

**AGENDA FOR  
LICENSING AND SAFETY COMMITTEE**



*Contact:* Michael Cunliffe  
*Direct Line:* 0161 253 5399  
*E-mail:* m.cunliffe@bury.gov.uk  
*Website:* www.bury.gov.uk

**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, 14 November 2024
<b>Place:</b>	Council Chamber, 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 3<sup>rd</sup> October 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 APPLICATION FOR PUBLIC / PRIVATE HIRE DRIVER LICENCE** *(Pages 15 - 20)*

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

**Minutes of:** LICENSING AND SAFETY COMMITTEE

**Date of Meeting:** 3<sup>rd</sup> October 2024

**Present:** Councillor G McGill (in the Chair)  
Councillors, A Booth, N Bayley, R Brown, J Hook, B Ibrahim,  
G Marsden and L Ryder.

**Also in attendance:** M Bridge- Licensing Unit Manager  
M Cunliffe – Democratic Services  
R Thorpe– Legal Advisor  
C Smith- Head of Public Protection

**Public Attendance:** No members of the public were present at the meeting.

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### **ELECTION OF A CHAIR**

That Councillor Gavin McGill be elected acting Chairperson of the Licensing and Safety Committee for this meeting only and took the Chair.

### **APOLOGIES FOR ABSENCE**

Apologies for absence were submitted by Councillors I Rizvi, J Grimshaw, D Quinn, J Rydeheard and from B Thomson- Assistant Director of Operations Strategy.

Councillor L Ryder acted as a substitute representative for Councillor D Quinn.

### **DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **MINUTES OF PREVIOUS MEETING**

#### **Delegated decision:**

That the Minutes of the last meeting held on the 5<sup>th</sup> September 2024 be approved as a correct record and signed by the Chair.

### **PUBLIC QUESTION TIME**

No questions had been pre submitted to the meeting.  
No members of the public were in attendance at the meeting.

### **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 19<sup>th</sup> August and the 22<sup>nd</sup> September 2024.

## *Festwich*

Enforcement Officers worked during the Festwich event on Saturday the 31<sup>st</sup> August 2024 and one pedlar was spoken to. There were no other issues with traders found.

## *Prosecution of a Private Hire Driver*

On the 11<sup>th</sup> September 2024 a Private Hire Driver appeared before Stockport Magistrates and pleaded guilty to Fraud in a case relating to a private hire driver's licence being created which was not genuine. The case was adjourned until the 31<sup>st</sup> October 2024 for a pre-sentence report to be prepared.

## *Multi Agency Visits*

On the 20<sup>th</sup> September 2024 Licensing Officers worked alongside the GMP Licensing Officer carrying out evening visits to licensed premises. Six premises were visited, one because of noise and anti-social behaviour complaints. Two other premises were warned for carrying out unlicensed activity and made to cease.

## **Delegated decision:**

It was agreed that the report be noted.

## **REVIEW OF GAMBLING POLICY - STATEMENT OF PRINCIPLES**

The Executive Director (Operations) submitted a report informing the Committee that the Gambling Act 2005 (Section 349) required the Local Authority to review its Statement of Principles at least every three years. The statement can also be reviewed at any time during the three-year period, if any urgent matters were to arise. The existing Statement of Principles ceases to have effect on the 31<sup>st</sup> January 2025.

The report attached to the agenda pack contained the revised proposed Statement of Principles (attached at Appendix 1) and detailed the consultation process. Section 4 outlined the amendments to the statement following the responses to the consultation.

The Council have previously worked with partners across Greater Manchester, which had resulted in the Greater Manchester Gambling harm and reduction programme being set up. The programme reflects this collaboration across Greater Manchester. The principles share our aims to prevent and reduce the negative impacts of gambling on individuals, families, and communities.

The Licensing Service had received one response from the Public Health Department. The response was contained at appendix 2 of the agenda pack.

The current Statement of Principles, had been in existence for three years, and has, to date, not been challenged either formally or informally.

## **Delegated decision:**

It was agreed by the Licensing and Safety Committee that the proposed Statement of Principles, attached to the report at Appendix 1, be accepted without amendment.

The statement had been widely consulted and any necessary amendments, as detailed in section 4 of the report, had been made. To comply with the statute, a revised Statement of Principles must be agreed by Council on the 13<sup>th</sup> November 2024, for the proposed statement to be in place by the 31<sup>st</sup> January 2025.

### **REVIEW OF THE CURRENT PROVISION OF A SECOND TESTING STATION DUE TO THE CURRENT CONTRACT EXPIRING ON 31 MARCH 2025**

The Executive Director (Operations) submitted a report to seek permission to carry out a procurement exercise in relation to the approved independent licenced vehicle testing station as the current contract expires on the 31<sup>st</sup> March 2025.

Options included:-

- Retain an independent testing station and to reprocure an independent testing station for a 2-year period with the option to extend of a further 1 + 1 years.
- To relinquish the current provision of an independent testing station and bring the compliance testing of hackney carriage/private hire vehicle testing back in house.

The Licensing Service had sought the advice of the Council's Head of Waste Management and Transport who has advised that since the second taxi testing was implemented, transport have seen a reduction in the number of checks and the income received has also declined. There are no specific issues from the report other than potential costs/risks associated with legal appeals.

The Licensing Unit Manager advised the committee that there was amendment to be made in the report and this was on page 75 of the agenda pack which detailed that the report would also go to Council on the 14<sup>th</sup> November 2024. This function was not required and the procurement award would be listed as an operation decision.

The Licensing Service had conducted an engagement exercise with licensed drivers of both hackney carriages and private hire vehicles, private hire operators and trade representatives which attracted 187 responses. The responses were detailed with in the report attached to the agenda.

Records show that since the implementation of the existing contract the Council had received a significant reduction in income within Operations at Bradley Fold Testing station over the 3 years of the contract as detailed in the report.

A number of Members asked questions asking what the operational capabilities were at Bradley Fold in terms of opening times and how easy was it to book an appointment slot. Members also commented on the engagement response and the preference to keep licensed drivers in Bury.

#### **Delegated decision:**

It was agreed to retain an independent testing station and to reprocure an independent testing station for a 2-year period with the option to extend of a further 1 + 1 years.

#### **URGENT BUSINESS**

No urgent business was reported at the meeting.

#### **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.

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

**Licence Holder 11/2024**

The Executive Director (Operations) submitted a report relating to Licence Holder 11/2024 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 Licence Holder 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 driver's licence continually since June 2016. Their current driver's licence was due to expire in January 2026.

The Licence Holder addressed the committee and provided an explanation in relation to the case.

A number of Members asked questions in relation to the case.

The driver 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.

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 6 months.**

**Licence Holder 12/2024**

The Executive Director (Operations) submitted a report relating to Licence Holder 12/2024 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 Licence Holder 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 licensed Private Hire Driver with this Authority since the 15<sup>th</sup> May 2003 and had renewed his licence annually.

On the 10<sup>th</sup> September 2024, this Licence Holder made an online application to renew his Private Hire Drivers licence.

The Licence Holder addressed the committee and provided an explanation in relation to the case.

A number of Members asked questions in relation to the case.

This driver 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.

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.**

**APPLICATION FOR PUBLIC / PRIVATE HIRE DRIVER LICENCE**

**13/2024**

The Executive Director (Operations) submitted a report relating to applicant 13/2024. The Licensing Unit Manager reported that the Licence Holder was not present this evening as they were unwell and had requested a deferral until the next meeting.

**Delegated decision:**

The Licencing Committee agreed that applicant 13/2024 would be deferred for consideration at the next meeting of the Licensing and Safety Committee.

**COUNCILLOR G MCGILL**  
**Chair**

**(Note: The meeting started at 7.00 pm and ended at 9.15pm)**







Classification	Item No.
Open / Closed	

<b>Meeting:</b>	Licensing and Safety Committee
<b>Meeting date:</b>	14 November 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 23-29 September**

**Client**

Enforcement 2

**Premises**

Compliance 3

Multi Agency 1

**Vehicle**

Enforcement 4

2.3 **30 September – 6 October**

**Client**

Complaint 4

Enforcement 4

**Premises**

Enforcement 3

Multi Agency 2

**Vehicle**

Enforcement 4

2.3 **7 – 13 October**

**Client**

Enforcement 3

**Premises**

Compliance 3

Enforcement 1

Multi Agency 8

**Vehicle**

Enforcement 9

2.4 **14 – 20 October**

**Client**

Enforcement 5

Update 1

**Premises**

Enforcement 1

Multi Agency 8

**Vehicle**

Enforcement 9

2.5 **21 – 27 October**

**Client**

Complaint 3

Enforcement 4

**Premises**

Enforcement 2

Multi Agency 9

**Vehicle**

Enforcement 4

2.6 **28 October – 3 November**

**Client**

Compliance 2

Enforcement 1

Intelligence 1

**Premises**

Compliance 2

Enforcement 3

Multi Agency 12

**Vehicle**

Compliance 3

**3.0 Week of Action**

3.1 Multi agency visits took place with Greater Manchester Police, Immigration, Trading Standards and Licensing Officers together with a tobacco dog on 15 October. Nine premises were visited across the borough, and illicit tobacco or illegal vapes were found in seven of the premises. 127 packets of hand rolling tobacco, 697 packets of cigarettes, (13040 sticks) and 707 vapes were seized, with a street value of £19,000.

Further multi agency visits with the same partners with the exception of the tobacco dog, took place in the late afternoon into the evening of 18 October. We visited a skip hire yard, 3 car washes, 1 off licence and 4 takeaways. The off licence was warned for various breaches of the licence conditions, 1 takeaway had potential fire and housing issues, 1 takeaway had a breach of its licence conditions, and an illegal worker was found in another takeaway. Follow up action will now take place.

**4.0 Unlicensed Street Trader**

4.1 An unlicensed street trader seen selling ice cream in the borough earlier this year, despite receiving a previous written warning, has accepted a caution for the offence. This will now be marked on his record.

**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>	

**Assessment of Risk:**

The following risks apply to the decision:

<b>Risk / opportunity</b>	<b>Mitigation</b>

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:**

Mr M Bridge  
Licensing Unit Manager  
3 Knowsley Place  
Duke Street  
Bury  
BL9 0EJ      Tel: 0161 253 5208    Email: [m.bridge@bury.gov.uk](mailto:m.bridge@bury.gov.uk)

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**Please include a glossary of terms, abbreviations and acronyms used in this report.**

Term	Meaning
None	

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

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