

LICENSING COMMITTEE
02/06/2020 at 9.30 am



Present: Councillor Briggs (Chair)
Councillors Garry, C. Gloster, Harrison, Malik, McLaren, Price,
Sheldon and Shuttleworth

Also in Attendance:

Alan Evans	Group Solicitor - Environment
John Garforth	Trading Standards and Licensing Manager
Mark Hardman	Constitutional Services Officer
Lori Hughes	Constitutional Services
Nicola Lord	Principal Licensing Officer
Sumayya Rawat	Solicitor

1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Moores
and Councillor Cosgrove.

2 **URGENT BUSINESS**

There were no items of urgent business received.

3 **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

4 **PUBLIC QUESTION TIME**

Two public questions had been received from Mr. A. Khayal:

Question 1 – “We have major problems to obtain medical certificates from practising doctors surgeries in Oldham because many surgeries don’t carry out such tests, they recommend some surgeries in Middleton and in Manchester. Taxi drivers have to take medical records. Copies from his own doctor to them, sometimes they do it straight away, sometimes they don’t. Why not licensing provide the list of surgeries who carried out such medical reports to taxi drivers with minimum cost in Oldham area. Then taxi driver provides his medical reports from his own doctor and they check it, then examined the taxi drivers condition which meeting the licensing requirement.”

The Chair provided the following response:

“Changes have already been made to the Council’s use of the Group 2 medical standard by allowing for another Doctor, other than the drivers own GP, who has full access to the medical history of the individual to undertake an examination and complete a report. It is not the Council’s intention to source doctors who can do this.”

Question 2 – “I was looking for the records of the Council’s Moorhey Street MOT test failure classified as follows Rear Lamps fire extinguisher. These are two minor faults inspectors should tell the driver do it and bring back for rechecks without any cost to drivers. June 2019 failure figures were 36% which is high. As Bolton Council ignored at least 16 minor. As you know minor faults cost driver £20 which is not fair as the same licensing office worker time is wasted too. Please help the situation thanks”.

The Chair read the following response:

“The Council needs to recover its costs from undertaking any additional checks on vehicles, this includes the tester inspecting the vehicle, to inputting the subsequent pass on the database and issuing a pass certificate to the admin team recording the pass on the licensing database. Whenever a review next takes place your comments will be taken into account.”

Members commented on minor faults and MOTs being used as a means of servicing vehicles. Drivers should be expected to keep vehicles in a roadworthy condition. Fire extinguishers was not a minor fault.

Members asked about the next review and the possibility of meeting with the trade. Members were informed that the next meeting with the trade had been delayed but were still being contacted via email and phone. Licensing policies were still moving forward at Greater Manchester level but had been delayed. The Trading Standards and Licensing Manager would discuss issues with the trade and report back.

RESOLVED that the public questions and responses provided be noted.

NOTE: The meeting was adjourned from 9.35 am to 9.45 am due to live streaming issues.

5 **MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the Licensing Committee held on 5th November 2019 be approved as a correct record.

6 **LICENSING ANNUAL REPORT**

The Committee gave consideration to a report of the Trading Standards and Licensing Manager which provided information on the activities undertaken to discharge the Council’s Licensing function during the period 1st April 2019 to 31st March 2020.

There were two strategic objectives that related to Licensing which were:

1. To work with businesses to ensure they were licensed and compliant.

2. To ensure safe passenger journeys, in safe licensed vehicles with safe licensed drivers.



The Licensing Act 2003 was governed by four licensing objectives:

- Prevention of crime and disorder
- Prevention of public nuisance
- Public Safety
- Protection of Children from Harm

Members were informed about the number of licensed premises under the Act, the number of applications considered by the Licensing Premises Panel and the number of complaints related to licensed premises. Members were also informed about the number of permissions under the Gambling Act 2000 and an update on age restricted sales.

Members were informed that officers continued to work with the private hire and hackney trade to ensure effective communication and consultation took place. The Committee were provided an update on the details of applicants and drivers brought before the Licensing Drivers Panel over the last twelve months. It was noted that as the Licensing Office had closed in March 2020 due to the COVID-19 outbreak, decisions on applicants and reviews had been dealt with by the Trading Standards and Licensing Manager under delegated powers. Members were also provided vehicle testing data.

The Star Rating Scheme was currently under review in line with proposals to be issued related to the Greater Manchester Minimum Standards Project. The Committee will be updated at a future meeting.

The Committee were providing information on the implications of COVID-19. The pandemic had hit all sectors of trade and business. The Council has continued to support businesses in different ways. Some work had been delayed due to the current situation. The current projects underway or due to start included:

- Refreshing the Licensing Act policy for alcohol, entertainment and late night refreshment;
- Updating the Street Trading Policy;
- Reviewing the Star Rating Scheme for Taxi/Private hire Licensing;
- Undertaking an unmet demand survey for hackney carriages; and
- Consultation on the Greater Manchester Minimum Licensing Standards alongside the Clean Air Plan.

Members were asked to note that a number of taxi companies had merged, the star rating under review; the GM proposal related to the age of vehicles; and top 3 noted failures. The vehicle testing pass rate was highlighted to members as an area of concern.

Members were informed about the impact of the pandemic on the service. The service has agreed delayed payments and instalment plans. There were delays in MOT testing but it was planned to open one bay week commencing 8 June 2020 and then others would be phased in. The service was making use of technology to support applicants and enquiries.



Members asked about the present situation with the Null and Void Bar and the safety of the premises. Members were informed that Null and Void were no longer occupying the premises and that the premises was currently vacant.

Members asked about the opening of the testing bay at Moorhey Street and it was confirmed that one bay would be open from Monday, 8 June 2020 on a priority basis. Other bays would be phased in thereafter. The trade would be notified via email later in the week.

Members asked about bars serving alcoholic refreshments with lids on and asked what the general rule at the current time. Members were informed that bars and clubs have an off-licence which permits sales for items to be taken away. Bars were closed for consuming products on the premises which included beer gardens, but it did not preclude the sale off site. Pubs and bars have been trying to gain income from other angles of work which included food and alcohol with the off sales element of their business. Pubs and bars could legally sell alcohol for off sales, not to be consumed on the premises but could be taken off site. Licensing officers were recommending how sales could be maintained in a safe manner in terms of social distancing, responsible retail and licensing objectives.

Members sought clarification on vehicle testing and how long it would be for the GM Policy to take effect. Members raised concerns about the conditions of some vehicles and highlighted suspension problems which should be looked at seriously. Members asked if Licensing officers could engage with the trade to address the issue as the situation was unacceptable and to either reduce the age of the vehicle, deal with the drivers or get the vehicles off the road. Members were reminded that the vehicle age was agreed from 10 to 12 years with the trade as reassurances had been given. However, the pass rate was now 59% where it had been in the high 60's. Proposals in the GM consultation reduce the age back to 10 years. It was hoped that following consultation the decision would be made early next year. If members wanted to proceed to do something differently, officers would address the issue. A Greater Manchester Police initiative which would have provided another indication on maintenance of vehicles had had to be delayed due to the pandemic. Members requested that the extension to 12 year old vehicles be reviewed and if there was no improvement the policy revert back to what had been done previously.

Members asked if there were figures on vehicles on the older vehicles and the frequency of the testing. Members were

informed that vehicles between 8 and 12 years old have three tests per year and vehicles between 3 and 8 years had 2 tests per year. There was no database related to age of vehicle and testing but this could be investigated.

Members asked if Licensing Officers had been engaged with the Government related to the opening of pubs and bars and the policy of maintaining social distancing. Members were informed that national working groups had been established which included the Local Government Association (LGA). The Institute of Licensing sat on a Task and Finish Group with various regulators to look at the guidelines on how premises would be reopened. A draft had not been seen yet. GM were also looking at the approach but there had not been anything definite yet.

Members asked if there was information related to retesting rates and were informed that there were no separate figures but that not many vehicles that returned for a retest failed.

Members asked the progress on the implementation for drivers to bring a certificate whereby the vehicle had been serviced by an independent garage and faults dealt with and it was confirmed that this was happening. Drivers must bring the service sheet and, on most occasions, this resulted in the car passing.

Members highlighted areas of discussion with the trade which include age failure rates and that these be reported back to a future committee.

Members asked if data was available related to the vehicle service history for each driver. Members were informed that this was not and this type of extract from the system would need to be discussed with IT. Members raised concern that if a driver constantly presented failed vehicles, was that driver a fit and proper person and be presented in front of the Licensing Driver Panel. Members were asked to note that some vehicles have more than one driver and it was the vehicle owner who had responsibility.

Members sought clarification that before proceeding with some of the work agreed, that it would not be superseded by GM Policy after a short period of time. Members were informed that the data extraction would not be affected by the GM developments and that the only potential change in the short term would be the age of vehicle and further testing.

RESOLVED that:

1. The Licensing Annual Report be noted.
2. A report which outlines issues raised be brought back to the next Licensing Committee.

The Committee were informed about the composition of Licensing Driver Panel and the Licensing Panels scheduled throughout the 2020/2021 Municipal Year.

RESOLVED that the composition of Panels for the 2020/2021 Municipal year be agreed and the dates of future meetings be noted.

The meeting started at 9.30 am and ended at 10.51 am

