



Classification	Item No.
Open / Closed	

<b>Meeting:</b>	Licensing & Safety Committee
<b>Meeting date:</b>	22 November 2022
<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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## **Report Author and Contact Details:**

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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**

##### **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**

##### **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**

**Client**

Complaint 7

Enforcement 10

**Premises**

Compliance 2

Enforcement 12

**Vehicle**

Enforcement 7

2.5 **12 -18 September**

**Client**

Complaint 7

Enforcement 3

**Operator**

Complaint 2

**Premises**

Enforcement 4

**Vehicle**

Enforcement 5

**2.6 19 - 25 September**

**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

**2.8 3 October – 9 October**

**Client**

Complaint 1

Enforcement 1

Other 2

**Premises**

Enforcement 1

**Vehicle**

Enforcement 3

Complaint 1

**2.9    10 October – 16 October**

**Client**

Complaint 5

Enforcement 3

**Operator**

Complaint 1

**Premises**

Enforcement 15

Compliance 6

**Vehicle**

Enforcement 7

**2.10    17 October – 23 October**

**Client**

Complaint 5

Enforcement 4

Updates 3

**Operator**

Complaint 2

Enforcement 7

**Premises**

Enforcement 4

Compliance 1

Intelligence 1

Update 1

**Vehicle**

Enforcement 7

Compliance 3

Compliance 3

**2.11    24 October – 30 October**

**Client**

Complaint 5

Enforcement 7

**Premises**

Enforcement 9

**Vehicle**

Complaint 2

Enforcement 2

**2.12 31 October – 6 November**

**Client**

Complaint 4

Enforcement 4

**Premises**

Complaint 4

Compliance 4

Enforcement 8

**Vehicle**

Complaint 3

Enforcement 5

**2.13 7 November – 13 November**

**Client**

Complaint 6

Enforcement 6

**Operator**

Compliance 2

**Premises**

Compliance 18

Enforcement 9

**Vehicle**

Enforcement 10

**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 28 October 2022, thirteen 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](mailto: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](http://cleanairgm.com/#newsletter).*

## **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 9<sup>th</sup> or 10<sup>th</sup> 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 6<sup>th</sup> 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.

The Sub-Committee carefully considered all of the representations and evidence produced and therefore unanimously **resolved to revoke the premises licence immediately in order to promote the licensing objectives.**

The evidence presented had demonstrated all the licensing objectives had not been met and failed the:-

- prevention of crime and disorder
- public safety;
- prevention of public nuisance; and
- protection of children from harm.

The Sub-Committee had no confidence there would be any improvement with modifications made to the licence.

There had been a consistent and continuing theme of underage access to the venue evident over a period of months. This included the incidents of a vulnerable 17-year-old in June and a 15-year-old who collapsed in July having been admitted into the venue. Body worn footage from GMP showed a number of underage people inside the venue at the end of July. No proper checks were being undertaken by door security staff and incorrect age identification were being accepted.

The Sub-Committee noted that swab tests had found traces of the drug cocaine on the premises and nitrous oxide gas usage had been conducted in front of door staff.

In the case of the serious violence and disorder on the 10<sup>th</sup> September 2022, this could and should have been prevented not just on the night in question but in the months leading up to the incident.

Other factors taken into account were the 16-year-old found in possession of a stolen warrant card in June. 3 people wearing balaclavas to enter the venue in May then leaving in a stolen vehicle and when later arrested all the occupants were aged 18 or under. The common theme of the DPS being purposely obstructive to the police when undertaking their duties and the Sub-Committee felt that a genuine DPS would want to work collaboration and allow access to the venue without question.

The incident on the 10<sup>th</sup> September 2022 highlighted a number of failed procedures on that evening:-

- Loitering
- Allowing people into the venue after 3.00am
- Door security staff failed to deal with the incident and during a lull in the violence
- Failure to inform GMP and the use of official communication channels
- Washing away evidence of a crime scene
- DPS failed in their responsibility of staff and a breach of the licence conditions

The licensing authority accepted all the evidence provided by GMP which included various discussions and letters that had been issued to the venue without any improvements and this led to the incident on the 10<sup>th</sup> September occurring.

The protection of staff at the premises was a concern and it was noted that a female employee had been hit by an object of some kind whilst working in the venue.

The modified conditions listed in the report by the Licensing Officer and proposed by Mr Sarnoe are not sufficient to appropriately deal with the serious issues and breaches of the licensing conditions.

The Council's Licensing Department and GMP are keen to promote the licensing objectives to ensure people can safely enjoy the evening economy in Bury town centre. Hidden Bar had failed to meet these objectives repeatedly and the Sub-Committee had serious concerns about the safety of patrons especially young children.

All the above reasons were taken into consideration when revoking the licence and the Sub-Committee felt it was appropriate and proportionate.

**The interim steps of the suspension of the licence are to remain in place** until the end of the period provided for appeal against the decision, or if the decision is appealed against, the time the appeal is disposed of. It was appropriate for the promotion of the licensing objectives that the interim steps remain in place.

The Chair of the Sub-Committee advised the Premises Licence Holder that a letter in writing would be sent by the Licensing Service which would provide all the information.

## **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

With the exception of the online booking of vehicle compliance tests, all other matters are available online.

## **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. The meeting took place and the minutes of the meeting are available on the Council's website.
- 11.2 The agendas and the minutes of previous trade liaison meetings can be found at the following link:-

<https://councildecisions.bury.gov.uk/ieListMeetings.aspx?Cld=368&Year=0>

## **12.0 LICENSED PREMISES WOMENS SAFETY CHARTER**

- 12.1 A training video has been produced and is currently being finalised by Communication Team. 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.
- 12.3 The Licensing Unit Manager and Councillor Morris attended the Pubwatch meeting to inform the group of the proposed Women's Charter. It was agreed that further engagement would take place with the group before the Charter is launched

## **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 7 November 2022 for failure to provide a medical certificate within 4 weeks of it being requested.

## **16.0 CHARGING POINTS**

- 16.1 An email was sent out to all licensed drivers, vehicle owners, operators and trade representatives on 26 October 2022 with an update regarding charging points for electric vehicles. New Electric Vehicle (EV) Charging points are to be installed and will be dedicated for EV Taxi and private hire vehicles licensed by a Greater Manchester Authority. The confirmed locations in Bury include:
- Foundry Street car park - Bury Town Centre
  - Trinity Street car park - Bury Town Centre
  - Whitefield Metrolink Park and Ride car park - Bury