

Minutes of: LICENSING AND SAFETY COMMITTEE

Date of Meeting: 14 September 2023

Present: Councillor G McGill (in the Chair)
Councillors N Boroda, N Bayley, J Grimshaw, B Ibrahim,
G Marsden, I Rizvi, J Rydeheard, L Ryder and M Walsh

Also in attendance: M Bridge- Licensing Unit Manager
M Cunliffe – Democratic Services
O Osinuga – Legal Advisor
B Thomson- Head of Public Protection

Public Attendance: 2 members of the public were present at the meeting.

LSP.1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted Councillors K Hussain and D Quinn.
Councillor L Ryder acted as a substitute representative for Councillor D Quinn.

Councillor Ryder had undertaken the Licensing training which had been provided to all Members of the Committee earlier this year.

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 Ibrahim declared an interest that he was aware of the applicant within his local community in relation to agenda item 8 and would remain in the meeting for this item.

LSP.3 MINUTES OF PREVIOUS MEETING

Delegated decision:

That the Minutes of the last meeting held on the 20th July 2023 be approved as a correct record and signed by the Chair.

LSP.4 PUBLIC QUESTION TIME

No questions had been pre submitted or were raised by members of the public in attendance 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 3rd July and the 27th August 2023.

TRADE LIAISON MEETING

The Licensing Service held a Trade Liaison meeting with the taxi trade on the 3rd August 2023, this was attended by representatives of the trade. The minutes of the meeting have been published on the Council's website.

Following the decision of the Committee on the 20th July 2023, the Licensing Service have progressed the public consultation in relation to the review of Council Policy in relation to Hackney carriage and Private Hire. The consultation began on the 7th August 2023 and will end on the 15th September 2023. A further report will be drafted and placed before members for consideration at the meeting in October 2023.

The Licensing Service raised the public consultation with trade representatives at the Trade Liaison meeting on the 3rd August 2023 to enable them to advise their members of the proposed consultation. In addition, it was requested that a dedicated email address was set up for any issues/concerns/difficulties to be communicated to the Licensing Service.

Following the Trade Liaison meeting, the Licensing Service had sent two rounds of emails out on the 7th August and 30th August 2023. The email was sent to 911 drivers, 30 Private Hire Operators and 5 trade representatives. The Council's Engagement Officer had been promoting and working with the trade groups and the Council has been promoting the consultation by social media.

LICENSING HEARING SUB-COMMITTEE HEARING

The Licensing Service received an application for a Temporary Event Notice for the Kavern Klub, 107 The Rock, Bury, BL9 0NB. Representations were received from Greater Manchester Police in their capacity as a responsible authority. The matter was considered by the Licensing Hearings Sub-Committee on the 3rd August 2023. During the meeting the notice giver after hearing the representation from Greater Manchester Police decided to withdraw her application, therefore the Sub-Committee members were not required to determine the application.

DEDICATED BE.EV TAXI AND PRIVATE HIRE ELECTRIC VEHICLE CHARGING POINTS IN GREATER MANCHESTER

The Licensing Service were requested by Transport for Greater Manchester to circulate to the taxi trade in Bury on the 29 August 2023, information in relation to taxi and private hire charging points that are now live in Greater Manchester. This information was emailed and sent to all licence holders and interested parties and EV taxi and private hire charging points sites now live were detailed in the report.

Information was also provided on how to register the vehicle on the scheme and how to validate onto the scheme. The information sent to the trade also contained the costs associated with the different types of chargers.

OFFICER TRIBUTE

B Thomson, the Head of Public Protection also communicated to the meeting with deep sadness the passing of a colleague Sandra Coombes. Sandra passed away peacefully on Friday the 8th September 2023. She had worked for the authority in the highly specialist role covering Animal Health & Welfare and Animal Licensing. Sandra would be greatly missed by her colleagues, peers and all those who knew her.

Sandra had worked for Bury since March 1994 and during the last 29 and more years, Sandra had, almost singlehandedly, led all work in the complex field of animal health and welfare including dealing with many major challenges but most noteworthy the foot and mouth outbreak, illegal puppy farms and most recently avian influenza.

Sandra was held in high esteem throughout Greater Manchester and was a font of technical knowledge and expertise.

Sandra would be greatly missed by everyone who knew her in Bury and across the wider North West animal health and welfare world.

The Chair and Members of the Committee were deeply saddened by her sudden and unexpected loss and the thoughts and prayers of the Committee were sent to her family and friends at this terribly sad time. Mr Charlie Oakes who was in attendance at the meeting also expressed his condolences on behalf of the Taxi Association.

A number of Members then commented on the report.

One Member commented on the consultation in relation to the review of Council Policy in relation to Hackney carriage and Private Hire and enquired how much feedback had been received from the trade or comments from Unions.

It was confirmed that the total numbers would be included in the October final report and many trade representatives were part of the GMB Union.

Another Member commented it would be good to see a snapshot of the comments from the consultation exercise.

It was reported that the report would include comments as an appendix although personal information would be redacted and removed from the public domain.

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 LICENCE A VEHICLE AS A HACKNEY CARRIAGE CONTRARY TO COUNCIL POLICY

The Executive Director (Operations) submitted a report relating to an application to licence a vehicle as a hackney carriage which falls outside the Council's current policy.

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 their representative was presented by the Licensing Unit Manager.

He set out the reasons for the being before the Committee and highlighted a report that was considered at the committee meeting on the 11th November 2021 in relation to common minimum standards. Members of the Committee noted that report and recommended approval which was undertaken at a meeting of the Full Council on the 24th November 2021. The following policy standard was adopted;

Standard 9 of the adopted common minimum licensing standards related to vehicle design and stated "No vehicle first being licensed will have been written off in any category and will not be renewed (if previously written off) after 1 April 2022".

On the 24th March 2022, a further report was considered and adopted by the Licensing and Safety Committee in relation to written off vehicles. The decision of the Committee then was as follows:

Following discussions with the GM Licensing Network, it is proposed to review this standard in its entirety and give consideration to a revised standard in relation to written off vehicles. It is recommended that the standard that has been previously approved be amended as follows:-

Existing licence holders with vehicles that have previously been written off (in any category) will be permitted to renew their licence up to 31 March 2023.

On the 16 March 2023, a further report was considered and approved by the Licensing and Safety Committee in relation to amendments to the Greater Manchester Minimum Licensing Standards for the Hackney Carriage and Private Hire vehicles. This report included the implementation date for the written-off vehicle to the 1st April 2026 for existing licensed vehicles.

Members resolved that the implementation date for the written-off vehicle standards be extended to 1st April 2026. The amendment to the written off policy is to permit vehicle licence holders who are currently licensed in Bury with a previously written off vehicle prior to the implementation of the Stage 2 of Common Minimum Standards in

November 2021 to continue to be able to licence the vehicle until the 1st April 2026. In order to achieve compliance, the current policy now stated that from 1st April 2025 a vehicle licence will not be renewed if the vehicle has been previously written off.

There was no change to Council Policy relating to new vehicle licence applications in relation to this standard.

On the 9th March 2023, the Licensing Service were notified by the vehicle proprietor that they had been involved in a road traffic accident and there was damage to the front of the vehicle.

On the 13th March 2023, the Licensing Service attended the home address to undertake an inspection of the vehicle and a Licensing Enforcement Officer noted that the vehicle had incurred severe front-end damage and the front nearside wheel was buckled into the suspension spring. The Officer issued a suspension notice under section 68 of the Local Government (Miscellaneous Provisions) Act 1976.

On the 11th May 2023, the Licensing Service received a telephone call that the vehicle would not be repaired within the 2 months period specified by legislation. It was explained that the vehicle licence would be revoked on the 13th May 2023 if the vehicle was not repaired by that date, as required by legislation. It was also advised that once the vehicle had been repaired, they would be able to submit a new application for the grant of a hackney carriage vehicle licence. At this point of this advice being issued the Licensing Service/Licensing Officer was not aware that the vehicle would be/was written off by the insurance company.

On the 15th May 2023, the Licensing Service revoked the hackney carriage vehicle licence for the vehicle, as required by legislation.

On the 19th July 2023, the Licensing Service received an application to licence this vehicle.

The Licensing Service had arranged for the vehicle to be tested at Sunnybank Service Station prior to this meeting. The vehicle had been tested on the 22nd August and passed the test with no faults or advisories.

Members were requested to consider the application and determine whether to depart from current Council Policy relating to the written off vehicle standard which does not permit a written off vehicle being accepted as part of a new vehicle application as outlined in the report.

Delegated decision:

The Committee carefully considered the report, and oral representations by the applicant and his representative.

The Committee noted the explanations provided but taking into account the Council's Policy and Guidelines the Committee resolved **to apply the current licensing policy relating to written off vehicles and refuse the application.**

The Committee agreed that the correct Council policies and legislation had been followed including suspension and revocation of the licence after the required period of

time. Policy changes had been correctly communicated in the past and there were no reasons to depart from policy.

It was reasonable to suggest that the applicant should have known about the policy and written off vehicles were not permitted on the fleet. There were no exceptional circumstances to consider in deviating from policy and judgement had been made on the vehicle alone.

COUNCILLOR G MCGILL

Chair

(Note: The meeting started at 7.00pm and ended at 8.50pm)