

LICENSING COMMITTEE
06/11/2018 at 9.30 am



Present: Councillor Briggs
Councillors Cosgrove (Vice-Chair), Garry, Malik, Price and Shuttleworth

Also in Attendance:

David Joy	Solicitor
John Garforth	Trading Standards & Licensing Manager
David Smith	Principal Licensing Officer
Shamim Iqbal	Licensing Hearing & Projects Officer
Kirsty Crowther	Principal Trading Standards Officer
Sian Walter-Browne	Constitutional Services

1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors A Alexander, C Gloster and Moores.

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**

There were no public questions received.

5 **MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the meeting held on 5th June and 3rd July 2018 be approved as a correct record.

6 **LICENSING ACTIVITY UPDATE**

The Committee received a verbal update that informed Members of the activities undertaken to discharge the Council's Licensing function during the period March 2018 to November 2018.

Members were informed that 306 drivers had completed the Council's NVQ, with 66 currently undertaking the qualification. Inductions were every 6 weeks. There had been good feedback from drivers, particularly with regard to the trainers being drivers themselves and understanding the trade.

Members noted that, since April 2018, the Licensing Driver Panel had refused 7 licences, suspended 9, revoked 4 and granted 1. There had also been 2 immediate revocations by officers under delegated powers.

The Committee was informed that Oldham was part of the voluntary national scheme to record revocations and create a database of drivers of concern. Using this system, authorities would be able to share information on such matters as plying for hire and conduct issues, which would not appear on a DBS check.

Members noted it was now possible to apply for vehicle licences online and make appointments for vehicle checks. DBS and DVLA checks could also be completed online, which had speeded up the process.

Work was ongoing across Greater Manchester to agree common minimum standards, which was looking at a common approach to policies on areas such as convictions, liveries and vehicle standards. Greater Manchester was also working on a Clean Air Plan. Licensed vehicles undertook 21 million journeys per year and there would be consultation with the trade as there may be implications for licensed vehicles in the Plan.

An online survey on the use of taxis in Greater Manchester had received over 2000 responses. A high percentage of respondents wanted common livery for vehicles and CCTV in all vehicles. There were concerns about driver standards and communication.

Members sought and received clarification/commented on the following points:

- What would happen if a driver did not complete the NVQ – the driver would be brought before the Driver Panel for consideration.
- Could the air pollution figures be broken into areas, as this may show issues regarding traffic flow – “Corridor Managers” had been appointed and they would provide information to Members.
- Could taxi drivers be prevented from leaving their engines running – a condition could be added with regards to no idling and the trade would be consulted on this when conditions were updated.

RESOLVED that the update be noted

7

ANIMAL WELFARE LICENSING POLICY

Members gave consideration to a report which informed them of the recent changes to Animal Welfare legislation, namely the “Animal Welfare (Licensing of Activities Involving Animals) Regulations 2018” which were implemented on 1st October 2018.

Members were informed that the new system included a new set of national mandatory conditions set by Parliament and introduced a more rigorous and robust scheme which would, in

most cases, involve a more thorough and mid-term inspection during the licence period. These Regulations introduced a new structure for local authorities to use for the different areas of licensed activities as listed below:

- Selling animals as pets
- Providing or arranging for the provision of boarding cats or dogs
- Hiring out horses
- Breeding dogs
- Keeping or training animals for exhibition

All existing establishments would need to apply for a new license and inspections would be much more extensive. A key part of these new licences would be a new “star rating” system (out of five) for licensed activities involving animals. This rated relevant businesses, on welfare and other grounds, and helped consumers choose the best provider, as well as enabling local authorities to better regulate the poor rated through increased inspections. It was also anticipated that the rating system would prove motivation to providers to improve their rating.

Members sought and received clarification/commented on the following point:

- How would the policy be policed – largely by reports from the public and vets. Officers would monitor websites where pets were offered for sale and would be proactive in identifying and contacting breeders.

RESOLVED that the policy be agreed.

8

GAMBLING POLICY REVIEW REPORT

Members gave consideration to a report which updated them on the recent review of the Council’s Gambling Policy and sought their views on the suggested amendments required prior to Council approval. The policy was largely concerned with the regulation of businesses and included a section concerning gambling-related harm.

The Committee was informed that the current policy was adopted in January 2016 and had to be reviewed every 3 years. The policy at Appendix 1 proposed amendments since it had last been approved. Most gambling policies issued by Councils would use the same template issued by the Local Government Association as it was based on best practice and ensured a consistent approach nationally.

The majority of alterations to the policy since the one adopted in December 2015 were tidying up changes to references from national guidance and making certain points clearer.

A section had been included in the proposed Policy in relation to gambling related harm, following a motion debated at Council on 12th July 2018. The main resolution from the Council motion

was to ensure that information was displayed on the Council website to ‘signpost’ residents with a gambling ‘problem’ to the providers of relevant services, such as GambleAware, to support them with their addiction. In addition, the Council requested that all schools, colleges and youth centres in the Borough were made aware of the Gambling Toolkit produced by GambleAware, which was available online. It was also resolved that the Council’s Gambling Policy would reflect any recommendations that resulted from the work done to achieve these outcomes by the time of its renewal in January 2019.

Members were informed that the work undertaken by Officers in licensing and public health had shown the Council’s commitment to support those who are suffering or likely to suffer from the effects of gambling, and detailed areas of help and support whilst recognising that there was a problem.

Members noted that the proposed policy would be considered by the Overview and Scrutiny Board on the 27th November, prior to moving forward for approval to December Council.

Members sought and received clarification/commented on the following points:

- Was there anything in the policy that prevented over-gambling – there was nothing that could force businesses to take action as this was dependent on the gambling provider acting with social responsibility.
- Was there a link with Planning to restrict the number of betting offices – there had been a push to limit numbers on the high street, however the Planning and Licensing functions had to sit separately. The government had decided against merging them

RESOLVED that the policy be noted and commended to the Overview and Scrutiny Committee and to Council for approval.

9

EXECUTIVE HIRE POLICY REPORT

Members gave consideration to a report which provided them with feedback from the private hire trade following a consultation on the proposed Executive Hire Policy.

The Committee was informed that, over recent years, the private hire trade had become more diverse and there was now a much wider range of vehicles and services available to customers/passengers.

Members noted that it was important that policies recognised the wide range of private hire services that were now available, and that a licensing regime was required that facilitated the licensing of businesses which operated professionally and safely, whilst offering adequate protection to prevent the licensing and operation of businesses which were non-compliant and did not offer the necessary level of public protection.

It was explained that the main distinctions between standard and Executive Private Hire were the type of client catered for, the type of service offered, and the cost of the service provided. Drivers of Executive Private Hire Vehicles must hold a valid private hire drivers licence issued by the same local authority that issued the Executive vehicle and operator licence. The legislation required that all licensed drivers (private hire and hackney carriage) were fit and proper to hold such a licence. The standards required by the Licensing Authority in terms of driving skills, medical fitness, criminal/motoring convictions, knowledge of licensing requirements, safeguarding and regional topography knowledge was deemed to be same for both standard and Executive Private Hire drivers.

The proposed policy had been the subject of consultation and a verbal update on responses received was provided. Once agreed, officers would assess existing exemptions in accordance with the policy.

Members sought and received clarification/commented on the following points:

- How were drivers assessed – they underwent the same training and tests as every private hire driver. Only the livery conditions were different.
- It was recommended that the condition re dress code was amended to read that shirt and tie “must” be worn- this was agreed
- The condition in relation to vehicle age be subject to officer’s discretion, as some older vehicles were still suitable to executive hire – this was agreed.

RESOLVED that the policy be approved and all existing exemptions be re-assessed.

10

MINISTERIAL WORKING PARTY ON TAXIS UPDATE

Members gave consideration to a report which advised them of the outcome of the Department for Transport Ministerial Working Party review of Taxi and Private Hire Licensing.

In September 2017 the Transport Minister had requested that a working party be convened to review the current regulatory regime for taxis and private hire as he did not consider it fit for purpose.

The Working Party had been convened and its Report was published in September 2018. A response from the Minister was awaited.

Members noted that the working party had made thirty four recommendations in their report, which included the following key issues:

- An urgent revision of existing legislation was required;

- There should be national minimum standards for drivers, vehicles and operators;
- Updated Government guidance should be issued
- Metro Mayors should emulate the model of licensing in London by combining authorities into one licensing area;
- Power to cap the numbers of licences to meet local need for taxis and PHVs;
- Fixed penalty notices to be introduced for minor licensing offences;
- All licensed vehicles should be fitted with CCTV
- Mandate the use of a central national database; and
- Review the evidence for restricting the hours licensed drivers can work similar to bus and lorry drivers.

Members sought and received clarification/commented on the following points:

- In relation to the restriction on working hours, drivers could have other employment and drive part-time – this was accepted, and was subject to a way being found to record all employment
- Did application forms ask about other employment or licences – it did not, as it would not affect their ability to be granted a licence. There were currently no powers to restrict other employment or driving hours.
- Did Wigan discount the licensing fee for electric vehicles – they did, with the shortfall being met from other funding.

RESOLVED that the outcome of the review be noted.

11

VEHICLE TESTS

The Committee gave consideration to a report which sought their approval to procure the services of one or more providers to assist in the testing of licensed vehicles.

Members were informed that, when licensing vehicles, the Council could require a standard MOT test or set their own standard via a compliance test which can then be used to tax vehicles.

Oldham used the compliance route and adopted a testing manual several years ago to ensure high standards of testing. Tests were currently undertaken by vehicles examiners, who were qualified MOT testers, at the Council's testing station at Moorhey Street Depot. 85 hackney carriages and 1047 private hire vehicles were currently licensed, which were tested annually upon licensing and mid-term, either once or twice, depending on age.

Members were informed that demand for testing slots was high and a combination of drivers missing their appointments and pressure on resources at the testing station had led to some recent challenges in finding sufficient test slots. More slots were needed for mid-year tests and this posed a problem to which

there was no simple practical solution. The number of testing bays and available fitters were restricting available booking slots.

It was proposed that a cost effective way of addressing this pressure was to procure the services of other MOT testing stations who could provide backup at critical times when additional testing slots were needed. The proposal was based on a commission of services to undertake mid-year tests, with annual licensing tests continuing to be undertaken the in-house service.

The Committee was asked to approve the use of other providers at Officer discretion when the need arose. Providers would be trained and audited on their standards to ensure there was no drop in service.

Members sought and received clarification/commented on the following points:

- How would standards be maintained – officers would undertake spot checks.
- Could the work go to another Authority – this had been explored however they would have to expand their current service and would require guaranteed minimum numbers to support this.
- Was this a staffing issue – the service was recruiting a tester and this proposal was to provide cover only at critical periods when there were not sufficient testing slots available.
- Was an agency tester more cost-effective – they could not always be available at short notice and the service was bound by the AGMA procurement process.

RESOLVED that approval be given to the use of outside providers in exceptional circumstances and a report on their use be brought to the Committee in 12 months.

The meeting started at 9.30 am and ended at 11.50 am