



Classification	Item No.
Open / Closed	

Meeting:	Licensing & Safety Committee
Meeting date:	1 September 2022
Title of report:	Operational Report
Report by:	Executive Director (Operations)
Decision Type:	N/A Report for information only
Ward(s) to which report relates	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:

Risk / opportunity	Mitigation
None	.

Consultation:

Legal Implications:

Not Applicable

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 **4 – 10 July**

Client

Complaint 2

Enforcement 5

Operator

Complaint 2

Premises

Complaint 3

Compliance 1

Enforcement 4

Intel 1

Vehicle

Compliance 2

Enforcement 5

2.3 **11 – 17 July**

Client

Complaint 3

Enforcement 3

Premises

Advice 2

Complaint 2

Compliance 1

Enforcement 6

Intel 1

Vehicle

Enforcement 6

2.4 **18 – 24 July**

Client

Enforcement 5

Premises

Compliance 3

Enforcement 18

Vehicle

Enforcement 8

2.5 **25 – 31 July**

Client

Complaint 4

Enforcement 5

Intel 1

Premises

Enforcement 5

Vehicle

Complaint 2

Compliance 1

Enforcement 14

2.6 **1 – 7 August**

Client

Complaint 2

Enforcement 2

Operator

Enforcement 2

Premises

Complaint 2

Enforcement 3

Vehicle

Enforcement 9

2.7 **8-14 August**

Client

Complaint 2

Enforcement 2

Premises

Complaint 4

Compliance 2

Enforcement 24

Intel 3

Vehicle

Compliance 4

2.8 **15-21 August**

Client

Complaint 3

Enforcement 5

Premises

Complaint 3

Compliance 1

Enforcement 1

Multi agency 2

Vehicle

Complaint 2

Compliance 1

Enforcement 5

3.0 COMPLIANCE VISIT TO GAMBLING PREMISE

- 3.1 On the 9 July 2022, officers from the Public Protection Service carried out an informal test purchase exercise at a premises licensed under the Gambling Act 2005, children were able to play on category C machines without being challenged. Licensing Officers have issued a warning to the holder of the Licence and have notified the Gambling Commission.

4.0 SCRAP METAL DEALERS APPLICATION

- 4.1 Following a multi-agency operation, a scrap metal premises was visited by Greater Manchester Police and Licensing Officers. Officers were notified that the business had been sold this resulted in officers issuing a closure notice to the new owner. He was advised that a new application would have to be made under the Scrap Metal Dealers Act 2013.
- 4.2 The Licensing Service received an application which resulted in the Council's Authorised Officer (Head of Public Protection) holding a hearing on the 4 July 2022. After consideration of the application, it was determined that the application be refused.

5.0 DELEGATIONS TO OFFICERS

- 5.1 Following the decision of this Committee delegating to officers the power to issue warning letters, as of the 16 August 2022, seven warning letters have been issued following consideration by the Licensing Unit Manager.

6.0 CERTIFICATE OF THANKS

- 6.1 Members will be aware that the Licensing Service issue permits for charitable collections. The Licensing Service have received a Certificate of Special Thanks which was issued on the 11 July 2022 from the Christie organisation for supporting a collector who has been doing this for over 20 years.

7.0 OUTCOME OF APPEAL

- 7.1 Members will recall a matter that was considered in relation to a private hire driver who had his licence revoked with immediate effect due to his driving. The driver appealed the Council's decision to the Magistrates Court. The Magistrates dismissed his appeal and awarded the Council £1200 court costs.

8.0 HACKNEY FARE INCREASE

- 8.1 Members will recall that the proposed Hackney Fare increase was agreed at the last Committee. The advert for the proposed fares was placed in the Bury Times on 28th July and passed through the 14 day representation period without any being received. Therefore implementation of the new fares can now start to take place. It has been arranged for the

Hackney meters to begin being changed on the 6th September. Licensing Enforcement Officers will then test and seal the meters on 13th and 14th September.

9.0 **CLEAN AIR UPDATE**

- 9.1 Greater Manchester (GM) remains under a legal direction to deliver compliance with legal nitrogen dioxide (NO₂) limits in the shortest possible time and by 2026 at the latest. GM local authorities have submitted the case for a new Greater Manchester Clean Air Plan (GM CAP) to government. A response is expected from government after the new Prime Minister is in place.
- 9.2 The case for a new plan sets out evidence supporting an investment-led approach, with no charging Clean Air Zone, to address the city-region's NO₂ air pollution problem. An investment-led, non-charging GM CAP will aim to encourage upgrade to cleaner vehicles, leading to better air quality, by targeting financial support at category B vehicles, which includes buses, coaches, taxis, PHVs and HGVs. Funding is NOT proposed for vans, LGVs and minibuses (unless a minibus is licensed as a PHV), as these are category C classified vehicles. Private cars, motorbikes and mopeds are not included in Greater Manchester's Clean Air Plans.
- 9.3 Modelling shows that NO₂ exceedances become more localised from 2025 onwards, with breaches only forecast at specific locations in Manchester, Salford and Bury. New opportunities, via the approval of bus franchising and new funding for electric buses, mean GM could directly tackle sources of emissions in a different, more targeted way. Unlike the previous charging category C Clean Air Zone scheme defined by government guidance, the investment-led approach seeks to attend to the cost-of-living crisis, actively considers the ongoing impacts of the pandemic and the global vehicle supply chain.
- 9.4 The next steps while GM waits for feedback from government are that participatory policy development will take place with key stakeholders to develop and shape the new Clean Air Plan Policy, including proposals for funding support, in line with the investment-led, non-charging approach. A public consultation on the new Clean Air Plan proposals will then take place in early 2023, subject to government feedback.