

LICENSING COMMITTEE
07/06/2022 at 9.30 am



Present: Councillor Surjan (Chair)
Councillors Azad, Byrne, Harrison, S Hussain, McLaren (Vice-Chair), Nasheen, Shuttleworth and Wilkinson

Also in Attendance:

Elise Brophy	Licensing Projects and Hearings Officer
Laila Chowdhury	Constitutional Services
Alan Evans	Group Solicitor - Environment
John Garforth	Trading Standards and Licensing Manager
Nicola Lord	Principal Licensing Officer
Kaidy McCann	Constitutional Services

1 **ELECTION OF VICE CHAIR**

RESOLVED that Councillor McLaren be elected Vice-Chair for the municipal year 2022-23.

2 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Cosgrove, C Gloster, Goodwin and Sheldon.

3 **URGENT BUSINESS**

There were no items of urgent business received.

4 **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

5 **PUBLIC QUESTION TIME**

There were no public questions received.

6 **MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the meeting held on 23rd March 2022 be approved as a correct record.

7 **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 2021 to 31st March 2022.

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.



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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 2005 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 with an update on the details of applicants and drivers brought before the Licensing Drivers Panel over the last twelve months. Members were provided with the breakdown of licences in force and the vehicle testing data.

Members were informed of current projects which were underway or due to start in the coming months which included:

- Refreshing the convictions policy for taxis alongside GM colleagues
- Assessing the impact of the GM clean air plan on our licensing policy
- Reviewing hackney carriage ranks, licence release policy and unmet demand.
- Reviewing vehicle testing arrangements as part of a joint trade/council working group.

RESOLVED that:

1. The report be noted.
2. The implications of the report be considered in future licensing decisions.

8

DISCLOSURE & BARRING SERVICE CHECKS

Consideration was given to a report of the Trading Standards and Licensing Manager which advised the Committee of changes made to a procedure previously agreed in respect of criminality checks of all licensed drivers.

It was noted that The Department for Transport (DfT) issued Statutory Taxi & Private Hire Vehicle Standards in July 2020, the focus of which was on protecting children and vulnerable adults. In respect of criminality checks for drivers the guidance stated: All individuals applying for or renewing a taxi or private hire vehicle drivers

licence licensing authorities should carry out a check of the children and adult

Barred Lists in addition to being subject to an enhanced DBS check (in section x61 of the DBS application 'Other Workforce' should be entered in line 1 and 'Taxi Licensing' should be entered at line 2). All licensed drivers should also be required to evidence continuous registration with the DBS update service to enable the licensing authority to routinely check for new information every six months. Drivers that do not subscribe up to the Update Service should still be subject to a check every six months.

Members were informed that previously checks were carried out every 3 years. The change would become mandatory in January 2023 and drivers would be required to pay an annual fee of £13 for a subscription service that would notify the service of any changes. It was noted that drivers whose DBS registration was terminated for any reason, and their DBS certificate was no longer part of the scheme, the applicant/driver must complete a new DBS application and pay the associated fee. Where the original DBS Certificate was over 6 months old, or the last check completed was 6 months ago or more, the Dual Driver will be suspended until such time as their new DBS Certificate is returned and registered with the DBS Update Service.

RESOLVED that:

1. The report be noted.
2. The procedure as outlined in the report be approved.

9

AMENDMENTS TO ANIMAL WELFARE POLICY

Consideration was given to a report of the Trading Standards and Licensing Manager which requested approval on an amendment to the Council's animal welfare licensing policy in relation to use of Council land.

The Committee was informed that the introduction of the Animal Welfare Act 2006 (The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018) brought about new legislation, guidance and a tougher and wider licensing regime for commercial businesses involved with animals in the course of their business. Since October 2018 around fifty licences had been in force within the Borough of Oldham covering regimes which included:

- Sale of pets
- Hiring our Horses
- Commercial boarding of Dogs and Cats
- Animal Exhibitions
- Breeding of Dogs
- Home boarding of dogs

Members were informed that regulations set out a system of regulation and enforcement which had been incorporated into local policy together with an inspection regime. Alongside that

came a need to provide a range of business documents and practices. The policy also dealt with applications made under different legislation which covered:

- Dangerous Wild Animals Act 1976
- Zoo Licensing Act 1981

Members were advised that upon reviewing current practices against the policy Officers wished to request that Members approved to insert a new Section 16 to the policy relating to the use of council land for licensable activities and for connection purposes which would read:

“The Council does not approve the use of its land for animal licensable activities as a general rule. Neither does it approve of any commercial activities on its land without express permission. This includes the sale or giving away of animals/pets/fish as prizes. Interested parties are asked to communicate with the animal welfare team to discuss any such requests. On land not owned by the Council the Council’s position is that it does not approve of land uses that it would not permit on its own land as outlined above.”

Members asked for and received clarification on the following:

- How often were inspections done on the regimes covered by the policy. Members were informed that checks depended on the length of the licence given, whether it be a 1,2- or 3-year licence.

RESOLVED that:

1. The report be noted.
2. The policy be approved.

10

COMPOSITION OF PANELS 2022 2023

The Committee were informed about the composition of Licensing Driver Panel and the Licensing Panels scheduled throughout the 2022/2023 Municipal Year.

RESOLVED that the composition of Panels for the 2022/2023 Municipal year be agreed and the dates of future meetings be noted.

The meeting started at 9.30 am and ended at 10.40 am