

Minutes of: LICENSING AND SAFETY COMMITTEE

Date of Meeting: 22 February 2024

Present: Councillor G McGill (in the Chair)
Councillors J Grimshaw, K Hussain, B Ibrahim, G Marsden, D Quinn,
I Rizvi, J Rydeheard and M Walsh

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

Public Attendance: No members of the public were present at the meeting.

LSP.1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted by Councillor N Bayley.

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.

Councillors Hussain and Ibrahim declared an interest that they were aware of the applicant within their local community in relation to agenda item 10, case number 10/2023 but would both 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 1st February 2024 be approved as a correct record and signed by the Chair.

LSP.4 PUBLIC QUESTION TIME

No questions had been pre submitted to the meeting and no members of the public were 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 2nd January and the 11th February 2024.

LICENSING HEARINGS SUB-COMMITTEE

On the 29th January 2024, an application for a Premises Licence to be granted under the Licensing Act 2003 in respect of the Hideout Gastro Bar Limited, 2 Sherbourne Street,

Prestwich, M25 3HB was considered due to two representations from two interested parties being received by the Licensing Service. Members of the Sub-Committee decided unanimously that the Sub-Committee grant the application for a Premises Licence in the terms requested.

On the 10th January 2024, Greater Manchester Police submitted an application to the Licensing Authority for a Summary Review in respect of the Overdraught, 28/30 Blackburn Street, Radcliffe, M26 1NQ, because they believed that the premises was associated with Serious Crime and/or Disorder. The Licensing Authority must consider within 48 hours of receipt of the application whether interim steps are required pending a full summary review hearing. At the interim steps hearing, members decided unanimously resolved to modify the conditions of the licence in order to promote the licensing objectives.

The Sub-Committee was therefore satisfied that there was sufficient evidence to mean interim steps were necessary for amendments to the current premises licence under the licensing objectives recommended by GMP.

On the 2nd February 2024, the full summary review took place and members decided of the Sub-Committee carefully considered the representations and evidence provided which demonstrated serious crime and disorder. It was therefore unanimously resolved to modify the conditions of the licence in order to promote the licensing objectives.

The Sub-Committee also reviewed the interim steps and unanimously resolved to withdraw the interim steps in place due to these being included as new conditions on the licence.

The Sub-Committee was therefore satisfied that there was sufficient evidence to mean modifications were necessary for some amendments to the current premises licence under the licensing objectives recommended by GMP.

TRADE LIAISON MEETING- 15th FEBRUARY 2024

The Licensing Service held a Trade Liaison meeting with the taxi trade on the 15th February 2024, this was attended by representatives of the trade. The minutes of the meeting will be available and published in due course on the Council's website.

Following the request from Members of the Licensing and Safety Committee on the 1st February 2024, the Licensing Service as part of the Engagement Exercise had sent out 225 emails on the 6th February 2024 and a reminder email on the 12th February 2024 to all vehicle proprietors to seek their views on the proposals to bring forward the transitional arrangements in respect of emissions by three months (April 2026 to January 2026). In addition to this the Engagement Officer had been contacting those affected to gain their views.

Delegated decision:

It was agreed that the report be noted.

LSP.6

REVIEW OF EMISSIONS STANDARD TRANSITIONAL IMPLEMENTATION DATE FOR EXISTING HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES TO COMPLIANT VEHICLE IN RESPECT OF PROPOSED GM CLEAN AIR PLAN

The Executive Director (Operations) submitted a report outlining the proposal to bring forward the implementation of existing standards related to emissions from the 1st April 2026 to the 1st January 2026 for licensed vehicles eligible for current transitional arrangements. The rationale for this relates to the recent submissions to Government with revised proposals around the

GM Clean Air Plan and requirement from Government to ensure a GM agreed emissions standard for all Taxi and Private Hire vehicles by the 31st December 2025.

The Head of Public Protection presented the report to Members and outlined the opportunity and risk element of the paper.

Members were reminded that this matter was considered at the previous Licensing and Safety Committee meeting on the 1st February 2024. Members resolved to defer consideration of this matter until tonight's meeting.

Following the request from Members of the Licensing and Safety Committee on the 1st February 2024, the Licensing Service undertook an engagement exercise which included contacting the 225 affected vehicle proprietors who are currently in receipt of transitional arrangements. An initial email was sent on the 6th February 2024 and reminder email was sent on the 12th February 2024 asking for responses to the two questions requested by members of the committee;

- a. *What are your views on moving the implementation date from 1 April 2026 to the 1st January 2026*
- b. *What are your views on your ability to meet this proposed amendment?*

The engagement exercise sought views on the proposals to bring forward the transitional arrangements in respect of the existing emissions standard by three months (1 April 2026 to 1 January 2026). In addition to the email correspondence, the Councils Licensing Engagement Officer contacted a range of vehicle proprietors affected to gain their views.

The results of the engagement exercise had been forwarded to Members of the Licensing and Safety Committee. The collation of information from the Trade Liaison meeting on the 15th February 2024 and the responses were annexed at Appendix 1 to the report attached to the agenda pack.

The report sought to amend the existing transitional arrangements which are due to end on the 1st April 2026 by bringing forward three months with a proposed implementation date of the 1st January 2026. This amendment affects the implementation date of the existing emission standard which was agreed and adopted by the Council, and has been in place for all new to fleet vehicles, since 24 November 2021.

If the transitional date was not amended as outlined above, the Councils transitional arrangements policy will not be aligned with the submissions to Central Government by TfGM for the revised GM CAP which proposes that by 1 January 2026 100% of the GM taxi fleet will be compliant with the emission standards with all GM Authorities. Maintaining existing transitional arrangements may jeopardise these revised submissions to Government regarding the GM Clean Air Plan and may prevent and/or disadvantage vehicle proprietors of non-compliant vehicles in Bury from accessing future GM clean taxi fund funding.

It was recommended in the report that the Licensing and Safety Committee considered and adopted the following amendment to the existing emission standard and recommended to Full Council that the amendment be approved:-

For existing vehicle licence proprietors

That the transitional arrangements agreed by Full Council on 22 March 2023, in relation to age and emissions standards that were previously extended from 1 April 2024 to 1 April 2026 are brought forward by three months to 1 January 2026. This will enable hackney carriage and private hire vehicle owners to meet the agreed GM emissions standard outlined in the revised

GM Clean Air Plan. The amended policy will state that from 31 December 2024 a vehicle licence will not be renewed if the vehicle does not meet the current emission standard.

The Chair reported that he had attended the Trade Liaison meeting and commented that face to face meetings were more beneficial to gauge accurate responses and feelings rather than surveys.

A Member thanked the Licensing Service for collating the extra information requested from the last meeting.

The Licensing Unit manager confirmed that with a change of vehicle application under this scheme, the transfer period would see a lower fee charged. Members who had concerns about drivers applying for licences with other authorities were reminded that to be eligible for this funding, they had to be licenced via a Greater Manchester authority. They also had to stay licenced within GM for a set period of time or risk repaying the funding.

A discussion took place to investigate if the number of vehicles registered outside of Bury could be obtained.

Delegated decision:

It was agreed by the Licensing and Safety Committee to adopt the following amendment (1) to the existing emission standard and recommended to Full Council that the amendment (1) be approved:

For existing vehicle licence proprietors:

1. That the transitional arrangements amended by Full Council on the 22nd March 2023, in relation to age and emissions, previously extended from the 1st April 2024 to the 1st April 2026, are amended again and to be in effect from the 1st January 2026. This will enable hackney carriage and private hire vehicle owners to meet the agreed GM emissions standard outlined in the revised GM Clean Air Plan submissions. The amended policy will state that from the 31st December 2024 a vehicle licence will not be renewed if the vehicle does not meet the current emission standard.

LSP.7 URGENT BUSINESS

No urgent business was reported at the meeting.

LSP.8 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.9 APPLICATION FOR PUBLIC / PRIVATE HIRE DRIVER LICENCE

The Executive Director (Operations) submitted a report relating to applicant 8/2023 who was in attendance at the meeting alongside their representative. The Chair made introductions and alongside the legal advisor 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 and set out the reasons for the applicant being before the Committee.

This applicant made an online application for a new Private Hire Drivers licence on the 3rd November 2023. They had completed all the prerequisites required for the application and during the application process, the Licensing Service checked the NR3S database.

Members of the Licensing & Safety Committee are required to have regard to Bury Council's Convictions Policy and Guidelines when considering an application for a Private Hire or a Hackney Carriage Driver licence. Members should adhere to the Policy and Guideline unless there are exceptional circumstances for them to depart from them.

Delegated decision:

The Committee carefully considered the report and oral representations made by the applicant and their representative at the meeting. The Committee noted the information detailed in the private agenda packs.

Taking into account the Council's Conviction Policy and Guidelines and in accordance with the Local Government (Miscellaneous Provisions) Act 1976, and the statutory guidance issued by the Secretary of State under section 177 of the Policing and Crime Act 2017, the Committee resolved to **refuse the application**. Members of the committee were satisfied that the applicant was not a "fit and proper" person to hold a licence.

LSP.10 SUSPENSION / REVOCATION OF PUBLIC / PRIVATE HIRE DRIVER LICENCES

Licence Holder 7/2023

The Executive Director (Operations) submitted a report relating to Licence Holder 7/2023 who was in attendance at the meeting alongside their representative and a friend. The Chair made introductions and alongside the legal advisor 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 their representative was presented by the Licensing Unit Manager and set out the reasons for the Licence Holder being before the Committee.

The Chair confirmed that Members of the Committee had seen a legal statement submitted by the Licence Holder and circulated earlier in the day. The Chair also confirmed that mobile footage which had been sent out with the agenda pack had also been viewed.

Members were reminded that this matter was due to be considered on the 1st February 2024, following legal advice this matter was withdrawn for further information to be added to the report.

The Licensing Unit Manager reported that the Licence Holder had held a private hire driver's licence continually since July 2015. His private hire driver's licence is current until the 2nd September 2024.

The Licence Holder was before members for consideration to be given as to his suitability to remain a Private Hire Driver in Bury.

A detailed summary of an incident was provided in the report within the private agenda packs and the Licence Holder's representative referred to the witness statement which had been circulated prior to the meeting.

Delegated decision:

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

The Committee noted the explanations provided but stated this was a serious allegation and had considered evidence provided from all the parties involved.

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 for a period of one month.**

Licence Holder 9/2023

The Executive Director (Operations) submitted a report relating to Licence Holder 9/2023 who was in attendance at the meeting alongside a friend. The Chair made introductions and the Council's legal advisor 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 Unit 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 1st July 2003 and their most recent licence was due to expire on the 6th July 2025.

Details for an offence were attached at Appendix 1 in the private agenda packs.

The Licence Holder was before members for consideration to be given as to his suitability to remain a Private Hire Driver in Bury.

The Licence Holder explained background information to the committee and provided paper copies of evidence.

Delegated decision:

The Committee carefully considered the report, and oral representations by the Licence Holder. The Committee accepted the explanations provided and that the Licensing Unit had been informed as per procedure.

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 take no action against the licensee.**

At this stage of the evening, the meeting was approaching the maximum of three hours, excluding the period taken up by public question time, of which there was none. At the expiry of the three hours, the Chair and Members present agreed that the meeting continue beyond the three hours duration.

Licence Holder 10/2023

The Executive Director (Operations) submitted a report relating to Licence Holder 10/2023 who was in attendance at the meeting alongside a friend. The Chair made introductions and the Council's legal advisor 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 Unit 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 November 2003 and their current licence was not due to expire until October 2025.

On the 24th January 2024, the Licensing Service were notified of a complaint.

Written accounts from passengers were included in the private agenda packs detailed in Appendix 1.

The Licence Holder was before members for consideration to be given as to his suitability to be a private hire driver in Bury.

Delegated decision:

The Committee carefully considered the report, and oral representations by the Licence Holder and his friend. The Committee noted the explanations provided.

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.**

COUNCILLOR G MCGILL
Chair

(Note: The meeting started at 7.00pm and ended at 10.55pm)

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