

<b>Classification</b>	<b>Item No.</b>
<b>Open / Closed</b>	

<b>Meeting:</b>	Licensing and Safety Committee
<b>Meeting date:</b>	19 December 2024
<b>Title of report:</b>	Operational Report
<b>Report by:</b>	Executive Director (Operations)
<b>Decision Type:</b>	N/A Report for information only
<b>Ward(s) to which report relates</b>	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 **4 to 10 November**

**Client**

Enforcement 3

Complaint 3

**Vehicle**

Enforcement 3

**Premise**

Enforcement 9

Complaint 1

2.3 **11 to 17 November**

**Clients**

Complaint 3

Enforcement 2

**Premise**

Enforcement 3

**Vehicle**

Enforcement 7

2.4 **18 to 24 November**

**Client**

Complaint 2

Compliance 1

Enforcement 4

**Premises**

Compliance 2

Enforcement 4

Intelligence 1

2.5 **25 to 1 December**

**Client**

Complaint 5

Enforcement 5

## **Premises**

Complaint 1

Enforcement 8

Multi Agency 15

Compliance 1

## **Vehicle**

Enforcement 2

Compliance 5

## **Operator**

Enforcement 1

### **2.6 2 to 8 December**

#### **Client**

Complaint 3

Enforcement 4

#### **Premises**

Enforcement 2

#### **Vehicle**

Enforcement 3

### **3.0 Licensing Hearings Sub-Committee Hearings**

3.1 On the 25 November 2024, an application for the grant of a premises licence at Krakow Grocery, 20 Parkhills Road, Bury, BL9 9AX was considered by the Licensing Hearings Sub-Committee. The application attracted representations from Greater Manchester Police, Trading Standards and the Licensing Authority in their capacity as Responsible Authorities. Members decided to refuse the application.

3.2 On the 5 December 2024, an application for the grant of a premises licence in respect of Prestwich Mini Market, 3 Fairfax Road, Prestwich, M25 1AS was scheduled to be heard by the Licensing Hearings Sub-Committee. However following the Licensing Unit Manager contacting the agent and the applicant prior to the Sub-Committee Hearing, he was informed by the agent that his client was withdrawing his application and did not want to proceed.

### **4.0 Implementation of Enhanced DBS policy**

4.1 Members may recall during the implementation of the Common Minimum Licensing Standards – Stage 1. As part of the proposals, proposal one which related to Enhanced Criminal Record Checks stated: -

*It is proposed that all drivers will be required to undertake an enhanced disclosure check through the DBS to include barred lists (such as details of unspent convictions and police cautions).*

*Drivers must also register to the DBS Update Service and maintain that registration to enable the licensing authority to routinely check for new information every 6 months as a minimum.*

*NB. If a licence has not been issued within 6 months of DBS certificate issue date, then a further enhanced DBS will be required (unless the applicant is registered with the Update Service)*

Members agreed the above proposal; however, this was not implemented at that time due to the necessity for a procurement exercise to be undertaken. The Licensing Service have recently conducted a procurement exercise, and the contract has been awarded.

The Licensing Service have taken advice from the Council's legal Department, and they have confirmed that due to the previous decision of this Committee and Full Council, there is no requirement for a further report to be placed before the committee.

## **5.0 Prosecution of a previous licensed driver**

- 5.1** The Licensing Service have recently prosecuted a previously licensed driver who fraudulently created a private hire driver's licence which indicated that he was licensed with Bury Council. The individual appeared before Manchester and Salford Magistrates Court on the 29 November 2024. The court imposed a custodial sentence of 16 weeks, suspended for 12 months. As part of this suspended sentence order, he is to undertake 15 Rehabilitation Activity Requirement days and perform 100 hours of unpaid work. He was ordered to pay £300 towards prosecutions costs and a £154 victim surcharge. The financial penalties will be deducted from benefits at the usual rate. A collection order was made.

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## **Community impact / links with Community Strategy**

Not applicable

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## **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.*

<b>Equality Analysis</b>	<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>	

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**Assessment of Risk:**

The following risks apply to the decision:

<b>Risk / opportunity</b>	<b>Mitigation</b>
DBS Implementation – Hackney carriage and private hire drivers are required to notify the Licensing Authority when they receive any convictions as outlined in the Council Conviction guidelines but may fail to do so creating a risk that the authority does not hold full and up to date information.	The full implementation of the policy will ensure that drivers sign up to the DBS update Service to permit the Licensing Authority to carry out checks.

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**Consultation:**

The Licensing Service have not conducted a consultation exercise due to the implementation of the Common Minimum Licensing Standards (Enhanced DBS Certificate) have been previously been considered by this Committee and ratified by Full Council.

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**Legal Implications:**

The Licensing Service have taken advice from the Council's legal Department, and they have confirmed that due to the previous decision of this Committee and Full Council, there is no requirement for a further report to be placed before the committee.

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**Financial Implications:**

There is no financial implication on the Council, however there will be an additional cost to the licence holder to sign up to the update service and maintain the annual subscription with Disclosure and Barring Service.

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

Term	Meaning
None	