

AGENDA FOR
LICENSING AND SAFETY COMMITTEE



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To: All Members of Licensing and Safety Committee

Councillors : I Rizvi (Chair), N Bayley, A Booth, R Brown, J Grimshaw, J Hook, B Ibrahim, G Marsden, G McGill, D Quinn and J Rydeheard

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, 6 June 2024
Place:	Council Chamber, 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 - 10)*

The minutes of the meeting held on the 18th April 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 CORPORATE PARENTING CHAMPION

Each Committee is required to have a nominated Corporate Parenting Champion. The nominated Member will receive training from Childrens Services and be responsible for advocating Corporate Parenting matters in each committee.

If the representative wishes to also attend Corporate Parenting Boards, these are scheduled for the 2024-2025 municipal year 2024-2025:-

- 6th June 2024
- 2nd July 2024
- 10th September 2024
- 3rd December 2024
- 9th January 2025
- 4th March 2025

6 OPERATIONAL REPORT *(Pages 11 - 18)*

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

7 URGENT BUSINESS

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

8 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.

9 SUSPENSION / REVOCATION OF PUBLIC / PRIVATE HIRE DRIVER LICENCES *(Pages 19 - 80)*

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

10 APPLICATION FOR PUBLIC / PRIVATE HIRE DRIVER LICENCES *(Pages 81 - 86)*

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

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Minutes of:	LICENSING AND SAFETY COMMITTEE
Date of Meeting:	18 th April 2024
Present:	Councillor G McGill (in the Chair) Councillors N Bayley, N Boroda, 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 C Riley – Legal Advisor B Thomson- Assistant Director of Operations Strategy
Public Attendance:	No members of the public were present at the meeting.

LSP.1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted by Councillor J Grimshaw.

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.

Councillor Marsden declared an interest in relation to agenda item 8, case number 1/2024, but would remain in the meeting for this item He had witnessed and reported the individual for trading after the Licensing and Safety Committee took place on the 8th June 2023 which refused the individual a licence.

Councillor Ibrahim declared an interest that he knew the driver's representative within his local community in relation to agenda item 9, case number 2/2024 but would remain in the meeting for this item.

LSP.3 MINUTES OF THE PREVIOUS MEETING

Delegated decision:

That the Minutes of the last meeting held on the 22nd 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 12th February and 31st May 2024.

LICENSING HEARINGS SUB-COMMITTEE

On the 13th March 2024, an application for a new premises licence for Rock News, 141 The Rock, Bury was considered by Licensing Hearing Sub-Committee. Representations had been received from three Responsible Authorities namely Greater Manchester Police, the Licensing Authority and Trading Standards. Before the hearing the applicant decided to withdraw his application, therefore the hearing did not take place.

On the 18th 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 Hearing Sub-Committee. A representation had been received from an interested party. Members considered the application and resolved to grant the application without any amendments.

An application for a review of a premises licence for Off Licence, 146 Tottington Road, Bury, BL8 1RU, made by Trading Standards, was considered by the Licensing Hearing Sub-Committee on the 11th April 2024. Representations had been received from the Licensing Authority and Greater Manchester Police. The outcome was to revoke the licence and to remove the Designated Premises Supervisor in order to promote the licensing objectives.

PRESENTATION TO BURY BLIND SOCIETY

On the 28th 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 had 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.

APPEAL AGAINST REFUSAL TO GRANT A HACKNEY CARRIAGE VEHICLE LICENCE

Members were reminded that on the 14th 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.

OPERATION AVRO

Officers from across Public Protection took part in Greater Manchester Police's Operation Avro on the 21st 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.

Delegated decision:

It was agreed that the report be noted.

No urgent business was reported at the meeting.

LSP.7 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.8 APPLICATION FOR THE GRANT OF A STREET TRADER CONSENT

The Executive Director (Operations) submitted a report relating to the application for the Grant of a Street Trader consent. The applicant was in attendance at the meeting alongside their representative. 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 applicant and presented by the Licensing Manager, set out the reasons for the application being before the Committee.

On the 30th of March 2022, the Licensing service received an email from Bolton Council with the applicant's details asking if he held a Consent with Bury Council. After a check of Bury's system it was confirmed that he did. Bolton Council then supplied Licensing with information that they had revoked his Street Trading Consent together with a copy of their minutes and reasons for the decision which was detailed in the private agenda packs.

The applicant had made a new application for a Street Trader Consent to Bury Council on the 2nd of April 2023.

The client's application for a Street Trading Consent was refused by Members of the Licensing and Safety Committee on the 8th June 2023.

The client made a new application to the Licensing Department on the 18th March 2024, on the application form he had declared that his previous application to Bury was refused.

Delegated decision:

The Committee carefully considered the report and oral representations by the applicant and their representative. The Committee noted the evidence provided in the agenda pack via the Officer's report along with the statement and letter concerning the applicant in appendix 1 and 2 of the private agenda packs.

Taking into account the provisions of schedule 4 (7) of the Local Government (Miscellaneous Provisions) Act 1982, the Committee resolved unanimously **to refuse the application**. The Committee did not believe the applicant to be a fit and proper person to hold a street trader consent.

The evidence presented had demonstrated the applicant was unsuitable to hold a street trader consent.

LSP.9 SUSPENSION / REVOCATION OF PUBLIC / PRIVATE HIRE DRIVER LICENCES

Licence Holder 2/2024

The Executive Director (Operations) submitted a report relating to Licence Holder 2/2024 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 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 viewed 2 CCTV video recordings which had also been seen by the Licence Holder and their representative previously.

The Licensing Unit Manager reported that the Licence Holder had held a private hire driver's licence continually since October 2003 and his private hire driver's licence is current until July 2025.

Delegated decision:

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

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 revoke the licence with immediate effect.**

LSP.10 APPLICATION FOR PUBLIC / PRIVATE HIRE DRIVER LICENCES

The Executive Director (Operations) submitted a report relating to applicant 3/2024 who was in attendance at the meeting. 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 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 new Private Hire Drivers licence on the 16th February 2024 and they had completed all the prerequisites required for the application.

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.

The applicant provided an explanation to the Committee which was a summary of the information contained within the private agenda packs.

Delegated decision:

The Committee carefully considered the report and oral representations made by the applicant at the meeting. The Committee noted and accepted the explanations provided.

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 three-year period.** Members of the committee were satisfied that the applicant was a "fit and proper" person to hold a licence.

COUNCILLOR G MCGILL
Chair

(Note: The meeting started at 7.00pm and ended at 9.40pm)

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Classification	Item No.
Open / Closed	

Meeting:	Licensing and Safety Committee
Meeting date:	6 June 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 **1 - 7 April**

Client

Complaint 2

Enforcement 2

Premises

Complaint 1

Compliance check 1

Intel 1

Vehicle

Enforcement 5

Compliance check 7

Updates 1

Operator

Complaint 2

Enforcement 1

2.3 **8 to 14 April**

Client

Complaint 5

Enforcement 2

Premises

Enforcement 7

Vehicle

Enforcement 6

2.4 **15 to 21 April**

Client

Complaint 3

Enforcement 4

Premises

Enforcement 4

Multi Agency 5

Vehicle

Compliance 5

Enforcement 6

2.5 **22 to 28 April**

Client

Complaint 3

Enforcement 6

Premises

Complaint 3

Compliance 1

Enforcement 4

Intelligence 1

Multi agency 10

Vehicle

Enforcement 8

2.6 **29 April to 5 May**

Client

Complaint 4

Compliance 1

Enforcement 3

Premises

Enforcement 4

Vehicle

Complaint 2

Compliance 1

Enforcement 4

2.7 **6 to 12 May**

Client

Complaint 4

Enforcement 4

Premises

Complaint 5

Compliance 1

Enforcement 7

Multi Agency 10

Vehicle

Enforcement 3

2.8 13 to 19 May

Client

Complaint 8

Enforcement 3

Premises

Advice 2

Compliance 2

Multi Agency 1

Risk Assessment 1

Enforcement 3

Vehicle

Enforcement 4

2.9 20 to 26 May

Client

Enforcement X 3 (Approx 20 vehicles spoken to, however, only 3 were Bury Drivers and can be recorded)

Premises

Compliance 8

Enforcement 3 (Approx 20 vehicles spoken to, however, only 3 were Bury Drivers and can be recorded)

3.0 LICENSING HEARINGS SUB-COMMITTEES

3.1 On the 19 April 2024, an application for the grant of a premises licence at Beytoushi, Market, 406 Bury New Road, Prestwich, Manchester, M25 1BD was due to be considered by the Licensing Hearings Sub-Committee. The application attracted representations from Greater Manchester Police, Trading Standards and the Licensing Authority in their capacity as Responsible Authorities. The Licensing Authority received notification from the applicant

that he was withdrawing the application. Due to the withdrawal of the application the hearing did not take place.

3.2 Following a request by the Chief Superintendent for a summary review in respect of Metro, 66 Spring Lane, Radcliffe due to the premises being linked to serious crime, an interim steps hearing was held on the 26 March. Members decided to impose interim steps pending the full review of the Premises Licence being the suspension of the Premises Licence and the removal of the DPS. The full review of the premises licence took place on the 17 April 2024 and members decided to revoke the licence and determined that the interim steps stay in force during the appeal period.

3.3 On the 19 April 2024, an application for the grant of a premises licence in respect of Hareram, 40 Holly Street, Tottington was considered by the members of the Licensing Hearings Sub-Committee. Representations were received from two interested parties. Members decided to grant the application.

4.0 PREMISES LICENCE LAPSED DUE TO INSOLVENCY – Club 66

4.1 Members may recall an application for a summary review submitted by Greater Manchester Police in respect of Club 66, 24 Silver Street, Bury. Members resolved to revoke the premises licence. The Licence holder appealed the Council's decision to the Magistrates Court.

4.2 However, during the appeal period the limited company was dissolved, therefore the premises licence lapsed due to the requirements of the Licensing Act 2003

5.0 MULTI AGENCY WORK

5.1 The Deputy Licensing Office worked in partnership with Greater Manchester Police on the 20 April 2024 for the football derby held at Ramsbottom United FC between Bury FC and Ramsbottom. Officers carried out checks at licensed premises in Bury Town Centre and Ramsbottom. Officers also visited the football ground itself. Several minor issues were identified and addressed.

5.2 On the 10 May 2024, officers from the Licensing Service and the Trading Standards Service worked in partnership with Greater Manchester Police and visited 9 premises. Officers seized from 6 premises 649 vapes, 4540 Illicit cigarettes and 650g of hand rolling tobacco which had a street value of £10,000.

6.0 IMMEDIATE REVOCATION OF 2 PRIVATE HIRE DRIVERS LICENCES

6.1 On the 2 May 2024, the Licensing Service received intelligence from Greater Manchester Police regarding two private hire drivers. Due to the nature of the intelligence the Licensing Unit Manager in consultation with the Chair of the Licensing and Safety Committee decided to immediately revoke their private hire driver's licences in the interests of Public Safety.

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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of the Local Government Act 1972.

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