



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

<b>Meeting:</b>	Licensing & Safety Committee
<b>Meeting date:</b>	16 December 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

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

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### **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.*

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## **Assessment of Risk:**

The following risks apply to the decision:

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

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## **Consultation:**

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### **Legal Implications:**

Not Applicable

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### **Financial Implications:**

Not Applicable

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**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 **COMPLIANCE/ENFORCEMENT**

2.1 The Licensing Service have dealt with the following compliance and enforcement matters for the following periods:

#### 2.2 **25 October to 31 October 2021**

##### **Clients**

Complaint 2

##### **Vehicles**

Damaged 3

Missed interim 3

##### **Operator**

Compliance check 1

##### **Premises**

Non-payment of fee advice as licence now suspended 9

Unlicensed activity 1

Complaint 1

Fire issue 1

EH Issue 1

## **2.3 1 November to 7<sup>th</sup> November 2021**

### **Client**

Complaint 2

Intelligence 2

Compliance 2

### **Operator**

Enforcement 1 (written warning for breach of condition)

### **Vehicle**

Compliance 2

Enforcement 9 (damaged vehicle 3, missed interim suspended 5, missing signage warning letter 1)

### **Premises**

Compliance 3

Enforcement 2 (non-payment fee)

Intelligence 1

## **2.4 8 November to 14 November 2021**

### **Client**

complaints 2

enforcement actions 2

### **Premises**

31 compliance – All in order 17, (2 blue notice seen, 7 advice given, 4 blue notice not seen, 1 noted)

10 enforcement – suspension notices for non-payment of fee

### **Vehicle**

Compliance 1

Enforcement 8 – (3 missed interim, 4 damaged vehicle, 1 missing signage)

## **2.5 15 November to 21 November 2021**

### **Client**

Complaints 2

Enforcement 2

**Operator**

Compliance checks 2

**Premises**

Complaints 3

Compliance 1

Enforcement 13 (7 unlicensed activity, 6 non-payment fee)

**Vehicle**

Complaint 2

Enforcement 4 (2 damaged vehicles, 1 miss interim, 1 licence revoked)

**2.6 22 November to 28 November 2021****Client**

Complaint 3

Enforcement 3

Intelligence 1

**Premises**

Complaint 4

Enforcement 1 blue notice not seen

**Vehicle**

Compliance 1

Enforcement 4 (1 revoked, 1 no insurance 2 missed interim)

**2.7 29 November to 5 December 2021****Client**

Complaint 4

Enforcement 4 (2 DPA, 2 declared convictions)

**Operator**

Complaint 1

Enforcement 1 (compliance check)

**Premises**

Enforcement 11 (1 non-payment fee, 10 multi-agency visits)

**Vehicle**

Enforcement 4 (2 licence suspended, 1 warning, 1 suspension lifted)

### **3.0 SECOND TESTING STATION**

- 3.1 As detailed at the Licensing and Safety Committee on 22 July 2021, the Licensing Service have been working with the Council's Procurement team to procure a second taxi testing station in the borough. Unfortunately, the tender closed with no bids received from garages.

The Council has since been working to understand the barriers to garages applying and some adjustments were made to specification. In addition, training support has been provided through a presentation to assist garages. The tender has now been readvertised and all garages have again been contacted to make them aware of the opportunity and the support available. The tender opportunity will close at midday on 22 December 2021.

This information has been communicated to the taxi trade, private hire operators and trade representatives by email.

### **4.0 RECENT INCIDENTS**

- 4.1 On the 19 November 2021, the Licensing Service sent an email to taxi trade, private hire operators and trade representatives to offer some reassurance that we are aware of an incident in Liverpool and another in Rochdale that involved taxi drivers. We understand this will be a worrying time for the trade and Bury Council and GMP want to reaffirm our commitment to working with the trade to tackle antisocial behaviour. We would like to remind drivers that any issues should be reported to GMP via 999 in an emergency. Alternatively, if reporting a crime that does not need an emergency response, please use 101 or report online at <https://www.gmp.police.uk/ro/report/>

If there is any particular support or training, you would like to see from the Council or GMP please let us know and we will see if there is any way we can assist.

### **5.0 THE HEALTH PROTECTION (CORONAVIRUS, WEARING OF FACE COVERINGS)(ENGLAND) REGULATIONS 2021**

- 5.1 Following the introduction of the new regulations on the 30<sup>th</sup> November 2021, the Licensing Service have emailed all licensed drivers, private hire operators and trade representatives to inform them of the new regulations. The email included a poster which can be printed and displayed both in the vehicles and in the Private Hire Operator bases.

### **6.0 Recent Partnership Working**

- 6.1 On the 3 December 2021, enforcement officers from the Licensing Service undertook a joint night time operation with officers from Greater Manchester Police and a compliance officer from the Security Industry Authority (SIA). They visited 10 late night venues located within Bury Town Centre and a

number of issues were identified. The issues identified included door staff failing to display their Security Industry Authority authorisation and late-night venues failing to adhere to their licensing conditions – namely failing to prevent noise nuisance. Advice and verbal warnings were given to ensure compliance.

- 6.2 On the 6 December 2021, enforcement officers from the Licensing Service participated in Greater Manchester Police's Operation Saturn along with a number of other partnership agencies. Operation Saturn is a monthly exercise with the aim of reducing anti-social behaviour. Staff from the Licensing Service in partnership with Trading Standards and Officers from Greater Manchester Police visited 12 businesses who buy and sell second hand goods. Advice was given to those business on how to minimise the risk of handling stolen goods and ensuring the businesses are registered with the Licensing Service.

## 7.0 **GAMBLING ACT – STATEMENT OF PRINCIPLES**

- 7.1 Members will recall that at the meeting on the 11<sup>th</sup> November 2022, a report outlined the revised Statement of principles. This was approved and was referred to Full Council on the 24<sup>th</sup> November 2021 for adoption. It was adopted by Full Council and comes into effect on 23 January 2022.

At the Committee meeting Officers were asked to provide a summary of in relation to how, as a council we could adequately deal with gambling premises applications and in particular how we could reduce the harm of gambling to individuals.

- 7.2 The legislation and the documentation outlined below are what the authority and applicant must take into account when considering and making applications: -

- The Gambling Act 2005;
- Gambling Commissions Guidance and;
- Statement of Principles Issued in Bury.

The Gambling Act gives Authorities wide ranging powers to:

- to issue a statement of licensing policy, setting expectations about how gambling will be regulated in a particular area
- to grant, refuse and attach conditions to premises licences
- to review premises licences and attach conditions or revoke them as a result.

7.3 The council has a responsibility under the Gambling Act 2005 to decide whether to grant or reject applications and in the case of premises licence applications to decide any conditions to apply where the decision is taken to grant. All decisions made by the licensing authority in relation to premises licences (and some other authorisations) are based on the Act, relevant guidance, Codes of Practice, the adopted statement of principles and the three licensing objectives:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

7.4 The first part of an application is the actual premises, The premises must have the required planning permission and we will take into consideration any representations (these must be valid under the legislation) from the local community.

7.5 When making an application a risk assessment must be provided. This should outline to the Authority how the Applicants/Licensees has assessed the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. These must be reviewed and updated as necessary as and when required i.e., when there are significant changes at the premises that may affect their mitigation of local risks.

The Authority can use these risk assessments to ascertain if the applicant/licence holder is committed on the one hand running a successful business and balancing that out with reducing the harm gambling can do to both individuals and communities. This is similar to the current television advertisements, which invite people to gamble but also advise to set limits, have a cooling off period etc.

7.6 When determining an application, the Council can place conditions on a licence. In determining what conditions can be placed on a licence members must take into consideration, the Legislation, Guidance and Statement of Principles.

Conditions can be placed on a licence which may work in a similar way to the current tv ads and target harm reduction– these may be conditions relating to:

- Staff training to identify individuals who are visiting premises on a regular basis and spending a lot of money.
- The training of staff in communication to ensure that they can comfortably approach and speak with such individuals.



- Having particular signs in and around the premises that signpost individuals to help with a gambling problems.
- Having signs or other media advising of money limits, cooling off periods etc.

7.7 Section 4.10 and 4.11 of the Statement of Principles outlines conditions that can and conditions that cannot be applied to an applications.

Where there have been any complaints relating to a premises the matter can be brought before the Committee in the form of a review. At such a review the Committee can amend, add or remove conditions on a licence.