

LICENSING COMMITTEE
03/11/2020 at 9.30 am



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

Also in Attendance:

Alan Evans	Group Solicitor - Environment
John Garforth	Trading Standards and Licensing Manager
Lori Hughes	Constitutional Services
Nicola Lord	Principal Licensing Officer
Kaidy McCann	Constitutional Services
Kimberley Riley	Business Support Officer

1 **APOLOGIES FOR ABSENCE**

There were no apologies for absence received.

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**

A public question had been received from Mr. A. Khayal.

Minimum licensing standards in Greater Manchester areas should be abolished until 2032 due to very very poor economical situation in Oldham

Clean air implementation - Is very costly our affordability is significantly gone down that should be postponed with MLS until 2032.

The Chair provided the following response:

“The Council is very aware of the situation faced by many businesses including the hackney carriage trade who are greatly affected by the impact of COVID-19 and the drop in business. The ten Greater Manchester Councils are under a legal directive by the Government to introduce a Category C clean air zone across the region to bring nitrogen dioxide levels on roads within legal limits in the shortest possible tie and by 2024 at the latest.

GM are now consulting on the key elements of the proposals, including proposed daily clean air zone charges, discounts and exemptions. This is also linked into proposed minimum licensing standards that will help draw funding down from the Government. These standards go further than just cleaner vehicles and include a number of Government mandated

standards in their statutory guidance together with some additional local measures to further promote public safety which is the golden thread of licensing.



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During the consultation we are gathering feedback on the impact of COVID-19 and shall be taking on board all responses to the consultation. The Government has asked GM to continue to progress the clean air plan and undertake the consultation and delay it no further. We are therefore not in a position to recommend a delay until 2032 but are eager to hear the outcomes of both consultations before considering the position further next year.”

RESOLVED that the public question and response provided be noted.

5 **MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the meeting held on 2nd June 2020 be approved as a correct record.

6 **LICENSING ACTIVITY UPDATE**

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

Members were advised of the ongoing work undertaken by the licensing team during the Covid-19 pandemic. It was noted that the counter service had remained closed during the lockdown. Ongoing communication was being relayed via email and the service website. The plan would be to review future communication going forward.

Members were informed that the pass rate for vehicle tests was at 52% in June and the number of drivers and vehicles remained the same as pre Covid-19 and new applications for licenses were being approved under delegated powers by the Trading Standards and Licensing Manager. Training for drivers was provided virtually through Teams and deferred payments were given to the drivers along with face coverings and stickers for the vehicles.

Members referred to journeys being undertaken by drivers not wearing seatbelts. It was explained that it is legal for private hire drivers to drive without a belt whilst passengers were in the vehicles. Members also felt that it should be made clear to passengers when a driver did not wear a mask. It was explained that operators were required to have drivers wear masks when they could.

Members thanked the work of the Licensing Team and asked how it could be ensured that vehicles would be cleaned after each journey. Members were informed that it was hard to enforce however the Authority hoped the majority were doing

their bit to prevent the spread of the Covid-19. It was suggested by Members that letters be sent to the Taxi Associations to look after their vehicles however not all drivers were members of associations.

Members were informed of the progress on support available and that the authority were waiting on regulations being provided on what the money would be allowed to be spent on, once received the authority would get the information out to all affected.

RESOLVED that the verbal update be noted.

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GM MINIMUM LICENSING STANDARDS AND CLEAN AIR CONSULTATIONS

The Committee gave consideration to a report of the Trading Standards and Licensing Manager which advised Members of the commencement of consultation of Greater Manchester Minimum Licencing Standards and Clean Air Plan that would close on the 3rd December 2020.

There were four main areas the minimum licensing standards covered which were:

- Drivers: Common standards of DBS checks, medicals, local knowledge, English language proficiency, driver training and dress code.
- Vehicles: Vehicle emission standards of Euro IV for petrol engines and Euro VI for diesel from 2021 with an ambition to zero emission capable vehicles by 2029. Age policy of under five at first licensing and licensed until ten years old. All hackney carriages to be black and private hire vehicles white. Hackney carriages to be all wheelchair accessible. Common livery, CCTV in vehicles and other design and licensing requirements.
- Operators: Private hire operators and base staff to have basic DBS checks. Updated conditions and record keeping requirements.
- Local authorities: Common timescales for submitting applications and receiving granted ones. A common enforcement approach and a framework to which fees will be set.

Members were informed of the Clean Air Plan for Greater Manchester and the staggered approach to reduce emissions within Greater Manchester. Though a Government mandate the ten Local Authorities were required to consult with each other to develop a joint Clean Air Plan to improve air quality. Pollution was linked to health complications and was the cause of numerous deaths, the Clean Air Plan would cover all commercial vehicles as it was a serious issue for Greater Manchester.

Members asked for and received clarification on the cost to replace private hire vehicles and what support was available to

drivers. It was noted that it would cost around £1000 to replace a private hire car and £5000 for minibuses. Members were informed that it cost more to replace a mini bus and that there were more saloon cars that required replacing within the small pot of money received from Government via a bid. The Authority was going for any money they could get to help to ensure all vehicles met the requirements to support the trade.

Members felt that the offer of £1000 for the vehicles was not enough from drivers and there was an issue with the policy on the colours of the vehicles. It was stated that within Oldham the Hackney saloon vehicles were all white and private hire vehicles were any colour. The policy would need to be changed to allow drivers to purchase white vehicles and black hackney vehicles now and in the future. Members were advised that the policy was not set in stone however if vehicles were compliant emissions wise then the colour of the vehicle would not need to change if within the age range. It was agreed that proposals on colour restrictions would be brought to the next meeting of the committee subject to a consultation with the trade.

RESOLVED that:

1. The report be noted.
2. The proposals on colour restrictions be brought to a future meeting of the Committee.

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STATUTORY TAXI AND PRIVATE HIRE VEHICLE STANDARDS

The Committee gave consideration to a report of the Trading Standards and Licensing Manager which provided information on the Statutory Taxi and Private Hire Vehicle Standards.

Members were advised that the Government had issued statutory guidance relating to taxi and private hire vehicles being a high-risk environment. The guidance complimented the work already ongoing within Oldham with the majority of the proposals already included within the Greater Manchester Minimum Licensing Standards. The report focused mainly on safeguarding and promoting the welfare of children whilst reflecting the changes in the industry and the lessons learnt from experiences within the local areas since the 2010 Best Practice Guidance.

Members were informed that the guidance had been discussed across Greater Manchester and felt there was no reason not to implement the recommendations within the report.

RESOLVED that:

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

DISCLOSURE & BARING SERVICE CHECKS

The Committee gave consideration to a report of the Trading Standards and Licensing Manager which informed members of the Government statutory guidance that required Local Authorities to conduct a Disclosure and Baring Service criminal records check every six months on licensed drivers.

Members were informed that the intention behind Government issuing the guidance was to improve the consistency of licensing policy and focused attention on protecting children and vulnerable adults. In order to comply with the guidance, the procedure required those who needed a DBS check to be registered for the online service which would be cheaper and a quicker option to conduct checks every six month rather than a full application being submitted each time. Members were informed that drivers would have 30 days from the date of the DBS to be registered for the online service.

RESOLVED that:

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

LICENSED DRIVER MEDICALS

The Committee gave consideration to a report of the Trading Standards and Licensing Manager that requested Members approve an amendment to the Council's taxi and private hire licensing policy related to driver medicals.

Members were informed that due to the outbreak of Covid-19, Officers had allowed drivers who were unable to provide a medical to self-declare any changes in circumstances as general practitioners (GP) were not undertaking private medicals which followed the advice of the British Medical Association. It was explained that Officers had felt reluctant to license new drivers who had self-declared as an inaccurate health picture could be portrayed.

Members were advised that an amendment to the policy allowed Officers discretion to allow the use of private companies who offered medicals. GP's would perform the medicals with a summary of medical records in place of the whole medical file the would be held by the driver's own GP.

Members expressed that the amendment followed the Secretary of Transport approach and as there was not an end date for the virus, the proposal would provide an answer. It was noted that there were around 3 companies lined up for the work. Members commented on the cost of the scheme and noted that the cost to drivers would be £20 cheaper than using the GP service.

RESOLVED that:

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

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LICENSING ACT 2003 POLICY REVIEW

The Committee gave consideration to a report of the Trading Standards and Licensing Manager on the Licensing Act 2003 Policy review. Members were asked to consider the revised statement of licensing policy.

Members were advised that licensing authorities were required to prepare and publish a statement of licensing policy every five years, Oldham Council adopted the current Statement of Licensing Policy on 15th November 2010. The proposals which followed the Secretary of State's guidance subject to consultation with those outlined at 4.1 of the report, included revisions on the following:

- Public Health
- Suspension of a premises licence for non-payment of annual fees
- Pavement licences
- Boxing events
- Child sexual exploitation
- Pre-application consultation
- Immigration
- Model conditions.

RESOLVED that:

1. The report be noted.
2. The report be recommended to the Overview and Scrutiny Board.

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AMENDMENT TO ANIMAL WELFARE LICENSING POLICY

The Committee gave consideration to a report of the Trading Standards and Licensing Manager on the Amendment to the Animal Welfare Licensing Policy.

Members were advised of the proposed amendments following the review of current practice against the policy. The additions to the policy would cover all eventualities and scenarios in relation to an application being dealt with.

The proposed amendments were as followed:

- That applications to renew Dangerous Wild Animals licences are submitted at least two months prior to expiry;
- That any application submitted that upon review is without the appropriate supporting documentation be rejected;
- That any fee submitted for an application that is rejected or withdrawn be refunded minus any costs incurred by the Council in reviewing the application. Such costs will be based on the published hourly Officer rate (currently £50) for business advice/assistance;
- There will be no refunds or partial refunds in the case of applications rejected or withdrawn after an inspection has been carried out.

RESOLVED that:

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

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COMPOSITION OF PANELS 2020 2021

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 11.33 am