

**Minutes of: LICENSING AND SAFETY COMMITTEE**

**Date of Meeting:** 22 November 2022

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

**Also in attendance:** M Bridge- Licensing Unit Manager  
M Cunliffe – Democratic Services  
A Green – Council Solicitor  
B Thomson- Head of Public Protection  
Councillor A. Booth (Present in public meeting only)

**Public Attendance:** 8 members of the public were present at the meeting.

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**LSP.1 APOLOGIES FOR ABSENCE**

No apologies for absence were submitted.

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

Councillor Boroda declared an interest that he was a member on a number of Jewish bodies which were detailed on his councillor register of interests.

**LSP.3 MINUTES OF PREVIOUS MEETING**

**Delegated decision:**

That the Minutes of the last meeting held on the 1<sup>st</sup> September 2022 be approved as a correct record and signed by the Chair.

**LSP.4 PUBLIC QUESTION TIME**

Members of the public were in attendance at the meeting and submitted the following verbal questions:-

Mr Mahmood in his role as a union representative in Bury referred to a number of recent incidents involving driver safety. A vehicle had been stolen, a driver assaulted and a mobile phone stolen and he felt that stickers on the front of vehicles had contributed to these incidents. When incidents were reported to the police the crime reference number was used for insurance purposes only and he asked the committee if they were interested in driver safety and would look into these recent matters.

The Chair stated that the committee were concerned for driver safety and referred to the trade liaison meetings that take place with both the Council and GMP to deal with such matters. Mr Bridge, Licensing Unit Manager referenced the operational report included later in the agenda packs and an update on the trade liaison meetings. Further work would be conducted on vehicle stickers following a decision made last year and Mr Bridge asked had all incidents been reported to the police.

Mr Mahmood stated the police had been informed but stressed it was not safe and actions needed to be taken by Members and Officers.

The Chair advised that the crime numbers for each incident should be sent to the Licensing Officers who can flag this up with GMP and provide full details to help aid any investigations. Mr Bridge added that GMP have a Whatsapp group where information like this can be shared to aid investigations.

## **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 22<sup>nd</sup> August and the 13<sup>th</sup> November 2022.

### **COMPLIANCE VISIT TO GAMBLING PREMISE**

On the 30 August 2022, officers from the Public Protection Service carried out a compliance inspection with the Gambling Commission. A number of issues were identified and details included in the report pack.

### **APPEAL TO MAGISTRATES COURT**

On the 26<sup>th</sup> 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.

### **DELEGATIONS TO OFFICERS**

Following the decision of this Committee delegating to officers the power to issue warning letters, as of the 28<sup>th</sup> October 2022, thirteen warning letters have been issued following consideration by the Licensing Unit Manager.

### **CLEAN AIR UPDATE**

Following a request from Transport for Greater Manchester, on the 9<sup>th</sup> September 2022 the Licensing Service had 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 was included in the report pack.

#### PARTNERSHIP OPERATION

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

#### VOLUNTARY CLOSURE AT LICENSED PREMISES

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.

#### SUMMARY REVIEW REQUESTED BY GREATER MANCHESTER POLICE

On the 12<sup>th</sup> 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 believed that the premises were associated with Serious Crime and/or Serious Disorder.

On the 14<sup>th</sup> September 2022 a Licensing Hearings Sub Committee interim steps hearing was held, following receipt of the Summary Review application from GMP, 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 was considered at a meeting of the Licensing Hearings Sub-Committee on the 6<sup>th</sup> October 2022, where the members gave consideration to this matter. 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 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 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.

#### ONLINE REPORTING AND BOOKING OF VEHICLE COMPLIANCE TESTS

#### AT BRADLEY FOLD

The Licensing Service had 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.

#### TRADE LIAISON MEETING

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.

#### LICENSED PREMISES WOMENS SAFETY CHARTER

A training video had been produced and was 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.

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.

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

#### BURY DRIVER SAFETY INITIATIVE

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.

A meeting was held with GMP 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

#### ROGUE TRADER DAY

Officers from the Public Protection Service took part in this operation on the 21<sup>st</sup> September in partnership with GMP and the results revealed 73 vehicles in total were stopped at the site with the full list of offences dealt with included in the agenda report pack.

#### MEDICALS SUSPENDED

The Licensing Service had suspended 1 Hackney Carriage and 4 Private Hire Drivers Licence up to the 7<sup>th</sup> November 2022 for failure to provide a medical certificate within 4 weeks of it being requested.

#### CHARGING POINTS

An email was sent out to all licensed drivers, vehicle owners, operators and trade representatives on the 26<sup>th</sup> 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.

Councillor Rydeheard enquired about the partnership operation with GMP that had been cancelled in September and when would this be rescheduled. Mr Bridge would make enquiries and provide the information once known.

Councillor Rydeheard also asked about charging points fitting into the environmental plans and Mr Bridge reported that there was a TFGM officer within the Council which deals with the clean air agenda and any schemes put forward would be communicated with the trade.

#### **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      SUSPENSION/REVOCAION OF PUBLIC/PRIVATE HIRE DRIVER LICENCES**

### **Licence Holder 8/2022**

The Executive Director (Operations) submitted a report relating to Licence Holder 8/2022 who was in attendance at the meeting alongside his representative Mr Thorpe. 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 Licence Holder and presented by the Licensing Manager, set out the reasons for the Licence Holder being before the Committee.

The report stated that the Licence Holder had held a private hire driver's licence continually since the 29<sup>th</sup> April 2003 until its expiry on the 9<sup>th</sup> February 2025. It also included details of warnings/complaints made since September 2019 along with previous panel appearances dating back to 2016 which were detailed in Appendix A and B of the report.

The Council had received two complaints about the licence holder via the operator and it was alleged that he had engaged with fare carrying passengers via some inappropriate conversations. Appendix C detailed the private hire operator statement provided in relation to complaints made in June and July 2022

A summary of complaint 1 on the 7<sup>th</sup> June 2022 and complaint 2 in the 27<sup>th</sup> July were detailed fully in the agenda pack. The first incident involved an elderly couple and during the trip the driver started asking questions about plans for going away on holiday, how much they earned and pension payments. Having noticed one of the passengers was using walking sticks he remarked that he had sought medical attention for a bad back and a doctor had prescribed strong medication to alleviate the pain. The passengers took offence to such questions feeling that they were intrusive and overly personal and also raised concerns that the driver should not be driving if heavily medicated.

The second incident was in relation to the driver having a conversation with a lady asking if she was going out drinking and when she replied she did not drink the driver responded by asking if she would like to go out for coffee or lunch. The offer was declined but the passenger felt he was insistent and kept asking her to join him for coffee. When the journey was complete, he asked the passenger to wait as she was getting out of the vehicle but she refused telling him that friends were waiting for her. The incident left her feeling uncomfortable.

This client's private hire operator had been contacted in relation to the complaints they received, and they advised that they had spoken to the driver and warned him that such conduct is not acceptable. The Operator stated that the driver apologised to them for his behaviour and stated it would not happen again.

On the 8<sup>th</sup> August 2022, a Licensing Enforcement Officer received a report that earlier that day the client had been present in the public reception area of the town hall. The report stated he had engaged the town hall receptionist in conversation and then walked around the desk and stepped into the private reception desk area to look at the receptionist's screen. The door was unlatched, so he pushed it open and stepped through. The receptionist told him that he was not allowed to enter the private area but

he ignored her comment, entered and proceeded to look at her computer screen. This client left the private reception area when he was challenged by a Licensing Advisor.

A summary of a recorded interview with the client, his previous representative and Licensing Officers was included in the agenda pack.

The Licence Holder's representative provided the Committee with the drivers experience in Bury dating back to 1994 and made comments in relation to the first complaint. The driver had noticed the passenger struggling with walking sticks and had loaded their shopping in the boot of the vehicle. During conversations which included holidays and health, he suggested a medication he had used for back pain but denies questions about pension payments and earning but mentioned you could be eligible for discounts for private treatment not provided by the NHS.

The second complaint was addressed by the Licence Holder's representative that he had offered the passenger a drink from his thermos flask and had told the passenger to wait in the vehicle at the end of the journey as he likes to open the door for them out of courtesy.

The incident at the Town Hall reception area occurred when a member of reception staff offered to help the driver after a telephone call to planning officers. He went to view a computer monitor to see if his contact details were recorded properly before a Licensing Officer asked him to move out of the private council staffing area.

The representative felt his client had provided an explanation to the allegations and accepts it was a misunderstanding by both parties and more of an issue about being aware of the correct conduct to use during interactions with passengers.

The Licence Unit Manager asked why members of the public would take the time to make complaints if these conversations did not take place. The Licence holder did not accept the account of the complaints and apologised for and misunderstanding that the conversations had caused.

The Licence Unit Manager queried why at interview you could not remember the journey on the 27<sup>th</sup> July but now state you offered a drink via a flask. The Licence holder state he was just being nice and felt he had not done anything wrong when asked if that was considered inappropriate behaviour.

A Member of the committee asked about pain relief medication the driver had taken in the past and if he was under the influence of the drug at the time of the complaints. The driver answered no and the Licence Unit Manager added that satisfactory medical evidence had been submitted in the last few days although one part of the form submitted needed to be completed.

The Chair enquired if safeguarding training had been attended and asked the driver to explain why he was a fit and proper person to hold a licence. Training had been attended by the driver and the complaints were probably down to a result of his English language being misunderstood and he had done the job for 28 years.

The Licence Holder's representative provided the committee with two written statements from regular passengers to support his client with one also submitted by a local mosque.

**Delegated decision:**

The Committee carefully considered the report, and oral representations by the Licence Holder and his representative. The Committee reminded the Licence holder of their responsibility to act in a professional manner with their behaviour and conversations when engaging with passengers to avoid misunderstandings and a perceived intrusion of customer privacy.

Taking into account the Council's Conviction Policy and Guidelines and in accordance with the Local Government (Miscellaneous Provisions) Act 1976, the Committee resolved **to admonish the licensee** as to future conduct and provide a formal letter in writing.

**Licence Holder 9/2022**

The Executive Director (Operations) submitted a report relating to Licence Holder 9/2022 who was in attendance at the meeting alongside his representative Mr Thorpe and three family members. 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 Licence Holder and presented by the Licensing Manager, set out the reasons for the Licence Holder being before the Committee.

The report stated that the Licence Holder had held a private hire driver's licence for one year, 2<sup>nd</sup> February 2004 to the 1<sup>st</sup> February 2005 and then continually since the 18<sup>th</sup> October 2016. His most recent licence commenced on the 18<sup>th</sup> October 2022 and is due to expire on the 17<sup>th</sup> October 2025.

On the 29<sup>th</sup> September at 17.50, a complaint was received from a member of the public. At 16.43 hours on that day the complainant had been working in an ambulance (sat in the passenger seat) that was sat in traffic on Northumberland Street, Salford. The vehicle in front was a Bury licensed Private Hire Vehicle plate that belonged to the client.

The area has a predominately Jewish community and where the private hire vehicle was located at the time of the complaint was opposite a Jewish High School and in the area of 2 Orthodox Jewish Synagogues.

The complainant attached a photograph that was took of the attached at Appendix 1 of the agenda pack. The photograph showed a Palestinian flag being waved out of the passenger window of the taxi. The complainant went on to say that highly offensive remarks were being shouted from the vehicle directed mostly at women and children leaving the school premises.

The client works for the operator, Uber and checks were made on the booking records which showed that the vehicle was not working at the time therefore any passengers were friends/family of the driver.



The complainant was emailed by a Licensing Enforcement Officer and asked if they intended to refer the complaint to GMP as a possible hate crime. The response on the 30<sup>th</sup> September indicated they did not intend to do this.

This could be considered a hate crime due to the ongoing political situation in Israel and around the Gaza strip. The CPS state: Any crime can be prosecuted as a hate crime if the offender has either, demonstrated hostility based on race, religion, disability, sexual orientation or transgender identity or been motivated by hostility based on race, religion, disability, sexual orientation or transgender identity.

This client was interviewed by the Deputy Licensing Officer and the Licensing Unit Manager on the 20<sup>th</sup> October 2022. When showed the photograph and questioned about the incident he stated that he was taking his family shopping and had his wife in the back seat with his son, nephew and his 16 year old cousin was sat in the front passenger seat. He was not aware that his cousin had the flag until he looked sideways and saw him waving it out of the window in the nearside wing mirror. At this point he shouted at him to get it in. He denied that any offensive comments were shouted out of the vehicle and that this was instead him shouting at his cousin that the complainant must have heard. He stated that he had never taken part in any protests and was extremely angry at his cousin for doing this and putting his private hire driver's licence in jeopardy. This client was questioned as to how his cousin had managed to conceal the flag with it being quite a large object but this client could not answer this. A transcript of the interview was attached at Appendix 2 of the report attached to the agenda pack.

Enhanced images of the photograph could be seen by the Committee in Appendix 3.

The Licence Holder's representative provided the committee with his client's family background and due to a death in the family his number of dependants had increased and he was the sole person in the home to work. A brief summary and explanation on his previous warnings was also provided to the committee.

Details were given that the family had attended a medical appointment and were then travelling to a retail shop hence the route undertaken by the vehicle from its original location. The seating arrangements of passengers in the vehicle were provided and the Licence Holder's representative had visited the family home to speak with his client's cousin who had been sat in the front. Upon questioning he admitted that he was aware of the shopping trip and knew that the journey would take them through this area so decided to take the flag. The young cousin had an interest in Palestinian issues and had attended local demonstrations and it was alleged he thought he was being cool to fly the flag outside of the vehicle without the driver's knowledge.

Mr Thorpe stated the Licence Holder was not aware that an incident would take place and pulled out of his trouser pocket the flag to demonstrate that it could be concealed away from view before the journey took place. The only shouting that took place was the driver towards his front seat passenger when he realised what actions were being taken by his cousin and to retract the flag back inside the vehicle out of public view.

A discussion took place about the photographs and enlarged images to establish the exact seating location the flag had been displayed from in the vehicle.

Members asked the licence holder why it would be considered an offence and what did he do to avert the situation. The driver explained he was aware of the situation in that part of the world and shouted for the flag to put away and upon further questioning he did not pull over the vehicle to the side of the road.

The Chair asked the licence holder if he understood the severity of the situation along with his responsibilities and it was stated that he would not shout or swear in front of his children and did everything he could at the time and afterwards by talking to his cousin.

The Licence Holder's representative provided the committee with some written references to support his client.

**Delegated decision:**

The Committee carefully considered the report, and oral representations by the Licence Holder and his representative. The Committee noted the explanation provided and the remorse of the incident and actions which was not conducted by the Licence Holder. The Committee also reminded the Licence holder of their responsibilities for the actions of all passengers and wider public safety. The perception of a licenced vehicle displaying items to cause offence would cause a loss in public confidence and damage community cohesion.

Taking into account the Council's Conviction Policy and Guidelines and in accordance with the Local Government (Miscellaneous Provisions) Act 1976, the Committee resolved **to suspend the licence immediately for a period of 4 weeks** to highlight the severity of the offence which was intended to inflate community tensions.

**LSP.9 APPLICATIONS FOR PUBLIC/PRIVATE HIRE DRIVER LICENCES**

**Licence Holder 10/2022**

The Executive Director (Operations) submitted a report relating to Applicant 10/2022 who was not in attendance at the meeting.

The Licensing Unit Manager informed the Committee that the applicant had requested an adjournment of this case.

**Delegated decision:**

The Committee deferred the application until the next Licensing and Safety Committee.

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

**(Note: The meeting started at 7.10pm and ended at 9.47pm)**