

Minutes of: LICENSING AND SAFETY COMMITTEE

Date of Meeting: 23 January 2025

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

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 R Brown, J Grimshaw and from B Thomson- Assistant Director of Operations Strategy.

Councillor R Bernstein acted as a substitute representative for Councillor Brown.
Councillor D Green acted as a substitute representative for Councillor 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.

LSP.3 MINUTES OF THE PREVIOUS MEETING

Delegated decision:

That the Minutes of the last meeting held on the 19th December 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 9th December 2024 and the 12th January 2025.

Licensing Hearings Sub Committee

On the 18th December 2024, an application to vary a premises licence at Village News, 477 Bury New Road, Prestwich M25 1AD. The application attracted two representations from

Responsible Authorities namely Greater Manchester Police and the Public Health Service. A petition containing 80 signatures was received from the applicant's representative. Members considered the evidence before them and decided to grant the variation subject to the following amendments.

The operating schedule will change from its existing opening times of

06:00hrs – 23:00hrs, 7 days a week to 06:00hrs – 1:00hrs, 7 days a week

The supply of alcohol will change from its existing times of 07:00hrs – 23:00hrs 7 days a week to 07:00hrs – 1:00hrs 7 days a week.

A magnetic door lock system will be installed at the front of the premises, whereby all customers shall only be served via a magnetic door between the hours of 23.00 and 01.00 every day. The premises will remain closed during these hours until such time that a magnetic door lock system has been installed and was operational.

The Sub-Committee felt the amended hours were more in keeping with the other licenced premises in the surrounding area was therefore satisfied that on the balance of probability there was sufficient evidence presented that had demonstrated some of the following licensing objectives would not be met if the store was open 24 hours a day and would fail the:-

- the prevention of crime and disorder
- public safety

The reasons by the sub-committee, included:-

- Data evidence from GMP PACT meetings of a clear link and increase in crime and disorder linked to alcohol sales.
- Evidence from Public Health of alcohol related health problems in the area.
- Vulnerable people living nearby on the social housing estate, some of whom will have drug and alcohol addiction.

The evidence presented and supporting documents were deemed sufficient evidence to make amendments to the variation of the licence. Details on the right for an appeal were provided to the applicant.

The Chair placed on record his thanks to the Licensing Department for the extra weekend work undertaken during the pre-Christmas busy period.

Members discussed if there had been an increase in alcohol licence applications and the Licensing Unit Manager confirmed there had not been an influx in variation applications.

Members enquired about the process for Hearing Sub Committees and an explanation was provided about the two types of reviews including the 48-hour review period following a request from the police in relation to serious crime and disorder.

Delegated decision:

It was agreed that the report be noted.

LSP.6

REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S IDENTIFICATION BADGES

The Executive Director (Operations) submitted a report relating to a request from a private hire driver and a trade representative to modify the lanyard, style and size requirement for a driver's identification badge. This report considered the options.

The report set out the following options:

- To remain with the current design and dimension for hackney carriage/private driver identification badges as displayed in Appendix 2
- To modify Council Policy with the requirement for driver identification badges to that of a smaller credit card style identification badge and fabric safety lanyard as displayed in Appendix 3.

The Licensing Unit Manager reported the Local Government (Miscellaneous Provisions) Act 1976 (LGMPA) and the Town Police Clauses Act 1847 (TPCA) make provisions for a Local Authority (district council)

Bury currently requires a driver to wear a photograph identification badge and have a similar badge displayed in the vehicle. The current identification badge dimensions are 9.8cm by 9.8cm due to the size of the laminate around the driver's badge. Appendix 1 includes the current ID badge design and dimensions for Members information.

It is over 10 years since the Licensing and Safety Panel last considered modifications to vehicle signs and ID badges. As outlined below members of the Licensing & Safety Committee resolved to retain both as they were.

Members were reminded that following a request from the Private Hire Drivers Association and the Hackney Carriage Drivers Association on the 9th January 2020 a report was considered regarding the review of vehicle signage and driver's badges. Members resolved; That the current Council policy relating to the size requirements for identification badges for Hackney Carriage and Private Hire Vehicle remains. The minute for this were attached at appendix 1 within the agenda packs.

During the preparation of the above report a representative from the Greater Manchester Licensing Managers Group met on the 5th September 2019 with TfGM Disability Design Reference Group (DDRG), and TfGM staff. DDRG have wide ranging disabilities and impairments. There were a number of concerns discussed relating to licensed vehicles and of particular relevance to this report was as follows:-

- All taxi and PHVs should display (at least A4 size) a recent photo, name and badge number of the driver in the vehicle so all passengers can identify the driver and ensure they're getting into the right vehicle.
- Many drivers don't wear badges – and the text font on the badges is often too small to read for partially sighted passengers.

The Licensing Service have received a request from a private hire driver to review Council Policy in relation to the current size of the hackney carriage and private hire badge and removal of the chain that the badge is displayed on. The request is to change to a credit card style badge and a lanyard.

The Licensing Service have recently undertaken a procurement exercise for the Supply & Delivery of Taxi Vehicle Licence Plates, Driver Badge Materials, other Licences and Consents. The contract period is the 1st October 2024 to the 30th September 2027 with an option to extend for a further 12 months.

Examples of the proposed badges and lanyard have been sourced from the new contractor. The Licensing Service have attached these examples to the report highlighting the difference between the current badge and the proposed credit card style badge.

The proposed new identification badge would consist of:-

- Pre-printed Credit Card style Hackney carriage and Private hire drivers' badge
- Lanyard

- Laminate
- Hologram

Members suggested if the in-house Council identification badge system could be utilised rather than outsourcing to an external company.

Members questioned how many drivers wanted this change and the clarified the representation from a private hire driver and trade representative.

Delegated decision:

It was agreed that the current design and dimension for hackney carriage/private driver identification badges would remain with an amendment to use a fabric safety lanyard as opposed to a metal chain link lanyard.

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 APPLICATION FOR PUBLIC / PRIVATE HIRE DRIVER LICENCE

14/2024

The Executive Director (Operations) submitted a report relating to Applicant 14/2024, who was in attendance at the meeting alongside a family member. 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.

Members were reminded that this matter was scheduled to be determined on the 19th December 2024 and Members agreed to the adjournment to tonight's meeting.

The applicant made an application for a new Private Hire Driver Licence on the 20th May 2024 and had completed all the required pre-requisites.

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

The 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 containing a written statement by the applicant, character references along with the oral representations by the applicant and a family member 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 reasons for the Committee's decision were as follows:

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

15/2024

The Executive Director (Operations) submitted a report relating to Applicant 15/2024 who was in attendance at the meeting. 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.

This applicant held a private hire driver's licence since the 6th October 2006 until it was revoked with immediate effect by the Licensing and Safety Committee on the 7th February 2023.

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

The 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 and oral representations by the applicant 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 grant the application for a three-year period**.

COUNCILLOR IRIZVI
Chair

(Note: The meeting started at 7.00pm and ended at 8.45pm)