

LICENSING COMMITTEE Regulatory Committee Agenda

Date Tuesday 2 June 2020

Time 9.30 am

Venue Virtual Meeting

https://www.oldham.gov.uk/info/200608/meetings/1940/live_council_meetings_online

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 Lori Hughes in advance of the meeting.

2. CONTACT OFFICER for this Agenda is Lori Hughes email
lori.hughes@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, 28 May 2020. The question will be read out by the Chair and a response will be provided at the meeting.

4. FILMING – This meeting will be recorded for live and/or subsequent broadcast on the Council's website. The whole of the meeting will be recorded, except where there are confidential or exempt items and the footage will be on our website. This activity promotes democratic engagement in accordance with section 100A(9) of the Local Government Act 1972. The cameras will focus on the proceedings of the meeting. As far as possible, this will avoid areas specifically designated for members of the public who prefer not to be filmed. Disruptive and anti-social behaviour will always be filmed.

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 M Bashforth, Briggs (Chair), Cosgrove, Garry, C. Gloster, Harrison, Hewitt, A Hussain, Malik, McLaren, Moores, Price, Sheldon 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 held on 5th November 2019 are attached for approval.

6 Licensing Annual Report (Pages 5 - 14)

7 Composition of Panels 2020 2021 (Pages 15 - 16)

LICENSING COMMITTEE
05/11/2019 at 9.30 am



Present: Councillor Briggs (Chair)
Councillors Cosgrove, Garry, Malik, McLaren, Moores, Price,
Sheldon and Shuttleworth

Also in Attendance:

Alan Evans	Group Solicitor - Environment
John Garforth	Trading Standards and Licensing
	Manager
Shamim Iqbal	Licensing
Kaidy McCann	Constitutional Services

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor C. Gloster and Councillor Harrison.

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

A public question was received from Mr A R Khayal:

“As I raised this question in previous with licensing meeting Mr chairman response to my question that Oldham council have to charged extra money to carried out these checks (which is not acceptable to my memberships.)

When Oldham council set the budget and licensing charged accordingly to the individuals drivers. Why Oldham councils have to charged out side the budgeted figures?

If licensing shifts their work load to a third party then responsibilities lies with licensing they should paid out of our budgeted fee.

Licensing is making their job easy putting financial burdens on us. (not fair)

Why they have to charge the individuals £24.00?

When other councils are not charging for such services they are accepting the code from DVLA. Why Oldham councils can't accept? Code from DVLA.

Even DBS had reduced fee by £4

We are trying every drivers should come alive with checking with DBS by paying £13 / years with direct debit.

We request to the licensing chair to abolish this illegal fee with immediate effects thanks.”

The following response was provided by the Chair:

“I thank Mr Khayal for his question; however, this is much the same question as he posed at the last meeting and has been corresponding with Mr Garforth about since.

It is at the Council’s discretion as Licensing Authority how they carry out checks on driving records. Unlike some other Councils we approved yearly checks on driver records and it was recommended to us that this function be carried out by an outside company as it would not be something we could easily resource internally.

In terms of fees this is not something the Council can pick up the cost of and it has to be passed back to the licence holder. What I will say is that whilst not proposing to change our policy at this time we will monitor and review other systems to ensure the policy can be complied with.”

5 **MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the meeting held on 4th June 2019 be approved as a correct record.

6 **LICENSING UPDATE**

Consideration was given to a report of the Trading Standards and Licensing Manager which sought to inform the Committee of activity and key priorities and projects within the Council’s licensing function.

The activities highlighted to the Committee included information related to Clean Air Proposals, Greater Manchester (GM) Minimum Standards, Vehicle Testing results, Panel Hearings, Licences in Force and Animal Welfare Licenses.

Members were informed that Officers were undertaking work on an outline business case to the Government in regard to the Clean Air Proposals and a consultation would be held on the proposals in the near future. There would be a focus on commercial vehicles, covering vans, HGV’s and buses. A range of measures had been shortlisted which would impact on Oldham’s taxi and private hire trades, the work done so far indicated that some form of a clean air zone would likely to be necessary to comply with the Government guidance that required nitrogen dioxide reduction in the shortest possible time.

The Greater Manchester Minimum Licensing Standards consultation had been delayed pending the funding outcomes linked to the Clean Air Proposals. It was unclear what the funding packages would entail for the ten GM licensing Authorities. Funding was in a flux due to the Parliamentary Election and subsequently the Purdah period. Members referred to Reading Borough Council Page 2
their purchase of purpose-built

Hackney Carriages valued at £60K each to become compliant with the Government guidance. This was not an option for Greater Manchester as the infrastructure was not available, however, 300 extra charging points for electric vehicles would be installed around Greater Manchester. Wi-Fi enabled pads were available for use on driveways that allowed users to charge their electric vehicle without a charging point.

7

AMENDMENTS TO ANIMAL WELFARE POLICY

Consideration was given to a report which sought approval for amendments to the Council's Animal Welfare Licensing Policy.

Members were informed that the Policy had been agreed in November 2018 outlining Oldham's approach to the commercial licensing activities involving dogs, cats, horses, pet shops and exhibiting, after the Government introduced revised Regulations in October 2018. A review of the Policy had been undertaken 12 months after implementation that identified the need for applicants to be required to submit a basic criminal record check via the Disclosure and Baring Service as part of their application. This would allow Officers to assess the applicant's suitability to be a licence holder.

RESOLVED that:

1. The report be noted.
2. The requirements for applicants to submit a basic criminal record check via the Disclosure and Baring Service as part of their application be agreed.

8

AMENDMENTS TO TAXI/PH LICENSING POLICY

Consideration was given to a report which sought approval to amendments to the Council's Taxi and Private Hire Licensing Policy.

Members were informed that under the Government Best Practice Guidance, Council's were suggested to issue a Licensing Policy in relation to the regulation of the taxi and private hire industry. It was noted that Oldham have had a Policy in place for many years which was regularly reviewed. The latest review identified that clarification was required to make the Policy clearer together with revisions for improved regulations.

The proposed changes to the Policy included:

- The re-introduction of front license plates on taxis and private hire vehicles.
- Seeking evidence for older driver licence applications.
- The use of driver medicals from other Councils.
- Medicals to be undertaken by a General Practitioner who has access to applicants' medical records.
- Gaps in licensing vehicles when extending age limit of first licensing.
- Driver Photographs.
- Driver Awareness Training.
- Database of Refusals and Revocations.

- National Database of Vehicle Licences.

In order to reflect the necessary checks and safeguards, as well as complying with statutory obligations, Members were asked to approve the following:

- Power to Refuse Inactive Applications
- Diagnosis of new Medical Condition
- VRQ/NVQ
- Right to Work Checks
- Driving Licence Requirements
- Additional Information during the application period
- Age of Applicants
- Star Rating Scheme
- Vehicle Type Approval
- Hackney Carriage Meter Calibration
- Certificate of Good Conduct
- Seating Configuration
- DBS Update Service

RESOLVED that the amendments to the Council's Taxi and Private Hire Licensing Policy as outlined in the report be approved.

The meeting started at 9.30 am and ended at 11.26 am



Licensing Committee

Licensing Annual Report

Report of Executive Member for Social Justice & Communities

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

2nd June 2020

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 2019 to 31st March 2020.

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 2019 to 31st March 2020.

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 previous years.

TYPE	Year ending 31.3.20	Year ending 31.3.19	Year ending 31.3.18	Year ending 31.3.17
Premises Licences for alcohol	587	580	579	578
Premises Licences non-alcohol	142	139	134	136
Club Premises Certificates	61	62	62	65
Personal Licences	2987	2887	2756	2639
Total	3777	3668	3531	3418

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

Premises	Outcome
Null & Void Bar, Greaves Street, Oldham Premises Licence Application	Application granted subject to conditions to not open until a building completion certificate had been issued.

- 3.4 During the last twelve months 154 complaints were received in relation to licensed premises. Unfortunately, it has not been possible to provide a breakdown for this report.

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	1
Adult Gaming Centre	5
Betting Shops	24
Club Gaming Permit	1
Club Machine Permit	18
Alcohol licensed premises machine permits	22
Gaming machine notifications in pubs	199
Small Society Lotteries	80

5.0 **Age restricted sales**

5.1 Under Age Sales continue to be handled by 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 Officers continued to run 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 As the Licensing Office closed in March 2020 due to the COVID-19 outbreak and subsequently Panel meetings were cancelled any remaining decisions to be made on applicants and reviews have been dealt with by the Trading Standards and Licensing Manager under delegated powers.
- 6.4 Since April 2019 a total of 47 determinations by the Panel or by Officers which are broken down as follows:

Warnings issued	2
Applications refused	12
Licences suspended	9
Licences revoked	7
Licences granted	1
Licences granted with suspension	14
Officer refusals	0
Officer revocations	2

Appeals lodged from those decisions are as follows:

Appeals withdrawn	0
Appeals dismissed by the court	4
Appeals allowed	1
Appeals still pending	2

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

LICENCE TYPE	May 2020	May 2019	May 2018	May 2017
Private Hire Vehicle Licence	1046	1055	1045	950
Private Hire Operators Licence	29	35	37	38
Dual drivers' licence	1366	1362	1326	1298
Hackney Carriage Vehicles	85	85	85	85
Total	2526	2537	2493	2371

6.6 There have been 154 complaints in relation to licensed drivers, operators and vehicles during the period. Unfortunately, it has not been possible to provide a breakdown for this report.

7.0 Private hire star rating scheme

7.1 The Star Rating Scheme is currently being review in line with the proposals to be issued shortly in relation to the Greater Manchester Minimum Standards Project. Members will be updated at a future meeting.

8 Vehicle testing data

- 8.1 Data showing details of pass/fail rates of 2564 licensed vehicle mechanical tests conducted since the launch of a new booking and recording system in September 2018 is extracted below. The details of the main reasons for failures is also reported below.

Month	Pass	Fail
April 2019	118	87
May 2019	146	111
June 2019	133	87
July 2019	141	78
August 2019	136	53
September 2019	127	76
October 2019	108	122
November 2019	147	101
December 2019	103	79
January 2020	182	102
February 2020	95	78
March 2020	84	70
Total	1520 (59%)	1044 (41%)

Month	Reason 1	Reason 2	Reason 3
April 2019	Rear lamps	Suspension	Indicators
May 2019	Suspension	Rear lamps	Tyre condition
June 2019	Rear lamps	Suspension	Service brake
July 2019	Suspension	Rear lamps	Service brake
August 2019	Rear lamps	Suspension	Indicators
September 2019	Fire Extinguisher	Suspension	Tyre condition
October 2019	Front lamps	Suspension	Fire Extinguisher
November 2019	Suspension	Fire Extinguisher	Headlamp aim
December 2019	Front lamps	Service break	Suspension
January 2020	Suspension	Service break	Fire Extinguisher
February 2020	Suspension	Front lamps	Headlamp aim
March 2020	Suspension	Service break	Tyre condition

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	41
Scrap metal sites	47
Scrap metal collectors	19
Street trading consents/licences	41
Pavement café licences	8

11 Implications of COVID-19

- 11.1 Since mid-March the Council's Licensing Office has been closed and all staff have been deployed working from home. During these unprecedented times Officers have had to adjust to new ways of working as well and having to work remotely and not alongside colleagues.
- 11.2 It is clear that the pandemic has hit all sectors of trade and business, not just in Oldham but across the Country and wider. As a Council we have continued to support businesses in different ways including:
- Delaying the paying of annual fees for licences;
 - Introducing instalments for certain licence types where systems permit;
 - Deferring application fees for licenced drivers and vehicles until the summer;
 - Re-scheduling of vehicle tests in line with the Governments delays to MOT tests;
 - Issuing temporary licences due the Licensing Office being closed to allow businesses to continue to trade within the Government rules; and
 - Making better use of technology to support applicants.

12 **Current Projects**

12.1 Whilst some pieces of work have been delayed due to the current situation, we find ourselves in some of the current projects underway or due to start in the coming months include:

- 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;
- Consulting on the Greater Manchester Minimum Licensing Standards alongside the Clean Air Plan.

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**

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COMPOSITION OF PANELS – 2020/21

(a) Licensing Driver Panel (Labour 6 / Lib Dem 1)

7 Members to serve on this Panel, with all other Members of the Licensing Committee to serve as substitutes, as required: -

No.	Party	Councillor (8)	Dates of Future Meetings
1.	Lab	Briggs (C)	Tuesday 9th June 2020
2.	Lab	Cosgrove	Tuesday 7th July 2020
3.	Lab	Price	Tuesday 8th September 2020
4.	Lab	Shuttleworth	Tuesday 6th October 2020
5.	Lab	Garry	Tuesday 10th November 2020
6.	Lab	Moore	Tuesday 8th December 2020
7.	Lib Dem	Gloster	2021
			Tuesday 12th January 2021
			Tuesday 2nd February 2021
			Tuesday 9th March 2021
			Tuesday 13th April 2021

(b) Licensing Panels

5 Panels consisting of 3 Members, with all other Members of the Licensing Committee to serve as substitutes, as required: -

PANEL 1

No.	Councillor (3)	Dates of Future meetings
1.	Briggs	Tuesday 16th June 2020
2.	Malik	Tuesday 15th December 2020
3.	Gloster	

PANEL 2

No.	Councillor (3)	Dates of Future Meetings
1.	Moore	Tuesday 14th July 2020
2.	Price	Tuesday 19th January 2021
3.	Sheldon	

PANEL 3

No.	Councillor (3)	Dates of Future Meetings
1.	Garry	Tuesday 15th September 2020
2.	Shuttleworth	Tuesday 9th February 2021
3.	A. Hussain	

PANEL 4

No.	Councillor (3)	Dates of Future Meetings
1.	McLaren	Tuesday 13th October 2020
2.	M Bashforth	Tuesday 16th March 2021
3.	Gloster	

PANEL 5

No.	Councillor (3)	Dates of Future Meetings
1.	Harrison	Tuesday 17th November 2020
2.	Hewitt	Tuesday 20th April 2021
3.	Sheldon	