

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, 23 January 2025
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 *(Pages 3 - 6)*

The minutes of the meeting held on the 19th December 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 7 - 12)*

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

6 REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S IDENTIFICATION BADGES *(Pages 13 - 22)*

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

7 URGENT BUSINESS

Any other business, which by reason of special circumstances, the Chair agrees may be considered as a matter of urgency.

8 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.

9 APPLICATION FOR PUBLIC / PRIVATE HIRE DRIVER LICENCE *(Pages 23 - 42)*

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

Minutes of:	LICENSING AND SAFETY COMMITTEE
Date of Meeting:	19 th December 2024
Present:	Councillor I Rizvi (in the Chair) Councillors N Bayley, A Booth, R Brown, J Grimshaw, J Hook, 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:	No members of the public were present at the meeting.

LSP.1 APOLOGIES FOR ABSENCE

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

LSP.2 DECLARATIONS OF INTEREST

There were no declarations of interest.

LSP.3 MINUTES OF THE PREVIOUS MEETING(S)

Delegated decision:

That the Minutes of the last meetings held on the 11th and 14th November 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 4th November and the 8th December 2024.

Licensing Hearings Sub-Committee Hearings

On the 25th 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.

On the 5th 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.

Implementation of Enhanced DBS policy

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.

Prosecution of a previous licensed driver

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.

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

14/2024

The Executive Director (Operations) submitted a report relating to applicant 14/2024. The Licensing Unit Manager reported that he had tried to contact the applicant this afternoon and had only been able to speak with a family member of the applicant. They had communicated that the applicant would not be present this evening as a sudden family bereavement had occurred.

The Licensing Unit Manager advised it was a matter for the Licensing Committee to hear the case in their absence or defer until the next meeting.

Delegated decision:

The Licencing Committee agreed that applicant 14/2024 would be deferred for consideration at the next meeting of the Licensing and Safety Committee.

COUNCILLOR IRIZVI
Chair

(Note: The meeting started at 7.00pm and ended at 7.30pm)

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Classification	Item No.
Open / Closed	

Meeting:	Licensing and Safety Committee
Meeting date:	23 January 2025
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 **9 to 15 December**

Client

Complaint 3

Enforcement 2

Intelligence 1

Premises

Complaint 2

Compliance 2

Enforcement 2

Multi Agency 10

Vehicle

Enforcement 5

2.3 **16 to 22 December**

Client

Complaint 2

Premises

Compliant 2

Enforcement 1

Multi Agency 11

Vehicle

Enforcement 8

2.4 **23 to 29 December**

Vehicle

Enforcement 1

2.5 **30 December to 5 January**

Client

Complaint 4

Enforcement 3

Vehicle

Enforcement 3

Premise

Complaint 2

Enforcement 2

2.6 **6 to 12 January**

Client

Complaint 4

Enforcement 5

Premises

Enforcement 14

Multi Agency 1

Vehicle

Enforcement 27

3.0 LICENSING HEARINGS SUB COMMITTEE

3.1 On the 18 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.

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
None	

Consultation:

Not applicable

Legal Implications:

Not applicable

Financial Implications:

Not Applicable

Report Author and Contact Details:

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Licensing Unit Manager
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Bury
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Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning
None	

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Classification	Item No.
Open / Closed	

Meeting:	Licensing and Safety Committee
Meeting date:	23 January 2025
Title of report:	Review of hackney carriage and private hire driver's identification badges
Report by:	Executive Director (Operations)
Decision Type:	Council
Ward(s) to which report relates	All

Executive Summary

This report relates 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 considers the options.

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.

Key considerations

This is a Council Function that is delegated to the Licensing and Safety Panel by the Council's Constitution.

This paper is in the public domain.

Community impact / Contribution to the Bury 2030 Strategy

Not applicable

Equality Impact and considerations:

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.*

The public sector equality 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.

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.

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
Not Applicable	.

Consultation:

Not applicable

Legal Implications:

Under the legislation the Council is required to determine representations. The report is in accordance with the appropriate legislation.

The costs of the licensing function are funded through the fees and charges levied by the Council. There may be additional costs if appeals are lodged with the Magistrates and Crown Courts.

Members are advised that Licences are regarded as possessions within the terms of the Human Rights Act 1998. Under the Act everyone is entitled to the peaceful enjoyment of one's possessions and so actions interfering with those possessions must be lawful, reasonable and proportionate. It is lawful to impose reasonable conditions as a way of protecting the safety of the travelling public, so long as it is not out of proportion. It is a balancing act between the public interest and the individual's rights.

Financial Implications:

There are no adverse financial implications to the Council should members decide to adopt the new size and style of the driver's identification badge.

Report Author and Contact Details:

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Background papers:

Report and minutes of the Licensing and Safety Panel – 9 January 2020

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

Term	Meaning
LGMPA	Local Government (Miscellaneous Provisions) Act 1976
TPCA	Town Police Clauses Act 1847
ID	Identification
TfGM	Transport for Greater Manchester
DDRG	Disability Design Reference Group

1.0 Background

- 1.1 The Local Government (Miscellaneous Provisions) Act 1976 (LGMPA) and the Town Police Clauses Act 1847 (TPCA) make provisions for a Local Authority (district council) to attach such conditions, as it may consider reasonably necessary, to the licence.
- 1.2 The Council Constitution delegates the determination of the design of the vehicle plates and badges to the Licensing and Safety Committee.
- 1.3 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.
- 1.4 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.
- 1.5 Members may recall that following a request from the Private Hire Drivers Association and the Hackney Carriage Drivers Association on the 9 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 is attached at appendix 1.
- 1.6 During the preparation of the above report a representative from the Greater Manchester Licensing Managers Group met on the 5 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.
- 1.7 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.
- 1.8 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 1 October 2024 to 30 September 2027 with an option to extend for a further 12 months.

3.0 Existing and proposed identification badges

- 3.1 Examples of the proposed badges and lanyard have been sourced from the new contractor. The Licensing Service have attached to this report examples of the current badge and the proposed credit card style badge, these are attached at appendix 1 and 2.

3.2 The **proposed new** identification badge will consist of:-

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

4 Conclusion

4.1 Members are requested to consider the options below:

- 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.

(1) Minute LSP.4 of the Licensing and Safety Panel held on 9 January 2020 – Review of Vehicle Signage and Drivers Badge.

It was moved by Councillor Rafiq and seconded by Councillor Grimshaw and it was: -

RESOLVED:

1. That the Council's Policy relating to the size of the vehicle licence plate on the front of a licensed Hackney Carriage and Private Hire Vehicle be modified to reduce the size of the front plates.
2. That the new sized plates be introduced for newly licensed vehicles and licence renewals, from April 2020.
3. **That the current Council policy relating to the size requirements for identification badges for Hackney Carriage and Private Hire Vehicle remains.**

Current Badge Size

Bury PHD Size 3 x 1E Badge Style 91_46_91_v6

	Bury Council	This badge was issued by Licensing Office Bury Council 3 Knowsley Place Duke Street Bury BL9 0EJ and remains their property. It is an offence to display this badge unless in possession of a valid licence.
	Private Hire Driver	
Number	Security Information Strip	
Expiry		
Name	Name	

Badge width 9.8 CM

Badge Height 9.8 CM



Chain is 75 CM in length

Proposed New Badge (Front)



Badge width 10 CM

Badge Height 7 CM

Proposed New Badge (Rear)



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

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