

**Minutes of: LICENSING AND SAFETY COMMITTEE**

**Date of Meeting:** 18 July 2024

**Present:** Councillor I Rizvi (in the Chair)  
Councillors A Booth, J Grimshaw, J Hook, B Ibrahim, G Marsden,  
G McGill, D Quinn, J Rydeheard and G Staples-Jones

**Also in attendance:** M Bridge- Licensing Unit Manager  
M Cunliffe – Democratic Services  
C Riley – Legal Advisor  
C Smith- Head of Public Protection  
B Thomson- Assistant Director of Operations Strategy

**Public Attendance:** 1 member of the public was present at the meeting.

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### **LSP.1 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted by Councillor N Bayley.  
Councillor G Staples-Jones acted as a substitute representative for Councillor Bayley.  
Councillor R Brown was absent from the meeting.

### **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 case 6/2024 due to him working for the same national employer as the Licence Holder in their other employment outside the taxi trade.

### **LSP.3 MINUTES OF THE PREVIOUS MEETING**

#### **Delegated decision:**

That the Minutes of the last meeting held on the 6<sup>th</sup> June 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.

One member of the public was in attendance at the meeting and asked for an update on private hire drivers identity badges. He had raised the issue at the last committee in June.

The Licensing Unit Manager reported the process was still on going as it involved a procurement exercise and no further update could be provided at this moment in time.

### **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 27<sup>th</sup> May and the 30<sup>th</sup> June 2024.

#### MULTI AGENCY WORK

Parklife 8<sup>th</sup> & 9<sup>th</sup> June 2024

Officers from the Public Protection Service worked in partnership with Greater Manchester Police over the duration of the festival. Officers dealt with matters relating to visits to licensed premises, Bury licensed vehicles, out of town licensed vehicles, pedlars certificates, street trading and illicit tobacco. Illicit tobacco was seized and water was seized from an illegal street trader and advice were provided as required.

On the 27<sup>th</sup> June 2024, officers from Public Protection worked in partnership with Greater Manchester Police as a result of intelligence received regarding a storage unit containing equipment for production of illicit tobacco. Officers seized 28,000 pieces of hand rolling tobacco packaging and the machine for mixing the hand rolling tobacco.

#### IMMEDIATE SUSPENSION OF PRIVATE HIRE DRIVERS LICENCES

On the 3<sup>rd</sup> June 2024, the Licensing Service received intelligence from Greater Manchester Police regarding a private hire driver. Due to the nature of the intelligence the Head of Public Protection in consultation with the Chair of the Licensing and Safety Committee decided to immediately suspend their private hire driver's licences in the interests of Public Safety.

On the 18<sup>th</sup> June 2024, the Licensing Service received a fit note regarding a private hire driver. Due to the content contained on the fit note the Licensing Unit Manager in consultation with the Chair of the Licensing and Safety Committee decided to immediately suspend their private hire driver's licences in the interests of Public Safety.

Councillor D Quinn on behalf of herself and fellow ward Councillors placed on record their thanks to the Licensing Department for the work undertaken at Parklife which was conducted in very wet weather.

#### **Delegated decision:**

It was agreed that the report be noted.

#### **LSP.6 URGENT BUSINESS**

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 SUSPENSION / REVOCATION OF PUBLIC / PRIVATE HIRE DRIVER LICENCES**

#### **Licence Holder 8/2024**

The Executive Director (Operations) submitted a report relating to Licence Holder 8/2024 who was in attendance at the meeting alongside their legal 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.

Members of the Committee had been sent a video recording taken from a dashcam demonstrating the incident detailed in the report. This video was also played on a screen to Members of the Committee with the Licence Holder and their representative in attendance.

The Licensing Unit Manager reported that the Licence Holder had held a private hire driver's licence continually since August 2006. Their current driver's licence was due to expire in November 2025.

On the 14<sup>th</sup> May 2024, the Licensing Service were notified of a complaint via email regarding an incident that had occurred with a private hire vehicle.

**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 on the grounds of public safety.**

The Committee felt the Licence Holder was not a fit and proper person to be a professional driver and hold a licence due to the serious nature of the incident detailed in the report and evidenced via dashcam footage which fell well below that of a professional driver and the required standard of driving.

**Licence Holder 9/2024**

The Executive Director (Operations) submitted a report relating to Licence Holder 9/2024 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 Licensing Unit Manager reported that the Licence Holder had held a Private Hire Drivers Licence from the 13<sup>th</sup> December 2017. Their current driver's licence was due to expire on the 10<sup>th</sup> November 2024. (*\* See note under delegated decision*)

This client has received two previous complaints on the 11<sup>th</sup> March 2021 and the 2<sup>nd</sup> October 2021. On the 15<sup>th</sup> May 2024 the Licensing Service received a complaint from a member of the public. The Licensing Service received a further complaint on the 27<sup>th</sup> June 2024.

Members of the Committee had been sent 2 video recordings taken from a rear angle dashcam demonstrating part of one incident detailed in the report. This video was also played on a screen to Members of the Committee with the Licence Holder and their representative in attendance.

**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 suspend the licence with immediate effect until the 10<sup>th</sup> November 2024\* on the grounds of public safety.**

The Committee felt the Licence Holder was not a fit and proper person to be a professional driver and hold a licence due to the serious nature of the incident detailed in the report and evidenced via dashcam footage which fell well below that of a professional driver and the required standard of driving.

*\*Following the meeting, it was reported there was an administrative error in the report. The private hire drivers badge expiry should have stated the 11/10/2025 and not 10/11/2024 (this was the expiry date of their vehicle licence).*

*After discussions, it was agreed by all parties that the minutes would detail the error and the driver would still be immediately suspended until the 10/11/2024.*

#### **Licence Holder 6/2024**

The Executive Director (Operations) submitted a report relating to Licence Holder 6/2024. The Licensing Unit Manager reported that the Licence Holder was not present at the last committee on the 6<sup>th</sup> June 2024 as they were unwell and a request for a deferral was granted.

The Licensing Unit Manager stated the Licence Holder had requested another deferral as they had started a new job and were unable to gain the time off work. If this was not granted then a written statement had been supplied to read out on their behalf.

#### ***Delegated decision:***

*The Licensing and Safety Committee agreed that due to this being the second time in succession the case was listed on the agenda, then the case would be considered in the absence of the Licence Holder.*

The Licensing Unit Manager read out the statement provided by the Licence Holder and reported this client has held a private hire driver's licence since the 16<sup>th</sup> October 2015.

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

The Committee carefully considered the report and written representation provided by the Licence Holder.

#### **Delegated decision:**

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 on the grounds of public safety.**

The Committee felt the Licence Holder was not a fit and proper person to be a professional driver and hold a licence due to the conduct of the incidents detailed in the report and fell well below that of a professional driver.

**COUNCILLOR IRIZVI**  
**Chair**

**(Note: The meeting started at 7.00pm and ended at 9.45pm)**