does not address any risk associated with unlicensed drivers and vehicles.

Officers consider that signage on private hire vehicles is still necessary to help passengers identify their pre-booked vehicle, remind passengers that private hire vehicles must be pre-booked, mitigate the risk of bogus drivers and vehicles posing as legitimately licensed, and help distinguish private hire vehicles from taxis.

Whilst having the Operator name visible for compliance and other authorised officers would be preferable, and makes investigating incidents and potential offences much easier, it is accepted that this restricts drivers and is a barrier for drivers being licensed with Bury. In order to mitigate the additional workload any removal of this requirement may produce, private hire operators could be requested to provide weekly data with regards to the vehicles working on their platform. This is a mechanism currently used by TfL.

As such it is considered that the current policy could be revised but still adheres to the following principles:

- Advise passengers that the vehicle must be pre-booked with the Operator
- Remain non-magnetic so they cannot be easily transferred to non-licensed vehicles
- Reduce the required number of stickers to mitigate the risk of vehicles being targeted for crime and anti-social behaviour
- Not restrict drivers to only working for one operator

Members commented on the urgent report and sought clarification on some of the information included. It was reported that the topics raised by Members would be included as part of the consultation process. If the report was agreed this could start on the 7th August and there was a taxi trade liaison meeting planned for the 3rd August.

Delegated decision:

That the Licensing and Safety Committee noted the report and requested that Officers commence a public consultation on the following policy revisions. Once completed a further report will be brought before the Committee in October 2023 for Members consideration:-

1. To modify the requirement for Operator stickers on private hire vehicles to replace all existing operator signage with new Passenger Side Windscreen signage (w10.5cm x h8.5cm) indicating operator, which must be updated and changed to reflect operator.
2. To remove the future requirement for bonnet stickers on private hire vehicles.
3. To modify the requirement for the current rear passenger door sticker "Private hire vehicle (not a taxi) The driver can only take passengers who have pre-booked with this company" to be replaced with a new Council issued sticker which is to be displayed on the rear door of a private hire vehicle stating, "Private hire vehicle not insured unless pre booked with operator" (magnetic signage is not permitted)
4. To modify the current knowledge test for the hackney carriage and private hire drivers.
5. To modify the requirement from mandatory to advisory for the provision of a fire extinguisher and first aid kit and modify the Council's vehicle compliance testing manual.
6. To remove the requirement for front plates on Hackney Carriage and Private Hire Vehicles and replace with Council issued windscreen signage which must be displayed at all times.
7. To remove the pre-requisite requirement of driving standards assessment before making an application to the Licensing Authority.
8. To introduce a re-application policy in relation to breaks in licence for the pre-requisites and Knowledge tests only.

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 / REVOCATION OF PUBLIC / PRIVATE HIRE DRIVER LICENCES

Licence Holder 3/2023

The Executive Director (Operations) submitted a report relating to Licence Holder 3/2023 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 Unit 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 5th April 2007. They also held a Private Hire Operators Licence since the 12th March 2012. The Private Hire Operators' Licence expired on the 3rd June 2020 and their private hire driver's licence is current until the 6th November 2025.

When the Licence Holder renewed his private hire driver's licence in October 2022, the Licensing Service were alerted to a conviction not disclosed and full details were attached in the private agenda packs.

The Licence Holder was before members for consideration to be given as to his suitability to remain a Private Hire Driver and also become a Private Hire Operator in Bury.

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 to obtain a reference number when having communications with the Council in future.

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 and grant a new private hire operator's licence.**

Licence Holder 4/2023

The Executive Director (Operations) submitted a report relating to Licence Holder 4/2023 who was in attendance at the meeting alongside a family member. 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 Unit 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 15th November 2016 and their current licence was not due to expire until the 17th October 2025. On the 27th May 2023, the Licence Holder completed an online declaration form and the report included in the private agenda packs stated full details.

The Licence Holder was before members for consideration to be given as to his suitability to be a private hire driver in Bury.

Delegated decision:

The Committee carefully considered the report, and oral representations by the Licence Holder and his family member. The Committee noted the explanations provided but reminded the Licence Holder that this was serious incident which was not acceptable or be tolerated and advised of local services which are available to help people during the cost-of-living crisis which can help avoid triggering a repeat of the offence. As an aside these types of services such as mental health and citizens advice would be provided to Licence Holders via the taxi trade liaison meetings.

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.**

COUNCILLOR G MCGILL
Chair

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