

**Minutes of:** LICENSING AND SAFETY COMMITTEE

**Date of Meeting:** 1 September 2022

**Present:** Councillor S Walmsley (in the Chair)  
Councillors R Brown, N Boroda, S Donnelly, J Grimshaw,  
K Hussain, G Marsden, G McGill, I Rizvi, J Rydeheard and  
M Walsh

**Also in attendance:** L Jones- Deputy Licensing Unit Officer  
M Cunliffe – Democratic Services  
A Green – Council Solicitor  
B Thomson- Head of Public Protection

**Public Attendance:** 1 member of the public was present at the meeting.

**Apologies for Absence:** M. Bridge- Licensing Unit Manager

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#### **LSP.1 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of the Licensing Unit Manager, M Bridge.

#### **LSP.2 DECLARATIONS OF INTEREST**

Councillor Rydeheard declared an interest that in his employment he had worked on a number of cases involving both Private Hire and Hackney Carriage drivers.

Councillor Hussain declared he attended the same mosque as the applicant in relation to agenda item 8 but was not a close associate of the applicant so would remain in the meeting for discussion of the item.

#### **LSP.3 MINUTES OF PREVIOUS MEETING**

##### **Delegated decision:**

That the Minutes of the last meeting held on the 14<sup>th</sup> July 2022 be approved as a correct record and signed by the Chair.

#### **LSP.4 PUBLIC QUESTION TIME**

One members of the public was in attendance at the meeting although no questions had been pre submitted or were verbally asked 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 4<sup>th</sup> July and the 21<sup>st</sup> August 2022.

#### COMPLIANCE VISIT TO GAMBLING PREMISE

On the 9<sup>th</sup> 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.

#### SCRAP METAL DEALERS APPLICATION

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.

The Licensing Service received an application which resulted in the Council's Authorised Officer (Head of Public Protection) holding a hearing on the 4<sup>th</sup> July 2022. After consideration of the application, it was determined that the application be refused.

#### DELEGATIONS TO OFFICERS

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

#### CERTIFICATE OF THANKS

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<sup>th</sup> July 2022 from the Christie organisation for supporting a collector who has been doing this for over 20 years.

#### OUTCOME OF APPEAL

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 £1,200 court costs.

#### HACKNEY FARE INCREASE

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 28<sup>th</sup> 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 6<sup>th</sup> September. Licensing Enforcement Officers will then test and seal the meters on 13<sup>th</sup> and 14<sup>th</sup> September.

## CLEAN AIR UPDATE

Greater Manchester (GM) remains under a legal direction to deliver compliance with legal nitrogen dioxide (NO<sub>2</sub>) 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.

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 NO<sub>2</sub> 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.

Modelling shows that NO<sub>2</sub> 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.

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.

Councillor Rydeheard enquired about the timescales and advertisement of the participatory policy development with key stakeholders to develop the new Clean Air Plan Policy. The Head of Public Protection reported that this would be conducted by TFGM and information would be shared with the trade representatives as soon as it was received.

Councillor Donnelly asked on what grounds was the scrap metal dealers licence rejected. The Deputy Licensing Unit Officer reported this was due to previous criminal convictions of the applicant.

**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 TO GRANT A PRIVATE HIRE VEHICLE LICENCE CONTRARY TO CURRENT POLICY**

The Executive Director (Operations) submitted a report relating to an application for the grant of a private hire vehicle licence contrary to current Council policy.

The Applicant was in attendance at the meeting.

The Chair made introductions and the Council Solicitor outlined the procedure to be followed and clarified that all those present had read the report. The report, which was accepted by the Applicant and presented by the Deputy Licensing Unit Officer, set out the reasons the application had been brought before the Committee.

The Deputy Licensing Unit Officer reported that Members would recall a report relating to Stage 2 of the Common Minimum Licensing Standards (Vehicles) that was considered by this Committee on the 11<sup>th</sup> November 2021 and Full Council on the 24<sup>th</sup> November 2021. Members resolved to implement the Lead Officers recommendations in the report for vehicle standard 2 (Vehicle Age) which stated the following:-

To implement the following as the minimum standard:

- PHV – under 5 years on to fleet and 10 years off

Following the introduction of this standard the Licensing Service sent an email to all licence holders on the 3<sup>rd</sup> December 2021 informing them of the new changes that had been implemented and giving the link to the Council's website to enable licence holders to view the changes. The content of the email was included in the agenda pack report.

The Licensing Services computer system has been checked and the email address held for the applicant is correct.

Members were made aware that licence holders are able to submit their renewal applications to the Licensing Service up to 8 weeks in advance of the licence expiry.

The applicant was the holder of private hire vehicle licence which expired on the 28<sup>th</sup> June 2022.

On the 28 June 2022, the same day his vehicle licence expired, the applicant stated that he accessed the Council's website to make a renewal application in respect of the above vehicle however the applicant is unable to prove this. The applicant did not contact the Licensing Service to check that their application had been successfully submitted.

The applicant did not make any payment online. The online application system is set up so that a successful application is only achievable if payment is made. Only then would it be received by the Licensing Service. As this was not the case, the vehicle licence renewal application was never received by the Licensing Service. Therefore, the private hire vehicle licence in question had expired.

On the 29<sup>th</sup> June 2022, the applicant spoke to the Senior Licensing Advisor after their private hire vehicle licence had expired, the applicant was asked why they had not submitted their application in good time before the vehicle licence expired. The applicant stated that had not realised when the expiry date was. The applicant has advised the Licensing Service that he was not able to pay for the private hire vehicle licence renewal application due to the payment screen not being shown. The applicant stated due to the application screen saying "Thank you for completing your vehicle application. You have requested to have the compliance test for your Hackney Carriage/Private hire vehicle undertaken at Sunnybank Service Station" that his application had been successful. He believed that he would be contacted to pay the application fee and was waiting for an advisor to contact him to take payment or invite him to the town hall to make payment. It was explained that such a facility had not been in place since the start of the pandemic and the licensing desk in the town hall is no longer in operation.

On the 30<sup>th</sup> June 2022, the Licensing Service received an email from the applicant alleging that he had tried to submit an application online on the 28<sup>th</sup> June but was unable to make the payment for the application. He wanted to know how to make the payment so he could get a date for his vehicle to be tested. The Licensing Service is unable to substantiate the claim that the payment system was not working. A subsequent review shows that the Council received 4 applications on the 28<sup>th</sup> June. All applicants successfully made payments online via the Council's website. No problems were reported by members of the public or internally by Licensing or ICT officers. This was attached at Appendix 1 in the agenda pack report.

On the 1<sup>st</sup> July 2022, the Licensing Unit Manager responded to the applicant informing them of the Council's position in respect of the vehicle licence. Attached at Appendix 2 of the report.

On the same day, the applicant responded twice to the Licensing Service by email indicating that he was not happy with the reply sent by the Licensing Unit Manager and submitted three photographs showing the pages of the application form online. The Licensing Service are unable to verify when these images were taken. The images do not provide any evidence to substantiate the claim the payment service was not working given the information above. These were attached at Appendices 3 to 6 in the report.

Due the Licensing Unit Manager being out of the office, the applicant received his out of office email.

On the 4<sup>th</sup> July 2022, the Licensing Unit Manager responded to the applicant requesting for a copy of the acknowledgement email for the application and the reference number which starts with the prefix LC to be sent to him for this to be investigated further. Attached at Appendix 7 in the report.

On the 8<sup>th</sup> July 2022, the Licensing Unit Manager responded to the applicant to inform him that he had made enquiries with the Council Officer who is responsible for the online applications, and she confirmed that the application had not been received by the Licensing Service. In addition, it was noted that the applicant had not provided a copy of the acknowledgement email or the application number to the Licensing Service. The Licensing Unit Manager indicated that he considered the matter closed. Attached at Appendix 8 in the report.

On the 25<sup>th</sup> July 2022, the applicant contacted the Licensing Service requesting a meeting with the Licensing Unit Manager so he could explain the whole situation as to what happened. Attached at Appendix 9 in the report.

The Licensing Unit Manager arranged for a meeting to take place on the 3<sup>rd</sup> August 2022 at 9.00am. The meeting took place with the applicant, the Licensing Unit Manager and the Licensing Enforcement Officer. Notes were taken at the meeting which are attached at Appendix 10 in the report.

On the 3<sup>rd</sup> August 2022, the Licensing Service sent an email to the applicant requesting him to complete an application for a new private hire vehicle so that this could be put before Members for decision. Attached at Appendix 11 in the report.

Later the same day, the Licensing Service received an application for the grant of a private hire vehicle licence from the applicant in respect of the vehicle in question. Attached at Appendix 12 in the report.

The Deputy Licensing Unit Officer reported if members were minded to deviate from Council Policy and grant a private hire vehicle licence, the applicant would be required to pay for two compliance tests (£112 - £56 per test) and present their vehicle at the authorised testing station for testing.

The Applicant explained to the Committee that since the start of Covid it had been difficult for his income and he had purchased a vehicle via a loan from a friend. Other factors which had caused him to be overwhelmed included a flood in Bangladesh which had damaged his house and a road traffic collision at the end of May.

The Applicant stated he had completed the online form and had the money in the bank to pay for the licence fee. He repeated that he had made attempts to visit the Town Hall and make payment over the telephone.

The Deputy Licensing Unit Officer enquired why the applicant had left it so late to renew the licence and he repeated that there were a number of issues which occurred

at the same time although he had submitted his unsuccessful online application before the deadline.

A Member asked the applicant when he was out of the country dealing with his flood damaged property and it was stated this was at the end of March. The Member asked why this had affected him when the licence expired 2 months later he repeated that other factors had been taking place in his life and he had never been late with a renewal before.

The Chair asked if the applicant had read the licence terms for the renewal process and again why was it left so late to apply. The applicant mentioned a divorce in his personal life along with other factors mentioned previously which had overtook him.

A discussion took place about the online renewal process and receiving reference numbers and which screen allows payment to be made.

A Member had sympathy for the applicant but had concerns with the lack of evidence to prove the application process was not working correctly.

**Delegated decision:**

The Committee carefully considered the report, and oral representations by the Applicant and after giving due consideration to the application the Committee resolved, **to grant** the vehicle licence application contrary to policy subject to the vehicle passing the compliance test.

The reasons for the Committee's decision were as follows:

- The non submitted online application was a genuine mistake.
- No other issues had been reported previously
- The panel had sympathy for the applicant's personal circumstances but felt the explanations were sufficient and attempts had been made to resolve the issues

**COUNCILLOR S WALMSLEY**  
**Chair**

**(Note: The meeting started at 7.00pm and ended at 7.45pm)**

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