

Classification	Item No.
Open / Closed	

Meeting:	Licensing and Safety Committee
Meeting date:	1 February 2024
Title of report:	Operational Report
Report by:	Executive Director (Operations)
Decision Type:	N/A Report for information only
Ward(s) to which report relates	All

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

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 **13 to 19 November**

Client

Complaint 1

Enforcement 4

Update 1

Premises

Enforcement 1

Multi Agency Visits 1

Updates 1

Risk Assessments 5

Vehicles

Enforcement 5

Updates 1

2.3 **20 to 26 November**

Client

Complaint 3

Enforcement 6

Premises

Risk assessment 11

Vehicles

Enforcement 10

2.4 **27 November to 3 December**

Client

Enforcement 4

Premises

Enforcement 5

Multi Agency 8

Risk assessment 1

Vehicle

Enforcement 10

2.5 **4 December to 10 December**

Client

Complaint 2

Premises

Multi Agency 16

Risk assessment 4

Vehicle

Complaint 2

Enforcement 8

2.6 **11 December to 17 December**

Premises

Complaint 1

Updates 2

Multi Agency 16

Enforcement 2

Vehicle

Enforcement 8

Update 1

Client

Complaint 1

Enforcement 5

2.7 **18 December to 22 December**

Client

Complaint 8

Enforcement 3

Premises

Enforcement 5

Multi Agency 11

Vehicle

Enforcement 3

2.8 **3 January to 7 January 2024**

Client

Complaint 6

Premises

Complaint 1

Enforcement 1

Intel 1

Vehicle

Enforcement 4

Intel 1

2.9 **8 January to 14 January**

Client

Complaint 3

Enforcement 11

Intel 1

Premises

Compliance 2

Enforcement 11

Vehicle

Enforcement 8

2.10 **15 January to 21 January**

Client

Complaint 3

Enforcement 4

Premises

Enforcement 2

Multi Agency 10

Operator

Compliance 2

Vehicle

Enforcement 18

3.0 LICENSING HEARINGS SUB-COMMITTEE

3.1 On the 15th November 2023, an application to review the Premises Licence at Killon Street Off Licence, 26 Price Street, Bury was considered by members, following a review

application made by the Licensing Authority and a representation from Trading Standards. Members resolved to revoke the licence and remove the Designated Premises Supervisor.

4.0 PARTNERSHIP WORKING

- 4.1 The Licensing Service alongside GMP carried out compliance visits on 1st December 2023 to 17 licensed premises. In addition 1 unlicensed premise was visited and issued a warning letter under section 136 offences in relation to unauthorised licensable activities for late night refreshment.
- 4.2 The Licensing Service carried out visits to 3 shops across the Borough on 3 November 2023 alongside GMP and Trading Standards, seized 37 vapes and a large amount of Alcohol (due to the premises being unlicensed) was also seized.
- 4.3 The Licensing Service carried out visits to 8 shops across the Borough on 6 December, alongside GMP and Trading Standards with a tobacco dog. 13000 illegal cigarettes, 6 kilos of illegal hand rolling tobacco and 700 vapes were seized with further enforcement action to be taken by Trading Standards.
- 4.4 The Licensing Service carried out visits on 8 December 2023 to 14 licensed premises on the evening of 8 December alongside GMP and a drugs dog. A number of stop and searches were conducted by GMP. No large amounts of drugs were found.
- 4.5 The Licensing Service alongside GMP carried out compliance visits on the 15th of December 2023 to 16 Licenced premises. 2 of these premises received warnings for section 136 offences in relation to operating outside their authorised licenced hours.
- 4.6 The Licensing Service worked alongside GMP on the evening of 22 December also known as Mad Friday. 13 Compliance checks were carried out at licensed premises across the borough as well as in the Town Centre. Only one issue was found with a premises that was asked to voluntarily close which it did.

5.0 TAXI DRIVER SAFETY INITIATIVE

- 5.1 The Licensing Service have been working in partnership with Greater Manchester Police and the Taxi Trade to develop a taxi driver safety initiative. The guide includes tips, practices and precautions to give the drivers the skills needed to navigate the roads safely, handle various situations, and help to minimise the risk of violence and aggression. The initiative was launched on the 23 December 2023.

Information can be found at the following link: -

<https://www.bury.gov.uk/business/licensing/taxi-licensing/driver-safety-guide-for-hackney-carriage-and-private-hire-drivers>

6.0 THANKS RECEIVED FROM THE HACKNEY CARRIAGE AND PRIVATE HIRE TRADES.

- 6.1 The Licensing Service have received an email from Bury Hackney Association stating the following:-

I like to say thanks to you, and your team taking positive steps towards driver's safety.

On behalf of Bury Hackney Association and our members I much appreciated, and like to say thanks to all members of your team.

- 6.2 The Licensing Service have received an email from the Private Hire Drivers Association (PHDA) which stated:-

Private hire drivers association bury Thanks Bury Taxi Licensing for Policy Reviews for the Best Interest of Local Taxi Trade

Phda wishes to express its gratitude to Bury Taxi Licensing for their commitment to policy reviews that support and promote the best interests of the local taxi trade.

The taxi industry is a crucial and essential service that ensures the community's safe and reliable transportation. Bury Taxi Licensing's dedication to reviewing policies demonstrates their understanding of the ever-evolving landscape of the taxi trade and their commitment to meeting the needs of both drivers and passengers.

Phda recognizes the efforts of Bury Taxi Licensing in actively seeking inputs from industry stakeholders, including drivers and passengers. This inclusive approach ensures that policy updates reflect the diverse needs and perspectives of those directly involved in the taxi trade.

Throughout these policy reviews, Bury Taxi Licensing has consistently demonstrated their commitment to transparency, fairness, and accountability. They have provided a platform for industry representatives to voice their opinions and contribute to the development of policies that not only safeguard the interests of the trade but also address the evolving needs and expectations of passengers.

In conclusion phda expresses its sincere appreciation to Bury Taxi Licensing for their ongoing commitment to policy reviews for the best interest of the local taxi trade. We look forward to continuing our collaboration with Bury Taxi Licensing and other stakeholders to create an environment that fosters growth, innovation, and the highest standard of service within the taxi industry.

7.0 IMPLEMENTATION OF POLICY CHANGES

- 7.1 Following the decision of the Licensing and Safety Committee and Full Council, the Licensing Service have commenced to implement the changes in Policy from the 12 January 2024. Emails have been sent on the 15 January 2024 to all licensed drivers, trade representatives and all private hire operators. The content of the email stated: -

Good afternoon,

Please find below a summary of key information. More detailed information is outlined below the summary.

Summary of Key Information

You are receiving this email as a licence holder in Bury, the Council has recently changed vehicle standards which will over a twelve month period apply to existing vehicle licence holders from the date of their vehicle licence renewal.

The new vehicle standards apply to all new vehicle applications from 12 January 2024.

- *If you are a private hire vehicle proprietor, you must maintain your existing plates and signage requirements including displaying private hire operator signage until your vehicle licence is renewed.*
- *When a private hire vehicle licence is renewed you will be issued with new vehicle conditions and appropriate new signage and will be required to remove the private hire operator signage and removal of front plate.*
- *If you are a Hackney Carriage vehicle proprietor, you must maintain your existing plates and signage requirements until your vehicle licence is renewed.*
- *When a Hackney Carriage vehicle licence is renewed you will be issued with new vehicle conditions and appropriate new signage and removal of front plate.*

The Licensing Service took legal advice on this matter which was to transition over a twelve month period. The Council is aware this is a different approach to other Licensing Authorities but the Council must follow all legal advice and must implement the decisions of Full Council.

There have been no changes to Council Policy regarding Fire extinguishers and First Aid Kits. First Aid kits are mandatory. Fire Extinguishers, if present in the vehicle must be regularly serviced. Your vehicle will not fail a compliance test if you do not have a fire extinguisher present.

Detailed outline of Policy Changes

Following a recent change in Council Policy in relation to Hackney Carriage and Private hire vehicles.

I would like to make you aware of the decision of the Council's Licensing and Safety Committee is outlined below in italics:-

(1) - That the new Hackney Carriage vehicle licence conditions be approved and adopted subject to the below modifications for new and renewal applications.

(2) -That the new Private Hire vehicle licence conditions be approved and adopted subject to the below modifications for new and renewal applications.

(3) - That delegated authority was granted to amend the implementation date of any of these standards to the Head of Public Protection in conjunction with the Chair of Licensing and Safety Committee. Any changes to the amendment date would be reported at a subsequent Licensing and Safety Committee meeting.

(4) -That the new standards be approved and replace the current standards in relation to plates and livery:-

Bury Council requires all Hackney Carriage and Private Hire vehicles to display a rear plate and a front vehicle windscreen vehicle identification sign.

In respect of Private hire vehicles, they must display the following as well as the plate:

- An operator window sign, in a council issued window mounted wallet (which can be changed by the licensed driver to advise passengers of the operator currently being used to fulfil the booking). The window mounted wallet is to be displayed in the bottom passenger side of the vehicle windscreen alongside the (new) vehicle identification sign. A window wallet, issued by the Council, must be displayed at all times. The operators name must be clearly legible, printed in a digital format (not handwritten) with operators logo if applicable, and must fill the corresponding wallet/holder space.
- A rear passenger door sticker (on each rear door), issued by the Council, stating "Private hire vehicle not insured unless pre booked with operator"
- Passenger window signs, issued by the Council, shall be affixed permanently to all passenger windows of the vehicle and are not removed whilst the vehicle is licensed. The window signs must contain plate number, registration number, expiry date and the number of passengers the vehicle is licensed to carry.
- We do not allow any signage to be mounted on magnets.
- The operator signage in use must be approved by the Council and issued by the Operator.

(5) -That the current standard remain in place and the new standard be rejected for the condition:-

All applicants will need to provide proof that they have passed the practical driving assessment for taxi drivers, issued by either of our approved driver training companies

(6) -That the current standard remain in place and the new standard be rejected for the conditions:-

Ensure that any fire extinguisher is in a serviceable condition (where applicable).

Ensure that the vehicle has a full and complete first aid kit (check that contents are not out of date)

(7) -That the current standards would see the removal of the geographical elements only (paper A, B and D) and replaced with the new standard conditions, retaining current condition paper C:-

Paper a) Three locations to be located by the use of a physical map

Paper b) Road names of where premises are located (15 questions)

Paper c) Conditions (10 questions)

Paper d) Journeys by the shortest route between two specific locations (from memory)

The knowledge test will remain a mandatory requirement and be revised and enhanced to cover other topics in greater depth which are relevant to public safety i.e., licence conditions, safeguarding, road signs etc. This would also

include elements relating to the use of modern journey technology, such as route finding planning and directional technology.

(8) -That the new standard be approved in relation to re-application conditions (Currently there is no standard):-

Driver (applicants) will be able to be relicensed following a break in their licence of no longer than six months (of their hackney carriage/private hire driver licence) where applicants can demonstrate ALL of the following criteria:-

- The driver/applicant has previously sat the written Knowledge test and passed there is no requirement to resit, however if the driver has not sat the written knowledge test they will be expected to complete the knowledge test before the licence is granted;
- The driver/applicant has completed all the pre-requisites required by the Council i.e., Safeguarding training, driving assessment (subject to removal under this consultation) and the communication and numeracy skills assessment (If applicable);
- The driver/applicant has undertaken a group 2 Medical within the last 4 months;
- The driver/applicant has previously undertaken an enhanced DBS which was within 6 months of the date of issue of the certificate or if the driver has an Enhanced DBS Certificate registered with the DBS update service;
- The Licensing Service are provided the right to place an application for a Hackney Carriage/Private Hire Drivers licence before the Licensing and Safety Committee if they deem it appropriate.

Conclusion

The decision of the Licensing and Safety Committee was approved at Full Council on the 22 November 2023 who also confirmed the delegated authority to amend the implementation date of any of these standards to the Head of Public Protection in conjunction with the Chair of Licensing & Safety Committee. Any changes to the amendment dates would be reported to the Licensing & Safety Committee.

Following the decision of Full Council, the Licensing Service have been actively working to implement the changes as soon as practicable which has included the design and approval of new artwork for new yellow door signs to be placed on the rear passenger doors of all private hire vehicles.

New knowledge tests have been produced and are currently being finalised following the removal of the topographical element because of the policy changes.

The Licensing Service has been working with the trade and representatives throughout this process to ensure they are informed in respect of the implementation of the above new policy standards.

The new Hackney Carriage and new Private Hire vehicle licence conditions were approved by Licensing and Safety Committee and Full Council and will be

implemented on all new and renewal vehicle applications. Therefore, the Licensing Service must ensure the new vehicle standards are applied to all new vehicles coming on to fleet and all existing licensed vehicles on renewal of their hackney carriage/private hire vehicle licences. Therefore, the changes to livery (vehicle signage) and the removal of the front plate will take twelve months to be fully implemented.

I am pleased to confirm that the Licensing Service began the implementation of the new livery signage standards on Friday 12/1/2024. You will start to see vehicles displaying the new yellow door sticker and new front window identification over the coming week and months.

I hope this clarifies the position for you.

- 7.2 The Licensing Service sent a further email have been sent on the 23 January 2024 to all licensed drivers, trade representatives and all private hire operators, which stated:-

Good afternoon,

I write to you further to my previous email regarding the recent decision of the Licensing and Safety Committee and Full Council. Following revised legal advice, the implementation date for the application of the new standards relating to vehicle livery will now be in effect from the 1 January 2024 as outlined reports.

To clarify further, the revised livery standards will apply to all new applications and all licence renewals after the 1 January 2024.

Please see below some examples:-

Vehicle A – Licence was renewed on the 31 December 2023: This vehicle will be required to meet the old vehicle licence conditions.

Vehicle B - Licence was renewed on the 1 January 2024: This vehicle will be required to meet the new vehicle licence conditions.

Vehicle C – Licence due for renewal on 1 April 2024: this vehicle will need to continue to display the old vehicle signage/livery until the licence is renewed. An application submitted 8 weeks in advance of the vehicle licence expiry and processed. The renewed vehicle licence will be subject to the new conditions from the date on which the licence is valid from e.g. Rear plate, front identification badge and removal of operator door signage.

Vehicle proprietors must comply with the conditions of their vehicle licence which can be found on the reverse of the private hire vehicle licence. Vehicle proprietors must ensure that they are complying with the conditions attached to their vehicle licence, failure to do so may result in enforcement action being taken against you.

If you are unsure about the content of this email, please contact the licensing Service by email: taxilicensing@bury.gov.uk

- 7.3 The Licensing Service have received an email from the Hackney Drivers Association stating that he does not have any issues with the Policy Changes and a private hire operator stating that removing the topographical element helps the recruitment of new drivers.
- 7.4 Following the ratification of the proposed changes of Policy, the Licensing Service are actively updating the Council's Website and the amendment of the Vehicle Testing Manual due to the recent policy changes relating to the signage on the vehicle.

Community impact / links with Community Strategy

Not applicable

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.*

Equality Analysis	<i>Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.</i>
<i>The Licensing Service have considered the Equality Act 2010 and due to each application being dealt with on its own merits there is no positive or negative on any of the protected characteristics.</i>	

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation
None	

Consultation:

Not applicable

Legal Implications:

Not applicable

Financial Implications:

Not Applicable

Report Author and Contact Details:

Mr M Bridge
 Licensing Unit Manager
 3 Knowsley Place
 Duke Street
 Bury
 BL9 0EJ Tel: 0161 253 5208 Email: m.bridge@bury.gov.uk

Please include a glossary of terms, abbreviations and acronyms used in this report.

Term	Meaning
None	