

Minutes of: LICENSING AND SAFETY COMMITTEE

Date of Meeting: 18th April 2024

Present: Councillor G McGill (in the Chair)
Councillors N Bayley, N Boroda, 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
C Riley – Legal Advisor
B Thomson- Assistant Director of Operations Strategy

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

LSP.1 APOLOGIES FOR ABSENCE

Apologies for absence were submitted by Councillor J Grimshaw.

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 Marsden declared an interest in relation to agenda item 8, case number 1/2024, but would remain in the meeting for this item He had witnessed and reported the individual for trading after the Licensing and Safety Committee took place on the 8th June 2023 which refused the individual a licence.

Councillor Ibrahim declared an interest that he knew the driver's representative within his local community in relation to agenda item 9, case number 2/2024 but would remain in the meeting for this item.

LSP.3 MINUTES OF THE PREVIOUS MEETING

Delegated decision:

That the Minutes of the last meeting held on the 22nd 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 12th February and 31st May 2024.

LICENSING HEARINGS SUB-COMMITTEE

On the 13th March 2024, an application for a new premises licence for Rock News, 141 The Rock, Bury was considered by Licensing Hearing Sub-Committee. Representations had been received from three Responsible Authorities namely Greater Manchester Police, the Licensing Authority and Trading Standards. Before the hearing the applicant decided to withdraw his application, therefore the hearing did not take place.

On the 18th March 2024, an application for a variation of a premises licence for The Bower, 403 Bolton Road West, Ramsbottom, BL0 9RN was considered by Licensing Hearing Sub-Committee. A representation had been received from an interested party. Members considered the application and resolved to grant the application without any amendments.

An application for a review of a premises licence for Off Licence, 146 Tottington Road, Bury, BL8 1RU, made by Trading Standards, was considered by the Licensing Hearing Sub-Committee on the 11th April 2024. Representations had been received from the Licensing Authority and Greater Manchester Police. The outcome was to revoke the licence and to remove the Designated Premises Supervisor in order to promote the licensing objectives.

PRESENTATION TO BURY BLIND SOCIETY

On the 28th March 2024, the Licensing Unit Manager carried out a presentation to Bury Blind Society about Hackney Carriage and Private Hire licensing. An email of thanks had been received stating the following: -

On behalf of all of us at BBS, just wanted to thank you for coming along on Wednesday. Everyone found your session interesting and useful. It was also good to be made aware of the regular communication pathway between Bury Council and the taxi firms.

APPEAL AGAINST REFUSAL TO GRANT A HACKNEY CARRIAGE VEHICLE LICENCE

Members were reminded that on the 14th September 2023, an application to grant a Hackney Carriage licence was considered following the vehicle being written off. The vehicle proprietor appealed against the Licensing and Safety Committee decision to the Crown Court at Minshull Street, Manchester. This matter was heard, and the Judge and the two Magistrates decided to dismiss the appeal and award £400 towards the Council's costs.

OPERATION AVRO

Officers from across Public Protection took part in Greater Manchester Police's Operation Avro on the 21st March. In the morning roadside stops were carried out, 14 taxis (3 of which were not licensed by Bury) and 1 scrap metal dealer were spoken to by Licensing Officers, 1 taxi was suspended for a tyre that was nearly at legal limit and various breaches of conditions were identified. In the afternoon Licensing Officers visited 12 premises alongside Trading Standards Officers and Greater Manchester Police. Immigration and a tobacco dog accompanied officers for 5 of those premises. 4240 illicit cigarettes were seized, 1.1kg of Hand rolling tobacco, and 912 illegal vapes with a street value of £12,214. 3 premises had breaches of licensing conditions, 1 of which had serious issues.

Delegated decision:

It was agreed that the report be noted.

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 FOR THE GRANT OF A STREET TRADER CONSENT

The Executive Director (Operations) submitted a report relating to the application for the Grant of a Street Trader consent. The applicant was in attendance at the meeting alongside their representative. 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 presented by the Licensing Manager, set out the reasons for the application being before the Committee.

On the 30th of March 2022, the Licensing service received an email from Bolton Council with the applicant's details asking if he held a Consent with Bury Council. After a check of Bury's system it was confirmed that he did. Bolton Council then supplied Licensing with information that they had revoked his Street Trading Consent together with a copy of their minutes and reasons for the decision which was detailed in the private agenda packs.

The applicant had made a new application for a Street Trader Consent to Bury Council on the 2nd of April 2023.

The client's application for a Street Trading Consent was refused by Members of the Licensing and Safety Committee on the 8th June 2023.

The client made a new application to the Licensing Department on the 18th March 2024, on the application form he had declared that his previous application to Bury was refused.

Delegated decision:

The Committee carefully considered the report and oral representations by the applicant and their representative. The Committee noted the evidence provided in the agenda pack via the Officer's report along with the statement and letter concerning the applicant in appendix 1 and 2 of the private agenda packs.

Taking into account the provisions of schedule 4 (7) of the Local Government (Miscellaneous Provisions) Act 1982, the Committee resolved unanimously **to refuse the application**. The Committee did not believe the applicant to be a fit and proper person to hold a street trader consent.

The evidence presented had demonstrated the applicant was unsuitable to hold a street trader consent.

LSP.9 SUSPENSION / REVOCATION OF PUBLIC / PRIVATE HIRE DRIVER LICENCES

Licence Holder 2/2024

The Executive Director (Operations) submitted a report relating to Licence Holder 2/2024 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 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 viewed 2 CCTV video recordings which had also been seen by the Licence Holder and their representative previously.

The Licensing Unit Manager reported that the Licence Holder had held a private hire driver's licence continually since October 2003 and his private hire driver's licence is current until July 2025.

Delegated decision:

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

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.**

LSP.10 APPLICATION FOR PUBLIC / PRIVATE HIRE DRIVER LICENCES

The Executive Director (Operations) submitted a report relating to applicant 3/2024 who was in attendance at the meeting. 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 was presented by the Licensing Unit Manager and set out the reasons for the applicant being before the Committee.

The applicant made an online application for a new Private Hire Drivers licence on the 16th February 2024 and they had completed all the prerequisites required for the application.

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.

The applicant provided an explanation to the Committee which was a summary of the information contained within the private agenda packs.

Delegated decision:

The Committee carefully considered the report and oral representations made by the applicant at the meeting. The Committee noted and accepted the explanations provided.

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 **grant the application for a three-year period.** Members of the committee were satisfied that the applicant was a "fit and proper" person to hold a licence.

COUNCILLOR G MCGILL
Chair

(Note: The meeting started at 7.00pm and ended at 9.40pm)

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