



Classification	Item No.
Open / Closed	

Meeting:	Licensing & Safety Committee
Meeting date:	13 October 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 **22 – 28 August 2022**

Client

Enforcement – 6

Complaint – 1

Advice - 1

Premises

Enforcement – 6

Multi-agency – 8

Complaint – 1

Compliance check – 2

Vehicle

Enforcement – 2

2.3 **29 August – 4 September 2022**

Client

Complaint 2
Enforcement 4
Operator
Compliance 2
Premises
Compliance 2
Enforcement 1
Vehicle
Compliant 2
Compliance 1
Enforcement 5

2.4 **5 – 11 September 2022**

Client
Complaint 7
Enforcement 10
Premises
Compliance 2
Enforcement 12
Vehicle
Enforcement 7

2.5 **12 -18 September 2022**

Client
Complaint 7
Enforcement 3
Operator
Complaint 2
Premises
Enforcement 4
Vehicle
Enforcement 5

2.6 **19 - 25 September 2022**

Client

Compliance 2

Enforcement 4

Operator

Enforcement 2

Premises

Complaint 9

Compliance 1

Enforcement 6

Vehicle

Compliance 4

Enforcement 7

2.7 **26 September – 2 October**

Client

Complaint 3

Enforcement 1

Premises

Enforcement 7

Vehicle

Enforcement 6

3.0 **COMPLIANCE VISIT TO GAMBLING PREMISE**

3.1 On the 30 August 2022, officers from the Public Protection Service carried out a compliance inspection with the Gambling Commission. The following issues were identified:-

- External presentation – lack of clearly visible age restriction notices
- Two new to market 3 player position gaming machines which share a hopper and ticket pay-out slot.
- The premises holds a Bingo Premises Licence as opposed to an Adult Gaming Centre Premises Licence. Analysis of financial records indicate that the business generates far more revenue from Adult Gaming Machines than it does bingo.
- The business was lacking leaflets and information on responsible gambling and self-exclusion

- The Gambling Commission have confirmed that they will take any action that may be required.

4.0 **APPEAL TO MAGISTRATES COURT**

- 4.1 On the 26 July 2022, an appeal against the decision of the Licensing and Safety Committee in respect of a revocation of a Private Hire Drivers Licence was considered by Stockport Magistrates Court. The magistrates upheld the decision of the council, stating that the driving was well below the acceptable standard, most especially for a professional driver. The appellant was ordered to pay a contribution to the council's costs in the sum of £1,200.

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 30 September 2022, nine warning letters have been issued following consideration by the Licensing Unit Manager.

6.0 **CLEAN AIR UPDATE**

- 6.1 Following a request from Transport for Greater Manchester, on the 9 September 2022 the Licensing Service have sent emails out to all licensed drivers, private hire operators and trade associations regarding a survey that was being conducted. The content of the email stated:-

Good afternoon,

I am emailing to update you on the latest status of the Greater Manchester Clean Air Plan (GM CAP), and to invite you to feedback on the proposed plans through a short survey.

Latest Status

Greater Manchester (GM) local authorities are undertaking a participatory policy development process to develop and shape the new Clean Air Plan Policy, including proposals for funding support.

*The case for a new plan, which has been submitted to Government, sets out evidence supporting an **investment-led approach, with no charging Clean Air Zone**, to address the city-region's nitrogen dioxide air pollution problem. This is to ensure the right funding and eligibility criteria are in place to enable category B vehicles, which includes buses, coaches, taxis, PHVs and HGVs, to be upgraded to those with cleaner engines, while mitigating any additional economic risk or hardship to residents and businesses.*

Impacted vehicle owner survey

To ensure the development of the new policy is well-grounded in evidence, GM wants the input of key stakeholders, including [HGV/Coach/Taxi/PHV] owners. This is to ensure the right funding and eligibility criteria are in place to enable category B vehicles to be upgraded to those with cleaner engines, while mitigating any additional economic risk or hardship to residents and businesses.

*If you are a taxi or PHV owner operating in or through Greater Manchester and want to help shape the new clean air plan proposals, GM wants to hear from you. Online surveys are now open until **10 October 2022**. The survey will take around 15 minutes and is available [here](#).*

A public consultation on the Clean Air Plan proposals will take place in early 2023, subject to government feedback.

If you have any enquiries about the Greater Manchester Clean Air Plan, please contact info@cleanairgm.com or call 0161 244 1333 (support for non-English speakers is available).

We appreciate your time sharing your views on the new proposals, and your support in this participatory development process. To sign up for updates as the new plan is developed, including notification of future consultation visit: cleanairgm.com/#newsletter.

6.2 A further request was sent by the Licensing Service on the 27 September 2022.

7.0 **PARTNERSHIP OPERATION**

7.1 Officers of the Licensing Service were scheduled to undertake a partnership operation on the 16 September 2022 with Greater Manchester Police, it was agreed with the Head of Public Protection and Greater Manchester Police that the operation should be cancelled due to the death of her Majesty Queen Elizabeth II.

8.0 **VOLUNTARY CLOSURE AT LICENSED PREMISES**

8.1 On the 9th or 10th August 2022, Greater Manchester Police requested that the Premises Licence holder/Designated Premises Supervisor of Hidden Bar voluntary closed the Hidden Bar, Unit B, 24 Silver Street, Bury, BL9 0DH following an incident at the premises. The premises agreed to the request of Greater Manchester Police.

9.0 **SUMMARY REVIEW REQUESTED BY GREATER MANCHESTER POLICE**

9.1 On the 12 September 2022, Greater Manchester Police submitted an application to the Licensing Authority for a Summary Review in respect of the Hidden Bar, Unit B, 24 Silver Street, Bury, BL9 0DH because they believe that the premises are associated with Serious Crime and/or Serious Disorder.

Summary reviews can be undertaken when the police consider that the premises concerned are associated with serious crime or serious disorder (or both). The summary review process allows interim conditions to be quickly attached to a licence and a fast-track licence review.

A 10 working-day public consultation exercise has been undertaken in accordance with Licensing Act 2003 regulations; requiring the application to be advertised by the displaying of a blue notice at or on the premises and details of the application published on the Council's website.

Within 48 hours of receiving a summary review application, under s53B of the Licensing Act 2003 the licensing authority must consider whether it is necessary to take interim steps pending the review of the licence for the promotion of the licensing objectives.

On 14 September 2022 a Licensing Hearings Sub Committee interim steps hearing was held, following receipt of the Summary Review application from Greater Manchester Police, Members of the Licensing and Safety Panel considered whether interim measures should be taken in respect of the Premises Licence for the purpose of promoting the Licensing Objectives. The Sub-Committee resolved that in order to promote the said licensing objectives, it was necessary to impose interim steps and that it must suspend the premises licence immediately.

The full review will be considered at a meeting of the Licensing Hearings Sub-Committee on the 6th October 2022, where the members will give consideration to this matter and have the following options available to them to promote the Licensing Objectives:-

- To modify the conditions of the licence
- To exclude the retail sale of alcohol from the licence
- To remove the Designated Premises Supervisor from the licence
- To suspend the licence for a period not exceeding 3 months.
- To revoke the licence.
- Following the review under section 53C, Members of the Licensing Hearings Sub-Committee must review the interim steps that are currently in place and determine whether it is appropriate for the promotion of the licensing objectives for the steps to remain in place, or if they should be modified or withdrawn.

An update will be given in respect of the matter at the meeting.

10.0 ONLINE REPORTING AND BOOKING OF VEHICLE COMPLIANCE TESTS AT BRADLEY FOLD

10.1 The Licensing Service have been working with the Transformation Department on the development of the following:-

- Online booking of vehicle compliance tests at Bradley Fold
- Online ability to report a driver change of address of a Private Hire/Hackney carriage driver
- Online ability to report an accident involving a Private Hire/Hackney vehicle
- Online ability to report a conviction for a Private Hire/Hackney carriage driver

When these services are available on line, information will be sent to the trade to advise them how to access them.

11.0 TRADE LIAISON MEETING

11.1 A trade liaison meeting was scheduled to take place on the 12 September 2022, however due to the passing of HM the Queen it was cancelled. The Licensing Service have rescheduled the meeting for the 12 October 2022. Invitations have been sent out.

12.0 LICENSED PREMISES WOMENS SAFETY CHARTER

12.1 A training video has been produced and is currently in post production. This will compliment the Licensed Premises Women's Safety Charter alongside other support material to enable businesses who sign up to meet their pledge.

- 12.2 A web form and new Council Web pages are currently being finalised and once in place a communication plan developed to facilitate a launch for the Licensed Premises Women's Safety Charter.

13.0 BURY DRIVER SAFETY INITIATIVE

- 13.1 The BDSI consultation ran from the 19 June 2022 – 9 August 2022. The licensing service are working with GMP to coordinate the formulation of a Bury Driver Safety Initiative which will include a campaign, support material and promotional material. Views on the proposals will also be sought from trade representatives at the next trade liaison meeting due to take place on 12/10/2022.
- 13.2 A meeting was held with GMP on 13/9/2022 to discuss the findings of the consultation and a script being developed for a digital training video for drivers. Further updates will be provided to members

14.0 ROGUE TRADER DAY

- 14.1 Officers from the Public Protection Service took part in this operation on the 21 September 2022 in partnership with Greater Manchester Police, please see below the results of the operation.
- 73 vehicles in total stopped at the site, of which the below offences were dealt with / advised
 - 3 seatbelt offences (6 advised)
 - 8 mobile phone offences (2 advised)
 - 1 registration plate offence
 - 1 tinted window advised
 - 1 Bury taxis document checks
 - 1 165 no insurance seizure
 - Of the 73 trading standards spoke to 52 and advised 38 traders on cancellation rights and paperwork.
 - A vehicle was full of scrap metal and had no licence or no waste carrier's licence. Environmental Health gave a 7-day notice to get a waste carrier or get a Fixed Penalty Notice, licensing Service to look into further in relation to the scrap metal issue.
 - 8 other individuals were spoken to by Environmental Health in relation to waste carriers licences.
 - 3 licensed Bury taxis where also checked and found to be compliant.

15.0 MEDICALS SUSPENDED

- 15.1 The Licensing Service have suspended 1 Hackney Carriage and 4 Private Hire Drivers Licence up to the 3 October 2022 for failure to provide a medical certificate within 4 weeks of it being requested.