

Minutes of: LICENSING AND SAFETY COMMITTEE

Date of Meeting: 5th September 2024

Present: Councillor I Rizvi (in the Chair)
Councillors N Bayley, A Booth, R Brown, J Grimshaw, J Hook,
B Ibrahim, G Marsden, G McGill, D Quinn and J Rydeheard

Also in attendance: M Bridge- Licensing Unit Manager
M Cunliffe – Democratic Services
C Riley – Legal Advisor
C Smith- Head of Public Protection
B Thomson- Assistant Director of Operations Strategy

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

LSP.1 APOLOGIES FOR ABSENCE

There were no apologies for absence.

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 THE PREVIOUS MEETING

Delegated decision:

That the Minutes of the last meeting held on the 18th July 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.
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 1st July and the 18th August 2024.

LICENSING HEARINGS SUB-COMMITTEES

On the 5th August 2024, an application for the grant of a premises licence at Best Local, 62 Bolton Street, Bury BL0 0LL was due to be considered by the Licensing Hearings Sub-Committee. The application attracted a representation from Trading Standards in their capacity

as a Responsible Authority. Members of the Sub-Committee heard the evidence and resolved agreed unanimously that the Sub-Committee refuse the application for a Premises Licence.

The Sub-Committee was therefore satisfied that on the balance of probability there was sufficient evidence presented that had demonstrated the following licensing objectives had not been met and failed the licensing objective, the prevention of crime and disorder.

The reasons given by the sub-committee, included: -
Three failed Trading Standards test purchase operations in the store and an association with other stores that had also sold illegal vapes and cigarettes.

The Sub-Committee found the situation concerning with the premises operating in such a way to undermine the licensing objectives. The evidence and supporting documents presented were deemed sufficient evidence to refuse the licence.

On the 5th August 2024, an application for the grant of a premises licence at Asda PFS Blackford Bridge, Manchester Road, Bury, BL9 9ST was due to be considered by the Licensing Hearings Sub-Committee. The application attracted representations from Public Health in their capacity as a Responsible Authority and eight interested parties. Mediation had taken place prior to the Sub-Committee meeting between the applicant's representative and the Public Health Department, and it was agreed that the hours for the retail sale of alcohol off the premises would be reduced to Monday to Sunday– 06:00 till 00:00 rather than Monday to Sunday– 00:00 till 00:00 as applied for. Members of the Sub-Committee heard the evidence and unanimously that the Sub-Committee grant the application for a Premises Licence in the amended terms requested.

An application for an expedited review was received from GMP on the 24th June 2024 in respect of Sky Bar, Kay Gardens, Bury due to an incident of serious crime and disorder. A hearing was held on the 25th June 2024. The Sub-Committee resolved that in order to promote the said licensing objectives, it was necessary to impose interim steps and that these would be to modify the conditions to state that SIA registered door staff to be on duty at the Premises from 20:00 every night. The full review hearing was held on the 19th July 2024.

The Sub-Committee resolved to modify the conditions of the licence and the interim steps were withdrawn. No appeal was made during the appeal period therefore the licence was issued with the modified conditions.

FEES AND CHARGES

Section 70(2) of the Local Government (Miscellaneous Provisions) Act 1976, gives authority to a District Council to set the fees in relation to the Licensing of Hackney Carriage and Private Hire vehicles and also for Private Hire Operator licences. Having varied the fees the Council is required to advertise them in a local newspaper so as to allow persons wishing to object to them a period of 28 days from the date of publication of the notice to object.

The Licensing Service can confirm that no objections have been received during the 28-day period, therefore the fees had been implemented from the 22nd August 2024.

Councillors McGill and Marsden along with the Chair placed on record a thank you to officers who had to deal with the expedited review case at Sky Bar which involved working alongside Greater Manchester Police.

Delegated decision:

It was agreed that the report be noted.

LSP.6 REVIEW OF TRANSITIONAL ARRANGEMENTS FOR EXISTING HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES IN RESPECT OF EMISSIONS STANDARDS

The Executive Director (Operations) submitted a report outlining the proposal to amend the Council's current policy relating to the transitional arrangements to enable vehicle proprietors of non-compliant hackney carriage and private hire vehicles to make a renewal application after the 1st January 2025. 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 Assistant Director Operations Strategy presented the report to the committee and provided Members with background information as per the report and highlighted a number of tables detailing the number of vehicles this would impact upon. Members were asked to note that the numbers of non-complaint vehicles had dropped from 225 in January 2024 to 160 in July 2024. This was a reduction of 65 vehicles, with 63 being Private Hire and 2 Hackney Carriages.

The Licensing Service had not undertaken an engagement exercise with the affected Hackney Carriage and Private Hire Trade vehicle proprietors. The reason for this was to enable this matter to be considered by Members given the emission standard is bound by the Councils requirement to comply with a Government Directive in relation to air quality.

If the recommendations contained within the report were not approved by the Committee, it would mean that vehicle proprietors of a non-compliant vehicle would not be able to access the potential Clean Taxi Fund and they would not be able to renew their vehicle licence after the 31st December 2024 and may prevent and/or disadvantage vehicle proprietors of non-compliant vehicles in Bury from accessing future potential GM clean taxi funding.

A number of Members asked questions and sought clarification for certain aspects of the report which the Assistant Director Operations Strategy provided answers to.

A question about the reaction from the Trade was asked and it was reported that an email had been received from the Trade in support of the amendments.

One question from a Member centred around delegation in amendment 3 of the report and following discussions by Members of the Committee, the Assistant Director Operations Strategy proposed a slightly amended version which the Committee were in agreement with.

Delegated decision:

It was agreed that the Licensing and Safety Committee considered and adopted the following amendment (1, 2 and 3) to the existing emission standard and recommended to Full Council that amendment (1, 2 and 3) be approved. Amendment 3 was slightly amended as to what had been proposed in the Licensing and Safety Committee report included in the agenda packs:-

For existing vehicle licence proprietors with a non-complaint vehicle:

- 1. A vehicle proprietor of a hackney carriage and private hire vehicle licence that is due for renewal after the 1 January 2025 which is non-compliant with emission standards (EURO 4 Petrol vehicles and EURO 6 diesel vehicles) is permitted to make an application to renew the vehicle licence and provided the vehicle passes its compliance test it will be issued with a 12-month vehicle licence. The vehicle licence would be*

granted subject to a condition that the non-compliant vehicle is removed from the fleet and replaced with a Euro 4 or 6 compliant vehicle by the 31 December 2025.

- 2. To delegate powers to the Head of Public Protection/Licensing Unit Manager and/or the Deputy Licensing Officer to suspend any vehicle licence that has been issued after the 1 January 2025 where the vehicle proprietor(s) have not complied with the condition to replace the non-compliant vehicle with a compliant vehicle by the 31 December 2025.*
- 3. In the event that a scheduled committee meeting of the Licensing & Safety Committee & Full Council would not permit a change. Delegation to the Assistant Director of Operations, Head of Public Protection/Licensing Unit Manager in written agreement with the Chair of the Licensing and Safety Committee to make amendments to Council Policy that relates to the transitional arrangements for existing vehicle proprietors who own non-compliant (emission standard) vehicles to enable expedient access to the clean taxi fund if it becomes available. Any decisions made would be reported in the Operational Report at the next meeting of the Licensing and Safety Committee.*

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 SUSPENSION / REVOCATION OF PUBLIC / PRIVATE HIRE DRIVER LICENCES

Licence Holder 10/2024

The Executive Director (Operations) submitted a report relating to Licence Holder 10/2024 who was in attendance at the meeting alongside a family member. 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 was presented by the Licensing Unit Manager and set out the reasons for the Licence Holder being before the Committee.

The Licensing Unit Manager reported that the Licence Holder had held a private hire driver's licence continually since February 2016. Their current driver's licence was due to expire in December 2025.

The Licence Holder addressed the committee and explained the background circumstances which were also detailed within appendix 1 of the private agenda pack.

This driver 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 relative.

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 IRIZVI
Chair

(Note: The meeting started at 7.05pm and ended at 8.50pm)

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