

Minutes of: LICENSING AND SAFETY COMMITTEE

Date of Meeting: 1st February 2024

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

Also in attendance: M Bridge- Licensing Unit Manager
M Cunliffe – Democratic Services
R Thorpe – 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 Councillor B Ibrahim.

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 19th October 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 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 13th November 2023 and the 21st January 2024.

LICENSING HEARINGS SUB-COMMITTEE

On the 15th November 2023, an application to review the Premises Licence at Killon Street Off Licence, 26 Price Street, Bury was considered by members, following a review application made by the Licensing Authority and a representation from Trading Standards. Members resolved to revoke the licence and remove the Designated Premises Supervisor.

PARTNERSHIP WORKING

The Licensing Service alongside GMP carried out compliance visits on the 1st December 2023 to 17 licensed premises. In addition, 1 unlicensed premise was visited and issued a warning letter under section 136 offences in relation to unauthorised licensable activities for late night refreshment.

The Licensing Service carried out visits to 3 shops across the Borough on the 3rd November 2023 alongside GMP and Trading Standards, seized 37 vapes and a large amount of Alcohol (due to the premises being unlicensed) was also seized.

The Licensing Service carried out visits to 8 shops across the Borough on the 6th December 2023, alongside GMP and Trading Standards with a tobacco dog. 13,000 illegal cigarettes, 6 kilos of illegal hand rolling tobacco and 700 vapes were seized with further enforcement action to be taken by Trading Standards.

The Licensing Service carried out visits on the evening of the 8th December 2023 to 14 licensed premises on alongside GMP and a drugs dog. A number of stop and searches were conducted by GMP. No large amounts of drugs were found.

The Licensing Service alongside GMP carried out compliance visits on the 15th of December 2023 to 16 Licenced premises. 2 of these premises received warnings for section 136 offences in relation to operating outside their authorised licenced hours.

The Licensing Service worked alongside GMP on the evening of the 22nd December also known as Mad Friday. 13 Compliance checks were carried out at licensed premises across the borough as well as in the Town Centre. Only one issue was found with a premises that was asked to voluntarily close, which it did.

TAXI DRIVER SAFETY INITIATIVE

The Licensing Service have been working in partnership with Greater Manchester Police and the Taxi Trade to develop a taxi driver safety initiative. The guide included tips, practices and precautions to give the drivers the skills needed to navigate the roads safely, handle various situations, and help to minimise the risk of violence and aggression. The initiative was launched on the 23rd December 2023. Full information could be found on the weblink provided in the agenda pack.

THANKS RECEIVED FROM THE HACKNEY CARRIAGE AND PRIVATE HIRE TRADES

The Licensing Service had received emails from both the Bury Hackney Association and from the Private Hire Drivers Association (PHDA). In summary they thanked the Council for taking positive steps towards driver's safety and for policy reviews taken in the best interest of the Local Taxi Trade. Both of the emails in full were included in the agenda pack.

IMPLEMENTATION OF POLICY CHANGES

Following the decision of the Licensing and Safety Committee and Full Council, the Licensing Service had commenced to implement the changes in Policy from the 1th January 2024. Emails had been sent on the 15th & 23rd January 2024 to all licensed drivers, trade representatives and all private hire operators. The contents of the full emails were included in the agenda pack.

Delegated decision:

It was agreed that the report be noted.

LSP.6 REVIEW OF EMISSIONS STANDARD TRANSITIONAL IMPLEMENTATION DATE FOR EXISTING HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES TO COMPLIANT VEHICLE IN RESPECT OF PROPOSED GM CLEAN AIR PLAN

The Executive Director (Operations) submitted a report outlining the proposal to bring forward the implementation of existing standards related to emissions from the 1st April 2026 to the 1st January 2026 for licensed vehicles eligible for current transitional arrangements. The rationale for this relates to the recent submissions to Government with revised proposals around the GM Clean Air Plan and requirement from Government to ensure a GM agreed emissions standard for all Taxi and Private Hire vehicles by the 31st December 2025.

The Head of Public Protection presented the report to Members and outlined the opportunity and risk element of the paper.

Full background information was provided to the Committee which included taxi and private hire vehicle measures and the Council's position.

Fleet data analysis was contained in a number of tables within the report attached to the agenda pack.

It was recommended in the report that the Licensing and Safety Committee considered and adopted the following amendment to the existing emission standard and recommended to Full Council that the amendment be approved:-

For existing vehicle licence proprietors

That the transitional arrangements agreed by Full Council on 22 March 2023, in relation to age and emissions standards that were previously extended from 1 April 2024 to 1 April 2026 are brought forward by three months to 1 January 2026. This will enable hackney carriage and private hire vehicle owners to meet the agreed GM emissions standard outlined in the revised GM Clean Air Plan. The amended policy

will state that from 31 December 2024 a vehicle licence will not be renewed if the vehicle does not meet the current emission standard.

Members raised concerns on the impact this would have on the trade and vehicles being registered outside Greater Manchester in areas such as Sefton and Wolverhampton. What would be done to keep drivers staying with Bury rather than register with another authority.

The Head of Public Protection assumed funding would be available to put support in place and those drivers affected would be communicated with.

Members questioned vehicle upgrade costs and in relation to excessive levels of nitrogen dioxide across Greater Manchester by 2025, a Member asked how many areas would be in Bury as the report stated the majority of these would be in central Manchester and Salford.

The Head of Public Protection would share with Members the public document produced by Greater Manchester which contained all the full detailed information.

A Member asked about retrofitting and was there evidence of any impact and how it was scrutinised in Bury. The Head of Public Protection reported that he would make a note of the question and research the required information and provide a response in due course.

Discussions took place about including the trade views on the issue and gauging their opinions to make sure they stayed licensed with Bury Council.

The Head of Public Protection would also provide diffusion tube data which was used to assess levels of nitrogen dioxide in the air across Greater Manchester for scientific modelling to predict future levels.

Delegated decision:

It was agreed by the Licensing and Safety Committee to defer making a decision until the next Committee was held on the 22nd February 2024. The report would be resubmitted and include feedback and information from the taxi trade following the trade and liaison meeting taking place on the 15th February 2024.

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

Before this item was discussed, the Chair placed on record that the representative for the applicant was known to some Members of the Council as he had been awarded the Freedom of the Borough. Councillor Hussain also knew the representative from his local place of worship but no declarations of interest were submitted or required in both instances.

The Executive Director (Operations) submitted a report relating to applicant 6/2023 who was in attendance at the meeting alongside 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 report stated the applicant had previously held a licence on two previous occasions and they made an online application for a new Private Hire Drivers licence on the 13th December 2023. They had completed all the prerequisites required for the application and as part of the application process the applicant produced a summary of their DVLA licence on which a conviction was disclosed, which was detailed in the private agenda pack.

The conviction was also disclosed on the application, but the conviction had not been disclosed to the Licensing Department during the term of the previous licence as is required under the conditions of a licence.

The applicant was questioned as to the circumstances surrounding the offence which was detailed in the private agenda pack.

The applicant and their representative addressed the Committee to make representations.

Delegated decision:

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

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 shorter period of time, and in this case was for one year only.**

LSP.10 SUSPENSION / REVOCATION OF PUBLIC / PRIVATE HIRE DRIVER LICENCES

This item was withdrawn from the agenda.

COUNCILLOR G MCGILL
Chair

(Note: The meeting started at 7.00pm and ended at 8.40pm)