



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

<b>Meeting:</b>	Licensing & Safety Panel
<b>Meeting date:</b>	7 <sup>th</sup> January 2021
<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>	N/A

**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

---

### **Community impact / Contribution to the Bury 2030 Strategy**

---

### **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.*

---

## **Assessment of Risk:**

The following risks apply to the decision:

<b>Risk / opportunity</b>	<b>Mitigation</b>
None	.

---

## **Consultation:**

---

## **Legal Implications:**

Not Applicable

---

## **Financial Implications:**

Not Applicable

---

## Report Author and Contact Details:

M Bridge  
Licensing Unit Manager  
3 Knowsley Place  
Duke Street  
Bury  
BL9 0EJ      Tel: 0161 253 5209      Email: [m.bridge@bury.gov.uk](mailto:m.bridge@bury.gov.uk)

---

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

Term	Meaning
None	

### 1.0 BACKGROUND

- 1.1 The report advises Members on operational issues within the Licensing service.

### 2.0 COMMON MINIMUM LICENSING STANDARDS/CLEAN AIR

- 2.1 The Licensing Service would like to inform the Members of the panel that the consultation relating to the Common Minimum Licensing standards/Clean Air closed on the 3<sup>rd</sup> December 2020. Transport for Greater Manchester and the approved contractor are currently analysing the responses received.
- 2.2 A briefing session is being arranged early January for the Executive Member and Chair of Licensing Committee. This will be set up by Transport for Greater Manchester to brief members on the next steps regarding Clean Air and Common Minimum Licensing Standards.

### 3.0 COVID 19 – Covid Marshals

- 3.1 A team of Covid Marshals has been employed by Bury Council using funding from Central Government. The team commenced work on the 1<sup>st</sup> December and will be in place until the end of March 2021, it consists of 2 daytime marshals working 8am-4.30pm and 2 evening marshals working 4.30pm-11pm. We have also had extra marshals in place for the weekend 12/13 December and 19/20 December to assist with busy areas such as the market and Millgate shopping centre during the busy shopping period on the run up to Christmas. If Greater Manchester moves into Tier 2 extra marshals will be employed to help with checking of licensed premises in an evening.

Marshals working during the day have been handing out masks to students and high school children using public transport in the morning and afternoon at Bury, Prestwich and Radcliffe Metrolink stations. They have been assisting with queue management and giving advice to retail and close contact service staff regarding the wearing of face coverings. They have also been working in conjunction with markets management to assist with compliance of coronavirus restrictions on the market.

During the evening the marshals have been checking for compliance outside the park at the Lightopia event at Heaton Park as well as checking takeaways for staff and customers wearing face coverings and visiting licensed premises across the borough to ensure they remain closed except for takeaway. They have also assisted at various events taking place across the borough.

#### **4.0 LICENSING HEARINGS PANEL - 6<sup>th</sup> October 2020**

4.1 The Licensing service have received an application for the grant of a premises licence under the Licensing Act 2003 in respect of Eat New York, 24 Bury New Road, Prestwich, M25 0LD. This application attracted representations from Greater Manchester Police in their capacity as a Responsible Authority and 27 representations from interested parties. Members considered this application at a Licensing Hearings Panel on the 6<sup>th</sup> October 2020 and resolved that the premises licence be granted as set out in the updated operating schedule:

- a. Supply of alcohol – For consumption On/Off the Premises.  
Monday to Sunday 12.00 until 01.00
- b. Provision of Late Night Refreshment (Indoors)  
Monday to Sunday 23.00 until 01.30
- c. Opening Times.  
Monday to Sunday 10.00 until 01.30

4.2 The Panel also attached 30 conditions to the premises licence.

#### **5.0 TAXI MATTERS**

5.1 On the 17<sup>th</sup> August 2020, the Licensing service received a referral from a Bury Council safeguarding practitioner. The referral detailed an incident wherein a licensed private hire driver had behaved inappropriately with 2 vulnerable females. This matter was investigated by the police and the Licensing Service.

The Licensing Unit Manager consulted with the Chair of the Licensing and Safety Panel about the matter and it was decided that this private hire drivers licence should be revoked with immediate effect pursuant to s61 (1)(b) – ‘any

other reasonable cause', on the grounds of public safety, pursuant to s61 (2B) of the Act.

## **6.0 Compliance and Enforcement**

6.1 The Licensing service have since the last panel on the 6<sup>th</sup> October until the 16<sup>th</sup> December 2020 dealt with business premises in relation to Covid issues:

- 10 business premises advice given
- 22 complaints
- 278 compliance checks
- 40 enforcement actions taken including 3 improvement notices and 1 prohibition notice
- 18 intelligence checks recorded

## **7.0 Outcome of appeal against Licensing and Safety Panel decision.**

7.1 On the 15<sup>th</sup> December 2020, an appeal against the decision of the Licensing and Safety panel on the 23 July 2020 at Manchester Magistrates Court was considered. The applicant was previously a private hire driver for 10 years but had let his licence lapse so had submitted a new application for a private hire driver's licence but failed to declare a number of convictions to the Licensing Authority. The appeal was dismissed by the District Judge, the council made a costs application but unfortunately this was rejected on the basis that he had lost his income.