

Minutes of: LICENSING AND SAFETY COMMITTEE

Date of Meeting: 3rd October 2024

Present: Councillor G McGill (in the Chair)
Councillors, A Booth, N Bayley, R Brown, J Hook, B Ibrahim,
G Marsden and L Ryder.

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

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

ELECTION OF A CHAIR

That Councillor Gavin McGill be elected acting Chairperson of the Licensing and Safety Committee for this meeting only and took the Chair.

APOLOGIES FOR ABSENCE

Apologies for absence were submitted by Councillors I Rizvi, J Grimshaw, D Quinn, J Rydeheard and from B Thomson- Assistant Director of Operations Strategy.

Councillor L Ryder acted as a substitute representative for Councillor D Quinn.

DECLARATIONS OF INTEREST

There were no declarations of interest.

MINUTES OF PREVIOUS MEETING

Delegated decision:

That the Minutes of the last meeting held on the 5th September 2024 be approved as a correct record and signed by the Chair.

PUBLIC QUESTION TIME

No questions had been pre submitted to the meeting.
No members of the public were in attendance at the meeting.

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 19th August and the 22nd September 2024.

Festwich

Enforcement Officers worked during the Festwich event on Saturday the 31st August 2024 and one pedlar was spoken to. There were no other issues with traders found.

Prosecution of a Private Hire Driver

On the 11th September 2024 a Private Hire Driver appeared before Stockport Magistrates and pleaded guilty to Fraud in a case relating to a private hire driver's licence being created which was not genuine. The case was adjourned until the 31st October 2024 for a pre-sentence report to be prepared.

Multi Agency Visits

On the 20th September 2024 Licensing Officers worked alongside the GMP Licensing Officer carrying out evening visits to licensed premises. Six premises were visited, one because of noise and anti-social behaviour complaints. Two other premises were warned for carrying out unlicensed activity and made to cease.

Delegated decision:

It was agreed that the report be noted.

REVIEW OF GAMBLING POLICY - STATEMENT OF PRINCIPLES

The Executive Director (Operations) submitted a report informing the Committee that the Gambling Act 2005 (Section 349) required the Local Authority to review its Statement of Principles at least every three years. The statement can also be reviewed at any time during the three-year period, if any urgent matters were to arise. The existing Statement of Principles ceases to have effect on the 31st January 2025.

The report attached to the agenda pack contained the revised proposed Statement of Principles (attached at Appendix 1) and detailed the consultation process. Section 4 outlined the amendments to the statement following the responses to the consultation.

The Council have previously worked with partners across Greater Manchester, which had resulted in the Greater Manchester Gambling harm and reduction programme being set up. The programme reflects this collaboration across Greater Manchester. The principles share our aims to prevent and reduce the negative impacts of gambling on individuals, families, and communities.

The Licensing Service had received one response from the Public Health Department. The response was contained at appendix 2 of the agenda pack.

The current Statement of Principles, had been in existence for three years, and has, to date, not been challenged either formally or informally.

Delegated decision:

It was agreed by the Licensing and Safety Committee that the proposed Statement of Principles, attached to the report at Appendix 1, be accepted without amendment.

The statement had been widely consulted and any necessary amendments, as detailed in section 4 of the report, had been made. To comply with the statute, a revised Statement of Principles must be agreed by Council on the 13th November 2024, for the proposed statement to be in place by the 31st January 2025.

REVIEW OF THE CURRENT PROVISION OF A SECOND TESTING STATION DUE TO THE CURRENT CONTRACT EXPIRING ON 31 MARCH 2025

The Executive Director (Operations) submitted a report to seek permission to carry out a procurement exercise in relation to the approved independent licenced vehicle testing station as the current contract expires on the 31st March 2025.

Options included:-

- Retain an independent testing station and to reprocur an independent testing station for a 2-year period with the option to extend of a further 1 + 1 years.
- To relinquish the current provision of an independent testing station and bring the compliance testing of hackney carriage/private hire vehicle testing back in house.

The Licensing Service had sought the advice of the Council's Head of Waste Management and Transport who has advised that since the second taxi testing was implemented, transport have seen a reduction in the number of checks and the income received has also declined. There are no specific issues from the report other than potential costs/risks associated with legal appeals.

The Licensing Unit Manager advised the committee that there was amendment to be made in the report and this was on page 75 of the agenda pack which detailed that the report would also go to Council on the 14th November 2024. This function was not required and the procurement award would be listed as an operation decision.

The Licensing Service had conducted an engagement exercise with licensed drivers of both hackney carriages and private hire vehicles, private hire operators and trade representatives which attracted 187 responses. The responses were detailed with in the report attached to the agenda.

Records show that since the implementation of the existing contract the Council had received a significant reduction in income within Operations at Bradley Fold Testing station over the 3 years of the contract as detailed in the report.

A number of Members asked questions asking what the operational capabilities were at Bradley Fold in terms of opening times and how easy was it to book an appointment slot. Members also commented on the engagement response and the preference to keep licensed drivers in Bury.

Delegated decision:

It was agreed to retain an independent testing station and to reprocur an independent testing station for a 2-year period with the option to extend of a further 1 + 1 years.

URGENT BUSINESS

No urgent business was reported at the meeting.

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.

SUSPENSION / REVOCATION OF PUBLIC / PRIVATE HIRE DRIVER LICENCES

Licence Holder 11/2024

The Executive Director (Operations) submitted a report relating to Licence Holder 11/2024 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 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 June 2016. Their current driver's licence was due to expire in January 2026.

The Licence Holder addressed the committee and provided an explanation in relation to the case.

A number of Members asked questions in relation to the case.

The 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.

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 6 months.**

Licence Holder 12/2024

The Executive Director (Operations) submitted a report relating to Licence Holder 12/2024 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 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 licensed Private Hire Driver with this Authority since the 15th May 2003 and had renewed his licence annually.

On the 10th September 2024, this Licence Holder made an online application to renew his Private Hire Drivers licence.

The Licence Holder addressed the committee and provided an explanation in relation to the case.

A number of Members asked questions in relation to the case.

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.

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.**

APPLICATION FOR PUBLIC / PRIVATE HIRE DRIVER LICENCE

13/2024

The Executive Director (Operations) submitted a report relating to applicant 13/2024. The Licensing Unit Manager reported that the Licence Holder was not present this evening as they were unwell and had requested a deferral until the next meeting.

Delegated decision:

The Licencing Committee agreed that applicant 13/2024 would be deferred for consideration at the next meeting of the Licensing and Safety Committee.

COUNCILLOR G MCGILL
Chair

(Note: The meeting started at 7.00 pm and ended at 9.15pm)

