

Minutes of: LICENSING AND SAFETY COMMITTEE

Date of Meeting: 19 October 2023

Present: Councillor G McGill (in the Chair)
Councillors N Boroda, N Bayley, J Grimshaw, 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
L Swann- Assistant Director of Operations Strategy
R Thorpe – 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 K Hussain.

LSP.2 DECLARATIONS OF INTEREST

Councillor Rydeheard declared an interest that in his employment he had worked on a number of cases involving both Private Hire and Hackney Carriage drivers.

LSP.3 MINUTES OF PREVIOUS MEETING

Delegated decision:

That the Minutes of the last meeting held on the 14th September 2023 be approved as a correct record and signed by the Chair.

LSP.4 PUBLIC QUESTION TIME

No questions had been pre submitted to the meeting and one member of the public was in attendance at the meeting.

The Chair allowed Mr Ahmed who was in attendance at the meeting to comment on agenda item 6 and he was disappointed with the language used on the consultation report making it difficult to understand and questioned the huge response by drivers stating no to window stickers. The Head of Public Protection reported that the Licensing Service did not receive any reports that the consultation was hard to understand or requests for help with interpretation from the Engagement Officer.

The Licensing Unit Manager reported that all replies which were redacted had been included in the report contained in the embedded documents. The trade liaison meetings had consulted on removal of operator door signs and the window stickers would be on the inside of all passenger windows.

The Head of Public Protection mentioned window wallets which would allow for removal and display of operating details and he would run through the report in full when the meeting reached that agenda item later in the evening.

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 4th September and the 8th October 2023.

LICENSING HEARINGS SUB-COMMITTEE

Following a request from Greater Manchester Police on the 6th September 2023 for a summary review in respect of Hub Bar, 1 Haslam Street, Bury. The legislation required the Licensing Authority to hold a hearing within 48 hours of receipt of the application from Greater Manchester police. A Licensing Hearings Sub-Committee took place on the 8th September 2023 and Members resolved to suspend the premises licence and to remove the designated premises supervisor from the licence.

Following the interim steps hearing, the Licensing Authority must hold a summary review hearing within 28 days of the application from Greater Manchester Police. The hearing took place on the 28th September 2023 and Members resolved to revoke the premises licence and remove the designated premises supervisor. Following this decision members were required to consider whether the interim steps remain in place, or if they should be modified or withdrawn. Members decided that the interim steps should be kept in place.

PARTNERSHIP WORKING

Officers from the Public Protection Service (Licensing and Trading Standards) conducted two operations over two nights (29th September and 5th October 2023) respectively with Greater Manchester Police and the Immigration Service. Eight premises were visited, and one venue was found to have no designated premises supervisor and the name of the restaurant required changing and another premises also had changed its name. Advice was given at the time of the visits.

APPOINTMENT OF NEW OFFICERS

The Head of Public Protection advised the Committee of new appointments within the Service, these were as follows: -

- Joe Naylor – Regulatory Compliance Apprentice
- Laura Henry – Enforcement Officer Animal Health and Welfare
- Luke Solczak - Licensing Enforcement Officer

Delegated decision:

It was agreed that the report be noted.

LSP.6 PROPOSED HACKNEY CARRIAGE & PRIVATE HIRE POLICY REVISIONS FOLLOWING PUBLIC CONSULTATION

The Executive Director (Operations) submitted a report advising Members on the outcome of the Public Consultation relating to Hackney Carriage and Private Hire Policy revisions.

The Committee was asked to consider the following options:-

- To adopt the proposals outlined within the report.
- To refuse to adopt the proposals outlined within the report.
- To modify any of the proposals as determined by the committee.

In addition, the Committee was asked to provide delegated authority to amend the implementation date of any of these standards to the Head of Public Protection in conjunction with the Chair of Licensing and Safety Committee. Any changes to the amendment date would be reported at a subsequent Licensing and Safety Committee meeting.

The Head of Public Protection presented the report and reminded Members of the report that was considered by this Committee on the 20th July 2023, where members gave their approval for the Licensing Service to carry out a public consultation in relation to the review of Council Policy in relation to Hackney carriage and Private Hire.

The consultation took place between the 7 August 2023 and the 15 September 2023. The questionnaire was developed and hosted on-line on 'One Community', the council's engagement and consultation portal. Hard copies of the questionnaire were made available on request (none were requested). Emails were also accepted as a response. The survey was promoted on the council's social media platforms, via the one community newsletter and through direct emails to stakeholders.

The Licensing Service discussed the public consultation with trade representatives at the Trade Liaison meeting on the 3 August 2023 to enable them to advise their members of the proposed consultation. It was requested that a dedicated email address was set up for any issues/concerns/difficulties to be communicated to the Licensing Service.

A public consultation took place between the 7th August 2023 and the 15th September 2023. The consultation was accessed by 1,195 people, with 436 informed participants leading to 405 who were actively engaged with the consultation. The breakdown in participants included licensed drivers from the private hire and hackney carriage trade, licensed private hire operators, licensed vehicle proprietors, members of the public and trade representatives.

Table 3.1 in the report attached to the agenda pack showed the general response to the published proposals showing whether responders agreed or disagreed.

An overview was provided on the Current Standards alongside new proposed standards contained within different sections of the report along with the evaluation and consideration of responses which included the trade views.

Bury Council needed to strike the right balance between fulfilling its duty to ensure greater public safety whilst responding to the changing nature of the hackney carriage and private hire industry. The reality was that where any local authorities take a more stringent line on any of these policy areas, it was likely to result in continued reductions in drivers and vehicles licensed by that authority, and in Bury that meant having even less control and influence over the safety standards of the fleet working within our Authority area.

Current existing vehicle licence conditions were included in the report for reference in Appendix 5 (Hackney Carriage) & Appendix 6 (Private Hire). These conditions required amendment to reflect some of the changes as outlined in the report and approved by this Committee.

The new modified hackney carriage vehicle licence conditions were listed in Appendix 7, and the new modified private hire vehicle licence conditions listed in Appendix 8 would be applied to all new and renewal vehicle applications from a date of implementation which was to be delegated to the Head of Public Protection in consultation with the Chair of Licensing and Safety Committee. This was to enable the procurement of new vehicle signage for the supply to the trade.

Following legal advice, the proposed changes to vehicle licence conditions including livery as outlined in the report would be applied to all new applications and on renewal for all existing vehicle licences.

A member asked about the new fire extinguisher and first aid kit standard and the encouragement involved to have one. The Head of Public Protection reported this was discussed at a trade meeting and there was no requirement to undertake first aid training and it would be encouraged but not required, adding any changes would not impact upon public safety.

Members clarified the operational signage element and the Head of Public Protection explained how a driver could change his operator details in the plastic pocket rather than having to peel stickers off and then reapply new which would be costly. Driver safety had also been taken into account with the removal of the front plate which identified the car as a taxi and led to some incidents of anti-social behaviour towards the vehicles.

The Licensing Unit Manager added that there would be further work across Greater Manchester on CCTV in vehicles as some at the moment do have it installed along with dash cameras.

A Member felt the knowledge test should not be taken out but updated and a discussion took place on the data technology used for taxi vehicles on their journeys.

Delegated decision:

It was agreed by the Licensing and Safety Committee:-

- (1) - That the new Hackney Carriage vehicle licence conditions be approved and adopted subject to the below modifications for new and renewal applications.
- (2) -That the new Private Hire vehicle licence conditions be approved and adopted subject to the below modifications for new and renewal applications.
- (3) - That delegated authority was granted to amend the implementation date of any of these standards to the Head of Public Protection in conjunction with the Chair of Licensing and Safety Committee. Any changes to the amendment date would be reported at a subsequent Licensing and Safety Committee meeting.
- (4) -That the new standards be approved and replace the current standards in relation to plates and livery:-

Bury Council requires all Hackney Carriage and Private Hire vehicles to display a rear plate and a front vehicle windscreen vehicle identification sign.

In respect of Private hire vehicles, they must display the following as well as the plate:

- *An operator window sign, in a council issued window mounted wallet (which can be changed by the licensed driver to advise passengers of the operator currently being used to fulfil the booking). The window mounted wallet is to be displayed in the bottom passenger side of the vehicle windscreen alongside the (new) vehicle identification sign. A window wallet, issued by the Council, must be displayed at all times. The operators name must be clearly legible, printed in a digital format (not handwritten) with operators logo if applicable, and must fill the corresponding wallet/holder space.*
- *A rear passenger door sticker (on each rear door), issued by the Council, stating "Private hire vehicle not insured unless pre booked with operator"*
- *Passenger window signs, issued by the Council, shall be affixed permanently to all passenger windows of the vehicle and are not removed whilst the vehicle is licensed. The window signs must contain plate number, registration number, expiry date and the number of passengers the vehicle is licensed to carry.*
- *We do not allow any signage to be mounted on magnets.*
- *The operator signage in use must be approved by the Council and issued by the Operator.*

- (5) -That the current standard remain in place and the new standard be rejected for the condition:-

All applicants will need to provide proof that they have passed the practical driving assessment for taxi drivers, issued by either of our approved driver training companies

- (6) -That the current standard remain in place and the new standard be rejected for the conditions:-

Ensure that any fire extinguisher is in a serviceable condition (where applicable).

Ensure that the vehicle has a full and complete first aid kit (check that contents are not out of date)

(7) -That the current standards would see the removal of the geographical elements only (paper A, B and D) and replaced with the new standard conditions, retaining current condition paper C:-

*Paper a) Three locations to be located by the use of a physical map
Paper b) Road names of where premises are located (15 questions)
Paper c) Conditions (10 questions)
Paper d) Journeys by the shortest route between two specific locations (from memory)*

The knowledge test will remain a mandatory requirement and be revised and enhanced to cover other topics in greater depth which are relevant to public safety i.e., licence conditions, safeguarding, road signs etc. This would also include elements relating to the use of modern journey technology, such as route finding planning and directional technology.

(8) -That the new standard be approved in relation to re-application conditions (Currently there is no standard):-

Driver (applicants) will be able to be relicensed following a break in their licence of no longer than six months (of their hackney carriage/private hire driver licence) where applicants can demonstrate ALL of the following criteria:-

- The driver/applicant has previously sat the written Knowledge test and passed there is no requirement to resit, however if the driver has not sat the written knowledge test they will be expected to complete the knowledge test before the licence is granted;*
- The driver/applicant has completed all the pre-requisites required by the Council i.e., Safeguarding training, driving assessment (subject to removal under this consultation) and the communication and numeracy skills assessment (If applicable);*
- The driver/applicant has undertaken a group 2 Medical within the last 4 months;*
- The driver/applicant has previously undertaken an enhanced DBS which was within 6 months of the date of issue of the certificate or if the driver has an Enhanced DBS Certificate registered with the DBS update service;*
- The Licensing Service are provided the right to place an application for a Hackney Carriage/Private Hire Drivers licence before the Licensing and Safety Committee if they deem it appropriate.*

LSP.7 URGENT BUSINESS

No urgent business was reported at the meeting.

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 APPLICATION FOR PUBLIC / PRIVATE HIRE DRIVER LICENCE

The Executive Director (Operations) submitted a report relating to applicant 5/2023 who was in attendance at the meeting alongside a family Member and their representative. The Chair made introductions and alongside 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 their representative was presented by the Licensing Unit Manager and set out the reasons for the Applicant being before the Committee.

The applicant made an online application for a Private Hire Drivers licence on the 12th April 2023 and had completed all the prerequisites required for the application.

As part of the process the applicant had produced an Enhanced DBS Certificate on which a conviction was disclosed.

The applicant did not declare this caution on the application form attached in Appendix 1 in the private agenda pack. The applicant had been questioned as to the circumstances surrounding the offence and as to why it was not declared on the application and this was attached at Appendix 2 in the private agenda pack.

The applicant and their representative both addressed the Committee.

Delegated decision:

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

The Committee accepted that the applicant was a fit and proper person and had explained genuine reasons and shown remorse for the error of not disclosing the caution and declaring it on the application form.

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**. Should there be no further offences/matters within the period of the licence the Committee were in agreement that the licence be extended for a further two years.

COUNCILLOR G MCGILL

Chair

(Note: The meeting started at 7.05pm and ended at 9.25pm)