

**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, 19 December 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(S) *(Pages 3 - 8)*

The minutes of the meetings held on the 11th and 14th November 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 - 28)*

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

Minutes of:	LICENSING AND SAFETY COMMITTEE
Date of Meeting:	11 th November 2024
Present:	Councillor I Rizvi (in the Chair) Councillors A Booth, 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 R Thorpe– Legal Advisor C Smith- 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 Councillors N Bayley, R Brown, J Grimshaw, J Hook and from B Thomson- Assistant Director of Operations Strategy.

Councillor G Staples-Jones acted as a substitute representative for Councillor Hook.

LSP.2 DECLARATIONS OF INTEREST

There were no declarations of interest.

LSP.3 PUBLIC QUESTION TIME

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

LSP.4 FILM CLASSIFICATION

The Executive Director (Operations) submitted a report informing the Committee that a request had been received from the Jewish Film Organisation to consider the classification of a film called 'Once Upon a Time in Algeria' to be shown at Vue Cinema on the 14th November 2024.

The Licensing Unit Manager presented the report and the request was attached at Appendix 1 of the agenda packs and the film was in French language with English subtitles and lasted 2hours 8 minutes in duration. It was noted that the request was made on the 23rd October 2024 which was not within the 28 days' notice period which should be provided.

The Licensing Service had taken advice from the Council's Legal Department and had been advised that it is a matter for this Committee to consider the classification.

Details were provided on the Classification categories for films which was included in the agenda packs.

The applicant had recommended the film be classified as a 12 and provided the following synopsis:-

A joyful and nostalgic love letter to the Algiers of Alexandre Arcady's youth, this enchanting autobiographical family drama recreates the vibrant Mediterranean city of the early 60s. With an ex-French Foreign Legion father who harbours dubious claims to Hungarian nobility, a beautiful and long-suffering Algerian Jewish mother, and a close-knit if somewhat shady

extended family, 15-year-old Antoine's main concern is how to navigate his secret crush on Josette, the girl in the apartment upstairs. Meanwhile, Algerian nationalists are eager to rid themselves of their French colonial masters, and Algeria's ancient Jewish community is finding itself on the losing side of an increasingly dangerous and violent struggle.

Members in attendance confirmed they had viewed the film in order to determine what classification the film should be allocated at the viewing on the 14th November 2024.

A Member asked if there was any difference between cinema and home video ratings.

Members commented that there were some limited scenes that contained occasional violence and displayed smoking and tobacco products but this was acceptable given the era the film was set.

Delegated decision:

It was agreed by the Licensing and Safety Committee to provide a '12' classification for the film 'Once Upon a Time in Algeria' set in conjunction with the guidelines recommended by the British Board of Film Classification (BBFC).

The BBFC guidelines were considered in relation to the potential impact of scenes of smoking on audiences when deciding the film certificate. The scenes in the film did not serve to glamorise smoking as an activity, in particular for young people. 12A/12 guidance which is suitable for 12 years and over states that the misuse of drugs or other substances will generally be infrequent. There should be no glamorisation or instructional detail.

LSP.5 URGENT BUSINESS

No urgent business was reported at the meeting.

COUNCILLOR IRIZVI
Chair

(Note: The meeting started at 1.30pm and ended at 1.45pm)

Minutes of: LICENSING AND SAFETY COMMITTEE

Date of Meeting: 14th November 2024

Present: Councillor I Rizvi (in the Chair)
Councillors N Bayley, R Bernstein, A Booth, R Brown, J Grimshaw,
B Ibrahim, G Marsden, G McGill and D Quinn

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

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

LSP.1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted by Councillors J Hook, J Rydeheard and from B Thomson- Assistant Director of Operations Strategy.

Councillor R Bernstein acted as a substitute representative for Councillor Rydeheard.

LSP.2 DECLARATIONS OF INTEREST

There were no declarations of interest.

LSP.3 MINUTES OF THE PREVIOUS MEETING

Delegated decision:

That the Minutes of the last meeting held on the 3rd October 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 or was asked by the member of the public 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 23rd September and the 3rd November 2024.

Week of Action

Multi agency visits took place with Greater Manchester Police, Immigration, Trading Standards and Licensing Officers together with a tobacco dog on the 15th 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 the 18th October. They 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 would take place.

Unlicensed Street Trader

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.

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 APPLICATION FOR PUBLIC / PRIVATE HIRE DRIVER LICENCE

13/2024

The Executive Director (Operations) submitted a report relating to Applicant 13/2024, who was in attendance at the meeting alongside a family member and legal representative. The Chair made introductions and along with 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 presented by the Licensing Unit Manager, set out the reasons for the applicant being before the Committee.

On the 31st January 2024, the applicant submitted a fresh application to become a Private hire Driver and has completed all the required pre-requisites

This applicant 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, oral representations by the applicant, family member and legal representative along with written references circulated to the committee at the meeting.

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**.

The reason(s) for the Committee's decision were as follows:

- The applicant was not a fit and proper person to hold a licence.

COUNCILLOR IRIZVI
Chair

(Note: The meeting started at 7.00pm and ended at 8.25pm)

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Classification	Item No.
Open / Closed	

Meeting:	Licensing and Safety Committee
Meeting date:	19 December 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 **4 to 10 November**

Client

Enforcement 3

Complaint 3

Vehicle

Enforcement 3

Premise

Enforcement 9

Complaint 1

2.3 **11 to 17 November**

Clients

Complaint 3

Enforcement 2

Premise

Enforcement 3

Vehicle

Enforcement 7

2.4 **18 to 24 November**

Client

Complaint 2

Compliance 1

Enforcement 4

Premises

Compliance 2

Enforcement 4

Intelligence 1

2.5 **25 to 1 December**

Client

Complaint 5

Enforcement 5

Premises

Complaint 1

Enforcement 8

Multi Agency 15

Compliance 1

Vehicle

Enforcement 2

Compliance 5

Operator

Enforcement 1

2.6 **2 to 8 December**

Client

Complaint 3

Enforcement 4

Premises

Enforcement 2

Vehicle

Enforcement 3

3.0 Licensing Hearings Sub-Committee Hearings

3.1 On the 25 November 2024, an application for the grant of a premises licence at Krakow Grocery, 20 Parkhills Road, Bury, BL9 9AX was 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. Members decided to refuse the application.

3.2 On the 5 December 2024, an application for the grant of a premises licence in respect of Prestwich Mini Market, 3 Fairfax Road, Prestwich, M25 1AS was scheduled to be heard by the Licensing Hearings Sub-Committee. However following the Licensing Unit Manager contacting the agent and the applicant prior to the Sub-Committee Hearing, he was informed by the agent that his client was withdrawing his application and did not want to proceed.

4.0 Implementation of Enhanced DBS policy

4.1 Members may recall during the implementation of the Common Minimum Licensing Standards – Stage 1. As part of the proposals, proposal one which related to Enhanced Criminal Record Checks stated: -

It is proposed that all drivers will be required to undertake an enhanced disclosure check through the DBS to include barred lists (such as details of unspent convictions and police cautions).

Drivers must also register to the DBS Update Service and maintain that registration to enable the licensing authority to routinely check for new information every 6 months as a minimum.

NB. If a licence has not been issued within 6 months of DBS certificate issue date, then a further enhanced DBS will be required (unless the applicant is registered with the Update Service)

Members agreed the above proposal; however, this was not implemented at that time due to the necessity for a procurement exercise to be undertaken. The Licensing Service have recently conducted a procurement exercise, and the contract has been awarded.

The Licensing Service have taken advice from the Council's legal Department, and they have confirmed that due to the previous decision of this Committee and Full Council, there is no requirement for a further report to be placed before the committee.

5.0 Prosecution of a previous licensed driver

- 5.1** The Licensing Service have recently prosecuted a previously licensed driver who fraudulently created a private hire driver's licence which indicated that he was licensed with Bury Council. The individual appeared before Manchester and Salford Magistrates Court on the 29 November 2024. The court imposed a custodial sentence of 16 weeks, suspended for 12 months. As part of this suspended sentence order, he is to undertake 15 Rehabilitation Activity Requirement days and perform 100 hours of unpaid work. He was ordered to pay £300 towards prosecutions costs and a £154 victim surcharge. The financial penalties will be deducted from benefits at the usual rate. A collection order was made.

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
DBS Implementation –Hackney carriage and private hire drivers are required to notify the Licensing Authority when they receive any convictions as outlined in the Council Conviction guidelines but may fail to do so creating a risk that the authority does not hold full and up to date information.	The full implementation of the policy will ensure that drivers sign up to the DBS update Service to permit the Licensing Authority to carry out checks.

Consultation:

The Licensing Service have not conducted a consultation exercise due to the implementation of the Common Minimum Licensing Standards (Enhanced DBS Certificate) have been previously been considered by this Committee and ratified by Full Council.

Legal Implications:

The Licensing Service have taken advice from the Council's legal Department, and they have confirmed that due to the previous decision of this Committee and Full Council, there is no requirement for a further report to be placed before the committee.

Financial Implications:

There is no financial implication on the Council, however there will be an additional cost to the licence holder to sign up to the update service and maintain the annual subscription with Disclosure and Barring Service.

Report Author and Contact Details:

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Licensing Unit Manager
3 Knowsley Place
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Bury
BL9 0EJ Tel: 0161 253 5208 Email: m.bridge@bury.gov.uk

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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