

Minutes of: LICENSING AND SAFETY COMMITTEE

Date of Meeting: 7 February 2023

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

Also in attendance: M Bridge- Licensing Unit Manager
M Cunliffe – Democratic Services
A Green – Council Solicitor
B Thomson- Head of Public Protection

Public Attendance: 3 members of the public were present at the meeting.

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.

LSP.3 MINUTES OF PREVIOUS MEETING

Delegated decision:

That the Minutes of the last meeting held on the 15th December 2022 be approved as a correct record and signed by the Chair.

LSP.4 PUBLIC QUESTION TIME

3 members of the public were 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 5th December 2022 and the 22nd January 2023.

BEST BAR NONE

The assessments had neared completion for the Best Bar None scheme. 10 premises in the town centre have passed and 3 more are likely to pass. An awards ceremony for the successful premises was due to take place in February when they will receive their accreditations. The new scheme for this year will also be launched on the same evening and this year it will be open to premises borough wide.

PARTNERSHIP WORKING

The Licensing Service had been working with Greater Manchester Police, Trading Standards and a Tobacco detection dog undertaking visits to licensed shops on the 6th December 2022. 6 licensed premises were searched, and a quantity of illicit tobacco products were found and two premises were found to be in breach of their premises licence conditions.

The Licensing Service worked with Greater Manchester Police and a drug detection dog on the 10th December 2022 to ensure compliance with their conditions of their licences during the World Cup. 10 licensed premises were visited and searched. One male was found in possession of a small quantity of cannabis and a number of snap bags either empty or containing the residue of a white powder were found on the streets.

The Licensing Service worked with Greater Manchester Police on the 23rd December 2022, numerous venues were visited to ensure compliance with their conditions of their licences during the Christmas and New Year Period. 12 premises were visited, and all premises were found to be in order apart from one which was given advice regarding the use of the pavement outside for furniture.

NEW SECTION 182 GUIDANCE ISSUED

The Licensing Service are aware that new guidance had been issued and effective from the 20th December 2022. This has superseded the previous guidance that was issued in April 2018. There are several changes in the new guidance which are being reviewed by the Licensing Service. Any of the amendments will be incorporated in any future reports to the Licensing Hearings Sub-Committee where required.

IMMEDIATE REVOCATION OF A PRIVATE HIRE DRIVERS LICENCE

The Licensing Service received information from Greater Manchester Police in relation to a private hire driver's conduct which has resulted in him being charged for serious offences. The driver concerned had been given a right of reply before the Head of Public Protection and the Chair of this Committee considered taking action in the interests of Public Safety under the Road Safety Act 2006, it was felt appropriate to immediately revoke his private hire driver's licence on the 20th January 2023.

TRADE LIAISON MEETING

On the 12th January 2023, the Licensing Service and Greater Manchester Police held a trade liaison meeting with the trade, the minutes of the meeting will be published in due course on the Council's Website.

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 11/2022

The Executive Director (Operations) submitted a report relating to Licence Holder 11/2022 who was in attendance at the meeting alongside his friend to assist with any questions. 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 12th May 2014 until its expiry on the 11th September 2024.

This Licence Holder submitted an online notification of a conviction to the Licensing Department on 11th November 2022, attached at Appendix 1 in the private agenda pack. The Licence Holder produced his penalty letter which was dated 9th November 2022 notifying him of the conviction attached at Appendix 2 in the pack.

Delegated decision:

The Committee carefully considered the report, and oral representations by the Licence Holder. The Committee noted the explanation provided in relation to delayed return airline flights and the remorse by the Licence Holder along with paperwork evidence submitted. The Committee understood this was a serious offence and a professional driver even when using another car had the responsibility for insurance cover being in place and should have annual reminders in place.

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. The Committee departed from Policy because they accepted that the flights from Pakistan were delayed due to

floods, that this had caused a lapse in focus on the insurance. Also the fact that the car had been consistently insured for 3 years. As it was a lapse the Committee departed from Policy.

Licence Holder 12/2022

The Executive Director (Operations) submitted a report relating to Licence Holder 12/2022 who 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 Licence Holder and presented by the Licensing Manager, set out the reasons for the Licence Holder being before the Committee.

The Licence Holder has held a private hire driver's licence continually since the 6th October 2006 and his current licence is not due to expire until the 21st May 2025. This Licence Holder telephoned the Licensing Department to provide notification of a conviction on the 28th November 2022. The Licence Holder informed the Deputy Licensing Officer that he had appeared in Court earlier that day.

Delegated decision:

The Committee carefully considered the report, and oral representations by the Licence Holder.

The Committee felt the Licence Holder did not meet the terms of a fit and proper person to drive a licensed vehicle. There had been previous offences in the past few years which seem to be escalating and this was a major offence resulting in a fine and 5 penalty points. As a professional driver they are expected to know and understand that incidents such as this should be reported within 24 hours to the police. He should have also reported the damage to the local council and insurers. It is unclear if he reported the damage traffic light to the car hire company and the insurance company. It was unclear why he had moved his car around the corner. The Committee were not confident with the explanation provided and the inconsistency of the account. The Committee were also concerned at the speed he had entered the roundabout. The Committee took into account that this is a serious offence. No evidence had been provided to prove it had been reported to relevant authorities.

The gravity of the offence, the circumstances surrounding it and his recent record of offending raised the issue that the public were not safe to travel in his vehicle.

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 revoke the licence with immediate effect** on the grounds of public safety.

COUNCILLOR S WALMSLEY
Chair

(Note: The meeting started at 7.00pm and ended at 9.15pm)