

***LICENSING COMMITTEE
Regulatory Committee
Agenda***

Date Tuesday 5 June 2018

Time 9.30 am

Venue Lees Suite, Civic Centre, Oldham, West Street, Oldham, OL1 1NL

- Notes
1. DECLARATIONS OF INTEREST- If a Member requires any advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote he/she is advised to contact Paul Entwistle or Fabiola Fuschi in advance of the meeting.
 2. CONTACT OFFICER for this Agenda is Fabiola Fuschi Tel. 0161 770 5151 or email Fabiola.fuschi@oldham.gov.uk
 3. PUBLIC QUESTIONS – Any member of the public wishing to ask a question at the above meeting can do so only if a written copy of the question is submitted to the Contact officer by 12 Noon on Thursday, 31 May 2018.
 4. FILMING - The Council, members of the public and the press may record / film / photograph or broadcast this meeting when the public and the press are not lawfully excluded. Any member of the public who attends a meeting and objects to being filmed should advise the Constitutional Services Officer who will instruct that they are not included in the filming.

Please note that anyone using recording equipment both audio and visual will not be permitted to leave the equipment in the room where a private meeting is held.

Recording and reporting the Council's meetings is subject to the law including the law of defamation, the Human Rights Act, the Data Protection Act and the law on public order offences.

MEMBERSHIP OF THE LICENSING COMMITTEE IS AS FOLLOWS:
Councillors A. Alexander, M Bashforth, Briggs (Chair), Brock, Byrne, Cosgrove, Garry, C. Gloster, A Hussain, Malik, Moores, Price, Rehman and Shuttleworth

Item No

1 Apologies For Absence

- 2 Urgent Business
 Urgent business, if any, introduced by the Chair
- 3 Declarations of Interest
 To Receive Declarations of Interest in any Contract or matter to be discussed at the meeting.
- 4 Public Question Time
 To receive questions from the public, in accordance with the Council's Constitution
- 5 Minutes of Previous Meeting (Pages 1 - 4)
 The Minutes of the Licensing Committee meeting held on 6th March 2018 are attached for approval
- 6 Licensing Annual Report 2018 (Pages 5 - 16)
 The purpose of this report is to inform Members of the activities undertaken to discharge the Council's Licensing function during the period 1 April 2017 to 30th April 2018.
- 7 Composition of Licensing Panels
 Report to follow



Present: Councillor Briggs (Chair)
Councillors Brock, Garry, Gloster, Malik, McLaren and Shuttleworth

Also in Attendance:

| | |
|--------------------|---------------------------------------|
| John Garforth | Trading Standards & Licensing Manager |
| David Joy | Solicitor |
| Sian Walter-Browne | Constitutional Services |
| Russell Williams | Senior Licensing Officer |

1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Cosgrove.

2 **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

3 **URGENT BUSINESS**

There were no items of urgent business received.

4 **PUBLIC QUESTION TIME**

No public questions had been received.

5 **MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the meetings of the Licensing Committee held on 7th November 2017 and 6th February 2018 be approved as a correct record.

6 **LICENSING UPDATE REPORT**

The Committee considered a report which provided an update on activities undertaken to discharge the Council's Licensing Function during the period November 2017 to March 2018.

The activities highlighted to the Committee included information related to Licensed Premises, under-age sales of alcohol, work ongoing with the private hire and Hackney trade, activity of the Licensing Driver Panel, and vehicle testing data.

Members noted that there had been a number of applications considered by the Licensing Panel and that the Licensing Driver Panel had considered 13 cases.

Members noted the legal update informing them that the Department for Transport had set up a working party to look at how taxi and private hire legislation may need changing. The Local Government Association would be feeding in comments and professional associations had been asked to submit written

representations. The working party was due to report its interim findings soon.



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Members were informed that the Licensing of Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Bill had been laid before Parliament as a private members bill and was due for a further reading in October 2018.

A report had also recently been published by the Suzy Lamplugh Trust titled 'Steering towards safer taxi and private hire licensing', which covered failures within the licensing system, what should be best practice and within legislation. The report made ten recommendations and copies were available for Members. Oldham Council would be signing up to the national database due to be implemented in Spring 2018.

The Committee noted that the Greater Manchester Combined Authority had also been discussing minimum standards for the taxi and private hire trade and the Greater Manchester Mayor, Council Leaders and Chief Executives had all agreed that a piece of work be undertaken by the Licensing Managers and Transport for Greater Manchester to develop common minimum standards.

Members sought clarification on the use of a taxi vehicle by the driver or their family for personal use. They were informed that insurance policies varied and may allow social and domestic use as well as business use. Members asked that a representative from the Motor Insurers Bureau be invited to attend a future meeting.

Members asked for and received clarification on the increased pass rate for vehicles tested. They were informed that service records had to be produced for all vehicles over five years old and vehicles would not be tested without them. The Committee indicated that its thanks for the improvement would be passed to the trade via trade meetings and the Council's newsletter.

RESOLVED that:

- 1) The report be noted.
- 2) The implications of the report on future licensing decisions be noted.
- 3) A representative from the Motor Insurers Bureau be invited to a future meeting of the Committee.

7

PRIVATE HIRE & HACKNEY CARRIAGE POLICY & CONDITIONS - PROPOSED CHANGES

The Committee considered a report which informed Members of the results of a consultation on proposed changes to the current private hire and hackney carriage licensing policy and conditions, and asked them to consider implementing the proposed changes.

Members asked for and received clarification on the nature and cost of the Autolign inspection. Information was also provided on the cost to the applicant of resitting the driver knowledge tests, the availability of feedback to those that did not pass and the requirement to produce photo identification to sit the tests.

Members asked for and received further information in relation to the proposals to remove star rating stickers from vehicles. They noted that the current stickers were clearly visible from a safe distance and assisted the public in identifying that the vehicle was a genuine taxi. A small window disc would not be clearly visible and a member of the public would need to be already inside the vehicle to see anything displayed on the fare table.

Further information was provided in relation to base staff, who were not currently regulated. It was clarified that, if agreed, the requirements would come into effect from the next licence renewal and that consideration would be given to phasing in the requirements and building in a condition to apply them to new staff.

RESOLVED that the proposals in relation to:-

1. Vehicle Tests be AGREED.
2. Written Off Vehicles be AGREED, subject to the amendment of the proposals in relation to Category N, to state that a satisfactory Autolign report may be required, dependent on the insurance assessment report.
3. Safeguarding Matters be AGREED.
4. Driver Knowledge Tests be DEFERRED and brought back for consideration when the outcome of the discussions between the Greater Manchester Authorities was known.
5. Drivers Badges – Lanyard be AGREED.
6. Removal of Front Plate be DEFERRED and brought back for consideration when the current trial had run for twelve months and been assessed.
7. Star Rating Stickers were NOT AGREED on the grounds of public safety.
8. Statement of Fitness and Suitability be AGREED.
9. Changes to Private Hire Operator Conditions/Policy be AGREED on the grounds of safeguarding.

The meeting started at 9.30 am and ended at 11.14 am

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Licensing Committee

Licensing Annual Report

Report of Executive Member for Environmental Services

Officer contact: John Garforth – Trading Standards & Licensing Manager
Ext. 5026

5th June 2018

Executive Summary

The purpose of this report is to inform Members of the activities undertaken to discharge the Council's Licensing function during the period 1 April 2017 to 30th April 2018.

Recommendations

That Members:

- 1) Note the report; and
 - 2) Consider the implications of the report in future licensing decisions
-

Licensing Annual Report

1 Purpose of the report

1.1 The purpose of this report is to inform Members of the activities undertaken to discharge the Council's Licensing function during the period 1 April 2017 to 30th April 2018.

2 Team Objectives

2.1 There are two strategic objectives that relate to Licensing

2.2 To work with businesses to ensure they are licensed and compliant. This covers:

- Proactively licensing premises and individuals engaged in alcohol supply, entertainment and late night refreshment.
- Participation in Pubwatch schemes, partnership projects and joint, intelligence led inspections to ensure licence conditions are not being breached.
- Promotion of the four licensing objectives and three gambling objectives.

2.3 The second relates to ensuring safe passenger journeys, in safe licensed vehicles with safe licensed drivers. This covers:

- Undertaking inspections of licensed vehicles.
- Vetting new applicants for licences to ensure they are fit and proper
- Ensuring that passengers are safe in vehicles by responding to complaints and investigating offences and breaches of conditions

3 Licensing Act 2003

3.1 The Licensing Act 2003 is governed by four licensing objectives:-

- Prevention of crime and disorder
- Prevention of public nuisance
- Public Safety
- Protection of children from harm

- 3.2 Numbers of licensed premises under the Act are in the table below with a comparison to the previous year.

| TYPE | Year ending 31.3.18 | Year ending 31.3.17 | Year ending 31.3.16 |
|-------------------------------|----------------------------|----------------------------|----------------------------|
| Premises Licences for alcohol | 579 | 578 | 571 |
| Premises Licences non-alcohol | 134 | 136 | 137 |
| Club Premises Certificates | 62 | 65 | 66 |
| Personal Licences | 2756 | 2639 | 2485 |
| Total | 3531 | 3418 | 3259 |

- 3.3 The following applications have been considered by the Licensing Premises Panel in the last twelve months.

| Nature of Application | Outcome |
|--|-----------------------------------|
| Review of premises licence Duke of Edinburgh, Royton | Operating schedule amended |
| Cotton Clouds Festival, Greenfield | Granted with amendments |
| Alexandra Park Filling Station Park Road | Variation of licence granted |
| Last Orders, Yorkshire St. Temporary Event Notice | Refused |
| Donkeystone Brewing Company, Greenfield | Granted |
| Review of premises licence for Club Revelation, Yorkshire St, Oldham | Licence revoked |
| Royton Korner Shop, Middleton Rd, Royton | Off Licence Refused |
| Di Angelos, Fountain /St, Oldham | Variation granted with amendments |

- 3.4 During the last twelve months 48 complaints were received in relation to premises licensed under the Licensing Act 2003. In addition there has been one prosecution for selling alcohol without a licence, a caution for selling alcohol outside licensed hours and a caution for failure to declare an offence when the holder of a personal licence.

| Licensing Act 2003 | |
|---|--------------|
| Complaint Type | Total |
| Anti-Social Behaviour | 2 |
| Attitude/Behaviour | 3 |
| Beyond permitted hours | 4 |
| Breach of condition | 10 |
| Noise issues | 17 |
| Not licensed | 4 |
| Selling to drunks | 1 |
| Unauthorised gaming on licensed premise | 1 |
| Unauthorised activities | 1 |
| Underage sales | 5 |
| Grand Total | 48 |

4.0 **Gambling Act 2005**

- 4.1 Applications under this legislation continue to be few and far between although Officers continue to work closely with the Gambling Commission to ensure compliance with licence conditions.

- 4.2 Current permissions in force under this Act are:

- Bingo x 1
- Adult Gaming Centre x 5
- Betting shops x 31
- Club gaming permit x 1
- Club machine permits x 21
- Alcohol licensed premises machine permits x 17
- Gaming machine notifications in pubs x 202
- Small society lotteries x 96

5.0 **Age restricted sales**

- 5.1 Under Age Sales continue to be a priority area for Trading Standards Officers which result in operations to target premises where intelligence suggests attempts to purchase alcohol or other restricted goods by children may be taking place.

- 5.2 Detailed below are the figures showing the results of operations conducted since April 2017 which show 1 sale from 11 attempts to purchase alcohol which show a sale rate of 9%

| | Sales | No Sale | Total |
|-------------------------|--------------|----------------|--------------|
| Oldham | 0 | 3 | 3 |
| Saddleworth & Lees | 0 | 0 | 0 |
| Chadderton | 0 | 3 | 3 |
| Failsworth & Hollinwood | 0 | 3 | 3 |
| Shaw & Crompton | 0 | 0 | 0 |
| Royton | 1 | 1 | 2 |
| Total | 1 | 10 | 11 |

5.3 Officers propose to continue the half-day course for all businesses that sell any age restricted products such as alcohol, tobacco or knives. It has been developed by the Trading Standards Team and is suitable for managers and staff and includes:

- what the law requires of business and staff
- proxy sales
- An explanation of due diligence
- Challenge 25, proof of age, refusals, training

6 LICENSED DRIVERS AND VEHICLES

Licences and Hearings

- 6.1 Officers continue to work with the private hire and hackney trade to ensure effective communication and consultation takes place. Elected members also attend these forums.
- 6.2 Below are details of the applicants and drivers brought before the Drivers Licensing Panel over the last twelve months.
- 6.3 The Licensing Drivers Panel usually sits monthly to hear applications for new taxi licences, renewal applications of reviews of existing licences where there are offences or conduct issues recorded.
- 6.4 Since June 2017 a total of 37 hearings have been held which are broken down below:

| Application for new/renewal of licence | Granted | Granted with suspension | Refused |
|--|---------|-------------------------|---------|
| 32 | 1 | 8 | 23 |

| Reviews of licences | Revoked | Suspended | NFA |
|---------------------|---------|-----------|-----|
| 5 | 0 | 5 | 0 |

- 6.5 Details of the number of licences in force are detailed below: -

| LICENCE TYPE | As at 16.5.18 | As at 31.5.17 | As at 31.3.16 |
|--------------------------------|---------------|---------------|---------------|
| Private Hire Vehicle Licence | 1045 | 950 | 860 |
| Private Hire Operators Licence | 37 | 38 | 42 |
| Dual drivers licence | 1326 | 1298 | 1206 |
| Hackney Carriage Vehicles | 85 | 85 | 85 |
| Total | 2493 | 2371 | 2193 |

Complaints and Enforcement

- 6.7 There have been 171 complaints in relation to licensed drivers, operators and vehicles during the period ranging from conduct to driving ability and over charging. Officers continue to work with drivers and operators to educate and support them.

| Hackney Carriage | | |
|-------------------------------|-----------------------------------|--------------|
| | Complaint Type | Total |
| Vehicles & Drivers | Breach of parking regulations | 1 |
| | Dangerous driving | 2 |
| | Lost property | 4 |
| | Attitude/behaviour | 16 |
| | Breach of condition | 2 |
| | Overcharging | 6 |
| | Touting | 1 |
| | Using mobile phone whilst driving | 3 |
| | Refusing jobs | 3 |
| | TOTAL | 31 |

| Private Hire | | |
|--|-------------------------------------|----|
| | Complaint Type | |
| Drivers, Vehicles and Operators | Attitude / Behaviour | 54 |
| | Breach of condition | 5 |
| | Dangerous driving | 24 |
| | Fail to report accident | 2 |
| | Fail to carry guide dog | 1 |
| | Illegal activity | 2 |
| | Overcharging | 8 |
| | Parking issues | 5 |
| | Refusing job | 1 |
| | Poor vehicle condition | 1 |
| | Sexual related | 2 |
| | Smoking in vehicle | 3 |
| | Using mobile phone whilst driving | 2 |
| | Breach of conditions | 10 |
| | Dangerous driving | 5 |
| | Not licensed | 1 |
| | Plying for hire | 2 |
| | Poor vehicle condition | 4 |
| | Operator complaint | 6 |
| | Failure to keep records as operator | 1 |
| Poor office condition | 1 | |
| TOTAL | 140 | |

7 Private hire star rating scheme

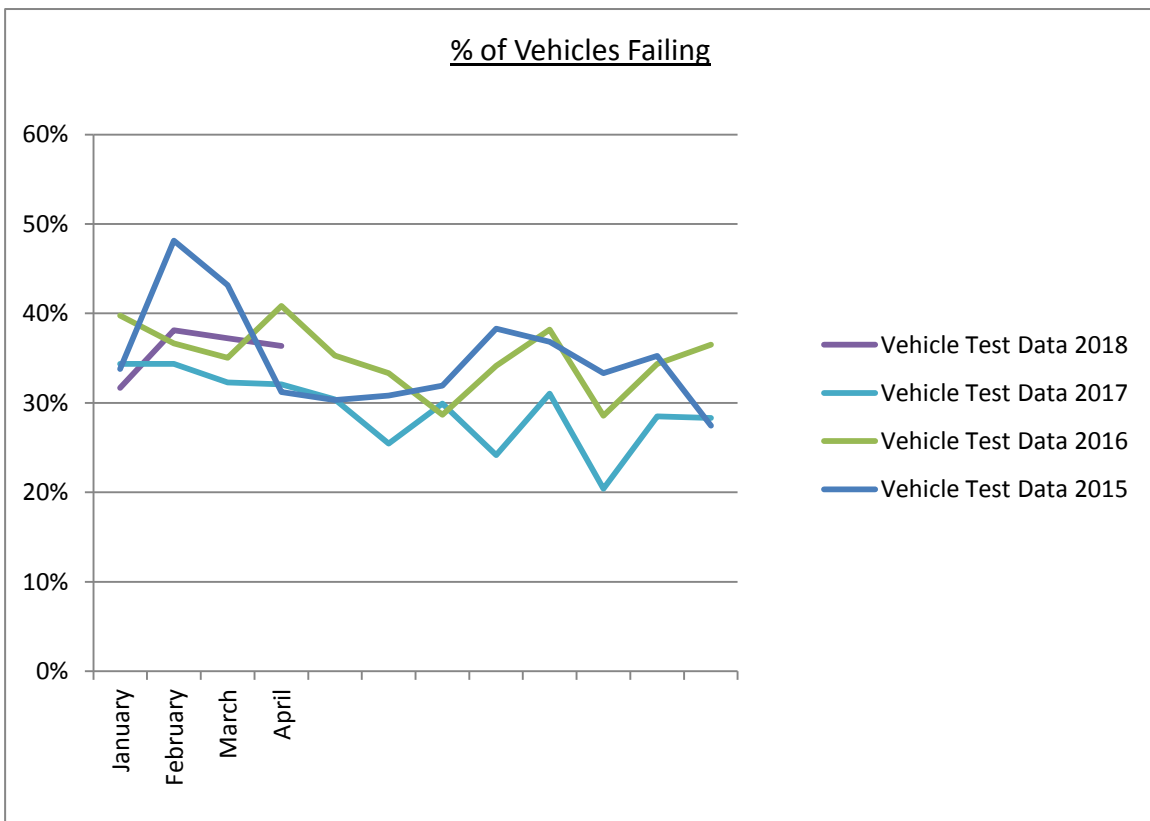
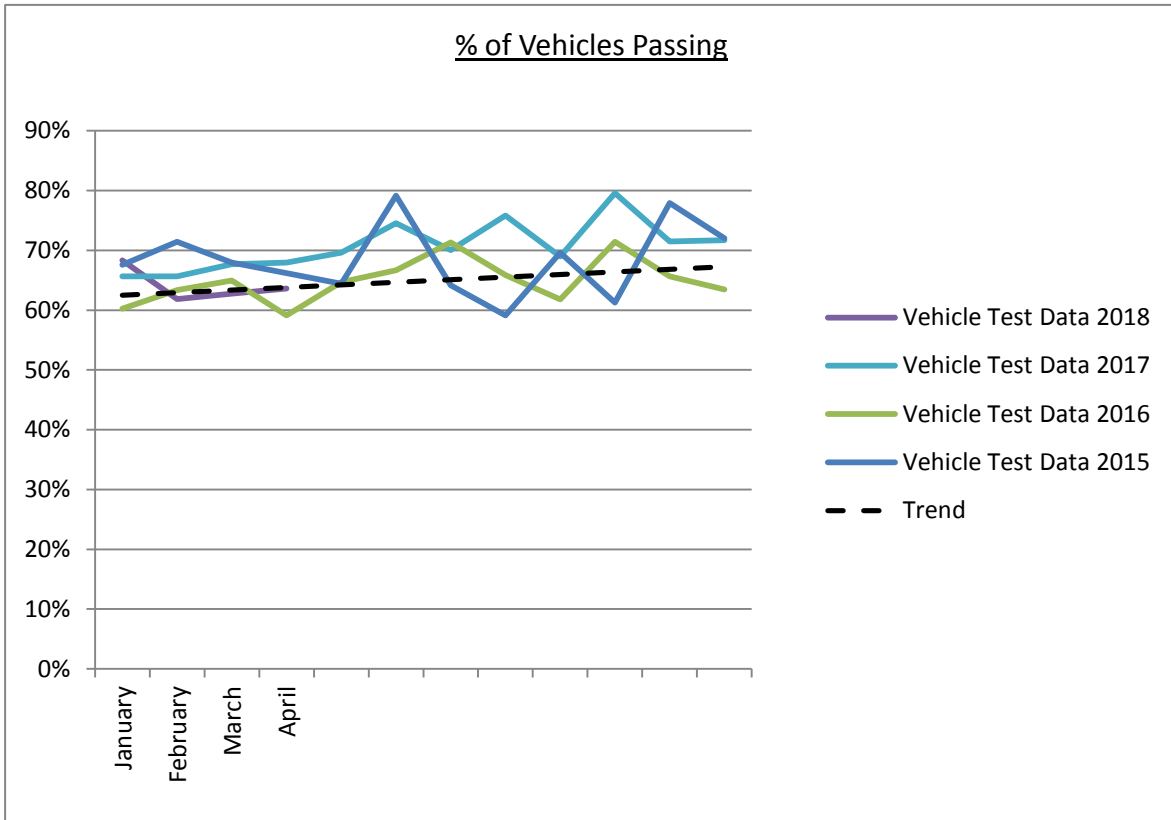
- 7.1 Officers continue to work with Private Hire operators continue to ensure they retain their current star rating whilst others are attempting to achieve a higher rating. Audits have recently been undertaken of the majority of operators, the results of which are still being checked and verified. As there may be some changes to ratings resulting from those audits a current list is not available at this time. A new list will be published online when available and reported to the next meeting of the Committee.

8 Vehicle testing data

- 8.1 Data showing details of pass/fail rates of licensed vehicle mechanical tests is extracted below. A new booking system which goes live in the coming weeks will be able to report on trends and reasons for failures.

| Vehicle Test Data 2017 | | | | | |
|------------------------|--------|--------|-------------|--------|--------|
| Month | Passed | Failed | Tests Taken | % Pass | % Fail |
| January | 86 | 45 | 131 | 66% | 34% |
| February | 128 | 67 | 195 | 66% | 34% |
| March | 130 | 62 | 192 | 68% | 32% |
| April | 89 | 42 | 131 | 68% | 32% |
| May | 87 | 38 | 125 | 70% | 30% |
| June | 170 | 58 | 228 | 75% | 25% |
| July | 110 | 47 | 157 | 70% | 30% |
| August | 157 | 50 | 207 | 76% | 24% |
| September | 129 | 58 | 187 | 69% | 31% |
| October | 156 | 40 | 196 | 80% | 20% |
| November | 143 | 57 | 200 | 72% | 29% |
| December | 119 | 47 | 166 | 72% | 28% |
| Totals | 1504 | 611 | 2115 | 71% | 29% |

| Vehicle Test Data 2018 | | | | | |
|------------------------|--------|--------|-------------|--------|--------|
| Month | Passed | Failed | Tests Taken | % Pass | % Fail |
| January | 82 | 38 | 120 | 68% | 32% |
| February | 112 | 69 | 181 | 62% | 38% |
| March | 81 | 48 | 129 | 63% | 37% |
| April | 140 | 80 | 220 | 64% | 36% |
| Totals | 415 | 235 | 650 | 64% | 36% |



10 Other licences

10.1 As well as the main functions outlined previously in this report the Licensing Team also administers and enforces a wide range of other licences, registrations and permits current numbers of which are outlined below.

| Licence type | Number in Force |
|----------------------------------|-----------------|
| Marriage Premises | 9 |
| Sex shops | 1 |
| Second hand dealers | 56 |
| Scrap metal sites | 45 |
| Scrap metal collectors | 16 |
| Street trading consents/licences | 54 |
| Pavement café licences | 2 |
| Animal Boarding Licences | 37 |
| Dangerous Wild Animal Licence | 1 |
| Pet Shop Licence | 7 |
| Riding Establishment Licence | 5 |

10.2 Complaints in relation to other licence types are outlined in the table below:

| Miscellaneous | | |
|---------------------------|---------------------------------|------------|
| Complaint Type | | Total |
| Street Trading | Breach of Conditions | 23 |
| | Unlicensed | 5 |
| | Obstruction | 1 |
| | Noise | 2 |
| | Total for Street Trading | 31 |
| Scrap Metal | Breach of Conditions | 1 |
| | Unlicensed | 2 |
| | Total For Scrap Metal | 3 |
| Highways Licences | Breach of Conditions | 48 |
| | Unlicensed | 27 |
| | Objects on the Highway | 29 |
| | Obstruction | 2 |
| | Unlicensed Scaffolding | 1 |
| | Unlicensed Skip | 17 |
| Total for Highways | | 124 |
| Grand Total | | 158 |

11 Legal Update

- 11.1 The Government issued new statutory guidance under the Licensing Act 2003 in April 2018. This document is a valuable source of information to regulators and licence holders in how to interpret the Act.
- 11.2 Due to concerns about the impact of alcohol fuelled violence the Government have indicated they intend to publish an alcohol strategy to hopefully tackle this issue linked of powers under the Licensing Act 2003. There is no indication of when this may be published at this time.
- 11.3 At the time of writing this report the Government had just announced the outcome of consultation on the future stakes for fixed off betting terminals. The maximum stake has been reduced from £100 to £2.
- 11.4 The Department for Transport Ministerial Working Party on the review of private hire and taxi legislation has concluded taking evidence from stakeholders. Whilst the report on their findings is overdue this is thought to be due to a change in Transport Minister. Officers will report these findings to Members when published.

12 Current Projects

- 12.1 The main area of work being undertaken at the moment is the work within the Combined Authority and with Transport for Greater Manchester on the harmonisation of Private Hire and Hackney licensing policies. This major piece of work, which will report in the autumn, is aimed at ensuring high standards across Greater Manchester as well as consistency.
- 12.2 A consultation will be launched in July for twelve weeks to the trade and Transport for Greater Manchester will undertake the public consultation alongside. The areas to be covered to ensure Oldham is consistent include:
- Age of vehicles linked to emissions and Air Quality;
 - Updating the fit and proper guidelines for determining applications and reviewing licences;
 - Spoken English test;
 - Drivers code of conduct;
 - Improving vehicle testing standards;
 - Private hire operator code of conduct and safeguarding policy;
 - Executive Hire Policy.
- 12.3 Reports will be brought to Members at the November 2018 and March 2019 committee meetings ahead of implementation no later than April 2019.

13 **Legal Services Comments**

13.1 None- Information report

14 **Co-operative Agenda**

14.1 The licensing process is in place not only to protect the public but also to support and where necessary regulate businesses within the Borough.

15 **Environmental and Health & Safety Implications**

15.1 None

16 **Equality, community cohesion and crime implications**

16.1 None

17 **Equality Impact Assessment Completed?**

17.1 No

18 **Key Decision**

18.1 No

19 **Key Decision Reference**

19.1 N/A

20 **Background Papers - None**

20 **Appendices - None**