

AGENDA FOR
LICENSING AND SAFETY COMMITTEE



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To: All Members of Licensing and Safety Committee

Councillors : G McGill (Chair), N Bayley, N Boroda,
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:-

Date:	Thursday, 18 April 2024
Place:	Rooms A & B, Bury Town Hall
Time:	7.00 pm
Briefing Facilities:	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.

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 - 12)*

The minutes of the meeting held on the 22nd February 2024 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 13 - 20)*

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

6 URGENT BUSINESS

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

7 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.

8 APPLICATION FOR THE GRANT OF A STREET TRADER CONSENT *(Pages 21 - 28)*

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

9 SUSPENSION / REVOCATION OF PUBLIC / PRIVATE HIRE DRIVER LICENCES *(Pages 29 - 44)*

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

10 APPLICATION FOR PUBLIC / PRIVATE HIRE DRIVER LICENCES *(Pages 45 - 50)*

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

Minutes of:	LICENSING AND SAFETY COMMITTEE
Date of Meeting:	22 February 2024
Present:	Councillor G McGill (in the Chair) Councillors 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 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 N Bayley.

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.

Councillors Hussain and Ibrahim declared an interest that they were aware of the applicant within their local community in relation to agenda item 10, case number 10/2023 but would both remain in the meeting for this item.

LSP.3 MINUTES OF PREVIOUS MEETING

Delegated decision:

That the Minutes of the last meeting held on the 1st February 2024 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 2nd January and the 11th February 2024.

LICENSING HEARINGS SUB-COMMITTEE

On the 29th January 2024, an application for a Premises Licence to be granted under the Licensing Act 2003 in respect of the Hideout Gastro Bar Limited, 2 Sherbourne Street,

Prestwich, M25 3HB was considered due to two representations from two interested parties being received by the Licensing Service. Members of the Sub-Committee decided unanimously that the Sub-Committee grant the application for a Premises Licence in the terms requested.

On the 10th January 2024, Greater Manchester Police submitted an application to the Licensing Authority for a Summary Review in respect of the Overdraught, 28/30 Blackburn Street, Radcliffe, M26 1NQ, because they believed that the premises was associated with Serious Crime and/or Disorder. The Licensing Authority must consider within 48 hours of receipt of the application whether interim steps are required pending a full summary review hearing. At the interim steps hearing, members decided unanimously resolved to modify the conditions of the licence in order to promote the licensing objectives.

The Sub-Committee was therefore satisfied that there was sufficient evidence to mean interim steps were necessary for amendments to the current premises licence under the licensing objectives recommended by GMP.

On the 2nd February 2024, the full summary review took place and members decided of the Sub-Committee carefully considered the representations and evidence provided which demonstrated serious crime and disorder. It was therefore unanimously resolved to modify the conditions of the licence in order to promote the licensing objectives.

The Sub-Committee also reviewed the interim steps and unanimously resolved to withdraw the interim steps in place due to these being included as new conditions on the licence.

The Sub-Committee was therefore satisfied that there was sufficient evidence to mean modifications were necessary for some amendments to the current premises licence under the licensing objectives recommended by GMP.

TRADE LIAISON MEETING- 15th FEBRUARY 2024

The Licensing Service held a Trade Liaison meeting with the taxi trade on the 15th February 2024, this was attended by representatives of the trade. The minutes of the meeting will be available and published in due course on the Council's website.

Following the request from Members of the Licensing and Safety Committee on the 1st February 2024, the Licensing Service as part of the Engagement Exercise had sent out 225 emails on the 6th February 2024 and a reminder email on the 12th February 2024 to all vehicle proprietors to seek their views on the proposals to bring forward the transitional arrangements in respect of emissions by three months (April 2026 to January 2026). In addition to this the Engagement Officer had been contacting those affected to gain their views.

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.

Members were reminded that this matter was considered at the previous Licensing and Safety Committee meeting on the 1st February 2024. Members resolved to defer consideration of this matter until tonight's meeting.

Following the request from Members of the Licensing and Safety Committee on the 1st February 2024, the Licensing Service undertook an engagement exercise which included contacting the 225 affected vehicle proprietors who are currently in receipt of transitional arrangements. An initial email was sent on the 6th February 2024 and reminder email was sent on the 12th February 2024 asking for responses to the two questions requested by members of the committee;

a. What are your views on moving the implementation date from 1 April 2026 to the 1st January 2026

b. What are your views on your ability to meet this proposed amendment?

The engagement exercise sought views on the proposals to bring forward the transitional arrangements in respect of the existing emissions standard by three months (1 April 2026 to 1 January 2026). In addition to the email correspondence, the Councils Licensing Engagement Officer contacted a range of vehicle proprietors affected to gain their views.

The results of the engagement exercise had been forwarded to Members of the Licensing and Safety Committee. The collation of information from the Trade Liaison meeting on the 15th February 2024 and the responses were annexed at Appendix 1 to the report attached to the agenda pack.

The report sought to amend the existing transitional arrangements which are due to end on the 1st April 2026 by bringing forward three months with a proposed implementation date of the 1st January 2026. This amendment affects the implementation date of the existing emission standard which was agreed and adopted by the Council, and has been in place for all new to fleet vehicles, since 24 November 2021.

If the transitional date was not amended as outlined above, the Councils transitional arrangements policy will not be aligned with the submissions to Central Government by TfGM for the revised GM CAP which proposes that by 1 January 2026 100% of the GM taxi fleet will be compliant with the emission standards with all GM Authorities. Maintaining existing transitional arrangements may jeopardise these revised submissions to Government regarding the GM Clean Air Plan and may prevent and/or disadvantage vehicle proprietors of non-compliant vehicles in Bury from accessing future GM clean taxi fund funding.

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.

The Chair reported that he had attended the Trade Liaison meeting and commented that face to face meetings were more beneficial to gauge accurate responses and feelings rather than surveys.

A Member thanked the Licensing Service for collating the extra information requested from the last meeting.

The Licensing Unit manager confirmed that with a change of vehicle application under this scheme, the transfer period would see a lower fee charged. Members who had concerns about drivers applying for licences with other authorities were reminded that to be eligible for this funding, they had to be licenced via a Greater Manchester authority. They also had to stay licenced within GM for a set period of time or risk repaying the funding.

A discussion took place to investigate if the number of vehicles registered outside of Bury could be obtained.

Delegated decision:

It was agreed by the Licensing and Safety Committee to adopt the following amendment (1) to the existing emission standard and recommended to Full Council that the amendment (1) be approved:

For existing vehicle licence proprietors:

1. That the transitional arrangements amended by Full Council on the 22nd March 2023, in relation to age and emissions, previously extended from the 1st April 2024 to the 1st April 2026, are amended again and to be in effect from the 1st 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 submissions. The amended policy will state that from the 31st December 2024 a vehicle licence will not be renewed if the vehicle does not meet the current emission standard.

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 8/2023 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.

This applicant made an online application for a new Private Hire Drivers licence on the 3rd November 2023. They had completed all the prerequisites required for the application and during the application process, the Licensing Service checked the NR3S database.

Members of the Licensing & Safety Committee are required to have regard to Bury Council's Convictions Policy and Guidelines when considering an application for a Private Hire or a Hackney Carriage Driver licence. Members should adhere to the Policy and Guideline unless there are exceptional circumstances for them to depart from them.

Delegated decision:

The Committee carefully considered the report and oral representations made by the applicant and their representative at the meeting. The Committee noted the information detailed in the private agenda packs.

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 **refuse the application**. Members of the committee were satisfied that the applicant was not a "fit and proper" person to hold a licence.

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

Licence Holder 7/2023

The Executive Director (Operations) submitted a report relating to Licence Holder 7/2023 who was in attendance at the meeting alongside their representative and a friend. 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 Licence Holder and their representative was presented by the Licensing Unit Manager and set out the reasons for the Licence Holder being before the Committee.

The Chair confirmed that Members of the Committee had seen a legal statement submitted by the Licence Holder and circulated earlier in the day. The Chair also confirmed that mobile footage which had been sent out with the agenda pack had also been viewed.

Members were reminded that this matter was due to be considered on the 1st February 2024, following legal advice this matter was withdrawn for further information to be added to the report.

The Licensing Unit Manager reported that the Licence Holder had held a private hire driver's licence continually since July 2015. His private hire driver's licence is current until the 2nd September 2024.

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

A detailed summary of an incident was provided in the report within the private agenda packs and the Licence Holder's representative referred to the witness statement which had been circulated prior to the meeting.

Delegated decision:

The Committee carefully considered the report, and oral representations by the Licence Holder, their representative and friend.

The Committee noted the explanations provided but stated this was a serious allegation and had considered evidence provided from all the parties involved.

Taking into account the Council's Conviction Policy and Guidelines and in accordance with the Local Government (Miscellaneous Provisions) Act 1976, the Committee resolved **to suspend the licence for a period of one month.**

Licence Holder 9/2023

The Executive Director (Operations) submitted a report relating to Licence Holder 9/2023 who was in attendance at the meeting alongside a friend. The Chair made introductions and the Council's 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 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 1st July 2003 and their most recent licence was due to expire on the 6th July 2025.

Details for an offence were attached at Appendix 1 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 in Bury.

The Licence Holder explained background information to the committee and provided paper copies of evidence.

Delegated decision:

The Committee carefully considered the report, and oral representations by the Licence Holder. The Committee accepted the explanations provided and that the Licensing Unit had been informed as per procedure.

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.**

At this stage of the evening, the meeting was approaching the maximum of three hours, excluding the period taken up by public question time, of which there was none. At the expiry of the three hours, the Chair and Members present agreed that the meeting continue beyond the three hours duration.

Licence Holder 10/2023

The Executive Director (Operations) submitted a report relating to Licence Holder 10/2023 who was in attendance at the meeting alongside a friend. The Chair made introductions and the Council's 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 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 November 2003 and their current licence was not due to expire until October 2025.

On the 24th January 2024, the Licensing Service were notified of a complaint.

Written accounts from passengers were included in the private agenda packs detailed in Appendix 1.

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 friend. The Committee noted the explanations provided.

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 10.55pm)

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Classification	Item No.
Open / Closed	

Meeting:	Licensing and Safety Committee
Meeting date:	18 April 2024
Title of report:	Operational Report
Report by:	Executive Director (Operations)
Decision Type:	N/A Report for information only
Ward(s) to which report relates	All

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 **12 -18 February**

Client

Complaint 2

Enforcement 2

Update 2

Premises

Enforcement 5

Updates 2

Risk assessment 1

Vehicle

Enforcement 19

Updates 3

Operator

Complaint 1

2.3 **19 – 25 February**

Client

Complaint 2

Enforcement 1

Premises

Complaint 5

Enforcement 6

Multi agency 1

Vehicle

Enforcement 9

2.4 **26 February – 3 March**

Client

Enforcement 5

Premises

Compliance 4

Enforcement 3

Complaint 2

Vehicle

Enforcement 8

2.5 **4 March – 10 March**

Client

Enforcement 2

Complaint 2

Update 2

Premises

Compliance 2

Enforcement 4

Multi Agency 2

Risk Assessment 3

Vehicle

Enforcement 16

Updates 2

2.6 **11 March – 17 March**

Client

Enforcement 4

Complaint 4

Update 2

Premises

Enforcement 10

Updates 2

Risk Assessment 3

Vehicle

Enforcement 11

Updates 2

Compliance 1

Operator

Enforcement 1

2.7 18 March – 24 March

Client

Complaint 2

Enforcement 4

Intelligence 1

Multi Agency 1

Premises

Multi Agency 11

Vehicle

Enforcement 3

Multi Agency 11

2.8 25 March – 31 March

Client

Enforcement 6

Premises

Compliance 3

Enforcement 5

Vehicle

Enforcement 4

3.0 LICENSING HEARING SUB-COMMITTEE

- 3.1** On the 13 March 2024, an application for a new premises licence for Rock News, 141 The Rock, Bury was considered by Licensing Hearings Sub-Committee. Representations had been received from three Responsible Authorities namely Greater Manchester Police, Licensing Authority and Trading Standards. Before the hearing the applicant decided to withdraw his application, therefore the hearing did not take place.
- 3.2** On the 18 March 2024, an application for a variation of a premises licence for The Bower, 403 Bolton Road West, Ramsbottom, BL0 9RN was considered by Licensing Hearings Sub-Committee. A representation had been received from an Interested Party. Members considered the application and resolved to grant the application without any amendments.
- 3.3** An application for a review of a premises licence for Off Licence, 146 Tottington Road, Bury, BL8 1RU, made by Trading Standards, is due to be considered by Licensing Hearings Sub-Committee on 11 April 2024 after this report has been published. Representations had been received from the Licensing Authority and Greater Manchester Police. The outcome of this Hearing will be updated to Members at the meeting.

4.0 PRESENTATION TO BURY BLIND SOCIETY

- 4.1** On the 28 March 2024, the Licensing Unit Manager carried out a presentation to Bury Blind Society about Hackney Carriage and Private Hire licensing. An email of thanks has been received stating the following: -

On behalf of all of us at BBS, just wanted to thank you for coming along on Wednesday. Everyone found your session interesting and useful. It was also good to be made aware of the regular communication pathway between Bury Council and the taxi firms.

I will keep in touch.

5.0 APPEAL AGAINST REFUSAL TO GRANT A HACKNEY CARRIAGE VEHICLE LICENCE

- 5.1** Members will recall that on the 14 September 2023, an application to grant a Hackney Carriage licence was considered following the vehicle being written off. The vehicle proprietor appealed against the Licensing and Safety Committee decision to the Crown Court at Minshull Street, Manchester. This matter was heard, and the Judge and the two Magistrates decided to dismiss the appeal and award £400 towards the Council's costs.

6.0 OPERATION AVRO

- 6.1** Officers from across Public Protection took part in Greater Manchester Police's Operation Avro on 21 March. In the morning roadside stops were carried out, 14 taxis (3 of which were not licensed by Bury) and 1 scrap metal dealer were spoken to by Licensing Officers, 1 taxi was suspended for a tyre that was nearly at legal limit and various breaches of conditions were identified. In the afternoon Licensing Officers visited 12 premises alongside Trading Standards Officers and Greater Manchester Police. Immigration and a tobacco dog accompanied officers for 5 of those premises. 4240 illicit cigarettes were seized, 1.1kg of Hand rolling tobacco, and 912 illegal vapes with a street value of £12,214. 3 premises had breaches of licensing conditions, 1 of which had serious issues.

Community impact / links with Community Strategy

Not applicable

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.*

Equality Analysis	<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>	

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
None	.

Consultation:

Not applicable

Legal Implications:

Not applicable

Financial Implications:

Not Applicable

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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