

**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:-

<b>Date:</b>	Thursday, 18 July 2024
<b>Place:</b>	Rooms A & B, Bury Town Hall
<b>Time:</b>	7.00 pm
<b>Briefing Facilities:</b>	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 3 - 8)*

The minutes of the meeting held on the 6th June 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 9 - 14)*

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 SUSPENSION / REVOCATION OF PUBLIC / PRIVATE HIRE DRIVER LICENCES** *(Pages 15 - 68)*

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

<b>Minutes of:</b>	<b>LICENSING AND SAFETY COMMITTEE</b>
<b>Date of Meeting:</b>	6 <sup>th</sup> June 2024
<b>Present:</b>	Councillor I Rizvi (in the Chair) Councillors A Booth, J Grimshaw, S Haroon, J Hook, B Ibrahim, G Marsden, G McGill, D Quinn and J Rydeheard
<b>Also in attendance:</b>	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
<b>Public Attendance:</b>	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 and R Brown.  
Councillor S Haroon acted as a substitute representative for Councillor 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.

Councillor Rydeheard, declared an interest in relation to the private agenda item 9, case numbers 4/2024 and 5/2024 as he knew both the driver's representatives but would remain in the meeting for this item.

Councillors McGill and Ibrahim declared an interest in relation to the private agenda item 9, case number 4/2024 as they knew the driver's representative 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 18<sup>th</sup> April 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 about private hire drivers identity badges. He had emailed the committee in April this year highlighting the matter again and had concerns with the size and metal chain of the identity badge.

The Licensing Unit Manager reported he had sent a reply to the member of the public and explained the issues. He apologised for any delays in progressing the issue but the licensing department had to undertake a procurement process and follow contract procedure rules. An update would be provided at the next taxi liaison meeting. The Licensing Unit Manager added

the metal chains had been tested and do break when pulled from around the neck of the body. A decision on the size of the badge and a report on the matter would be for future consideration of this committee.

## **LSP.5 CORPORATE PARENTING CHAMPION**

Each Committee was required to have a nominated Corporate Parenting Champion and they would receive support and training from Childrens Services. They would be responsible for advocating Corporate Parenting matters in each committee. Champions would be appointed by each Committee at the first meeting of the municipal year and the representative could also attend Corporate Parenting Boards which are scheduled for the municipal year 2024-2025.

### **Delegated decision:**

That Councillor G. McGill be appointed the Corporate Parenting Champion for the Licensing and Safety Committee during the municipal year 2024-2025.

## **LSP.6 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 1<sup>st</sup> April and the 26<sup>th</sup> May 2024.

### **LICENSING HEARINGS SUB-COMMITTEE**

On the 19<sup>th</sup> 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.

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<sup>th</sup> 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<sup>th</sup> April 2024 and members decided to revoke the licence and determined that the interim steps stay in force during the appeal period.

On the 19<sup>th</sup> 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.

### **PREMISES LICENCE LAPSED DUE TO INSOLVENCY – Club 66**

Members were reminded about 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.

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

#### MULTI AGENCY WORK

The Deputy Licensing Officer worked in partnership with Greater Manchester Police on the 20<sup>th</sup> 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.

On the 10<sup>th</sup> 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.

#### IMMEDIATE REVOCATION OF 2 PRIVATE HIRE DRIVERS LICENCES

On the 2<sup>nd</sup> 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.

#### **Delegated decision:**

It was agreed that the report be noted.

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

#### **Licence Holder 4/2024**

The Executive Director (Operations) submitted a report relating to Licence Holder 4/2024 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 seen a video recording taken from a dashcam demonstrating the road in relation to the report.

The Licensing Unit Manager reported that the Licence Holder had held a private hire driver's licence continually since January 2017 and his private hire driver's licence is current until January 2025.

**Delegated decision:**

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

The Committee reminded the driver as to their responsibilities and care required for passengers.

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**

**Licence Holder 5/2024**

*Councillor J. Grimshaw was in attendance from this part of the meeting onwards.*

The Executive Director (Operations) submitted a report relating to Licence Holder 5/2024 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 hackney carriage driver's licence since the 17<sup>th</sup> September 2004 and his current hackney carriage drivers licence expires on the 27<sup>th</sup> June 2025. This client also holds a private hire driver's Licence which is due to expire on the on 11<sup>th</sup> March 2025.

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

A character reference was circulated to Members of the committee.

**Delegated decision:**

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

The character reference circulated to the committee was also taken in account.

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**

**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 this evening as they were unwell and had requested a deferral.

**Delegated decision:**

The Licensing Committee agreed that Licence Holder 6/2024 would be **deferred for consideration** at the next meeting of the Licensing and Safety Committee.

**LSP.10 APPLICATION FOR PUBLIC / PRIVATE HIRE DRIVER LICENCES**

The Executive Director (Operations) submitted a report relating to applicant 7/2024 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 29<sup>th</sup> March 2024 and 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.

**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 IRIZVI**  
**Chair**

**(Note: The meeting started at 7.00pm and ended at 8.55pm)**

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<b>Classification</b>	<b>Item No.</b>
<b>Open / Closed</b>	

<b>Meeting:</b>	Licensing and Safety Committee
<b>Meeting date:</b>	18 July 2024
<b>Title of report:</b>	Operational Report
<b>Report by:</b>	Executive Director (Operations)
<b>Decision Type:</b>	N/A Report for information only
<b>Ward(s) to which report relates</b>	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 **27 May to 2 June**

**Clients**

Complaint 2

Enforcement 4

**Premises**

Compliance 10

Enforcement 8

**Vehicles**

Enforcement 2

2.3 **3 to 9 June**

**Clients**

Complaint 2

Intelligence 2

Enforcement 2

**Premises**

Compliance 14

Enforcement 4

**Vehicles**

Complaint 2

Enforcement 2

2.4 **10 to 16 June**

**Clients**

Enforcement 6

**Premises**

Compliance 3

Enforcement 4

**Vehicles**

Compliance 5

Enforcement 8

2.5 **17 to 23 June**

**Clients**

Compliance Check 6

Enforcement 1

**Premises**

Enforcement 3

Intelligence 2

Multi-agency Visit 4

**Vehicles**

Compliance 11

Enforcement 11

Update 2

2.6 **24 to 30 June**

**Clients**

Complaint 2

Enforcement 1

**Premises**

Complaint 2

Compliance Check 1

Enforcement 5

Update 2

Multi-agency Visit 1

**Vehicles**

Enforcement 3

Update 2

Other 1

3.0 **MULTI AGENCY WORK**

3.1 Parklife 8 and 9 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 and guidance was given as required.

- 3.2 On the 27 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.
- 4.0 **IMMEDIATE SUSPENSION OF PRIVATE HIRE DRIVERS LICENCES**
- 4.1 On the 3 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 his private hire driver’s licences in the interests of Public Safety.
- 4.2 On the 18 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 his 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.*

<b>Equality Analysis</b>	<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>	

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**Assessment of Risk:**

The following risks apply to the decision:

Risk / opportunity	Mitigation
None	.

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**Consultation:**

Not applicable

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**Legal Implications:**

Not applicable

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**Financial Implications:**

Not Applicable

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**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	



By virtue of paragraph(s) 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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